

**MINUTES – UNOFFICIAL UNTIL APPROVED**  
**KENDALL COUNTY**  
**ZONING BOARD OF APPEALS MEETING**  
111 WEST FOX STREET, Room 209 and 210  
YORKVILLE, IL 60560  
**July 30, 2018 – 7:00 p.m.**

**CALL TO ORDER**

Chairman Randy Mohr called the Zoning Board of Appeals meeting to order at 7:00 p.m.

**ROLL CALL:**

Members Present: Randy Mohr (Chair); Scott Cherry, Karen Clementi, Tom LeCuyer, Dick Thompson, Dick Whitfield, and One Vacancy

Members Absent: None

Staff Present: Matthew Asselmeier, AICP, Senior Planner and Jasmine Brown Watkins, Office Assistant

Public: Ruth Bell, Pete Pasteris, Jerry Callaghan, Scott Friestad, Kristin Friestad, Scott Wallin, Bob Friestad, Kurk Friestad, Linda Fosen, Mark Caldwell, Megan Jensen, Fred Davis, Laurie Pasteris, and Nate Howell

**MINUTES**

Motion by Ms. Clementi, seconded by Mr. Whitfield, to approve the minutes of the June 4, 2018, meeting. With a voice vote of all ayes, the motion was approved.

**PETITIONS**

The Zoning Board of Appeals started their review of Petition 18-20 at 7:01 p.m.

**18-20 Fox Metro Water Reclamation District**

Request: Map Amendment Rezoning Southern Portion of Property from R-1 with a Special Use Permit to M-1

PINs: 03-05-176-002, 03-05-302-001, 03-05-302-002, 03-05-302-003, 03-05-302-004, 03-05-353-001, 03-05-353-002, 03-05-353-003, 03-05-353-004, 03-05-353-006, 03-05-353-009, and 03-05-353-010  
03-05-127-005 and 03-05-176-001 Are Already Zoned M-1

Location: 682 Route 31, Oswego Township

Purpose: Petitioner Would Like the Whole Property to Have the Same Zoning Classification and Existing Use is a Permitted Use in the M-1 District

Ms. Clementi recused herself from the case.

Mr. Asselmeier summarized the request.

The Fox Metro Water Reclamation District is considering improvements at their plant on Route 31. Rather than amending their special use permit, Fox Metro is requesting that the southern portion of the property, presently zoned R-1 with a special use permit for a sewage treatment facility, be rezoned to M-1. A wastewater treatment facility is a permitted use in the M-1 District and the rezoning would place the entire Fox Metro property in the same zoning classification. If the map amendment is approved, any

improvement to the Fox Metro facility would still require site plan approval per Section 13 of the Kendall County Zoning Ordinance.

EcoCAT Report not required because the property is not agricultural.

The completed application for NRI was submitted on June 22, 2018. The average LESA Score was 44 indicating a low level of protection.

Petition information was sent to Oswego Township on May 29, 2018. Oswego Township expressed no opposition to the proposal.

Petition information was to the Oswego Fire Protection District on May 29, 2018. They expressed no opposition to the proposal.

Petition information was sent to the Village of Montgomery on May 29, 2018. The Village of Montgomery expressed no opposition to the request.

ZPAC reviewed this proposal at their meeting on June 5, 2018. ZPAC unanimously recommended approval of the request.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on June 27, 2018. The Kendall County Regional Planning Commission recommended denial with a vote of three (3) in favor and five (5) in opposition. Mr. Nelson voted no because he wanted the Zoning Office to have greater authority to approve minor amendments to special use permits when small changes to site plans are proposed on a larger site. Mr. Nelson also noted that a portion of the property was used as a wastewater treatment plant before zoning was created. Several Commissioners voted no because they believed that the public should comment on expansions in the future. Ms. Zubko would have no problem approving a change to the site plan for the building expansion if it were part of a special use permit amendment. The rezoning gives great latitude over the use of the land with less oversight.

Any new construction on site would be required to meet applicable building codes and other applicable federal and state laws for the operation of wastewater treatment facility.

The property fronts Route 31. Staff has no concerns regarding the ability of Route 31 to support the continued operations of the wastewater treatment facility at this location.

If the wastewater treatment facility expands, additional odors may occur. Fox Metro is taking necessary precautions to reduce odors.

Any new lighting would be to support the operations of the wastewater treatment plant.

The property is currently fenced and the existing facilities are set down approximately fifteen feet to twenty feet (15'-20') from Route 31. Existing trees on the Comed right-of-way and a row of new trees provides a buffer to the south. Any new fences would have to follow applicable regulations.

The property is along the Fox River. Any new construction would have to meet the requirements of the Kendall County's Stormwater Management Ordinance.

The proposed Findings of Fact were as follows:

*Existing uses of property within the general area of the property in question.* **Portions of the subject property have been used as a wastewater treatment plant since the 1920s. The area is a mix of industrial, single-family residential, and institutional uses.**

*The Zoning classification of property within the general area of the property in question.* **The zoning of properties in the general area include agricultural, single-family residential, commercial, and manufacturing. The Petitioner owns property in the area that is zoned M-1 and R-1 with a special use permit.**

*The suitability of the property in question for the uses permitted under the existing zoning classification.* **The property is presently zoned R-1 with a special use permit. Because the site has been used as a wastewater treatment facility for almost a century, a large amount of remediation and site work would be required for other residential uses to be placed on the subject property.**

*The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the day the property in question was in its present zoning classification. The Zoning Board of Appeals shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and is not solely for the interest of the applicant. The Zoning Board of Appeals may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this paragraph the R-1 District shall be considered the highest classification and the M-2 District shall be considered the lowest classification.* **The proposed amendment clarifies the existing use of the property with the zoning of the property because a wastewater treatment facility is more of a manufacturing/industrial use than a residential use.**

*Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies.* **The proposed amendment is consistent with the Future Land Use Map contained in the Land Resource Management Plan which calls for the subject property to be Mixed Use Business. Per the definition of Mixed Use Business, uses permitted within the M-1 Zoning District are types of Mixed Use Businesses.**

Because the Future Land Use Map in the Land Resource Management Plan calls for the subject property to be Mixed Use Business and the M-1 zoning classification corresponds to the Mixed Use Business designation, Staff recommends approval of the proposed map amendment. If the map amendment is approved, the special use permits and R-1 related variances granted by Ordinances 2011-13 and 2011-35 would be repealed. Any additional R-1 related variances would also be repealed upon rezoning.

Chairman Mohr questioned the size of acres that are M-1 now compared to special use and R-1. Mr. Asselmeier referenced the aerial in the packet. The portion of the property requested for rezoning is approximately ninety-four point four (94.4) acres.

Chairman Mohr requested clarification that most of the facility is now zoned as R-1 special use. Mr. Asselmeier agreed with Chairman Mohr. Chairman Mohr further stated that R-1 special use already has building sites. Mr. Asselmeier agreed with Chairman Mohr that the special use currently being used as facilities.

Mr. Whitfield questioned if the Fox Metro facility will be allowed to tear down or change the structure only. Mr. Asselmeier responded that, if Fox Metro wanted to add or tear down a building, they would have to get a site plan amendment. However, the Petitioner did not want to go through the special use permit process because the Fox Metro property is classified as Mixed Use Business on the Future Land Use Map.

Chairman Mohr questioned what the R-1 special use permit for Fox Metro currently allowed. Mr. Asselmeier stated their permit gave them the authority to operate a waste water treatment facility and that the layout that was approved. Chairman Mohr stated that the special use permit was more specific.

Chairman Mohr opened the public hearing at 7:12 p.m. With no members of the public desiring to speak, Chairman Mohr adjourned the public hearing at 7:13 p.m.

Mr. Whitfield made a motion, seconded by Mr. Cherry, to approve the Findings of Fact as presented.

The votes were as follows:

Ayes (5): Cherry, LeCuyer, Mohr, Thompson, and Whitfield  
Nays (0): None  
Abstain (1): Clementi

The motion passed.

Mr. LeCuyer made a motion, seconded by Mr. Whitfield, to recommend approval of the map amendment as requested.

The votes were as follows:

Ayes (5): Cherry, LeCuyer, Mohr, Thompson, and Whitfield  
Nays (0): None  
Abstain (1): Clementi

The motion passed. This matter will go to the Planning, Building and Zoning Committee on August 13<sup>th</sup>.

The Zoning Board of Appeals concluded review of Petition 18-20 at 7:14 p.m.

The Zoning Board of Appeals started their review of Petition 18-04 at 7:14 p.m.

Chairman Mohr stated that the second petition did not have a public hearing, but the Zoning Board of Appeals will allow the audience to be heard. The Kendall County Regional Planning Commission held the public hearing on this proposal.

#### **18-04- Kendall County Regional Planning Commission**

Mr. Asselmeier summarized the request. The proposed changes include:



1. Changing the Agricultural Area West of Route 47 from Slightly South of Townhall Road to the Kendall/Grundy County Line to Mining.
2. Changing the Agricultural Area East of Route 47 from the Kendall/Grundy County Line North for a Distance of 0.50 Miles to Commercial.
3. Changing the Agricultural Area at the Northwest, Southwest, and Northeast Quadrants of the Intersection of Routes 47 and 52 to Commercial.
4. Changing the Agricultural Area at the Intersection of Route 47 and Plattville Road to Commercial.
5. Removing Rural Settlement Classification from Map.
6. Remaining Properties Along Route 47 from the Kendall/Grundy County Line to the Lisbon/Kendall Township Line Not Impacted by 1-5 Above Shall Be Changed from Agricultural to Mixed Use Business.
7. Incorporating the Village of Lisbon's Mixed Use Business and Residential Areas in Sections 16, 17, 18, 19, 20, 29, 30, 31, and 32 of Lisbon Township into the County Land Resource Management Plan.
8. Incorporating the Proposed Changes to the Lisbon Township Future Land Use Map into the Kendall County Future Land Use Map.
9. Remove All Language Contained in the Narrative Portion of the Kendall County Land Resource Management Plan that Conflicts with the Changes to the Lisbon Township Future Land Use Map.

Mr. Cherry questioned the width of the Mixed Use Business area. Mr. Asselmeier responded that the area was one half (1/2) mile wide on both sides of the highway.

Chairman Mohr asked why it was agreed upon that one half (1/2) mile is the correct number versus a one quarter (1/4) mile. Mr. Asselmeier responded that the consensus of the Comprehensive Land Plan and Ordinance Committee wanted to provide adequate room along the route for outer roads and buffers around mining areas.

Chairman Mohr asked what the purple on the map means. Mr. Asselmeier responded the purple indicated Mixed Use Business which is B-6 and all the M zoning classifications.

Chairman Mohr asked for opinions regarding showing the former right-of-way for the Prairie Parkway. Mr. Asselmeier responded that, for planning purposes in the short-term, it was good to know where the Prairie Parkway alignment was.

Chairman Mohr asked if the area was still zoned as A-1. Mr. Asselmeier agreed that the area is still zoned A-1. Mr. Asselmeier responded that someone could ask for a zoning change, but they would have to go through the rezoning process.

Mr. Whitfield asked if the State has ownership of property along the former Prairie Parkway alignment. Mr. Asselmeier was not sure if the State has ownership of land along the former Prairie Parkway alignment in Lisbon Township.

Ruth Bell, Lisbon Road, acknowledged that she sent letters to Zoning Board of Appeals members. Ms. Bell has two (2) concerns. Her first concern was the growing number of manufacturing along the Grundy/Kendall County Line and along Route 52. She believed that this was an example of misuse of the land and too intense of a use in this area. Ms. Bell asked Mr. Asselmeier what uses were involved and she received six (6) pages of uses. Ms.

Bell suggested uses should be low office or low intensity commercial instead of mining. Ms. Bell's second concern was keeping the Prairie Parkway on the map. Ms. Bell stated that she asked several times why the Prairie Parkway was kept on the map and was told that it was placed on the map for planning purposes. Ms. Bell did not like the perception that the County might want to construct the Prairie Parkway because this assumption will lead people to make plans and spend money. The County has not given the residents any explanation or input into the matter. Chairman Mohr stated that Ms. Bell would have to speak with her County Board Members. Chairman Mohr acknowledged that the Zoning Board of Appeals was an advisory body and not the deciding body. Also, the Kendall County Regional Planning Commission held a public hearing on the proposed changes. Chairman Mohr did not believe the road will be built any time in the near future. Mr. Davidson stated the gravel can only be mined where the gravel is in the ground. Mr. Davidson also stated that Route 47 would eventually become similar to Route 59. He argued that there needs to be a comprehensive plan for development. Ms. Bell acknowledged that she may not like the corridor along Route 47, but she likes it more than the Prairie Parkway. Mr. Davidson acknowledged the Prairie Parkway was a moot issue because the money was not there to construct the road. Mr. Davidson said that the former Prairie Parkway alignment could be removed from the map. Chairman Mohr summarized Ms. Bell concerns as wanting the removal of the Prairie Parkway alignment and discontinued expansion of the mining area.

Scott Friestad, Quarry Road, had concerns with the current mining in place. He stated that he and other home owners in the corridor did not receive letters regarding the proposed changes. Mr. Asselmeier responded that he was under the impression that the people in the area received letters. Chairman Mohr requested anyone in the area affected that did not receive the letter to provide their names and addresses. Ms. Clementi asked Mr. Friestad where his property was located in context of the map. Mr. Friestad provided the information. Mr. Friestad listed the number of acres currently used by the quarries. Mr. Friestad stated that the current quarries have a one hundred (100) year reserve. Mr. Friestad argued that all three (3) quarries have untouched acres of their reserves. Mr. Friestad asked, if the current quarries have years before they run out, what is the reason for adding land for mining purposes? Mr. Friestad stated there are a lot of homes in the mining area that would be impacted. Ms. Clementi asked if Mr. Friestad wanted the mining area reduced. Mr. Friestad stated the mining area should not change from the original area and should not be expanded. Mr. Friestad argued that the mining has taken over everything and the values of the homes near the area would decrease. Mr. Friestad believed the zoning may not change right now; however, the proposed changes could open the door for changes in the future. Mr. Friestad stated he was on the Solid Waste Plan Committee that adopted a five (5) year plan. He encouraged the Zoning Board of Appeals to vote no on the petition.

Chairman Mohr asked, if someone takes the County to court, how does the zoning work? Mr. Asselmeier responded that the court decree would dictate the zoning and allowable uses.

Kristen Friestad, Quarry Road, did not agree with Mr. Davidson that what is under the ground is more important than what is above ground. Ms. Friestad argued the County already has more rock than what is planned for the future. She acknowledged that she lives in a mining area, but the area is still residential with agriculture uses. Ms. Friestad believed the proposed map is excessive. She attended the meeting in Plattville and felt like their concerns were heard by the Comprehensive Land Plan and Ordinance Committee. However, the map changed after the Plattville meeting. She felt that the concerns of property owners were ignored. Ms. Friestad requested the area be preserved as agricultural. She questioned if the board knew how many quarries are actually active.

Ms. Friestad stated that some of the quarries were inactive. She would rather someone take Kendall County to court to argue the extra mining area is necessary. Chairman Mohr summarized Ms. Friestad's complaint that she would like the mining reduced from what is being proposed. Ms. Friestad responds she would like the current mining to stay the same.

Scott Wallin, Ashley Road, was at the previous meeting in Plattville. He stated that the people on the board were saying the change did not mean anything. However, the proposal still opened the door for people to make changes. He argued that the expansion of mining and commercial areas were bad ideas. He understood that changes will happen, but he does not want to see the changes proposed. He believed the County was hoping the change to come, but the outcome of the change will be bad for area residents. Mr. Wallin was frustrated with how the proposed amendment was handled and concerned with commercial and industrial opportunities that may arise in the area. Mr. Whitfield responded that the proposed plan gives some guidance for whatever may happen in the future. Mr. Whitfield further explained that, without a plan, someone could do whatever they pleased. Mr. Wallin responded the zoning across from his home is agricultural and anyone should be turned down if they were creating a business not in conformance with the agricultural zoning district requirements. Mr. Whitfield believed the only way to control growth was through conservation and agricultural easements. Ms. Clementi responded to Mr. Wallin that if someone wanted to do any action on their property within reason, the County cannot stop them because land use is a fundamental right. Mr. Wallin questioned Ms. Clementi about the simplicity of getting a property rezoned. He also stated developing one's property means developing within the requirements of the zoning ordinance. He would be concerned if a commercial building was built within a farming district. He believed the board is actually excited about the commercial money that could be made.

Bob Friestad, Whitewillow Road, stated everyone present was against the plan and wished to keep the area as agriculture. Mr. Friestad believed their testimonies were not considered by the other boards.

Kirk Friestad, Chicago Road, stated his property is in the middle of commercial area. Mr. Friestad stated he was on a committee that dealt with land use years ago. He stated the committee decided to protect the southern part of Kendall County and keep that portion of the County agricultural. Mr. Friestad argued that no one from any board is talking like they want to protect agriculture in southern Kendall County. He argued the map may be for the future, however the map is still creating opportunity for people to come in and change land uses and zoning. He argued the only way to stop the change is to keep the agricultural designation on the map. He understood that without rock there can be no mining. However, once mining starts, it is almost impossible to convert the land back to agricultural purposes. He did not believe it's Kendall County's job to decide to put businesses on Route 47 to create revenue. He argued the land should not be taken out of agricultural use and should be protected as farm land. He argued that, over the last fifty (50) years in Kendall County, agriculture has disappeared due to the changes. Mr. Friestad questioned if the Zoning Board of Appeals wanted to keep farm ground. Chairman Mohr responded that the Zoning Board of Appeals cannot protect farmland, the owner can. Chairman Mohr also questioned how many property owners are ready to put their land in an agricultural trust where the land can stay farmland. Mr. Davidson added that, if a four (4) lane highway was not built on Route 47, the map amendment would not be discussed. Mr. Davidson referenced Naperville and how it used to be mostly farmland compared to today. Mr. Davidson acknowledged that there needs to be a comprehensive plan,

but, if the owners do not sell, than nothing happens. Mr. Friestad stated that he does not want to sell, but some of the other owners may want to sell.

Linda Fosen, Townhall Rd, stated that she did not receive a letter. She argued that she is currently dealing with construction which has created more problems for her and others. She understood the petition is a grand plan, but she does not want it to change.

Chairman Mohr requested that anyone who did not receive the letter to stand and provide their information. Bob Anderson, Jeff Hauge, Ray Blasczzak, and Gary Pallesccone (acknowledges he received the first letter but not the second one) stood. Chairman Mohr stated there could be a problem if the impacted people did not receive their letters in the mail.

Mr. Thompson responded that many of the people that are affected he knows personally. He argued that the proposal should go back to the drawing board and start over from the beginning.

Mr. Thompson made a motion, seconded by Mr. LeCuyer, to recommend approval of amendment as presented.

The votes were as follows:

|             |  |
|-------------|--|
| Ayes (0):   | None   |
| Nays (6):   | Cherry, Clementi, LeCuyer, Mohr, Thompson, and Whitfield |
| Absent (0): | None   |

The motion failed. This matter will go to the Planning, Building and Zoning Committee on August 13<sup>th</sup>.

Ms. Clementi agreed with Mr. Thompson and Mr. LeCuyer and believed more input from the community should be taken into account. She wished for agriculture to be preserved in the area.

Mr. Cherry understood the residents' opinions on the matter, but he was still on the fence and just thought he should vote no.

Mr. Thompson stated he had some problems with the proposal since he comes from an agriculture background. Also, he stated the importance of a plan.

Mr. Whitfield recommended that anyone wanting to preserve their land should work with the Conservation Foundation.

Mr. LeCuyer stated there should be more discussion with the residents in the area. He argued there was use and value to the land and the only way to preserve the land is placing it in a conservation trust.

Chairman Mohr stated the plan was meant to be a fluid document. He stated that the Kendall County Regional Planning Commission gets together every year to examine the plan. He reiterated that zoning is not going to be changed but does believe that certain parts of the proposal needed to be reexamined. He believed that the Prairie Parkway should be kept for on the map for historical purposes. He also argued the one half (1/2) mile corridor was excessive.

Mr. Davidson acknowledged that the County has to verify if the people were given proper notice.

Chairman Mohr restated that the Land Resource Management Plan is examined every five (5) years.

The Zoning Board of Appeals concluded review of Petition 18-04 at 8:25 p.m.

The Zoning Board of Appeals started their review of Petition 18-07 at 8:25 p.m.

#### **Amended Petition 18-07- Kendall County Planning, Building and Zoning Committee**

Request: Text Amendments to Section 13.08 of the Kendall County Zoning Ordinance Pertaining to the Renewal, Amendment, and Revocation of Special Use Permits

Purpose: Amendments Clarify Renewal Procedures for Special Use Permits and Amends the Procedure for Amending and Revoking Special Use Permits; Proposal Applies to Special Use Permits Issued after the Adoption of the Proposed Amendment.

Mr. Asselmeier summarized the petition.

This proposed text amendment was originally initiated because the Zoning Ordinance does not have a clear procedure for renewing special use permits. In reviewing all of the existing special use permits, twenty-seven (27) require some form of review or renewal. Additionally, in the future, the County Board may impose time limits on future special use permits. This proposal evolved into its current form as the Planning, Building and Zoning Committee and Kendall County Regional Planning Commission reviewed the proposal. Ultimately, the proposal called for amending the text of the Zoning Ordinance to allow the County Board to amend or revoke special use permits for any reason by a simple majority vote. This proposal only applies to special use permits issued after the date of adoption of this ordinance.

The Planning, Building and Zoning Committee reviewed the original proposal on February 13<sup>th</sup> and unanimously approved initiating the text amendment process. The Planning, Building and Zoning Committee reviewed the concerns raised by the Kendall County Regional Planning Commission at their May and June meetings and ultimately approved this text amendment proposal in its current form.

This original proposal was mailed to each township on February 15<sup>th</sup> and ZPAC reviewed this proposal on March 6<sup>th</sup> and unanimously recommended approval. The townships have been updated on the status of this proposal, with the most recent proposal mailed to each township on July 6<sup>th</sup>. To date, no township has submitted comments on this proposal.

The Kendall County Regional Planning Commission believed that amendments and revocations should only occur after a special use permit holder had been found guilty in court and such revocations and amendments should occur by super-majority votes of the County Board. The Kendall County Regional Planning Commission also expressed concerns about the investments that special use permit holders made in their property and business that could be lost if a special use permit was revoked. Concerns about obtaining business loans were expressed on several occasions and that this proposal would discourage business. The Kendall County Regional Planning Commission also did not like the potential for litigation. Concerns about the County Board behaving arbitrarily on revocations or amendments were also expressed. The Planning, Building and Zoning Committee was also informed of the Kendall County Regional Planning Commission's concerns about holding property and special use permit holders

accountable for violations of previous property and/or special use permit holders. The Planning, Building and Zoning Committee did not share the concerns of the Kendall Regional Planning Commission on these matters and they (the Planning, Building and Zoning Committee) believed the County Board should have the ability to amend and/or revoke special use permits as outlined in the proposal. At their meeting on July 25, 2018, the Kendall County Regional Planning Commission unanimously recommended denial with eight (8) members of the Commission present.

Staff mailed notices of the meetings and a copy of the proposal to all special use permit holders on file.

The following comments on this subject were made at the March 28, 2018, Kendall County Regional Planning Commission meeting:

Roger Smith, Tyler Road, provided a history of his special use permit for a mobile home on his property. He was not in favor of the proposed changes.

Pat Kinnally, attorney for Bryan Holdings, Aurora, expressed concerns about the lack of clarity for grandfathering. He also expressed concerns about the difference between minor and major amendments to special use permits and the power of the Zoning Administrator. Mr. Kinnally did not want the actions of previous property owners to have an impact on whether or not a special use permit is revoked or renewed.

George Ostreko, East Beecher Road, said that he has not been inspected by Kendall County since he bought the property in the 1984. His special use permit is for mining.

The following comments on the subject were stated at the June 27, 2018, Kendall County Regional Planning Commission meeting:

Todd Milliron, Yorkville, does not like the simple majority language. He would like a supermajority vote of the County Board. He would like to see cause, documentation, and due process when amendments to or revocation of special use permits are considered.

Peter Pasteris, Johnson Road, expressed concerns regarding the proposal. He does not believe a special use permit should be revoked or amended if someone is following the provisions of their special use permit.

The following comments on the subject were made the July 25, 2018, Kendall County Regional Planning Commission meeting:

The proposal will not impact the campground on Van Emmon.

Dan Koukol, Oswego Township, said many of the special use permit holders employ many people in Kendall County. These employees spend money in Kendall County. The Comprehensive Land Plan and Solid Waste Plan are constantly updated. Families have been built on the special use permits. Mr. Koukol was also concerned that fewer than six (6) votes could be required to revoke someone's special use permit. He also expressed concerns that these special use permit holders will not get financing. If a special permit holder makes four (4) County Board members angry, they could lose their special use permit.

Jerry Callaghan, attorney for Green Organics, argued that the grandfathering provisions were not clear. Does “upon revocation” mean that someone has to cease immediately? He stated that people cannot just cease an activity because of private property rights. There are no standards for revocation or amendment of special use permits which makes it difficult for people and businesses to make business decisions.

Peter Pasteris, Johnson Road, stated that his farm means a lot to him. He looked at his special use permit as a way to save their farm. He discussed the multiplier effect of his business on hotels, caterers, kids doing jobs, and similar businesses and people. He thinks that, if this proposal is approved, some of the growth will cease. He expressed concerns that he could lose his grandfathering if he makes changes to the layout of the site.

Megan Jensen, Caton Farm Road, stated that they went through the special use process two (2) years ago. She expressed concerns regarding the impact of potential changes to their special use permit. They purchased their property on the condition that the zoning must be approved. If the special use permit were revoked, that revocation would negatively impact their use of the property. The people applying for special use permits are trying to follow the rules.

Pete Bielby, Fox River Drive, asked how many special use permits did not run with the land. Mr. Asselmeier said very few. His special use permit runs with the owner.

Nobody in audience at the July 25<sup>th</sup> meeting expressed support of the proposed amendment.

Ms. Clementi questioned if the States’ Attorney had reviewed the language. Mr. Asselmeier responded that the States’ Attorney reviewed similar language but did not do full review of the current language.

Chairman Mohr opened the public hearing at 8:38 p.m. and swore in the members of the audience that wished to speak on this proposal.

Jerry Callaghan, attorney for Green Organics, stated that he attended the Kendall County Regional Planning Commission meeting on July 23, 2018. He stated that Green Organics has five (5) more years on their special use permit. He stated the language of the petition was that the special use will remain in effect until the special use permit expires. Chairman Mohr agreed with Mr. Callaghan. Mr. Callaghan continued that, if the special use permit was to be revoked, notice had to be sent two (2) months prior to final action. Mr. Asselmeier responded, if Kendall County wanted to revoke a special use permit, yes. Mr. Callaghan expressed concerns regarding the procedure and lack of standards for revocation. Mr. Callaghan expressed concerns regarding the loss of investment made by a business if the County revoked a special use permit. Mr. Callaghan questioned the County’s ability to shut down an activity due to legal non-conforming regulations. Mr. Callaghan argued the proposal did not take into consideration the owners property rights and was promoting chaos and confusion. He agreed if an owner was not adhering to their special use permit, the County has a right to revoke their special use. Mr. Callaghan agreed that the petition will discourage investments and discourage banks from lending money to owners. He requested the Zoning Board of Appeals to reject the proposed text amendment. Chairman Mohr questioned the location of the Green Organics business and if they are paying the tipping fees as part of the special use permit. Mr. Callaghan believed that Green Organics was paying

the tipping fees. Chairman Mohr questioned if Green Organics will still be in a similar situation in five (5) years when they are set to renew their permit. Mr. Callaghan believed any owner would be in a better position for renewal if this proposal was not rejected. Mr. Asselmeier responds that one member of the Planning, Building and Zoning Committee believed the issues with the special use permits were a legislative decision and that revocation falls under that scope and the County would have that right to revoke under the legislative decision. Mr. Callaghan agreed that the issuance of special uses permits are a legislative decision, but did not believe it can be legislated to revoke someone's property rights.

Mark Caldwell, Finnie Road, Dickson Valley Camp, stated that he understood the camp would be grandfathered, but did not agree with the proposal. Mr. Caldwell argued that the language could be used negatively by future County Boards that have an agenda against religious organizations such as his. He stated any changes or amendments to the camp could place them under the new regulations. Mr. Caldwell admitted that the camp will continue to evolve and changes will be made. However, they will be penalized with the new language if accepted. Mr. Caldwell requested for the Zoning Board of Appeals to vote no.

Megan Jensen, Caton Farm Road, requested the Zoning Board of Appeals vote no on the petition. She understood the petition will not affect them as they are grandfathered. However, if their special use needed to be amended for any reason, the County could revoke their special use permit for any reason. Ms. Jensen argued the County should not be able to revoke at a later date if the owner agreed to follow any and all rules. Furthermore, she argued the petition was proposed for a couple of properties with issues, but this proposal will not apply to those properties because they are also grandfathered. The proposal creates issues for future special use. Also, if the special use permit that came with her property was revoked, they would have lower property values. Ms. Clementi questioned what Ms. Jensen's special use was for; Ms. Jensen's special use was for landscaping.

Fred Davis, Canton Farm Road was mainly concerned with the County's ability to revoke the special use permit without good reason and without majority of County Board members present. Mr. Davis reinvested back into the Kendall County community via his special use and he did not believe the petition will be welcoming to businesses. Mr. Davis argued if someone is not following the rules, their special use permit should be revoked. Mr. Davis questioned if he amended his business by expansion or hiring more workers would he then be under the new petition. Mr. Asselmeier stated that, if Mr. Davis' amendments were more than ten percent (10%) of something quantifiable in his special use permit, he would fall under the new regulations. Chairman Mohr stated that whatever changes Mr. Davis makes to his property will affect the homes or properties near him which would warrant him to fall under the new petition if approved. Chairman Mohr acknowledged that there will still be a procedure whether the petition is accepted or not if Mr. Davis adds to his special use. Mr. Asselmeier explained that, with the current procedure Mr. Davis would still be required to amend his special use if he intended on amending his property more than ten percent (10%). Chairman Mohr questioned if Mr. Davis would be better off not expanding; Mr. Asselmeier confirmed.

Pete and Laurie Pasteris, Johnson Road, believed if the County was having an issue with a few people with a special use permit, the County should deal with those individuals instead of creating problems for



the ones that are following the rules. Mr. Pasteris stated they have a farm but also a special use for a weddings. He argued if he changes the tent size, they would have to accept the new guidelines. Mr. Pasteris argued the farm was another selling point for his business. Ms. Pasteris argued their loan could create problems if Kendall County decided to revoke their special use permit, which is not fair in her opinion.

Nate Howell, Church Road stated his problem with the revocation language. He has a special use for his whole property, but uses a small percentage for his shooting range. Mr. Howell argued that, if he decided to demolish his current barn, he would automatically be placed under the new rules. Mr. Howell argued if someone on the County Board did not like shooting ranges, he would no longer have a business. Mr. Howell stated he cannot add or take down any building because of his special use permit. Mr. Asselmeier responded that, due to how Mr. Howell's site plan was approved, Mr. Howell would have a harder time making any changes to his property.

Chairman Mohr adjourned the public hearing at 9:09 p.m.

Ms. Clementi made a motion, seconded by Mr. Cherry, to recommend approval of the text amendment as presented.

The votes were as follows:

|             |  |
|-------------|--|
| Ayes (0):   | None   |
| Nays (6):   | Cherry, Clementi, LeCuyer, Mohr, Thompson, and Whitfield |
| Absent (0): | None   |

The motion failed. This matter will be sent to the townships for an opportunity to file formal objections and will go to the Planning, Building and Zoning Committee on September 10<sup>th</sup>.

Mr. Asselmeier stated the original goal of the proposal was to deal with renewals but the proposal changed into something different.

Chairman Mohr questioned the definition of guilty. Mr. Asselmeier responded guilty meant being found guilty by a court. Chairman Mohr referred to Mr. Howell taking down the barn on his property; Mr. Mohr believed that Mr. Howell should have his special use revoked even though the removal of the barn would technically be a violation of special use permit. Mr. Asselmeier stated, because of how his special use permit was written, Mr. Howell would be in violation. However, the original goal of the proposal was to revoke special use permits only after all legal actions have been taken and the property owner was in fact found guilty of violation by a court.

Mr. Whitfield stated there was already a revocation process in place. Mr. Asselmeier stated there was a procedure currently in place. After notice, the owner has thirty (30) days for remediation. An owner can request an extension. After all extensions were exhausted, the case goes to the Kendall County Board Committee they can forward the case to the States' Attorney for legal action. Mr. Asselmeier stated the one (1) special use permit holder has been causing problems, but has not been found guilty because they remedied their violations. Mr. Whitfield sought clarification that there was a procedure

already in place that keeps the owners in line with the rules. Mr. Davidson stated his opposition because he believed that a super majority vote should be required. Mr. Davidson did not believe the petition will have a positive effect.

Chairman Mohr agreed with Mr. Howell that, if someone on the Kendall County Board did not like shooting ranges, that belief would be a reason for revocation.

Ms. Clementi did not believe the proposal was fair to the people, and the people causing problems should be addressed directly.

Mr. LeCuyer stated that too many rules that could hinder the people that are adhering to the rules.

Mr. Thompson agreed with Mr. Whitfield and stated the proposal is too imposing.

Mr. Whitfield stated there was already a process in place for the people who are causing problems.

Chairman Mohr stated there should be a requirement of supermajority vote and there needs to be clarification on what constitutes being guilty.

Mr. Pasteris responded that, if he abuses his special use permit, his permit should be revoked. Chairman Mohr did not believe an issue of playing music too loud deserved a guilty verdict and revocation of a special use permit.

Mr. Davis questioned, if Mr. Howell's barn falls over due to the weather and was required to put up a new barn, would Mr. Howell be under the new rules. Chairman Mohr stated that Mr. Howell's permit would need to be re-evaluated.

Chairman Mohr stated currently guilty was not specified enough and needs to be addressed. Mr. Davidson stated if someone gets a notice and addresses the issues within thirty (30) days, the notice disappears and the County Board would never know about the issue.

Mr. Davidson argued there was a long process to revoke someone's special use under the current procedure.

Mr. Asselmeier stated that addressing the twenty-seven (27) renewals was the original goal, but the Planning Building and Zoning Committee decided to apply the changes to all special uses permits.

The Zoning Board of Appeals concluded review of Petition 18-07 at 9:17 p.m.

The Zoning Board of Appeals started their review of Petition 18-13 at 9:17 p.m.

#### **Petition 18-13 Kendall County Planning, Building and Zoning Committee**

Request: Text Amendments to Sections 3.02, 4.18, 7.01.D, 8.02.C, 8.03.H.1, 8.09.B, 9.02.C, 9.03.C, 9.04.C, 9.05.C, 9.06.F, 9.07.C, and 10.03.B of the Kendall County Zoning Ordinance by Amending Kendall County's Solar Panel Zoning Regulations

Purpose: Text Amendment Defines Types of Solar Panel Usage and Solar Panel Equipment, Amends the Zoning Regulations for Accessory Use of Solar Panels, and Adds Requirements for Solar Gardens and Solar Farms

Mr. Asselmeier summarizes the petition.

In recent months, the Kendall County Planning, Building and Zoning Department has received inquiries from solar energy consultants and property owners desiring to place solar panels on properties throughout the County. These solar panels would be used to generate power offsite from the location where the solar panels are placed. Kendall County adopted solar panel zoning regulations in 2010 and 2011, but these regulations focused on generating solar energy and using that energy onsite. The County also has zoning regulations for power plants, but many solar energy consultants were uncomfortable with a “power plant” classification.

Earlier in 2018, the Planning, Building and Zoning Committee instructed Staff to study the solar panel regulations of several counties. The comparison table from this study was included in the packet to the Zoning Board of Appeals.

At their meeting on March 12, 2018, the Planning, Building and Zoning Committee approved initiating text amendments to the Kendall County Zoning Ordinance incorporating DeKalb County’s proposed regulations into the Kendall County Zoning Ordinance.

Mr. Holdiman previously suggested that 4.18.O.2 be removed from the proposal because the County currently does not require insurance for existing solar panels.

The Kendall County Farm Bureau was sent the proposal in March. They questioned why the bonding requirement was “may” and not “shall” (4.18.P.6).

The townships were mailed the proposal on March 22nd. To date, no townships have submitted comments.

ZPAC met on the proposal on April 3rd and unanimously recommended approval of the proposal with the following amendments:

1. Section 4.18.D.10 should be removed because the same language is found in 4.18.Q.3.
2. A more detailed contour map with existing vegetation, waterways, wetland boundaries, and FEMA FIRM information in a manner described in the Boone County ordinance should be added to the proposal.
3. The reference to the State of Illinois Uniform Building Code found in Section 4.18.C.8 should be removed.
4. Greater discussion should occur regarding the desire to have solar gardens in residential zoned districts. (Chairman Mohr stated a solar garden is defined as twenty (20) acres or less. He questioned if someone can go to R-1 zoning and install a twenty (20) acre solar farm. Mr. Asselmeier confirmed that, if the special use permit is granted, yes. Mr. Asselmeier stated this was the concern that if a subdivision was built, a solar panel of that size could be needed to supply energy to the subdivision. Ms. Clementi

questioned even if a residence wanted to place a solar panel on their property, they would still have to obtain a special use permit. Mr. Asselmeier stated that, if it is on the house and the energy will be used onsite, a solar panel would be permitted without a special use permit.)

5. The word “crops” found in line 7 of 4.18.C.4 should be replaced with the word “vegetation” because crops probably will not be the only plants growing around the solar panels and crops probably will not grow around the solar panels.

The Kendall County Regional Planning Commission met on May 23, 2018, and recommended approval of the proposal with the following changes:

1. The reference to a county solar garden in the definition of “Solar Garden” should be deleted.
2. All references to waiving the special use permit requirements and setback requirements should be deleted.
3. Solar gardens and solar farms had to follow the setback requirements for the zoning district in which they are located. Accordingly, the reference to a one hundred foot (100’) distance from the right-of-way or property line found in 4.18.D.2 should be deleted.
4. The statement that solar farms require a special use permit found in Section 4.18.D.1 should be removed.
5. If allowed by the State’s Attorney’s Office, provision should be added to Section 4.18.F regarding repair of damaged drain tile.

Mr. Asselmeier stated that density became an issue in DeKalb and Will Counties.

Ms. Clementi mentioned the owners requesting for solar panels were only going forward if the State grants funding. However, she did not believe the state will be giving all the funds to just Kendall County. Mr. Asselmeier responded that there was only one (1) application for the solar panel in the unincorporated area.

Chairman Mohr opened the public hearing at 9:42 p.m. With no members of the public desiring to speak, Chairman Mohr adjourned the public hearing at 9:42 p.m.

Ms. Clementi made a motion, seconded by Mr. Whitfield, to recommend approval of the text amendment as presented.

The votes were as follows:

|             |  |
|-------------|--|
| Ayes (6):   | Cherry, Clementi, LeCuyer, Mohr, Thompson, and Whitfield |
| Nays (0):   | None   |
| Absent (0): | None   |

The motion passed. This matter will be sent to the townships for an opportunity to file formal objections and will go the Planning, Building and Zoning Committee on September 10<sup>th</sup>.

The Zoning Board of Appeals concluded review of Petition 18-13 at 9:44 p.m.

**NEW BUSINESS/OLD BUSINESS**

Gun regulations will be discussed at the next meeting. There will also be a request from Dorothy Flisk to increase the number of horses for her horse boarding business, a request for rezoning on Route 52 for a subdivision and a request for a banquet facility on Hughes Road. The next Zoning Board of Appeals meeting will be August 27, 2018.

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

Petition 18-14, a map amendment request from Michael and Dayle Saar, was approved at the County Board.

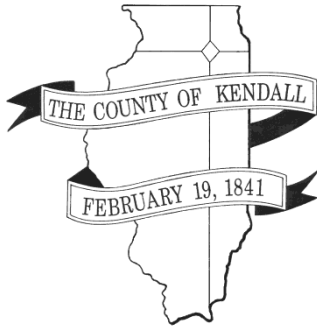
**ADJOURNMENT OF THE ZONING BOARD OF APPEALS**

Mr. Whitfield, seconded by Mr. LeCuyer, made a motion to adjourn. By voice vote of all ayes, the motion passed unanimously. The Zoning Board of Appeals meeting adjourned at 9:45 p.m.

Respectfully submitted by,  
Matthew H. Asselmeier, AICP  
Senior Planner

**Exhibits**

1. Staff Report on Petition 18-20 Dated July 19, 2018.
2. Certificate of Publication and Proof of Mailing for Petition 18-20 (Not Included with Report but on file in Planning, Building and Zoning Office).
3. July 5, 2018 Letter to Property Owners Along Route 47
4. Unapproved June 27, 2018 Hearing Minutes from the Kendall County Regional Planning Commission Regarding Petition 18-04
5. Staff Report on Petition 18-07 Dated July 26, 2018.
6. Certificate of Publication for Petition 18-07 (Not Included with Report but on file in Planning, Building and Zoning Office).
7. Staff Report on Petition 18-13 Dated June 25, 2018.
8. Certificate of Publication for Petition 18-13 (Not Included with Report but on file in Planning, Building and Zoning Office).



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**DEPARTMENT OF PLANNING, BUILDING & ZONING**

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**Petition 18-20****Fox Metro Water Reclamation District  
Map Amendment Rezoning Property from  
R-1 with a Special Use Permit to M-1****INTRODUCTION**

The Fox Metro Water Reclamation District is considering improvements at their plant on Route 31. Rather than amending their special use permit, Fox Metro is requesting that the southern portion of the property, presently zoned R-1 with a special use permit for a sewage treatment facility, be rezoned to M-1. A wastewater treatment facility is a permitted use in the M-1 District and the rezoning would place the entire Fox Metro property in the same zoning classification.

If the map amendment is approved, any improvement to the Fox Metro facility would still require site plan approval per Section 13 of the Kendall County Zoning Ordinance.

The Petitioner previously received special use permits to operate a sewage treatment facility onsite through the 1974 comprehensive County rezoning and Ordinances 2011-13 and 2011-35.

**SITE INFORMATION**

PETITIONER: Fox Metro Water Reclamation District

ADDRESS: 682 Route 31, Oswego

LOCATION: East Side of Route 31 Approximately 0.5 Miles South of Route 30

TOWNSHIP: Oswego

PARCEL #s: 03-05-176-002, 03-05-302-001, 03-05-302-002, 03-05-302-003, 03-05-302-004,  
03-05-353-001, 03-05-353-002, 03-05-353-003, 03-05-353-004, 03-05-353-006,  
03-05-353-009, and 03-05-353-010

03-05-127-005 and 03-05-176-001 are already zoned M-1.

LOT SIZE: 94.4 acres

EXISTING LAND USE: Wastewater Treatment Facility

ZONING: R-1 with a Special Use Permit for a Sewage Treatment Plant

|       |                      |   |
|-------|----------------------|---|
| LRMP: | Existing Land Use    | Institutional   |
|       | Future Land Use      | Mixed Use Business                                      |
|       | Roads                | Route 31 is a State maintained highway arterial highway |
|       | Trails               | None  |
|       | Floodplain/ Wetlands | Wetlands and Floodplains are present on the property.   |

REQUESTED ACTION: Map Amendment Rezoning Property from R-1 with a Special Use Permit to M-1

APPLICABLE REGULATIONS: Section 13.07 – Map Amendment Procedures

#### **SURROUNDING LAND USE**

| <b>Location</b> | <b>Adjacent Land Use</b>                            | <b>Adjacent Zoning</b>                   | <b>Land Resource Management Plan</b>   | <b>Zoning within ½ Mile</b>   |
|-----------------|---|--|--|---|
| North           | Institutional<br>(Wastewater Treatment Facility)    | M-1 (County)<br>B-2 and M-2 (Montgomery) | Mixed Use Business (County)<br>Light Industrial and Regional Commercial (Montgomery) | M-1 (County)<br>B-2 and M-2 (Montgomery)  |
| South           | Comed ROW, Single-Family Residential                | R-1                                      | Comed ROW and Suburban Residential   | A-1 SU, R-1, R-3, R-5, R-6 R-7 R-7 SU, B-1 SU, B-2, B-2 SU, B-3, and B-4 (County)<br><br>R-1 and Special Use (Oswego) |
| East            | Fox River, Park Land, and Single-Family Residential | A-1                                      | Open Space and Suburban Residential  | A-1, R-3 SU, R-6, R-7, B-1, B-3, B-3 SU,  |
| West            | Industrial, Cemetery, and Residential               | R-1, R-3, M-1, M-1 SU, M-2               | Suburban Residential and Mixed Use Business  | R-3, M-1 SU, M-2, and M-2 SU (County)<br><br>M-2 (Montgomery)   |

Pictures of the property are included as Attachments 3-14.

#### **PHYSICAL DATA**

##### **ENDANGERED SPECIES REPORT**

EcoCAT Report not required because the property is not agricultural.

##### **NATURAL RESOURCES INVENTORY**

The completed application for NRI was submitted on June 22, 2018. The average LESA Score was 44 indicating a low level of protection. The NRI Report is included as Attachment 18.

#### **ACTION SUMMARY**

##### **OSWEGO TOWNSHIP**

Petition information was sent to Oswego Township on May 29, 2018. Oswego Township expressed no opposition to the proposal, see Attachment 15.

##### **OSWEGO FIRE PROTECTION DISTRICT**

Petition information was to the Oswego Fire Protection District on May 29, 2018. They expressed no

opposition to the proposal, see Attachment 16.

#### **VILLAGE OF MONTGOMERY**

Petition information was sent to the Village of Montgomery on May 29, 2018. The Village of Montgomery expressed no opposition to the request, see Attachment 19.

#### **ZPAC**

ZPAC reviewed this proposal at their meeting on June 5, 2018. ZPAC unanimously recommended approval of the request. The minutes of the ZPAC meeting are included as Attachment 17.

#### **KCRPC**

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on June 27, 2018. The Kendall County Regional Planning Commission recommended denial with a vote of three (3) in favor and five (5) in opposition. Mr. Nelson voted no because he wanted the Zoning Office to have greater authority to approve minor amendments to special use permits when small changes to site plans are proposed on a larger site. Mr. Nelson also noted that a portion of the property was used as a wastewater treatment plant before zoning was created. Several Commissioners voted no because they believed that the public should comment on expansions in the future. Ms. Zubko would have no problem approving a change to the site plan for the building expansion if it were part of a special use permit amendment. The rezoning gives great latitude over the use of the land with less oversight. The minutes of the Kendall County Regional Planning Commission meeting are included as Attachment 20.

#### **GENERAL INFORMATION**

The Petitioner desires the map amendment in order to have their entire property zoned the same classification. In addition, the Petitioner desires the ability to expand and operate the facility without having to amend their special use permit each time they wish to amend their site plan. The Petitioner would still be required to obtain site plan approval from the County per Section 13.10 of the Kendall County Zoning Ordinance. Lastly, the Petitioner desires to have the zoning of the property correspond to the Kendall County Future Land Use Map.

The existing use of the property as a wastewater treatment facility has occurred since the 1920s. The Petitioner has no desire to change the land use of the property. Even if the Petitioner did desire to change the land use of the property, a large amount of remediation and site work would be required to transform the property into a residential or other light manufacturing use.

In addition to Kendall County's ordinances, the operations at the subject property are heavily regulated by both federal and state laws.

#### **BUILDING CODES**

Any new construction on site would be required to meet applicable building codes and other applicable federal and state laws for the operation of wastewater treatment facility.

#### **ACCESS**

The property fronts Route 31. Staff has no concerns regarding the ability of Route 31 to support the continued operations of the wastewater treatment facility at this location.

#### **ODORS**

If the wastewater treatment facility expands, additional odors may occur. Fox Metro is taking necessary precautions to reduce odors.

#### **LIGHTING**

Any new lighting would be to support the operations of the wastewater treatment plant.

#### **SCREENING**

The property is currently fenced and the existing facilities are set down approximately fifteen feet to twenty feet (15'-20') from Route 31. Existing trees on the Comed right-of-way and a row of new trees provides a buffer to the south. Any new fences would have to follow applicable regulations.



## **STORMWATER**

The property is along the Fox River. Any new construction would have to meet the requirements of the Kendall County's Stormwater Management Ordinance.

## **UTILITIES**

Utilities are onsite. The Petitioner would have to secure applicable permits prior to changing the layout of utilities.

## **FINDINGS OF FACT**

*Existing uses of property within the general area of the property in question.* **Portions of the subject property have been used as a wastewater treatment plant since the 1920s. The area is a mix of industrial, single-family residential, and institutional uses.**

*The Zoning classification of property within the general area of the property in question.* **The zoning of properties in the general area include agricultural, single-family residential, commercial, and manufacturing. The Petitioner owns property in the area that is zoned M-1 and R-1 with a special use permit.**

*The suitability of the property in question for the uses permitted under the existing zoning classification.* **The property is presently zoned R-1 with a special use permit. Because the site has been used as a wastewater treatment facility for almost a century, a large amount of remediation and site work would be required for other residential uses to be placed on the subject property.**

*The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the day the property in question was in its present zoning classification.* **The Zoning Board of Appeals shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and is not solely for the interest of the applicant. The Zoning Board of Appeals may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this paragraph the R-1 District shall be considered the highest classification and the M-2 District shall be considered the lowest classification. The proposed amendment clarifies the existing use of the property with the zoning of the property because a wastewater treatment facility is more of a manufacturing/industrial use than a residential use.**

*Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies.* **The proposed amendment is consistent with the Future Land Use Map contained in the Land Resource Management Plan which calls for the subject property to be Mixed Use Business. Per the definition of Mixed Use Business, uses permitted within the M-1 Zoning District are types of Mixed Use Businesses.**

## **RECOMMENDATION**

Because the Future Land Use Map in the Land Resource Management Plan calls for the subject property to be Mixed Use Business and the M-1 zoning classification corresponds to the Mixed Use Business designation, Staff recommends approval of the proposed map amendment. If the map amendment is approved, the special use permits and R-1 related variances granted by Ordinances 2011-13 and 2011-35 would be repealed. Any additional R-1 related variances would also be repealed upon rezoning.

## **ATTACHMENTS**

1. Application Materials (Including the Petitioner's Findings of Fact)
2. Plat of Survey
3. Aerial
4. Aerial with Zoning
5. Looking West from Administration Building
6. Looking Northwest from Administration Building
7. Looking Southwest from Administration Building
8. Residential Properties Located Across from the Southwest Corner of Site
9. Vegetation at Southern Portion of Site
10. Neighboring Residential Property to the South

11. Comed ROW Looking East
12. Looking West from Inside the Property
13. Looking South from Inside the Property
14. Looking East from Inside the Property
15. Oswego Township Email
16. Oswego Fire Protection District Email
17. 6.5.18 ZPAC Minutes
18. NRI Report
19. Village of Montgomery Letter
20. 6.27.18 KCRPC Minutes

# WALTER E. DEUCHLER ASSOCIATES INC.

*Consulting Engineers*

230 WOODLAWN AVENUE • TELEPHONE (630) 897-4651 • FAX (630) 897-5696  
AURORA, ILLINOIS 60506

May 22, 2018

Matthew Asselmeier  
Senior Planner  
Kendall County Planning, Building & Zoning  
111 West Fox Street  
Yorkville, IL 60560

**RE: Fox Metro Water Reclamation District  
Map Amendment for Existing WWTP  
DEUCHLER Project No. 111-14024-01**

Dear Mr. Asselmeier:

Please find attached application for a Map Amendment at the Fox Metro Water Reclamation District existing wastewater treatment facility located at 682 State Route 31 in Oswego, Illinois. Per Kendall County Ordinance #2011-35, the property is currently zoned as follows:

- M-1: PINs 03-05-127-005 & 03-05-176-001.
- R-1 (SU): PINs 03-05-176-002; 03-05-302-001; 03-05-302-002; 03-05-302-003; 03-05-302-004; 03-05-353-001. 03-05-353-002, 03-05-353-003; 03-05-353-004; 03-05-353-006; 03-05-353-009; & 03-05-353-010.

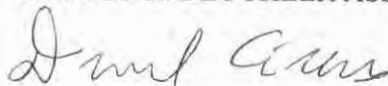
Fox Metro WRD is applying for a Map Amendment for an overall zoning of M-1 for the wastewater treatment plant facility. Per Kendall County Zoning Ordinance, a sewage treatment plant is a permitted use for M-1 Zoning. The M-1 Zoning is in line with the Kendall County LRMP as the property is shown as MIXED USE BUSINESS.

The following documents are enclosed:

- Map Amendment/Rezoning Application Checklist
- Completed Application Form
- Application Fee of \$500, FMWRD Check #42627
- Rezoning Findings of Fact
- Legal Description of Properties
- Proof of Ownership
- Proof of Application to Soil and Water Conservation District for NRI
- 15 - 11"x17" copies of Plat of Survey, and 1 - 24"x36" Copy

We look forward working with your office in processing the Map Amendment.

Very truly yours,  
WALTER E. DEUCHLER ASSOCIATES, INC.



Daniel Cáceres, P.E., S.E.



Encl.

cc: Tom Muth (FMWRD)  
Matt Woodin (FMWRD)  
John Frerich (DEUCHLER)  
File w/ encl.



### Enclosures

- Water Works and Sewerage
- Streets and Street Lighting

- Building and Structures
- Investigations and Reports

- Design and Construction
- Project Financing



# DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

## APPLICATION

PROJECT NAME Map Amendment for WWTP

FILE #: 18-20

|  |  |  |
|--|--|--|
| <b>NAME OF APPLICANT</b>   |  |  |
| Fox Metro Water Reclamation District   |  |  |
| <b>CURRENT LANDOWNER/NAME(s)</b>   |  |  |
| Fox Metro Water Reclamation District   |  |  |
| <b>SITE INFORMATION</b>  |  |  |
| ACRES  | SITE ADDRESS OR LOCATION   | ASSESSOR'S ID NUMBER (PIN)                                       |
| 94.4   | 682 State Route 31, Oswego, IL 60543   | See Findings of Fact   |
| EXISTING LAND USE  | CURRENT ZONING   | LAND CLASSIFICATION ON LRMP                                      |
| Wastewater Treatment Plant,  | M-1 & R-1 (SU)   | Mixed Use Business   |
| <b>REQUESTED ACTION</b> (Check All That Apply):  |  |  |
| <input type="checkbox"/> SPECIAL USE   | <input checked="" type="checkbox"/> MAP AMENDMENT (Rezone to <input type="checkbox"/> )  | <input type="checkbox"/> VARIANCE                                |
| <input type="checkbox"/> ADMINISTRATIVE VARIANCE   | <input type="checkbox"/> A-1 CONDITIONAL USE for: <input type="checkbox"/>   | <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 type="checkbox"/> AMENDMENT TO A SPECIAL USE ( <input type="checkbox"/> Major; <input type="checkbox"/> Minor)  |  |  |
| <b><sup>1</sup>PRIMARY CONTACT</b>   | <b>PRIMARY CONTACT MAILING ADDRESS</b>   | <b>PRIMARY CONTACT EMAIL</b>                                     |
| Daniel Caceres   | 230 Woodlawn Ave   | dcaceres@deuchler.com  |
| <b>PRIMARY CONTACT PHONE #</b>   | <b>PRIMARY CONTACT FAX #</b>   | <b>PRIMARY CONTACT OTHER #(Cell, etc.)</b>                       |
| 630-423-0457   | 630-897-5696   | N/A  |
| <b><sup>2</sup>ENGINEER CONTACT</b>  | <b>ENGINEER MAILING ADDRESS</b>  | <b>ENGINEER EMAIL</b>  |
| Daniel Caceres   | 230 Woodlawn Ave   | dcaceres@deuchler.com  |
| <b>ENGINEER PHONE #</b>  | <b>ENGINEER FAX #</b>  | <b>ENGINEER OTHER # (Cell, etc.)</b>                             |
| 630-423-0457   | 630-897-5696   | N/A  |
| 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.   |  |  |
| <b>SIGNATURE OF APPLICANT</b>   |  | <b>DATE</b> <u>5/21/2018</u>                                     |

FEE PAID: \$ 500

CHECK # 18-20

RECEIVED

<sup>1</sup>Primary Contact will receive all correspondence from County

<sup>2</sup>Engineering Contact will receive all correspondence from the County's Engineering Consultants

Please fill out the following findings of fact to the best of your capabilities. § 13.07.F of the Zoning Ordinance lists the Finding of Fact criteria the Zoning Board of Appeals must answer in order to make a recommendation to the County Board on any **map amendment** request. They are as follows:

*Existing uses of property within the general area of the property in question.*

Fox Metro WRD is a special district organized under the Sanitary District Act of 1917. The District was created for the purpose of protecting public health and reducing water pollution as related to sanitary sewage. As such, Fox Metro WRD operates and maintains a wastewater treatment plant at the property in question.

*The Zoning classification of property within the general area of the property in question.*

Per Kendall County Ordinance #2011-35, the property is zoned as follows:

M-1: PINs 03-05-127-005 & 03-05-176-001.

R1-SU: PINs 03-05-176-002; 03-05-302-001; 03-05-302-002; 03-05-302-003; 03-05-302-004; 03-05-353-001. 03-05-353-002, 03-05-353-003; 03-05-353-004; 03-05-353-006; 03-05-353-009; & 03-05-353-010.

*The suitability of the property in question for the uses permitted under the existing zoning classification.*

The property is currently zoned with portions being M-1 & R1 (SU). Per the Kendall County Zoning Ordinance, a sewage treatment plant is a permitted use for M-1 and a special use for R-1.

*The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the day the property in question was in its present zoning classification. The Zoning Board of Appeals shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and is not solely for the interest of the applicant. The Zoning Board of Appeals may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this paragraph the R-1 District shall be considered the highest classification and the M-2 District shall be considered the lowest classification.*

Fox Metro WRD is continually making improvements to the existing wastewater treatment plant site in order to comply with Environmental Protection Agency permit requirements and to improve wastewater treatment operations as good stewards of the environment. The ability of Fox Metro WRD to make this improvements is in the interest of the public. Having the entire WWTP site under a common zoning will streamline the process for constructing improvements to the site.

*Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies.*

Fox Metro WRD supports the goals of the Kendall County Land Resource Management Plan (LRMP-2011). The property described above is shown as MIXED USE BUSINESS on the Future Land Use Plan Map. According to the LRMP, the MIXED USE BUSINESS is consistent with the County's three manufacturing districts. The MIXED USE BUSINESS and wastewater treatment plant operations is inconsistent with the present residential zoning classification.

Walter E. Deuchler Associates Inc.  
*Consulting Engineers*

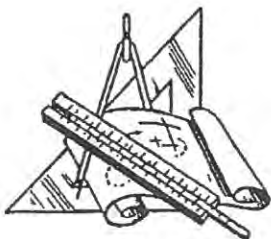
230 WOODLAWN AVENUE, AURORA, ILLINOIS 60506

Area Code 312  
897-4651

CATERPILLAR TRACTOR COMPANY  
TO  
THE AURORA SANITARY DISTRICT  
QUIT CLAIM DEED DOC. NO. 148636  
5-26-65  
(4.00 ACRES)

That part of the Southwest Quarter of Section 5, Township 37 North,  
Range 8 East of the Third Principal Meridian, described as follows:

Beginning at a cross notch in the center line of U.S. Route #31  
at a point 581.60 feet Southerly of the intersection of said center  
line and the East and West quarter line of Section 5 aforesaid; thence  
East along a line parallel with the North line of the Southwest Quarter  
of said Section 5 and forming an angle of  $95^{\circ}18'20''$  with the center  
line of U.S. Route #31 (as measured from South to East) to the Thread  
of the Stream of the Fox River; thence Southwesterly along the Thread  
of the Stream of the Fox River to the extension Easterly of the North  
line of Larson's Subdivision as presently staked out; thence West along  
the extension Easterly and the North line of Larson's Subdivision to  
a cross notch in the center line of U.S. Route #31; thence Northerly  
along said center line and forming an angle of  $84^{\circ}49'50''$  (as measured  
from East to North) a distance of 215.00 feet to the place of beginning  
in the Township of Oswego, Kendall County, Illinois;



|                             |   |                            |   |                         |
|-----------------------------|---|----------------------------|---|-------------------------|
| Water Works and Sewerage    | • | Buildings and Structures   | • | Design and Construction |
| Streets and Street Lighting | • | Investigations and Reports | • | Project Financing       |



Walter E. Deuchler Associates Inc.  
*Consulting Engineers*

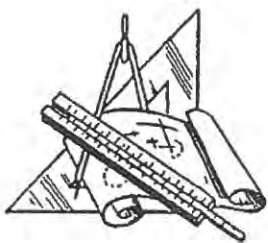
230 WOODLAWN AVENUE, AURORA, ILLINOIS 60506

Area Code 312  
897-4651

WILLIAM J. AND LORRAINE M. KUSNIERZ  
TO  
THE AURORA SANITARY DISTRICT  
WARRANTY DEED DOC. NO. 78-3241  
5-24-78  
(1.54 ACRES)

That part of the Southwest Quarter of Section 5, Township 37 North,  
Range 8 East of the Third Principal Meridian, described as follows:

Commencing at the Northwest corner of the fractional Southwest Quarter of Section 6, Township and Range aforesaid; thence South along the West line of said Section 6, 1363.34 feet; thence South  $82^{\circ}36'$  East to the West bank of the Fox River; thence North  $18^{\circ}46'$  West along said river bank 237 feet; thence North  $37^{\circ}16'$  West along said river bank 263 feet; thence North  $9^{\circ}39'$  West along said river bank 300 feet; thence North  $19^{\circ}40'$  East along said river bank 300 feet; thence North  $30^{\circ}19'$  East along said river bank 102.8 feet; thence North  $88^{\circ}31'$  West 864.15 feet to the center line of the original road; thence Northeasterly along the center line of said road 215 feet for the point of beginning; thence East parallel with the North line of the Southwest Quarter of said Section 5 to the West bank of Fox River; thence Northeasterly along the West bank of said Fox River to a point which is 394.88 feet South of North line of said Southwest Quarter; thence North  $90^{\circ}$  West 1074.3 feet to the center line of said road; thence Southerly along said center line 185 feet to the point of beginning, in the Township of Oswego, Kendall County, Illinois. Excepting that part of said premises conveyed to The Aurora Sanitary District by deed dated August 29, 1961 recorded January 19, 1962 as document 136551 in Book 126, page 107 and also excepting that part of said premises dedicated for road purposes, (along Illinois Route 31) as Described in Dedication dated February 7, 1959 and recorded July 14, 1959 as document 126069.



Water Works and Sewerage  
Streets and Street Lighting

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Buildings and Structures  
Investigations and Reports

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Design and Construction  
Project Financing

Walter E. Deuchler Associates Inc.

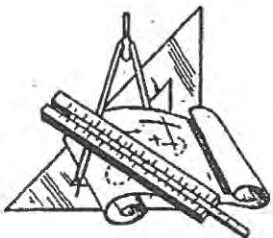
*Consulting Engineers*

230 WOODLAWN AVENUE, AURORA, ILLINOIS 60506

Area Code 312  
897-4651

EVERETT L. AND TREVILLA M. ENGEL  
TO  
THE AURORA SANITARY DISTRICT  
WARRANTY DEED DOC. NO. 136551  
1-9-62  
(2.56 ACRES)

That part of the Southwest Quarter of Section 5, Township 37 North, Range 8 East of the Third Principal Meridian, described as follows: Commencing at the Northwest corner of the fractional Southwest Quarter of Section 6, Township and Range aforesaid; thence South along the West line of said Section 6, 1363.34 feet; thence South 82° 36' East to the West bank of the Fox River; thence North 18° 46' West along said river bank 237 feet; thence North 37° 16' West along said river bank 263 feet; thence North 9° 39' West along said river bank 300 feet; thence North 19° 40' East along said river bank 300 feet; thence North 30° 19' East along said river bank 102.8 feet; thence North 88° 31' West 864.15 feet to the center line of the original road; thence North-easterly along the center line of said road 215 feet; thence East parallel with the North line of the Southwest Quarter of said Section 5, said line being the northerly line of the property owned by the Caterpillar Tractor Co., for a distance of 467.2 feet for a place of beginning; thence continuing East along the last described line to the center thread of the Fox River; thence Northeasterly along the center thread of the Fox River to a point which is 394.88 feet South of the North line of said Southwest Quarter; thence North 90° West along the southerly line of the property owned by The Aurora Sanitary District to a point which is 450 feet East of the center line of the original road (State Route No. 31); thence South to the place of beginning; in the Township of Oswego, Kendall County, Illinois, containing 2.38 acre more or less; reserving and excepting to Grantors, their heirs or assigns and their respective invitees or guests, a perpetual right-of-way for persons or vehicles across and the perpetual use of the southerly 20 feet of said property, and along the westerly bank of the Fox River for the easterly 20 feet of the southerly 20 feet of said property, for ingress, egress and access to the Fox River, and for fishing, boating, swimming and other river recreational purposes, including the right to erect a dock, wharf or similar structure on the westerly bank of the Fox River; hereby releasing and waiving rights under and by virtue of the Homestead Exemption Laws of the State of Illinois.



Water Works and Sewerage  
Streets and Street Lighting

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Buildings and Structures  
Investigations and Reports

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Design and Construction  
Project Financing

ALSO

QUIT CLAIM  
DOCUMENT NO. 158942  
4-11-68

The Southerly 20 feet and along the Westerly bank of the Fox River for the Easterly 20 feet of the Southerly 20 feet of the following described property:

That part of the Southwest Quarter of Section 5, Township 37 North, Range 8 East of the Third Principal Meridian, described as follows: Commencing at the Northwest corner of the Fractional Southwest Quarter of Section 6, Township and Range aforesaid; thence South along the West line of said Section 6, 1363.34 feet; thence South 82° 36' East to the West bank of the Fox River; thence North 18° 46' West along said river bank 237 feet; thence North 37° 16' West along said river bank 263 feet; thence North 9° 39' West along said river bank 300 feet; thence North 19° 40' East along said river bank 300 feet; thence North 30° 19' East along said river bank 102.8 feet; thence North 88° 31' West 864.15 feet to the center line of the original road; thence Northeasterly along the center line of said road 215 feet; thence East parallel with the North line of the Southwest Quarter of said Section 5, said line being the northerly line of the property owned by the Caterpillar Tractor Co., for a distance of 467.2 feet for a place of beginning; thence continuing East along the last described line to the center thread of the Fox River; thence Northeasterly along the center thread of the Fox River to a point which is 394.88 feet South of the North line of said Southwest Quarter; thence North 90° West along the southerly line of the property owned by The Aurora Sanitary District to a point which is 450 feet East of the center line of the original road (State Route No. 31); thence South to the place of beginning; in the Township of Oswego, Kendall County, Illinois.

Walter E. Deuchler Associates Inc.  
*Consulting Engineers*

230 WOODLAWN AVENUE, AURORA, ILLINOIS 60506

Area Code 312  
897-4651

E. GARRETTA ELLIOTT  
TO  
THE AURORA SANITARY DISTRICT  
WARRANTY DEED 10-29-54  
(3.02 ACRES)

That part of the Southwest Quarter of Section 5, Township 37 North, Range 8 East of the Third Principal Meridian described as follows: Commencing at the point of intersection of the Easterly right-of-way line of the Chicago, Burlington and Quincy Railroad with the North line of said Southwest Quarter; thence East along said North line 235.7 feet to the center line of the original road; thence Southerly along said center line 273.5 feet for the point of beginning; thence Southerly along said center line 123.1 feet; thence East 450 feet; thence North 122.57 feet; thence West 438.55 feet to the point of beginning, in the Township of Oswego, Kendall County, Illinois.



|                             |   |                            |   |                         |
|-----------------------------|---|----------------------------|---|-------------------------|
| Water Works and Sewerage    | • | Buildings and Structures   | • | Design and Construction |
| Streets and Street Lighting | • | Investigations and Reports | • | Project Financing       |

Walter E. Deuchler Associates Inc.  
*Consulting Engineers*

230 WOODLAWN AVENUE, AURORA, ILLINOIS 60506

Area Code 312  
897-4651

EMMA MICHELS  
TO  
THE AURORA SANITARY DISTRICT  
WARRANTY DEED 2-15-45  
(3.02 Acres)

That part of the Southwest Quarter of Section 5, Township 37 North, Range 8 East of the Third Principal Meridian, described by commencing at a point in the north line of said Southwest Quarter, where said North line is intersected by the center line of the Northerly and Southerly highway running through said Southwest Quarter section; thence South  $5^{\circ}12'$  West along the center line of said highway 327.4 feet to an iron stake for a place of beginning; thence South  $5^{\circ}12'$  West along the center line of said highway, 69.2 feet; thence East 1072.4 feet to the meander line of Fox River; thence North  $43^{\circ}$  East 167.6 feet to a large iron bolt; thence West 1134.5 feet; thence South  $45^{\circ}29'$  West to the place of beginning, containing 3.02 acres more or less; situated in the County of Kendall and State of Illinois.



|                             |   |                            |   |                         |
|-----------------------------|---|----------------------------|---|-------------------------|
| Water Works and Sewerage    | • | Buildings and Structures   | • | Design and Construction |
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Walter E. Deuchler Associates Inc.

*Consulting Engineers*

230 WOODLAWN AVENUE, AURORA, ILLINOIS 60506

Area Code 312  
897-4651

ELWYN A. AND JESSIE B. BERNBROCK  
TO  
THE AURORA SANITARY DISTRICT  
QUIT-CLAIM DEED 10-24-27  
(26.84 ACRES)

TRACT "A"

Part of the Southwest Quarter of Section 5, Township 37 North, Range 8 East of the Third Principal Meridian, described by commencing at a point in the north line of said Southwest Quarter where said north line is intersected by the center line of the highway running northerly through said quarter; thence South  $5^{\circ} 12'$  West along the center line of said highway 327.4 feet to an iron stake for a place of beginning; thence South  $5^{\circ} 12'$  West along the center line of said highway 69.2 feet to an iron stake; thence North  $90^{\circ}$  East parallel to the North line of said Southwest Quarter 1088.3 feet to an iron stake on the Westerly bank of the Fox River; thence North  $42^{\circ} 41'$  East along said Westerly bank 177.1 feet; thence North  $32^{\circ} 15'$  East along the Westerly bank of said river 313.5 feet to an iron stake on the North line of said Southwest Quarter; thence South  $90^{\circ}$  West along said North line 1037.4 feet to an iron stake on the Easterly right-of-way line of the Aurora, Elgin and Chicago Railway Company; thence South  $45^{\circ} 29'$  West along said Easterly right-of-way line 465.6 feet to the place of beginning, containing ten acres more or less.

Excepting therefrom, however, all that part thereof heretofore conveyed by Albert L. Treman to George Michels by Warranty Deed dated September 12, 1925 and recorded September 19, 1925, in Book 75 of Warranty Deeds on Page 372 in the Recorder's Office of Kendall County, Illinois, which portion so excepted contains 3.02 acres more or less and is particularly described as follows:

Commencing at a point in the North line of said Southwest Quarter where said North line is intersected by the center line of the Northerly and Southerly highway running through said Southwest Quarter; thence South  $5^{\circ} 12'$  West along the center line of said highway 327.4 feet to an iron stake for place of beginning; thence South  $5^{\circ} 12'$  West along the center line of said highway 69.2 feet; thence East 1072.4 feet to the meander line of Fox River; thence North  $43^{\circ}$  East 167.6 feet to a large iron bolt; thence West 1134.5 feet; thence South  $45^{\circ} 29'$  West to the place of beginning; containing 3.02 acres more or less as aforesaid.



Water Works and Sewerage  
Streets and Street Lighting

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Buildings and Structures  
Investigations and Reports

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Design and Construction  
Project Financing



ELWYN A. AND JESSIE B. BERNBROCK, PAGE 2

TRACT "B"

All that part of the following described lands which are east of the center line of the North and South highway running through the West half of Section 5 and commonly known as the Oswego and Aurora Road and also known as State Highway Route No. 18, to-wit:

Part of the North half of Section 5 and 6, Township 37 North, Range 8 East of the Third Principal Meridian bounded as follows to-wit:

Beginning at the Northwest corner of the Southwest Quarter of said Section 6; thence North 37 rods and 12 feet; thence East 344 rods to the West shore of Fox River; thence South along the West shore of said river 37 rods 12 feet; thence West along the north line of the South half of said Sections 5 and 6, 344 rods to the place of beginning; excepting the rights-of-way of the Chicago, Burlington and Quincy Railroad Company and the Aurora, Elgin and Chicago Railway Company; the piece of land hereby intended to be described containing 17 acres of land more or less;

All of said lands being situated in the County of Kendall, State of Illinois, hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois.

Walter E. Deuchler Associates Inc.  
*Consulting Engineers*

230 WOODLAWN AVENUE, AURORA, ILLINOIS 60506

Area Code 312  
897-4651

AURORA, ELGIN AND FOX RIVER ELECTRIC COMPANY  
TO  
THE AURORA SANITARY DISTRICT  
QUIT CLAIM DEED 6-18-28  
(1.87 ACRES)

1. Part of the Northwest Quarter of Section 5, Township 37 North, Range 8 East of the Third Principal Meridian described as follows: to-wit: Commencing at the point of intersection of the center line of the Aurora-Oswego Highway on the West side of the Fox River and the South line of said Northwest Quarter of Section 5; thence East along said South line 232.9 feet; thence North  $53^{\circ} 51'$  East 1144.7 feet to the point of beginning; thence North  $53^{\circ} 51'$  East 84.0 feet to the westerly right-of-way line of the Chicago, Burlington and Quincy Railroad; thence Southeasterly along said right-of-way line 41.35 feet; thence South  $53^{\circ} 51'$  West 19.7 feet; thence West 69.0 feet to the point of beginning, containing 0.05 acres.

2. Part of the Northwest Quarter of Section 5, Township 37 North, Range 8 East of the Third Principal Meridian, described as follows: to-wit: Commencing at the point of intersection of the center line of the Aurora-Oswego Highway on the West side of the Fox River and the South line of said Northwest Quarter of Section 5; thence East along said South line 232.9 feet to the point of beginning; thence North  $53^{\circ} 51'$  East 1144.7 feet; thence East 69.00 feet; thence South  $53^{\circ} 51'$  West 1144.7 feet to said South line of the Northwest Quarter of Section 5; thence West 69.00 feet to the point of beginning, containing 1.05 acres.

3. Part of the Southwest Quarter of Section 5, Township 37 North, Range 8 East of the Third Principal Meridian, described as follows: to-wit: Beginning at the point of intersection of the center line of the Aurora-Oswego Highway on the West side of the Fox River and the North line of said Southwest Quarter of Section 5; thence East along said North line 301.9 feet to the center line of the Aurora-Oswego Road; thence North  $5^{\circ} 12'$  East along the center line of said road 327.4 feet to the point of beginning, containing 1.13 acres, situated in the County of Kendall in the State of Illinois,



Water Works and Sewerage  
Streets and Street Lighting

• Buildings and Structures  
• Investigations and Reports

• Design and Construction  
• Project Financing



Walter E. Deuchler Associates Inc.

*Consulting Engineers*

230 WOODLAWN AVENUE, AURORA, ILLINOIS 60506

Area Code 312  
897-4651

(UNDIVIDED 2/9ths INTEREST)  
ELIZABETH HALL, GUARDIAN OF THE ESTATE OF JOHN W. BRICKERT, A MINOR  
TO  
THE AURORA SANITARY DISTRICT  
GUARDIAN'S DEED DOC. NO. 157622  
12-13-67  
(14.69 ACRES)

An undivided two ninths (2/9ths) interest in, of and to: That part of the Northwest quarter of Section 5, Township 37 North, Range 8 East of the Third Principal Meridian, described by commencing at the Southwest corner of the Northwest Quarter of Section 6, Township 37 North, Range 8 East of the Third Principal Meridian; thence North  $0^{\circ} 07' 30''$  West along the West line of the Northwest Quarter of said Section 6, 532.67 feet (8.07 chains); thence South  $89^{\circ} 49' 12''$  East 4502.1 feet to the Easterly line of the right-of-way of the Chicago Burlington and Quincy Railroad Company's main line for a point of beginning; thence North  $31^{\circ} 17' 48''$  East along said Easterly line 1007.52 feet to the South line of lands formerly owned by Rufus Gray; thence East along said South line 441.08 feet to the Westerly line of the right-of-way of the Chicago, Burlington & Quincy Railroad Company's branch line; thence Southerly along said Westerly line an arc distance of 833.49 feet to the Northwesterly line of the former Aurora, Elgin and Morris Railroad; thence South  $55^{\circ} 42' 25''$  West along said Northwesterly line 84.00 feet to a line drawn South  $89^{\circ} 49' 12''$  East from the point of beginning; thence North  $89^{\circ} 49' 12''$  West along said line 1025.54 feet to the point of beginning, in the Town of Oswego, Kendall County, Illinois, being 14.6878 acres.



|                             |   |                            |   |                         |
|-----------------------------|---|----------------------------|---|-------------------------|
| Water Works and Sewerage    | • | Buildings and Structures   | • | Design and Construction |
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Walter E. Deuchler Associates Inc.

*Consulting Engineers*

230 WOODLAWN AVENUE, AURORA, ILLINOIS 60506

Area Code 312  
897-4651

(UNDIVIDED 5/9ths INTEREST)  
ELIZABETH AND HERBERT HALL  
TO  
THE AURORA SANITARY DISTRICT  
WARRANTY DEED DOC. NO. 157620  
12-13-67  
(14.69 ACRES)

That part of the Northwest Quarter of Section 5, Township 37 North, Range 8 East of the Third Principal Meridian, described by commencing at the Southwest corner of the Northwest Quarter of Section 6, Township 37 North, Range 8 East of the Third Principal Meridian; thence North  $0^{\circ} 07' 30''$  West along the West line of the Northwest Quarter of said Section 6, 532.67 feet (8.07 chains); thence South  $89^{\circ} 49' 12''$  East 4502.1 feet to the Easterly line of the right-of-way of the Chicago, Burlington and Quincy Railroad Company's main line for point of beginning; thence North  $31^{\circ} 17' 48''$  East along said Easterly line 1007.52 feet to the South line of lands formerly owned by Rufus Gray; thence East along said South line 441.08 feet to the Westerly line of the right-of-way of the Chicago, Burlington & Quincy Railroad Company's branch line; thence Southerly along said Westerly line an arc distance of 833.49 feet to the Northwesterly line of the former Aurora, Elgin and Morris Railroad; thence South  $55^{\circ} 42' 25''$  West along said Northwesterly line 84.00 feet to a line drawn South  $89^{\circ} 49' 12''$  East from the point of beginning; thence North  $89^{\circ} 49' 12''$  West along said line 1025.54 feet to the point of beginning, in the Town of Oswego, Kendall County, Illinois, being 14.6878 acres.



Water Works and Sewerage  
Streets and Street Lighting

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Buildings and Structures  
Investigations and Reports

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Design and Construction  
Project Financing

Walter E. Deuchler Associates Inc.

*Consulting Engineers*

230 WOODLAWN AVENUE, AURORA, ILLINOIS 60506

Area Code 312  
897-4651

(UNDIVIDED 2/9ths INTEREST)

ELIZABETH HALL

GUARDIAN OF THE ESTATE OF LINDA SUE BRICKERT, A MINOR  
TO

THE AURORA SANITARY DISTRICT  
GUARDIAN'S DEED DOC. NO. 157621

12-13-67

(14.69 ACRES)

An undivided two ninths (2/9ths) interest in, of and to: That part of the Northwest quarter of Section 5, Township 37 North, Range 8 East of the Third Principal Meridian, described by commencing at the Southwest corner of the Northwest Quarter of Section 6, Township 37 North, Range 8 East of the Third Principal Meridian; thence North 0° 07' 30" West along the West line of the Northwest Quarter of said Section 6, 532.67 feet (8.07 chains); thence South 89° 49' 12" East 4502.1 feet to the Easterly line of the right-of-way of the Chicago Burlington and Quincy Railroad Company's main line for a point of beginning; thence North 31° 17' 48" East along said Easterly line 1007.52 feet to the South line of lands formerly owned by Rufus Gray; thence East along said South line 441.08 feet to the Westerly line of the right-of-way of the Chicago, Burlington & Quincy Railroad Company's branch line; thence Southerly along said Westerly line an arc distance of 833.49 feet to the Northwesterly line of the former Aurora, Elgin and Morris Railroad; thence South 55° 42' 25" West along said Northwesterly line 84.00 feet to a line drawn South 89° 49' 12" East from the point of beginning; thence North 89° 49' 12" West along said line 1025.54 feet to the point of beginning, in the Town of Oswego, Kendall County, Illinois, being 14.6878 acres.



Water Works and Sewerage  
Streets and Street Lighting

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Buildings and Structures  
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Design and Construction  
Project Financing

**LEGAL DESCRIPTION**

**PARCEL ONE:**

LOT ONE (1) OF LARSON SUBDIVISION, IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS (EXCEPTING THEREFROM ANY PORTION THEREOF ZONED R-1 SPECIAL USE ON MARCH 18, 2011).

**PARCEL TWO:**

LOT 2 (EXCEPT THE SOUTHERLY 45 FEET, MEASURED ALONG THE WESTERLY LINE) IN LARSON SUBDIVISION IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS.

**PARCEL THREE:**

THAT PART OF LOTS 2 AND 3 OF LARSON'S SUBDIVISION DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 3 BEING ON THE CENTERLINE OF STATE ROUTE NO. 31; THENCE SOUTH 7° 01' WEST ALONG SAID CENTERLINE, 46.58 FEET FOR THE POINT OF BEGINNING; THENCE NORTH 7° 01' EAST ALONG SAID CENTERLINE, 91.58 FEET; THENCE SOUTH 88° 31' EAST PARALLEL WITH THE NORTH LINE OF SAID LOT 3, 781.87 FEET TO THE EASTERLY LINE OF SAID LOT 2; THENCE SOUTH 19° 40' WEST ALONG THE EASTERLY LINES OF LOTS 2 AND 3, 106.9 FEET; THENCE SOUTH 9° 39' EAST ALONG THE EASTERLY LINE OF SAID LOT 3, 70.83 FEET TO A LINE DRAWN SOUTH 82° 36' EAST, PARALLEL WITH THE SOUTHERLY LINE OF SAID LOT 3, FROM THE PLACE OF BEGINNING; THENCE NORTH 82° 36' WEST ALONG SAID PARALLEL LINE, 775.16 FEET TO THE PLACE OF BEGINNING, IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS.

**FOX METRO WATER RECLAMATION DISTRICT**  
**PROPERTY ACQUISITION**  
**PROPERTY LYING NORTH OF EXISTING TREATMENT PLANT SITE**

**LEGAL DESCRIPTION**

THAT PART OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN; THENCE NORTH 00° 07' 30" WEST ALONG THE WEST LINE OF SAID NORTHWEST QUARTER OF SECTION 6 FOR 532.67 FEET (8.07 CHAINS); THENCE SOUTH 89° 49' 12" EAST, 4502.1 FEET TO THE EASTERLY LINE OF THE RIGHT-OF-WAY OF THE FORMER CHICAGO BURLINGTON AND QUINCY RAILROAD COMPANY MAIN LINE; THENCE NORTH 31° 17' 48" EAST ALONG SAID EASTERLY LINE, 1007.52 FEET TO THE POINT OF BEGINNING ON THE SOUTH LINE OF LANDS FORMERLY OWNED BY RUFUS GRAY; THENCE CONTINUING NORTH 31° 17' 48" EAST ALONG SAID EASTERLY LINE, 1396.03 FEET; THENCE SOUTH 90° 00' 00" EAST, 55.87 FEET TO THE WESTERLY LINE OF THE FORMER OTTAWA, OSWEGO AND FOX RIVER VALLEY RAILROAD; THENCE SOUTH 19° 37' 07" WEST ALONG SAID WESTERLY LINE, 683.22 FEET TO A POINT OF CURVATURE; THENCE SOUTHERLY ALONG SAID WESTERLY LINE, BEING ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1954.59 FEET FOR 562.28 FEET TO SAID SOUTHERLY LINE OF LANDS FORMERLY OWNED BY RUFUS GRAY; THENCE SOUTH 90° 00' 00" WEST ALONG SAID SOUTHERLY LINE, 441.14 FEET TO THE POINT OF BEGINNING, CONTAINING 6.002 ACRES IN KENDALL COUNTY, ILLINOIS.



**FOX METRO SOUTH PLANT EXPANSION  
REQUEST FOR ZONING VARIANCE**

**LEGAL DESCRIPTION**

**PARCEL ONE:**

THAT PART OF LOT 3 OF LARSON SUBDIVISION, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT, BEING ON THE CENTERLINE OF STATE ROUTE NO. 31; THENCE SOUTHERLY ALONG SAID CENTERLINE, 46.58 FEET FOR THE POINT OF BEGINNING; THENCE SOUTH 82° 36' EAST, PARALLEL WITH THE SOUTHERLY LINE OF SAID LOT, 775.16 FEET TO THE EASTERLY LINE OF SAID LOT; THENCE SOUTH 9° 39' EAST ALONG SAID EASTERLY LINE, 229.17 FEET; THENCE SOUTH 37° 16' EAST, 35.20 FEET TO THE SOUTHEAST CORNER OF SAID LOT; THENCE NORTH 82° 36' WEST ALONG THE SOUTHERLY LINE OF SAID LOT, 867.3 FEET TO THE CENTERLINE OF SAID STATE ROUTE NO. 31; THENCE NORTHERLY ALONG SAID CENTERLINE, 250.52 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS.

**PARCEL TWO:**

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST FRACTIONAL QUARTER OF SECTION 6, TOWNSHIP AND RANGE AFORESAID; THENCE SOUTH ALONG THE WEST LINE OF SAID SECTION 6, 1363.34 FEET; THENCE SOUTH 82° 36' EAST, 5298.7 FEET TO THE WESTERLY BANK OF FOX RIVER; THENCE NORTH 18° 46' WEST ALONG SAID WESTERLY BANK, 192.5 FEET FOR THE POINT OF BEGINNING; THENCE NORTH 18° 46' WEST ALONG SAID WESTERLY BANK, 44.35 FEET; THENCE NORTH 37° 16' WEST ALONG SAID WESTERLY BANK, 227.8 FEET; THENCE NORTH 82° 36' WEST, 867.3 FEET TO THE CENTERLINE OF THE ORIGINAL ROAD; THENCE SOUTHERLY ALONG SAID CENTERLINE, 200 FEET TO A LINE DRAWN NORTH 82° 36' WEST FROM THE POINT OF BEGINNING; THENCE SOUTH 82° 36' EAST, 1014.21 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS (\*AKA LOT 4 OF LARSON SUBDIVISION).

**PARCEL THREE:**

TRACT ONE:

LOT 5 OF LARSON'S SUBDIVISION, TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS.

TRACT TWO:

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE SOUTH LINE OF SAID SECTION 5 WITH THE CENTERLINE OF ILLINOIS STATE ROUTE NUMBER 31; THENCE NORTH 6° 44' EAST ALONG SAID CENTERLINE, 745.75 FEET; THENCE SOUTH 82° 30' EAST, 100 FEET TO THE POINT OF BEGINNING; THENCE SOUTHWESTERLY AT RIGHT ANGLES WITH THE LAST DESCRIBED COURSE, 110 FEET; THENCE SOUTH 82° 30' EAST TO THE CENTER THREAD OF THE FOX RIVER; THENCE NORTHERLY ALONG SAID CENTER THREAD TO A LINE DRAWN SOUTH 82° 30' EAST FOR THE POINT OF BEGINNING; THENCE NORTH 82° 30' WEST TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS.

**PARCEL FOUR:**

THAT PART OF THE SOUTH HALF OF THE WEST PART OF SECTION 5, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, WHICH LIES EAST OF THE CENTERLINE OF STATE ROUTE NO. 31 AND SOUTH OF A LINE EXTENDING SOUTH 82° 30' EAST FROM A POINT IN THE SAID CENTERLINE OF SAID HIGHWAY THAT IS NORTH 6° 44' EAST, 745.75 FEET FROM THE SOUTH LINE OF SAID SECTION TO THE CENTER THREAD OF THE FOX RIVER (EXCEPT THE RIGHT OF WAY OF THE SAID STATE ROUTE NO. 31 AND A STRIP IN THE NORTHWEST CORNER 67 FEET WIDE AND 325 FEET LONG MEASURED ALONG THE EASTERLY LINE OF SAID HIGHWAY, USED FOR CEMETERY PURPOSES, AND ALSO EXCEPT THAT PART LYING SOUTH OF THE NORTH LINE OF PREMISES CONVEYED TO THE COMMONWEALTH EDISON COMPANY BY WARRANTY DEED RECORDED OCTOBER 9, 1959 AS DOCUMENT 127020 AND ALSO EXCEPT THAT PART DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE SOUTH LINE OF SAID SECTION 5 WITH THE CENTERLINE OF ILLINOIS STATE ROUTE NO. 31; THENCE NORTH  $6^{\circ} 44'$  EAST ALONG SAID CENTERLINE, 745.75 FEET; THENCE SOUTH  $82^{\circ} 30'$  EAST 100 FEET FOR THE POINT OF BEGINNING; THENCE SOUTHWESTERLY AT RIGHT ANGLES WITH THE LAST DESCRIBED COURSE, 110 FEET; THENCE SOUTH  $82^{\circ} 30'$  EAST TO THE CENTER THREAD OF THE FOX RIVER; THENCE NORTHERLY ALONG SAID CENTER THREAD TO A LINE DRAWN SOUTH  $82^{\circ} 30'$  EAST FROM THE POINT OF BEGINNING; THENCE NORTH  $82^{\circ} 30'$  WEST TO THE POINT OF BEGINNING, AND ALSO EXCEPTING THEREFROM THAT PART OF THE SOUTH HALF OF SECTION 5, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE CENTERLINE OF STATE ROUTE 31 WHICH IS 165.86 FEET NORTH OF THE INTERSECTION OF SAID CENTERLINE WITH THE SOUTH LINE OF SAID SECTION 5 AS MEASURED ALONG THE CENTERLINE OF SAID ROAD; THENCE NORTH  $6^{\circ} 03' 17''$  EAST ALONG SAID CENTERLINE, 85.00 FEET; THENCE EASTERLY AT AN ANGLE OF  $87^{\circ} 43' 10''$  MEASURED COUNTER CLOCKWISE FROM THE LAST DESCRIBED COURSE, 99.08 FEET; THENCE NORTHEASTERLY AT AN ANGLE OF  $169^{\circ} 46' 24''$  MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, 87.59 FEET; THENCE NORTHERLY AT AN ANGLE OF  $142^{\circ} 32' 41''$  MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, 69.19 FEET; THENCE NORTHERLY AT AN ANGLE OF  $148^{\circ} 08' 36''$  MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, 52.57 FEET; THENCE EASTERLY AT AN ANGLE OF  $106^{\circ} 13' 20''$  MEASURED COUNTER-CLOCKWISE FROM THE LAST DESCRIBED COURSE, 859.60 FEET, MORE OR LESS, TO THE WEST BANK OF THE FOX RIVER; THENCE SOUTHERLY ALONG THE WEST BANK OF SAID FOX RIVER, 302.20 FEET, MORE OR LESS, TO THE NORTHERLY LINE OF COMMONWEALTH EDISON LANDS DESCRIBED IN DOCUMENT NO. 127020 AT THE RECORDER'S OFFICE OF KENDALL COUNTY, ILLINOIS; THENCE WESTERLY ALONG SAID NORTHERLY LINE, 1109.30 FEET, MORE OR LESS, TO THE POINT OF BEGINNING), IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS.



**PARCEL FIVE:**

THAT PART OF THE SOUTH HALF OF SECTION 5, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE CENTERLINE OF STATE ROUTE 31, WHICH IS 165.86 FEET NORTH OF THE INTERSECTION OF SAID CENTERLINE WITH THE SOUTH LINE OF SAID SECTION 5 AS MEASURED ALONG THE CENTERLINE OF SAID ROAD; THENCE NORTH  $06^{\circ} 03' 17''$  EAST ALONG SAID CENTERLINE, 85.00 FEET; THENCE EASTERLY AT AN ANGLE OF  $87^{\circ} 43' 10''$  MEASURED COUNTER-CLOCKWISE FROM THE LAST DESCRIBED COURSE, 99.08 FEET; THENCE NORTHEASTERLY AT AN ANGLE OF  $169^{\circ} 46' 24''$  MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, 87.59 FEET; THENCE NORTHERLY AT AN ANGLE OF  $142^{\circ} 32' 41''$  MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, 69.19 FEET; THENCE NORTHERLY AT AN ANGLE OF  $148^{\circ} 08' 36''$  MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, 52.57 FEET; THENCE EASTERLY AT AN ANGLE OF  $106^{\circ} 13' 20''$  MEASURED COUNTER-CLOCKWISE FROM THE LAST DESCRIBED COURSE, 1010.40 FEET, MORE OR LESS, TO THE WEST BANK OF THE FOX RIVER; THENCE SOUTHERLY ALONG THE WEST BANK OF SAID FOX RIVER, 320 FEET MORE OR LESS, TO THE NORTHERLY LINE OF THE COMMONWEALTH EDISON COMPANY LANDS DESCRIBED IN DOCUMENT 127020 AT THE RECORDER'S OFFICE OF KENDALL COUNTY, ILLINOIS; THENCE WESTERLY ALONG SAID NORTHERLY LINE, 1109.30 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS.

g:\J1N\1012-00\2LEGAL-04-19-11

THE GRANTORS. FRANCIS T. SMITH AND MARION B. SMITH, HIS WIFE,

of the Township of Oswego County of Kendall State of Illinois  
for and in consideration of the sum of Ten Dollars and other valuable consideration in hand paid Convey... and Warrant.....  
to THE AURORA SANITARY DISTRICT, a Municipal Corporation,

of the Township of Oswego County of Kendall State of Illinois  
the following described Real Estate, to-wit:

Lot One (1) of Larson Subdivision, in the Township of Oswego,  
Kendall County, Illinois;

situated in the Township of Oswego County of Kendall in the State of Illinois,  
hereby releasing and waiving rights under and by virtue of the Homestead Exemption Laws of the State of Illinois.

Dated this 30 day of November A. D. 19 64.

[SEAL]

[SEAL]

[SEAL]

[SEAL]

[SEAL]

[SEAL]

State of Illinois } as. I, the undersigned, a Notary Public in, and for said County and State aforesaid, DO HEREBY CERTIFY that  
Kane County }

Francis T. Smith and Marion B. Smith, His Wife, personally known to me to be the same person.

whose name is subscribed to the foregoing instrument, appeared before me this day in person and  
acknowledged that they signed, sealed and delivered the said instrument as their  
free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of  
the right of homestead.

Given under my hand and notarial seal, this 30 day of November

A. D. 19 64

[SEAL]

**WARRANTY DEED**

The Grantors, Mark A. Blake and Debra D. Blake, husband and wife, of the village of Oswego, County of Kendall, State of Illinois for and in consideration of ten dollars, and other valuable and good considerations in hand paid, convey and warrant to FOX METRO WATER RECLAMATION DISTRICT, A BODY CORPORATE AND POLITIC, of 682 A Route 31, Oswego, Illinois, the following Real Estate situated in the County of Kendall in the State of Illinois:

See Schedule A on reverse side

Subject to general real estate taxes not due and payable at the time of closing; special assessments confirmed after the contract date; building, building line and use or occupancy restrictions, conditions and covenants of record; zoning laws and ordinances; easements for public utilities; drainage ditches, feeders, laterals and drain tile, pipe or other conduit; party walls, party wall rights and agreements; assessments due after the date of closing;


For Recorder's Use Only


hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois; to have and to hold said premises forever.

This deed is exempt from the provisions of Article 31 of the Property Tax Code, under the provisions of Paragraph (b), Section 31-45.

Permanent Real Estate Index Number: 03-05-302-004  
Address of Real Estate: 708 Route 31, Oswego, Illinois 60543

Dated this 15<sup>th</sup> day of March, 1999.

  
Mark A. Blake

  
Debra D. Blake

State of Illinois )  
County of DuPage ) SS

I, the undersigned, a Notary Public in and for the County of DuPage, State of Illinois, do hereby certify that Mark A. Blake and Debra D. Blake, personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that they signed, sealed and delivered said instrument as their free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

Given under my hand and official seal, this 15<sup>th</sup> day of March, 1999.


  
Notary Public

"OFFICIAL SEAL"  
KATHLEEN J. GETTY  
NOTARY PUBLIC, STATE OF ILLINOIS  
MY COMMISSION EXPIRES 08/28/01

Schedule A

LOT 2 (EXCEPT THE SOUTHERLY 45 FEET, MEASURED ALONG THE WESTERLY LINE) IN LARSON SUBDIVISION, IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS

This deed is exempt from the provisions of Article 31 of the Property Tax Code, under the provisions of Paragraph (b), Section 31-45.

---

Mark A. Blake

Mail To:  
Mr. Dallas C. Ingemunson, Esquire  
Law Offices of Dallas C. Ingemunson  
P.O. Box 578  
Yorkville, Illinois 60560

Send Subsequent Tax Bills To:  
FOX METRO WATER RECLAMATION DISTRICT  
708 Route 31  
Oswego, Illinois 60543

This Deed Was Prepared By:  
Kathleen J. Getty  
Getty & Getty, Attorneys at Law  
29 South Webster Street  
Suite 270  
Naperville, Illinois 60540

03/09/2011 14:36 6305537958

Attachment 1, Page 27

PAGE 01/03

9912582 08/25/1999 11:41A 1 of 2  
 WARRANTY DEED Paul Anderson, Kendall County, IL Recorder

The Grantor, Gloria W. Funk, divorced not since remarried, of the village of Oswego, County of Kendall, State of Illinois for and in consideration of ten dollars, and other valuable and good considerations in hand paid, convey and warrant to FOX METRO WATER RECLAMATION DISTRICT, A BODY CORPORATE AND POLITIC, of 682 A Route 31, Oswego, Illinois, the following Real Estate situated in the County of Kendall in the State of Illinois:

See Schedule A on reverse side

Subject to general real estate taxes not due and payable at the time of closing; special assessments confirmed after the contract date; building, building line and use or occupancy restrictions, conditions and covenants of record; zoning laws and ordinances; easements for public utilities; drainage ditches, feeders, laterals and drain tile, pipe or other conduit; party walls, party wall rights and agreements; assessments due after the date of closing;

For Recorder's Use Only


hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois; to have and to hold said premises forever.

This deed is exempt from the provisions of Article 31 of the Property Tax Code, under the provisions of Paragraph (b), Section 31-45.

Permanent Real Estate Index Number: 03-05-353-001

Address of Real Estate: 720 Route 31, Oswego, Illinois 60543

Dated this 8/24 day of August, 1999.

  
 Gloria W. Funk

State of Illinois) )SS  
 County of DuPage )

"OFFICIAL SEAL"  
 KATHLEEN J. GETTY  
 NOTARY PUBLIC, STATE OF ILLINOIS  
 MY COMMISSION EXPIRES 08/28/01

I, the undersigned, a Notary Public in and for the County of DuPage, State of Illinois, do hereby certify that Gloria W. Funk, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that she signed, sealed and delivered said instrument as her free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

Given under my hand and official seal, this 24th day of August, 1999.

  
 Notary Public

**WARRANTY DEED**

**INDIVIDUAL TO  
CORPORATION**

The Grantor, THOMAS P. PECK, an unmarried man of the Township of Oswego, Kendall Illinois for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00), in hand paid, and other good and valuable consideration CONVEYS and WARRANTS to FOX METRO WATER RECLAMATION DISTRICT, a municipal corporation, of the Township of Oswego, Kendall County a corporation created and existing under and by virtue of the laws of the State of Illinois and duly authorized to transact business in the State of Illinois, the following described Real Estate to wit:

See attached legal description

Permanent Index No: 03-05-353-002  
Commonly known as: 736 Route 31, Oswego, IL 60543

situated in the County of Kendall, in the State of Illinois, hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois.

Dated this 22 day of FEBRUARY, 1999.

\_\_\_\_\_  
(SEAL)

\_\_\_\_\_  
(SEAL)  
THOMAS P. PECK

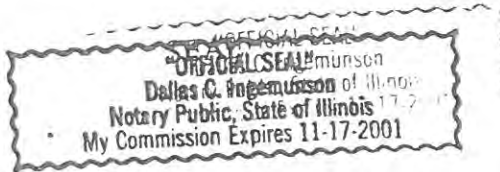
This document prepared by:  
Attorney James R. Edwards  
6 W. Downer Pl., P.O. Box 908  
Aurora, IL 60507




STATE OF ILLINOIS )  
 )  
COUNTY OF KENDALL ) SS.

I, the undersigned, a Notary Public, in and for said County and State aforesaid, DO  
HEREBY CERTIFY, that Thomas P. Peck personally known to me to be the same person  
whose name is subscribed to the foregoing instrument, appeared before 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, including the release and waiver of the right of  
homestead.

Given under my hand and notarial seal, this 22 day of FEBRUARY, A.D., 1999.



  
NOTARY PUBLIC

Grantees Address

FOX METRO WATER RECLAMATION DISTRICT  
682A Route 31  
Oswego, IL 60543

Mail Tax Bills To:

Fox Metro Water Reclamation District  
682A Route 31  
Oswego, IL 60543

THIS INSTRUMENT PREPARED BY:

Attorney James R. Edwards  
6 W. Downer Pl., P.O. box 908  
Aurora, IL 60507  
630/897-1534

AFTER RECORDING RETURN TO:

LAW OFFICES  
Dallas C. Ingemunson  
226 S. Bridge Street - P.O. Box 578  
Yorkville, Illinois 60560-0578

That part of Lot 3 of Larson Subdivision, described as follows: Commencing at the Northwest corner of said Lot, being on the center line of State Route No. 31; thence Southerly along said center line 46.58 feet for the point of beginning; thence South  $82^{\circ} 36'$  East parallel with the Southerly line of said Lot, 775.16 feet to the Easterly line of said Lot; thence South  $9^{\circ} 39'$  East along said Easterly line 229.17 feet; thence South  $37^{\circ} 16'$  East thereof; thence North  $82^{\circ} 36'$  West along the Southerly line of said Lot, 867.3 feet to the center line of said State Route No. 31; thence Northerly along said center line 250.52 feet to the point of beginnin, in the Township of Oswego, Kendall County, Illinois.



WARRANTY DEED

**INDIVIDUAL TO  
CORPORATION**

MAIL TO:

Fox Metro Water Reclam. Dist.  
682A Route 31  
Oswego, IL 60543

NAME & ADDRESS OF

TAXPAYER:

Fox Metro Water Reclam. Dist.  
682A Route 31  
Oswego, IL 60543

THE GRANTOR(S) DALE E. STAHL and VIRGINIA J. STAHL, husband and wife, of the Village of Oswego, County of Kendall, State of Illinois, for and in consideration in hand paid, CONVEY(S) AND WARRANT(S) to FOX METRO WATER RECLAMATION DISTRICT, a municipal corporation, of the Township of Oswego, Kendall County, a corporation created and existing under and by virtue of the laws of the State of Illinois and duly authorized to transact business in the State of Illinois, the following described real estate situated in the County of KENDALL, the State of Illinois, to wit:


SEE ATTACHED LEGAL DESCRIPTION

hereby releasing all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois.

Subject to general real estate taxes for the year 1998 and subsequent years; covenants, conditions and restrictions of record; building line restrictions, utility easements and building and zoning laws and ordinances.

Permanent Index Number(s): 03-05-353-003  
Property Address: 810 Route 31, Oswego, Illinois

Dated this 7 day of MAY, 19 99.

  
DALE E. STAHL

(SEAL)

  
VIRGINIA J. STAHL

(SEAL)

THAT PART OF THE SOUTHWEST 1/4 OF SECTION 5, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST FRACTIONAL QUARTER OF SECTION 6, TOWNSHIP AND RANGE AFORESAID; THENCE SOUTH ALONG THE WEST LINE OF SAID SECTION 6, 1363.34 FEET; THENCE SOUTH 82 DEGREES 36 MINUTES EAST 5298.7 FEET TO THE WESTERLY BANK OF FOX RIVER; THENCE NORTH 18 DEGREES 46 MINUTES WEST ALONG SAID WESTERLY BANK 192.5 FEET FOR THE POINT OF BEGINNING; THENCE NORTH 18 DEGREES 46 MINUTES WEST ALONG SAID WESTERLY BANK 44.35 FEET; THENCE NORTH 37 DEGREES 16 MINUTES WEST ALONG SAID WESTERLY BANK 227.8 FEET; THENCE NORTH 82 DEGREES 36 MINUTES WEST 867.3 FEET TO THE CENTER LINE OF THE ORIGINAL ROAD; THENCE SOUTHERLY ALONG SAID CENTER LINE 200 FEET TO A LINE DRAWN NORTH 82 DEGREES 36 MINUTES WEST FROM THE POINT OF BEGINNING; THENCE SOUTH 82 DEGREES 36 MINUTES EAST 1014.21 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS.

WARRANTY DEED

9905351 04/06/1999 11:07A 1 of 3  
Paul Anderson, Kendall County, IL Recorder

INDIVIDUAL TO  
CORPORATION

MAIL TO:

Fox Metro Water Reclam. Dist.  
682A Route 31  
Oswego, IL 60543

NAME & ADDRESS OF  
TAXPAYER:

Fox Metro Water Reclam. Dist.  
682A Route 31  
Oswego, IL 60543

EXEMPT

THE GRANTOR(S) DONALD C. SCHROEDER and MARTHA E. SCHROEDER, husband and wife, as to Parcel One; DONALD C. SCHROEDER, MARTHA E. SCHROEDER, husband and wife, and SCOT DEAN SCHROEDER, a married person, as to Parcel Two, of the Village of Oswego, County of Kendall, State of Illinois, for and in consideration in hand paid, CONVEY(S) AND WARRANT(S) to FOX METRO WATER RECLAMATION DISTRICT, a municipal corporation, of the Township of Oswego, Kendall County, a corporation created and existing under and by virtue of the laws of the State of Illinois and duly authorized to transact business in the State of Illinois, the following described real estate situated in the County of KENDALL, the State of Illinois, to wit:

SEE ATTACHED LEGAL DESCRIPTION



hereby releasing all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois.

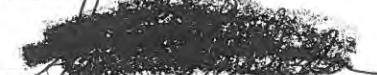
Subject to general real estate taxes for the year 1998 and subsequent years; covenants, conditions and restrictions of record; building line restrictions, utility easements and building and zoning laws and ordinances.

Permanent Index Number(s): 03-05-353-004

Property Address: 822 Route 31, Oswego, Illinois

Dated this 5 day of APRIL, 19 99.

 (SEAL)  (SEAL)  
Donald C. Schroeder Martha E. Schroeder


 (SEAL) \_\_\_\_\_ (SEAL)  
Scot Dean Schroeder

STATE OF ILLINOIS       )  
                                      )SS  
COUNTY OF KENDALL     )

I, the undersigned, a Notary Public in and for said County, in the State aforesaid,  
CERTIFY THAT DONALD C. SCHROEDER, MARTHA E. SCHROEDER and SCOT DEAN  
SCHROEDER, personally known to me to be the same persons whose names are subscribed to  
the foregoing instrument, appeared before in person, and acknowledged that they signed, sealed  
and delivered the instrument as their free and voluntary act, for the uses and purposes therein set  
forth, including the release and waiver of the right of homestead.

Given under my hand and notarial seal, this 5 day of APRIL, 1999.



  
Notary Public

NAME AND ADDRESS OF PREPARER:  
Law Offices of Dallas C. Ingemunson, P.C.  
226 S. Bridge St., P.O. Box 578  
Yorkville, IL 60560

PARCEL ONE:

LOT 5 OF LARSON'S SUBDIVISION, TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS

PARCEL TWO:

THAT PART OF THE SOUTHWEST 1/4 OF SECTION 5, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE SOUTH LINE OF SAID SECTION 5 WITH THE CENTER LINE OF ILLINOIS STATE ROUTE NUMBER 31; THENCE NORTH 6 DEGREES 44 MINUTES EAST ALONG SAID CENTER LINE 745.75 FEET; THENCE SOUTH 82 DEGREES 30 MINUTES EAST 100 FEET TO THE POINT OF BEGINNING; THENCE SOUTHWESTERLY AT RIGHT ANGLES WITH THE LAST DESCRIBED COURSE, 110 FEET; THENCE SOUTH 82 DEGREES 30 MINUTES EAST TO THE CENTER THREAD OF THE FOX RIVER; THENCE NORTHERLY ALONG SAID CENTER THREAD TO A LINE DRAWN SOUTH 82 DEGREES 30 MINUTES EAST FOR THE POINT OF BEGINNING; THENCE NORTH 82 DEGREES 30 MINUTES WEST TO THE POINT OF BEGINNING; IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS.

COPY

## ARRANTY DEED

9905437 04/07/1999  
Paul Anderson, Kendal

## MAIL TO:

Dallas C. Ingemunson, Attorney  
26 S Bridge, P O Box 578  
Yorkville, IL 60560NAME & ADDRESS OF  
TAXPAYER/GRANTEE:  
FOX METRO WATER  
RECLAMATION DISTRICT  
582 A Route 31  
Oswego, IL 60543

THE GRANTORS, ANTHONY M. GROSS, a married person,  
GROSS, a married person, of 998 Route 31, Oswego, IL 60543  
County of Kendall, State of Illinois, for and in consideration TE  
DOLLARS and other good and valuable considerations in hand  
WARRANT to FOX METRO WATER RECLAMATION DIST  
of the County of Kendall, State of Illinois, the following descrii  
County of Kendall, in the State of Illinois, to wit:

(SEE ATTACHED LEGAL DESCRIPTION)

SUBJECT TO: Covenants, conditions and restrictions of record; taxes for the year 1998  
and subsequent years; building line restrictions; utility and other easements of record; and  
building and zoning laws and ordinances,

hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of  
the State of Illinois.

Permanent Index Number: Part of 03-05-353-007  
Property Address: 998 Route 31, Oswego, IL 60543

Dated this 7 day of April, 1999.

Anthony M. Gross

(SEAL) Helen Newhouse (SEAL) Gross (SEAL)  
[ her mark ]

WITNESS

WITNESS

RECEIPT NUMBER: 2702  
DATE: 04/07/1999 TIME: 03:49PKendall County, IL  
OFFICE OF THE Kendall County RecorderISSUED TO:  
DALLAS C INGEMUNSON  
BOX 578  
YORKVILLE IL 60560

| INST NO. | TYPE DOC | TOTAL |
|----------|----------|-------|
| 9905437  | WD       | 15.00 |
|          |          | 15.00 |

|             |   |       |
|-------------|---|-------|
| CHARGE      | : | 0.00  |
| CHECK ( 1 ) | : | 15.00 |
| CASH 1      | : | 15.00 |
| CHANGE      | : | 0.00  |
|             | : | 0.00  |

THANK YOU! Paul Anderson  
Kendall County Recorder

03-05-353-010



We, the attesting witnesses to the foregoing Warranty Deed, bearing on its face our signatures as witnesses, state that each of us was present and saw HELEN NEWHOUSE GROSS, grantor, a married person, sign with her mark, said Warranty Deed, in our presence, this 7 day of April, 1999.

STATE OF ILLINOIS )

COUNTY OF KENDALL )ss

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, CERTIFY that ANTHONY M. GROSS, a married person, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that he signed, sealed and delivered the instrument as his free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

Given under my hand and notarial seal, this 7 day of April, 1999.

My Commission Expires: NOV 17, 2001



STATE OF ILLINOIS )

COUNTY OF KENDALL )SS

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that HELEN NEWHOUSE GROSS, a married person, personally known to me to be the same person whose name is subscribed to the foregoing instrument by mark, appeared before me this day in person, and in the presence of JAMES J. TEKA and JOHN S. MYTH, witnesses, she being a person unable to write, acknowledged that she made her mark, sealed and delivered the instrument as her free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

GIVEN under my hand and notarial seal this 7 day of April, 1999.



My Commission Expires: NOV 17, 2001

NAME AND ADDRESS OF PREPARER:  
Law Offices of Dallas C. Ingemunson, P. C.  
226 S Bridge St, P O Box 578  
Yorkville, IL 60560

THIS TRANSACTION EXEMPT  
UNDER Paragraph b, SECTION 4  
OF ILLINOIS TRANSFER TAX ACT.  
DATED April 7, 1999  
Signature of Buyer, Seller or

RELEASE

THAT PART OF THE SOUTH 1/2 OF THE WEST PART OF SECTION 5, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN WHICH LIES EAST OF THE CENTER LINE OF STATE ROUTE NO. 31 AND SOUTH OF A LINE EXTENDING SOUTH 82 DEGREES 30 MINUTES EAST FROM A POINT IN THE SAID CENTER LINE OF SAID HIGHWAY THAT IS NORTH 6 DEGREES 44 MINUTES EAST 745.75 FEET FROM THE SOUTH LINE OF SAID SECTION TO THE CENTER THREAD OF THE FOX RIVER (EXCEPT THE RIGHT OF WAY OF THE SAID STATE ROUTE NO. 31 AND A STRIP IN THE NORTHWEST CORNER 67 FEET WIDE AND 325 FEET LONG MEASURED ALONG THE EASTERLY LINE OF SAID HIGHWAY, USED FOR CEMETERY PURPOSES, AND ALSO EXCEPT THAT PART LYING SOUTH OF THE NORTH LINE OF PREMISES CONVEYED TO THE COMMONWEALTH EDISON COMPANY BY WARRANTY DEED RECORDED OCTOBER 9, 1959 AS DOCUMENT 127020 AND ALSO EXCEPT THAT PART DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE SOUTH LINE OF SAID SECTION 5 WITH THE CENTER LINE OF ILLINOIS STATE ROUTE NO. 31; THENCE NORTH 6 DEGREES 44 MINUTES EAST ALONG SAID CENTER LINE 745.75 FEET; THENCE SOUTH 82 DEGREES 30 MINUTES EAST 100 FEET FOR THE POINT OF BEGINNING; THENCE SOUTHWESTERLY AT RIGHT ANGLES WITH THE LAST DESCRIBED COURSE, 110 FEET; THENCE SOUTH 82 DEGREES 30 MINUTES EAST TO THE CENTER THREAD OF THE FOX RIVER; THENCE NORTHERLY ALONG SAID CENTER THREAD TO A LINE DRAWN SOUTH 82 DEGREES 30 MINUTES EAST FROM THE POINT OF BEGINNING; THENCE NORTH 82 DEGREES 30 MINUTES WEST TO THE POINT OF BEGINNING, AND ALSO EXCEPTING THEREFROM THAT PART OF THE SOUTH HALF OF SECTION 5 TOWNSHIP 37 RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE CENTER LINE OF STATE ROUTE 31 WHICH IS 165.86 FEET NORTH OF THE INTERSECTION OF SAID CENTER LINE WITH THE SOUTH LINE OF SAID SECTION 5 AS MEASURED ALONG THE CENTER LINE OF SAID ROAD, THENCE NORTH 6° 03'17" EAST ALONG SAID CENTER LINE 85.00 FEET, THENCE EASTERLY AT AN ANGLE OF 87°43'10" MEASURED COUNTER CLOCKWISE FROM THE LAST DESCRIBED COURSE, 99.08 FEET; THENCE NORTH EASTERLY AT AN ANGLE OF 169°46'24" MEASURED COUNTER CLOCKWISE FROM THE LAST DESCRIBED COURSE, 87.59 FEET; THENCE NORTHERLY AT AN ANGLE OF 142°32'41" MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE 69.19 FEET; THENCE NORTHERLY AT AN ANGLE OF 148°08'36" MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, 52.57 FEET; THENCE EASTERLY AT AN ANGLE OF 106°13'20" MEASURED COUNTER CLOCKWISE FROM THE LAST DESCRIBED COURSE, 859.60 FEET MORE OR LESS TO THE WEST BANK OF THE FOX RIVER; THENCE SOUTHERLY ALONG THE WEST BANK OF SAID FOX RIVER 302.20 FEET MORE OR LESS TO THE NORTHERLY LINE OF COMMONWEALTH EDISON LANDS DESCRIBED IN DOCUMENT NO. 127020 AT THE RECORDERS OFFICE OF KENDALL COUNTY, ILLINOIS; THENCE WESTERLY ALONG SAID NORTHERLY LINE, 1109.30 FEET MORE OR LESS TO THE POINT OF BEGINNING.) in the Township of Oswego, Kendall County, Illinois



WARRANTY DEED

MAIL TO:

Dallas C. Ingemunson, Attorney  
226 S Bridge, P O Box 578  
Yorkville, IL 60560

NAME & ADDRESS OF  
TAXPAYER/GRANTEE:  
FOX METRO WATER  
RECLAMATION DISTRICT  
682 A Route 31  
Oswego, IL 60543

THE GRANTOR, DONALD P. MICHAEL, an unmarried person, of 810 McClaran Avenue, Aurora, IL 60506 in the City of Aurora, County of Kane, State of Illinois, for and in consideration of the sum TEN and no/100 (\$10.00) DOLLARS and other good and valuable considerations in hand paid, CONVEYS AND WARRANTS to FOX METRO WATER RECLAMATION DISTRICT, a municipal corporation, of the County of Kendall, State of Illinois, the following described real estate situated in the County of Kendall, in the State of Illinois, to wit:

(SEE ATTACHED LEGAL DESCRIPTION)

SUBJECT TO: Covenants, conditions and restrictions of record; taxes for the year 1999 and subsequent years; building line restrictions; utility and other easements of record; and building and zoning laws and ordinances,

hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois.

Permanent Index Number: (NEW PIN ASSIGNED 03-05-353-009)  
Property Address: 998 Route 31, Oswego, IL 60543

Dated this 8 day of September, 1999.

  
\_\_\_\_\_  
Donald P. Michael (SEAL)

? this deed is dated 1 day earlier than the form  
GROSS → MICHAEL?

STATE OF ILLINOIS       )  
  )ss  
COUNTY OF KENDALL    )

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, CERTIFY that DONALD P. MICHAEL, an unmarried person, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that he signed, sealed and delivered the instrument as his free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

Given under my hand and notarial seal, this 8 day of September, 1999.

My Commission Expires: 11/17/01

NAME AND ADDRESS OF PREPARER:  
Law Offices of Dallas C. Ingemunson, P. C.  
226 S Bridge St, P O Box 578  
Yorkville, IL 60560

THIS TRANSACTION EXEMPT  
UNDER Paragraph b, SECTION 4  
OF ILLINOIS TRANSFER TAX ACT.  
DATED: 9/8 1999

Signature of Buyer, Seller or  
Representative

Notary Public

"OFFICIAL SEAL"  
Dallas C. Ingemunson  
Notary Public, State of Illinois  
My Commission Expires 11-17-2001

103  
 PLAT

THAT PART OF THE SOUTH 1/2 OF SECTION 5, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE  
 THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE  
 CENTER LINE OF STATE ROUT 31 WHICH IS 165.86 FEET NORTH OF THE INTERSECTION OF  
 SAID CENTER LINE WITH THE SOUTH LINE OF SAID SECTION 5 AS MEASURED ALONG THE  
 CENTER LINE OF SAID ROAD, THENCE NORTH 06 DEGREES 03 MINUTES 17 SECONDS EAST  
 ALONG SAID CENTER LINE 85.00 FEET; THENCE EASTERLY AT AN ANGLE OF 87 DEGREES 43  
 MINUTES 10 SECONDS MEASURED COUNTER CLOCKWISE FROM THE LAST DESCRIBED COURSE,  
 99.08 FEET; THENCE NORTHEASTERLY AT AN ANGLE OF 169 DEGREES 46 MINUTES 24 SECONDS  
 MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, 07.59 FEET; THENCE NORTHERLY  
 AT AN ANGLE OF 142 DEGREES 32 MINUTES 41 SECONDS MEASURED CLOCKWISE FROM THE LAST  
 DESCRIBED COURSE 69.19 FEET; THENCE NORTHERLY AT AN ANGLE OF 148 DEGREES 08  
 MINUTES 36 SECONDS MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, 52.57 FEET;  
 THENCE EASTERLY AT AN ANGLE OF 106 DEGREES 13 MINUTES 20 SECONDS MEASURED COUNTER  
 CLOCKWISE FROM THE LAST DESCRIBED COURSE, 1010.40 FEET MORE OR LESS TO THE WEST  
 BANK OF THE FOX RIVER; THENCE SOUTHERLY ALONG THE WEST BANK OF SAID FOX RIVER (320  
 FEET MORE OR LESS TO THE NORTHERLY LINE OF THE COMMONWEALTH EDISON COMPANY LANDS  
 DESCRIBED IN DOCUMENT 127020 AT THE RECORDERS OFFICE OF KENDALL COUNTY,  
 ILLINOIS; THENCE WESTERLY ALONG SAID NORTHERLY LINE, 1109.30 FEET MORE OR LESS TO  
 THE POINT OF BEGINNING, IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS.

87.59  
 PLAT  
 857.6  
 PLAT  
 302.20  
 PLAT



| Fee Due \$ | Fee Paid \$ | Check # | Over/Under Payment | Refund Due |
|------------|-------------|---------|--------------------|------------|
|------------|-------------|---------|--------------------|------------|

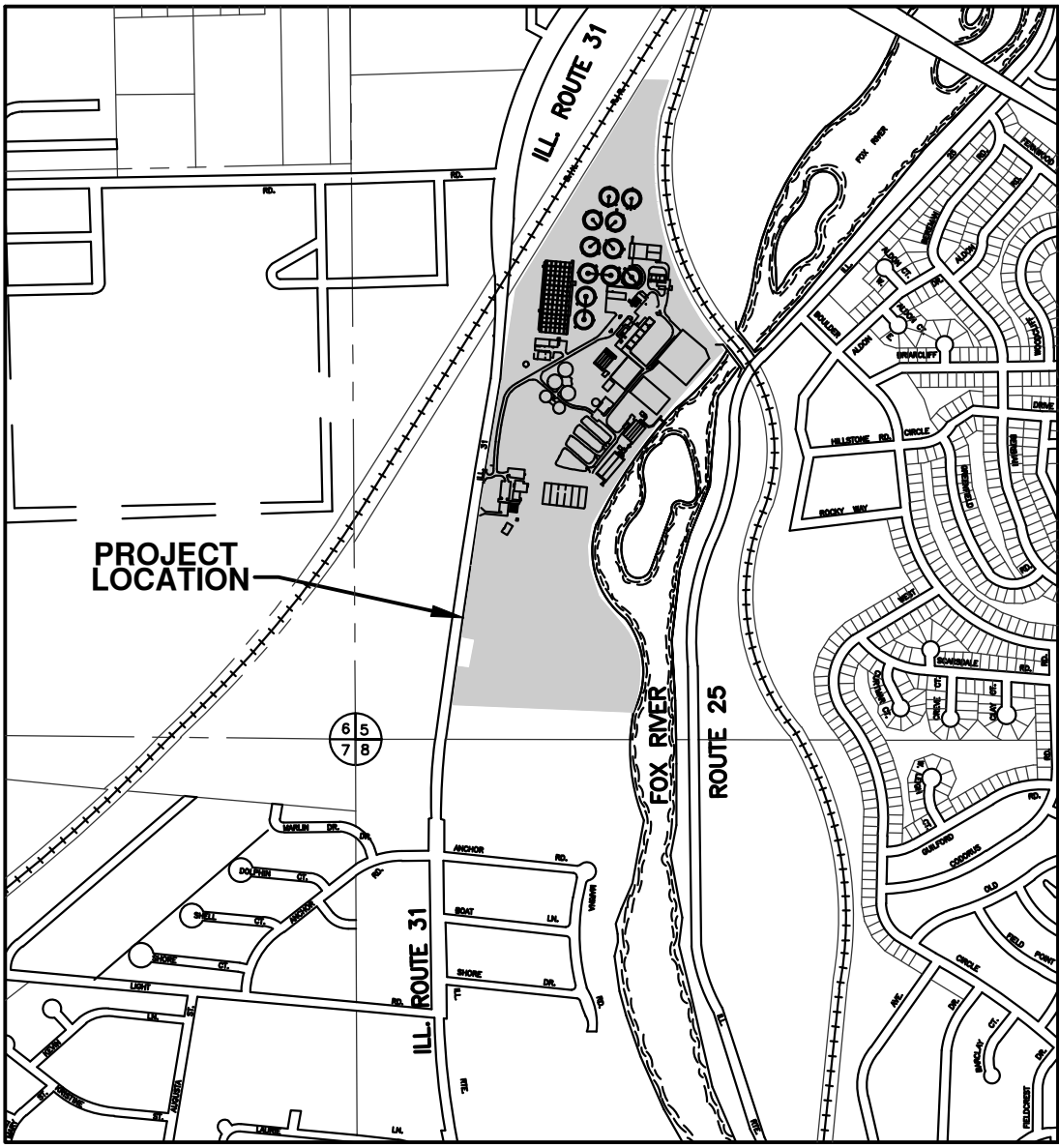




FOX METRO WATER RECLAMATION DISTRICT  
WASTEWATER TREATMENT PLANT AERIAL



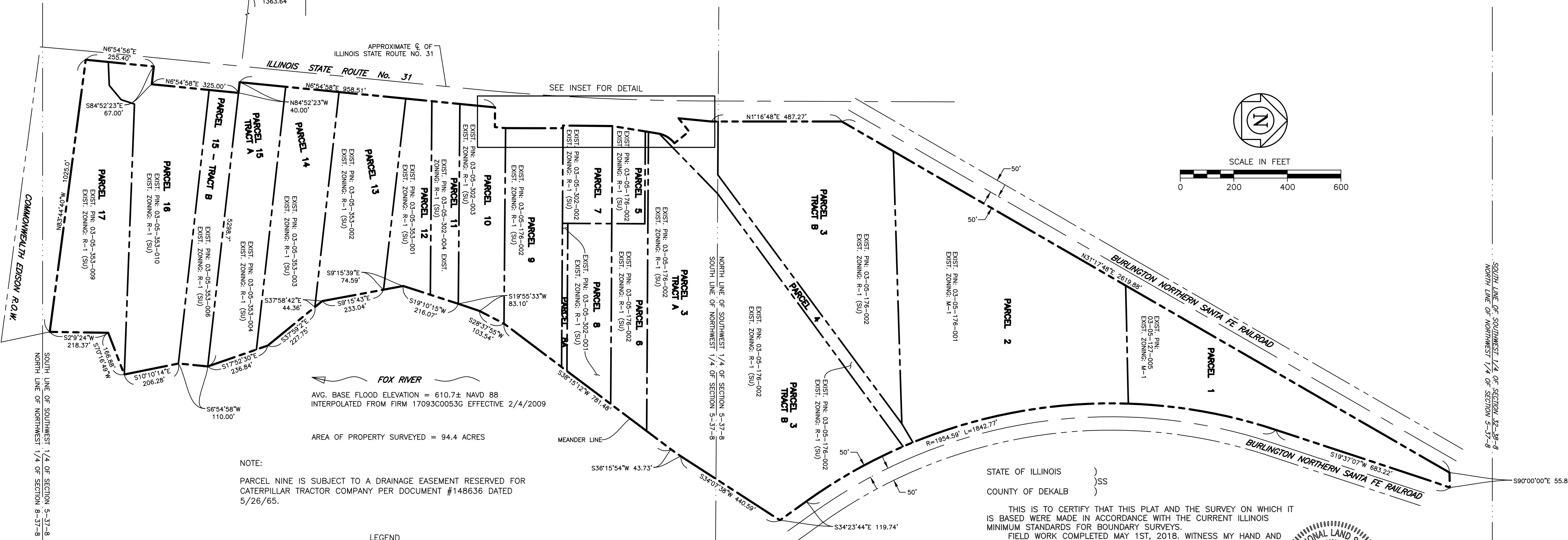
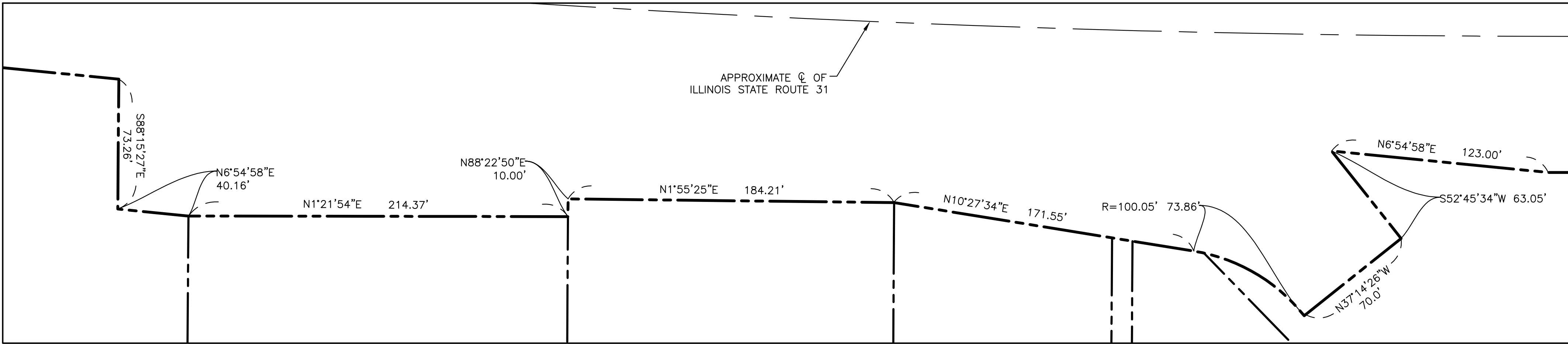
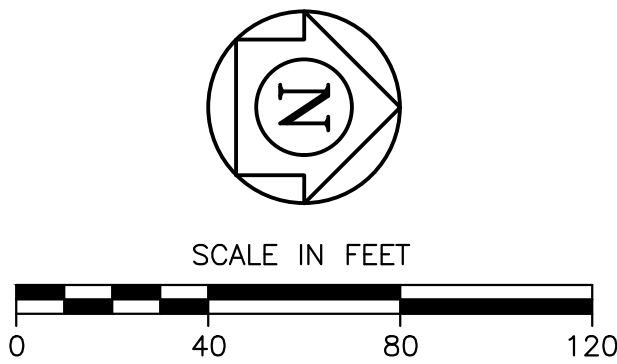
FOX METRO WATER RECLAMATION DISTRICT  
WASTEWATER TREATMENT PLANT  
2018 - NEW OPERATIONS AND MAINTENANCE  
BUILDING O&M



LOCATION MAP  
SCALE 1"= 1000'

PLAT OF SURVEY

PART OF WEST HALF OF SECTION 5, TOWNSHIP 37 NORTH, RANGE 8  
EAST OF THE THIRD PRINCIPAL MERIDIAN IN THE TOWNSHIP OF  
OSWEGO, KENDALL COUNTY, ILLINOIS



LEGEND

|     |                               |
|-----|-------------------------------|
| --- | BOUNDARY OF PROPERTY SURVEYED |
| --- | PARCEL/ROW LINE               |
| --- | LOT LINE                      |
| --- | SECTION LINE                  |
| --- | CENTER LINE                   |

STATE OF ILLINOIS }  
COUNTY OF DEKALB } SS

THIS IS TO CERTIFY THAT THIS PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE CURRENT ILLINOIS MINIMUM STANDARDS FOR BOUNDARY SURVEYS.  
FIELD WORK COMPLETED MAY 1ST, 2018. WITNESS MY HAND AND SEAL AT DEKALB, ILLINOIS THE 21ST DAY OF MAY, 2018.

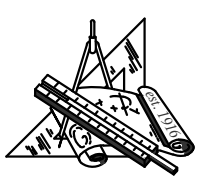
*Shawn R. VanKampen*  
SHAWN R. VANKAMPEN  
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2710  
LICENSE EXPIRATION DATE: NOVEMBER 30TH, 2018



SHEET 3 - SOUTH

SHEET 4 - MIDDLE

SHEET 5 - NORTH



**WALTER E. DEUCHLER ASSOCIATES, INC.**  
*Consulting Engineers - Aurora, Illinois*

|    |
|----|
| 1. |
| 2. |
| 3. |

|    |
|----|
| 4. |
| 5. |
| 6. |

|                 |              |           |       |
|-----------------|--------------|-----------|-------|
| DATE:           | 5/20/2018    | DESIGNED: | DPC   |
| SCALE:          | AS SHOWN     | DRAWN:    | AS/SV |
| JOB NO.         | 111-18016-00 | APPROVED: | DPC   |
| FIELD BOOK NO.: | 251          |           |       |

**FOX METRO WATER RECLAMATION DISTRICT  
PLAT OF SURVEY  
OVERALL BOUNDARY**

|     |   |
|-----|---|
| SHT | 1 |
| OF  | 5 |

F:\ASD\18016-00\Final Drawings\2 - LEGAL DESCRIPTIONS.dwg  
Plotted: 5/21/2018 6:10:24 PM

PARCEL 1      PIN: 03-05-127-005      ZONING: M-1

THAT PART OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN; THENCE NORTH 00° 07' 30" WEST ALONG THE WEST LINE OF SAID NORTHWEST QUARTER OF SECTION 6 FOR 532.67 FEET (8.07 CHAINS); THENCE SOUTH 89° 49' 12" EAST, 4502.1 FEET TO THE EASTERLY LINE OF THE RIGHT-OF-WAY OF THE FORMER CHICAGO BURLINGTON AND QUINCY RAILROAD COMPANY MAIN LINE; THENCE NORTH 31° 17' 48" EAST ALONG SAID EASTERLY LINE, 1007.52 FEET TO THE POINT OF BEGINNING ON THE SOUTH LINE OF LANDS FORMERLY OWNED BY RUFUS GRAY; THENCE CONTINUING NORTH 31° 17' 48" EAST ALONG SAID EASTERLY LINE, 1396.03 FEET; THENCE SOUTH 90° 00' 00" EAST, 55.87 FEET TO THE WESTERLY LINE OF THE FORMER OTTAWA, OSWEGO AND FOX RIVER VALLEY RAILROAD; THENCE SOUTH 19° 37' 07" WEST ALONG SAID WESTERLY LINE, 683.22 FEET TO A POINT OF CURVATURE; THENCE SOUTHERLY ALONG SAID WESTERLY LINE, BEING ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1954.59 FEET FOR 562.28 FEET TO SAID SOUTHERLY LINE OF LANDS FORMERLY OWNED BY RUFUS GRAY; THENCE SOUTH 90° 00' 00" WEST ALONG SAID SOUTHERLY LINE, 441.14 FEET TO THE POINT OF BEGINNING, CONTAINING 6.002 ACRES IN KENDALL COUNTY, ILLINOIS.

PARCEL 2      PIN: 03-05-176-001      ZONING: M-1

THAT PART OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED BY COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN; THENCE NORTH 0° 07' 30" WEST ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 6, 532.67 FEET (8.07 CHAINS; THENCE SOUTH 89° 49' 12" EAST 4502.1 FEET TO THE EASTERLY LINE OF THE RIGHT-OF-WAY OF THE CHICAGO BURLINGTON AND QUINCY RAILROAD COMPANY'S MAIN LINE FOR A POINT OF BEGINNING; THENCE NORTH 31° 17' 48" EAST ALONG SAID EASTERLY LINE 1007.52 FEET TO THE SOUTH LINE OF LANDS FORMERLY OWNED BY RUFUS GRAY; THENCE EAST ALONG SAID SOUTH LINE 441.08 FEET TO THE WESTERLY LINE OF THE RIGHT-OF-WAY OF THE CHICAGO, BURLINGTON & QUINCY RAILROAD COMPANY'S BRANCH LINE; THENCE SOUTHERLY ALONG SAID WESTERLY LINE AN ARC DISTANCE OF 833.49 FEET TO THE NORTHWESTERLY LINE OF THE FORMER AURORA, ELGIN AND MORRIS RAILROAD; THENCE SOUTH 55° 42' 25" WEST ALONG SAID NORTHWESTERLY LINE 84.00 FEET TO A LINE DRAWN SOUTH 89° 49' 12" EAST FROM THE POINT OF BEGINNING; THENCE NORTH 89° 49' 12" WEST ALONG SAID LINE 1025.54 FEET TO THE POINT OF BEGINNING, IN THE TOWN OF OSWEGO, KENDALL COUNTY, ILLINOIS, BEING 14.6878 ACRES.

PARCEL 3      PIN: 03-05-176-002      ZONING: R-1 (SU)

TRACT "A"

PART OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED BY COMMENCING AT A POINT IN THE NORTH LINE OF SAID SOUTHWEST QUARTER WHERE SAID NORTH LINE IS INTERSECTED BY THE CENTER LINE OF THE HIGHWAY RUNNING NORTHERLY THROUGH SAID QUARTER; THENCE SOUTH 5° 12' WEST ALONG THE CENTER LINE OF SAID HIGHWAY 327.4 FEET TO AN IRON STAKE FOR A PLACE OF BEGINNING; THENCE SOUTH 5° 12' WEST ALONG THE CENTER LINE OF SAID HIGHWAY 69.2 FEET TO AN IRON STAKE; THENCE NORTH 90° EAST PARALLEL TO THE NORTH LINE OF SAID SOUTHWEST QUARTER 1088.3 FEET TO AN IRON STAKE ON THE WESTERLY BANK OF THE FOX RIVER; THENCE NORTH 42° 41' EAST ALONG SAID WESTERLY BANK 177.1 FEET; THENCE NORTH 32° 15' EAST ALONG THE WESTERLY BANK OF SAID RIVER 313.5 FEET TO AN IRON STAKE ON THE NORTH LINE OF SAID SOUTHWEST QUARTER; THENCE SOUTH 90° WEST ALONG SAID NORTH LINE 1037.4 FEET TO AN IRON STAKE ON THE EASTERLY RIGHT-OF-WAY LINE OF THE AURORA, ELGIN AND CHICAGO RAILWAY COMPANY; THENCE SOUTH 45° 29' WEST ALONG SAID EASTERLY RIGHT-OF-WAY LINE 465.6 FEET TO THE PLACE OF BEGINNING, CONTAINING TEN ACRES MORE OR LESS.

EXCEPTING THEREFROM, HOWEVER, ALL THAT PART THEREOF HERETOFORE CONVEYED BY ALBERT L. TREMAN TO GEORGE MICHELS BY WARRANTY DEED DATED SEPTEMBER 12, 1925 AND RECORDED SEPTEMBER 19, 1925, IN BOOK 75 OF WARRANTY DEEDS ON PAGE 372 IN THE RECORDER'S OFFICE OF KENDALL COUNTY, ILLINOIS, WHICH PORTION SO EXCEPTED CONTAINS 3.02 ACRES MORE OR LESS AND IS PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT IN THE NORTH LINE OF SAID SOUTHWEST QUARTER WHERE SAID NORTH LINE IS INTERSECTED BY THE CENTER LINE OF THE NORTHERLY AND SOUTHERLY HIGHWAY RUNNING THROUGH SAID SOUTHWEST QUARTER; THENCE SOUTH 5° 12' WEST ALONG THE CENTER LINE OF SAID HIGHWAY 327.4 FEET TO AN IRON STAKE FOR PLACE OF BEGINNING; THENCE SOUTH 5° 12' WEST ALONG THE CENTER LINE OF SAID HIGHWAY 69.2 FEET; THENCE EAST 1072.4 FEET TO THE MEANDER LINE OF FOX RIVER; THENCE NORTH 43° EAST 167.6 FEET TO A LARGE IRON BOLT; THENCE WEST 1134.5 FEET; THENCE SOUTH 45° 29' WEST TO THE PLACE OF BEGINNING; CONTAINING 3.02 ACRES MORE OR LESS AS AFORESAID.

TRACT "B"

ALL THAT PART OF THE FOLLOWING DESCRIBED LANDS WHICH ARE EAST OF THE CENTER LINE OF THE NORTH AND SOUTH HIGHWAY RUNNING THROUGH THE WEST HALF OF SECTION 5 AND COMMONLY KNOWN AS THE OSWEGO AND AURORA ROAD AND ALSO KNOWN AS STATE HIGHWAY ROUTE NO. 18, TO-WIT:

PART OF THE NORTH HALF OF SECTION 5 AND 6, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN BOUNDED AS FOLLOWS TO-WIT: BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 6; THENCE NORTH 37 RODS AND 12 FEET; THENCE EAST 344 RODS TO THE WEST SHORE OF FOX RIVER; THENCE SOUTH ALONG THE WEST SHORE OF SAID RIVER 37 RODS 12 FEET; THENCE WEST ALONG THE NORTH LINE OF THE SOUTH HALF OF SAID SECTIONS 5 AND 6, 344 RODS TO THE PLACE OF BEGINNING; EXCEPTING THE RIGHTS-OF-WAY OF THE CHICAGO, BURLINGTON AND QUINCY RAILROAD COMPANY AND THE AURORA, ELGIN AND CHICAGO RAILWAY COMPANY; THE PIECE OF LAND HEREBY INTENDED TO BE DESCRIBED CONTAINING 17 ACRES OF LAND MORE OR LESS.

PARCEL 4      PIN: 03-05-176-002      ZONING: R-1 (SU)

1. PART OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: TO-WIT: COMMENCING AT THE POINT OF INTERSECTION OF THE CENTER LINE OF THE AURORA-OSWEGO HIGHWAY ON THE WEST SIDE OF THE FOX RIVER AND THE SOUTH LINE OF SAID NORTHWEST QUARTER OF SECTION 5; THENCE EAST ALONG SAID SOUTH LINE 232.9 FEET; THENCE NORTH 53° 51' EAST 1144.7 FEET TO THE POINT OF BEGINNING; THENCE NORTH 53° 51' EAST 84.0 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF THE CHICAGO, BURLINGTON AND QUINCY RAILROAD; THENCE SOUTHEASTERLY ALONG SAID RIGHT-OF-WAY LINE 41.35 FEET; THENCE SOUTH 53° 51' WEST 19.7 FEET; THENCE WEST 69.0 FEET TO THE POINT OF BEGINNING, CONTAINING 0.05 ACRES.

2. PART OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: TO-WIT: COMMENCING AT THE POINT OF INTERSECTION OF THE CENTER LINE OF THE AURORA-OSWEGO HIGHWAY ON THE WEST SIDE OF THE FOX RIVER AND THE SOUTH LINE OF SAID NORTHWEST QUARTER OF SECTION 5; THENCE EAST ALONG SAID SOUTH LINE 232.9 FEET TO THE POINT OF BEGINNING; THENCE NORTH 53° 51' EAST 1144.7 FEET; THENCE EAST 69.00 FEET; THENCE SOUTH 53° 51' WEST 1144.7 FEET TO SAID SOUTH LINE OF THE NORTHWEST QUARTER OF SECTION 5; THENCE WEST 69.00 FEET TO THE POINT OF BEGINNING, CONTAINING 1.05 ACRES.

3. PART OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIANS DESCRIBED AS FOLLOWS: TO-WIT: BEGINNING AT THE POINT OF INTERSECTION OF THE CENTER LINE OF THE AURORA-OSWEGO HIGHWAY ON THE WEST SIDE OF THE FOX RIVER AND THE NORTH LINE OF SAID SOUTHWEST QUARTER OF SECTION 5; THENCE EAST ALONG SAID NORTH LINE 301.9 FEET TO THE CENTER LINE OF THE AURORA-OSWEGO ROAD; THENCE NORTH 5° 12' EAST ALONG THE CENTER LINE OF SAID ROAD 327.4 FEET TO THE POINT OF BEGINNING, CONTAINING 1.13 ACRES, SITUATED IN THE COUNTY OF KENDALL IN THE STATE OF ILLINOIS.

PARCEL 5      PIN: 03-05-176-002      ZONING: R-1 (SU)

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE POINT OF INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF THE CHICAGO, BURLINGTON AND QUINCY RAILROAD WITH THE NORTH LINE OF SAID SOUTHWEST QUARTER; THENCE EAST ALONG SAID NORTH LINE 235.7 FEET TO THE CENTER LINE OF THE ORIGINAL ROAD; THENCE SOUTHERLY ALONG SAID CENTER LINE 273.5 FEET FOR THE POINT OF BEGINNING; THENCE SOUTHERLY ALONG SAID CENTER LINE 123.1 FEET; THENCE EAST 450 FEET; THENCE NORTH 122.57 FEET; THENCE WEST 438.55 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS.

PARCEL 6      PIN: 03-05-176-002      ZONING: R-1 (SU)

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED BY COMMENCING AT A POINT IN THE NORTH LINE OF SAID SOUTHWEST QUARTER, WHERE SAID NORTH LINE IS INTERSECTED BY THE CENTER LINE OF THE NORTHERLY AND SOUTHERLY HIGHWAY RUNNING THROUGH SAID SOUTHWEST QUARTER SECTION; THENCE SOUTH 5° 12' WEST ALONG THE CENTER LINE OF SAID HIGHWAY 327.4 FEET TO AN IRON STAKE FOR A PLACE OF BEGINNING; THENCE SOUTH 5° 12' WEST ALONG THE CENTER LINE OF SAID HIGHWAY, 69.2 FEET; THENCE EAST 1072.4 FEET TO THE MEANDER LINE OF FOX RIVER; THENCE NORTH 43° EAST 167.6 FEET TO A LARGE IRON BOLT; THENCE WEST 1134.5 FEET; THENCE SOUTH 45° 29' WEST TO THE PLACE OF BEGINNING, CONTAINING 3.02 ACRES MORE OR LESS; SITUATED IN THE COUNTY OF KENDALL AND STATE OF ILLINOIS (EXCEPTING THEREFROM PARCEL 5 ABOVE).

PARCEL 7      PIN: 03-05-302-002      ZONING: R-1 (SU)

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE FRACTIONAL SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP AND RANGE AFORESAID; THENCE SOUTH ALONG THE WEST LINE OF SAID SECTION 6, 1363.34 FEET; THENCE SOUTH 82° 36' EAST TO THE WEST BANK OF THE FOX RIVER; THENCE NORTH 18° 46' WEST ALONG SAID RIVER BANK 37 FEET; THENCE NORTH 37° 16' WEST ALONG SAID RIVER BANK 263 FEET; THENCE NORTH 9° 39' WEST ALONG SAID RIVER BANK 300 FEET; THENCE NORTH 19° 40' EAST ALONG SAID RIVER BANK 300 FEET; THENCE NORTH 30° 19' EAST ALONG SAID RIVER BANK 102.8 FEET; THENCE NORTH 88° 31' WEST 864.15 FEET TO THE CENTER LINE OF THE ORIGINAL ROAD; THENCE NORTHEASTERLY ALONG THE CENTER LINE OF SAID ROAD 215 FEET FOR THE POINT OF BEGINNING THENCE EAST PARALLEL WITH THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 5 TO THE WEST BANK OF FOX RIVER; THENCE NORTHEASTERLY ALONG THE WEST BANK OF SAID FOX RIVER TO A POINT WHICH IS 394.88 FEET SOUTH OF NORTH LINE OF SAID SOUTHWEST QUARTER; THENCE NORTH 90° WEST 1074.3 FEET TO THE CENTER LINE OF SAID ROAD; THENCE SOUTHERLY ALONG SAID CENTER LINE 185 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS. EXCEPTING THAT PART OF SAID PREMISES CONVEYED TO THE AURORA SANITARY DISTRICT BY DEED DATED AUGUST 29, 1961 RECORDED JANUARY 19, 1962 AS DOCUMENT 136551 IN BOOK 126, PAGE 107 AND ALSO EXCEPTING THAT PART OF SAID PREMISES DEDICATED FOR ROAD PURPOSES, (ALONG ILLINOIS ROUTE 31) AS DESCRIBED IN DEDICATION DATED FEBRUARY 7, 1959 AND RECORDED JULY 14, 1959 AS DOCUMENT 126069.

PARCEL 8      PIN: 03-05-302-001      ZONING: R-1 (SU)

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE FRACTIONAL SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP AND RANGE AFORESAID; THENCE SOUTH ALONG THE WEST LINE OF SAID SECTION 16, 1363.34 FEET; THENCE SOUTH 82° 36' EAST TO THE WEST BANK OF THE FOX RIVER; THENCE NORTH 18° 46' WEST ALONG SAID RIVER BANK 237 FEET; THENCE NORTH 37° 16' WEST ALONG SAID RIVER BANK 263 FEET; THENCE NORTH 9° 39' WEST ALONG SAID RIVER BANK 300 FEET; THENCE NORTH 19° 40' EAST ALONG SAID RIVER BANK 300 FEET; THENCE NORTH 30° 19' EAST ALONG SAID RIVER BANK 102.8 FEET; THENCE NORTH 88° 31' WEST 864.15 FEET TO THE CENTER LINE OF THE ORIGINAL ROAD; THENCE NORTHEASTERLY ALONG THE CENTER LINE OF SAID ROAD 215 FEET WITH THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 5, SAID LINE BEING THE NORTHERLY LINE OF THE PROPERTY OWNED BY THE CATERPILLAR TRACTOR CO., FOR A DISTANCE OF 467.2 FEET FOR A PLACE OF BEGINNING; THENCE CONTINUING EAST ALONG THE LAST DESCRIBED LINE TO THE CENTER THREAD OF THE FOX RIVER; THENCE NORTHEASTERLY ALONG THE CENTER THREAD OF THE FOX RIVER TO A POINT WHICH IS 394.88 FEET SOUTH OF THE NORTH LINE OF SAID SOUTHWEST QUARTER; THENCE NORTH 90° WEST ALONG THE SOUTHERLY LINE OF THE PROPERTY OWNED BY THE AURORA SANITARY DISTRICT TO A POINT WHICH IS 450 FEET EAST OF THE CENTER LINE OF THE ORIGINAL ROAD (STATE ROUTE NO. 31); THENCE SOUTH TO THE PLACE OF BEGINNING; IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS, CONTAINING 2.38 ACRE MORE OR LESS; RESERVING AND EXCEPTING TO GRANTORS, THEIR HEIRS OR ASSIGNS AND THEIR RESPECTIVE INVITEES OR GUESTS, A PERPETUAL RIGHT-OF-WAY FOR PERSONS OR VEHICLES ACROSS AND THE PERPETUAL USE OF THE SOUTHERLY 20 FEET OF SAID PROPERTY, AND ALONG THE WESTERLY BANK OF THE FOX RIVER FOR THE EASTERLY 20 FEET OF THE SOUTHERLY 20 FEET OF SAID PROPERTY, FOR INGRESS, EGRESS AND ACCESS TO THE FOX RIVER, AND FOR FISHING, BOATING, SWIMMING AND OTHER RIVER RECREATIONAL PURPOSES, INCLUDING THE RIGHT TO ERECT A DOCK, WHARF OR SIMILAR STRUCTURE ON THE WESTERLY BANK OF THE FOX RIVER; HEREBY RELEASING AND WAIVING RIGHTS UNDER AND BY VIRTUE OF THE HOMESTEAD EXEMPTION LAWS OF THE STATE OF ILLINOIS.

PARCEL 8A      PIN: 03-05-302-001      ZONING: R-1 (SU)

THE SOUTHERLY 20 FEET AND ALONG THE WESTERLY BANK OF THE FOX RIVER FOR THE EASTERLY 20 FEET OF THE SOUTHERLY 20 FEET OF THE FOLLOWING DESCRIBED PROPERTY:

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE FRACTIONAL SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP AND RANGE AFORESAID; THENCE SOUTH ALONG THE WEST LINE OF SAID SECTION 6, 1363.34 FEET; THENCE SOUTH 82° 36' EAST TO THE WEST BANK OF THE FOX RIVER; THENCE NORTH 180° /46' WEST ALONG SAID RIVER BANK 237 FEET; THENCE NORTH 37° 16' WEST ALONG SAID RIVER BANK 263 FEET; THENCE NORTH 9° 39' WEST ALONG SAID RIVER BANK 300 FEET; THENCE NORTH 19° 40' EAST ALONG SAID RIVER BANK 300 FEET; THENCE NORTH 30° 19' EAST ALONG SAID RIVER BANK 102.8 FEET; THENCE NORTH 88° 31' WEST 864.15 FEET TO THE CENTER LINE OF THE ORIGINAL ROAD; THENCE NORTHEASTERLY ALONG THE CENTER LINE OF SAID ROAD 215 FEET; THENCE EAST PARALLEL WITH THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 5, SAID LINE BEING THE NORTHERLY LINE OF THE PROPERTY OWNED BY THE CATERPILLAR TRACTOR CO. FOR A DISTANCE OF 467.2 FEET FOR A PLACE OF BEGINNING; THENCE CONTINUING EAST ALONG THE LAST DESCRIBED LINE TO THE CENTER THREAD OF THE FOX RIVER; THENCE NORTHEASTERLY ALONG THE CENTER THREAD OF THE FOX RIVER TO A POINT WHICH IS 394.88 FEET SOUTH OF THE NORTH LINE OF SAID SOUTHWEST QUARTER; THENCE NORTH 90° WEST ALONG THE SOUTHERLY LINE OF THE PROPERTY OWNED BY THE AURORA SANITARY DISTRICT TO A POINT WHICH IS 450 FEET EAST OF THE CENTER LINE OF THE ORIGINAL ROAD (STATE ROUTE NO. 31); THENCE SOUTH TO THE PLACE OF BEGINNING; IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS.

PARCEL 9      PIN: 03-05-176-002      ZONING: R-1 (SU)

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT A CROSS NOTCH IN THE CENTER LINE OF U.S. ROUTE #31 AT A POINT 581.60 FEET SOUTHERLY OF THE INTERSECTION OF SAID CENTER LINE AND THE EAST AND WEST QUARTER LINE OF SECTION 5 AFORESAID; THENCE EAST ALONG A LINE PARALLEL WITH THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 5 AND FORMING AN ANGLE OF 95° /18'20" WITH THE CENTER LINE OF U.S. ROUTE #31 (AS MEASURED FROM SOUTH TO EAST) TO THE THREAD OF THE STREAM OF THE FOX RIVER; THENCE SOUTHWESTERLY ALONG THE THREAD OF THE STREAM OF THE FOX RIVER TO THE EXTENSION EASTERLY OF THE NORTH LINE OF LARSON'S SUBDIVISION AS PRESENTLY STAKED OUT; THENCE WEST ALONG THE EXTENSION EASTERLY AND THE NORTH LINE OF LARSON'S SUBDIVISION TO A CROSS NOTCH IN THE CENTER LINE OF U.S. ROUTE #31; THENCE NORTHERLY ALONG SAID CENTER LINE AND FORMING AN ANGLE OF 84° 49' 50" (AS MEASURED FROM EAST TO NORTH) A DISTANCE OF 215.00 FEET TO THE PLACE OF BEGINNING IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS.

PARCEL 10      PIN: 03-05-302-003      ZONING: R-1 (SU)

LOT ONE (1) OF LARSON SUBDIVISION, IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS.

PARCEL 11      PIN: 03-05-302-004      ZONING: R-1 (SU)

LOT 2 (EXCEPT THE SOUTHERLY 45 FEET, MEASURED ALONG THE WESTERLY LINE) IN LARSON SUBDIVISION IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS.

PARCEL 12      PIN: 03-05-353-001      ZONING: R-1 (SU)

THAT PART OF LOTS 2 AND 3 OF LARSON'S SUBDIVISION DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 3 BEING ON THE CENTERLINE OF STATE ROUTE NO. 31; THENCE SOUTH 7° 01' WEST ALONG SAID CENTERLINE, 46.58 FEET FOR THE POINT OF BEGINNING; THENCE NORTH 7° 01' EAST ALONG SAID CENTERLINE, 91.58 FEET; THENCE SOUTH 88° 31' EAST PARALLEL WITH THE NORTH LINE OF SAID LOT 3, 781.87 FEET TO THE EASTERLY LINE OF SAID LOT 2; THENCE SOUTH 19° 40' WEST ALONG THE EASTERLY LINES OF LOTS 2 AND 3, 106.9 FEET; THENCE SOUTH 9° 39' EAST ALONG THE EASTERLY LINE OF SAID LOT 3, 70.83 FEET TO A LINE DRAWN SOUTH 82° 36' EAST, PARALLEL WITH THE SOUTHERLY LINE OF SAID LOT 3, FROM THE PLACE OF BEGINNING; THENCE NORTH 82° 36' WEST ALONG SAID PARALLEL LINE, 775.16 FEET TO THE PLACE OF BEGINNING, IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS.

PARCEL 13      PIN: 03-05-353-002      ZONING: R-1 (SU)

THAT PART OF LOT 3 OF LARSON SUBDIVISION, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT, BEING ON THE CENTERLINE OF STATE ROUTE NO. 31; THENCE SOUTHERLY ALONG SAID CENTERLINE, 46.58 FEET FOR THE POINT OF BEGINNING; THENCE SOUTH 82° 36' EAST, PARALLEL WITH THE SOUTHERLY LINE OF SAID LOT, 775.16 FEET TO THE EASTERLY LINE OF SAID LOT, 229.17 FEET; THENCE SOUTH 37° 16' EAST, 35.20 FEET TO THE SOUTHEAST CORNER OF SAID LOT; THENCE NORTH 82° 36' WEST ALONG THE SOUTHERLY LINE OF SAID LOT, 867.3 FEET TO THE CENTERLINE OF SAID STATE ROUTE NO. 31; THENCE NORTHERLY ALONG SAID CENTERLINE, 250.52 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS.

PARCEL 14      PIN: 03-05-353-003      ZONING: R-1 (SU)

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST FRACTIONAL QUARTER OF SECTION 6, TOWNSHIP AND RANGE AFORESAID; THENCE SOUTH ALONG THE WEST LINE OF SAID SECTION 6, 1363.34 FEET; THENCE SOUTH 82° 36' EAST, 5298.7 FEET TO THE WESTERLY BANK OF FOX RIVER; THENCE NORTH 18° 46' WEST ALONG SAID WESTERLY BANK, 192.5 FEET FOR THE POINT OF BEGINNING; THENCE NORTH 18° 46' WEST ALONG SAID WESTERLY BANK, 44.35 FEET; THENCE NORTH 37° 16' WEST ALONG SAID WESTERLY BANK, 227.8 FEET; THENCE NORTH 82° 36' WEST, 867.3 FEET TO THE CENTERLINE OF THE ORIGINAL ROAD; THENCE SOUTHERLY ALONG SAID CENTERLINE, 200 FEET TO A LINE DRAWN NORTH 82° 36' WEST FROM THE POINT OF BEGINNING; THENCE SOUTH 82° 36' EAST, 1014.21 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS (\*AKA LOT 5 OF LARSON SUBDIVISION).

PARCEL 15

TRACT A      PIN: 03-05-353-004      ZONING: R-1 (SU)

LOT 5 OF LARSON'S SUBDIVISION, TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS.

TRACT B      PIN: 03-05-353-006      ZONING: R-1 (SU)

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE SOUTH LINE OF SAID SECTION 5 WITH THE CENTERLINE OF ILLINOIS STATE ROUTE NUMBER 31; THENCE NORTH 6° 44' EAST ALONG SAID CENTERLINE, 745.75 FEET; THENCE SOUTH 82° 30' EAST, 100 FEET TO THE POINT OF BEGINNING; THENCE SOUTHWESTERLY AT RIGHT ANGLES WITH THE LAST DESCRIBED COURSE, 110 FEET; THENCE SOUTH 82° 30' EAST TO THE CENTER THREAD OF THE FOX RIVER; THENCE NORTHERLY ALONG SAID CENTER THREAD TO A LINE DRAWN SOUTH 82° 30' EAST FOR THE POINT OF BEGINNING; THENCE NORTH 82° 30' WEST TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS.

PARCEL 16      PIN: 03-05-353-010      ZONING: R-1 (SU)

THAT PART OF THE SOUTH HALF OF THE WEST PART OF SECTION 5, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, WHICH LIES EAST OF THE CENTERLINE OF STATE ROUTE NO. 31 AND SOUTH OF A LINE EXTENDING SOUTH 82° 30' EAST FROM A POINT IN THE SAID CENTERLINE OF SAID HIGHWAY THAT IS NORTH 6° 44' EAST, 745.75 FEET FROM THE SOUTH LINE OF SAID SECTION TO THE CENTER THREAD OF THE FOX RIVER (EXCEPT THE RIGHT OF WAY OF THE SAID STATE ROUTE NO. 31 AND A STRIP IN THE NORTHWEST CORNER 67 FEET WIDE AND 325 FEET LONG MEASURED ALONG THE EASTERLY LINE OF SAID HIGHWAY, USED FOR CEMETERY PURPOSES, AND ALSO EXCEPT THAT PART LYING SOUTH OF THE NORTH LINE OF PREMISES CONVEYED TO THE COMMONWEALTH EDISON COMPANY BY WARRANTY DEED RECORDED OCTOBER 9, 1959 AS DOCUMENT 127020 AND ALSO EXCEPT THAT PART DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE SOUTH LINE OF SAID SECTION 5 WITH THE CENTERLINE OF ILLINOIS STATE ROUTE NO. 31; THENCE NORTH 6° 44' EAST ALONG SAID CENTERLINE, 745.75 FEET; THENCE SOUTH 82° 30' EAST 100 FEET FOR THE POINT OF BEGINNING; THENCE SOUTHWESTERLY AT RIGHT ANGLES WITH THE LAST DESCRIBED COURSE, 110 FEET; THENCE SOUTH 82° 30' EAST TO THE CENTER THREAD OF THE FOX RIVER; THENCE NORTHERLY ALONG SAID CENTER THREAD TO A LINE DRAWN SOUTH 82° 30' EAST FROM THE POINT OF BEGINNING; THENCE NORTH 82° 30' WEST TO THE POINT OF BEGINNING, AND ALSO EXCEPTING THEREFROM THAT PART OF THE SOUTH HALF OF SECTION 5, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE CENTERLINE OF STATE ROUTE 31 WHICH IS 165.86 FEET NORTH OF THE INTERSECTION OF SAID CENTERLINE WITH THE SOUTH LINE OF SAID SECTION 5 AS MEASURED ALONG THE CENTERLINE OF SAID ROAD; THENCE NORTH 06° 03' 17" EAST ALONG SAID CENTERLINE, 85.00 FEET; THENCE EASTERLY AT AN ANGLE OF 87° 43' 10" MEASURED COUNTER CLOCKWISE FROM THE LAST DESCRIBED COURSE, 99.08 FEET; THENCE NORTHEASTERLY AT AN ANGLE OF 169° 46' 24" MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, 87.59 FEET; THENCE NORTHERLY AT AN ANGLE OF 142° 32' 41" MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, 69.19 FEET; THENCE NORTHERLY AT AN ANGLE OF 148° 08' 36" MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, 52.57 FEET; THENCE EASTERLY AT AN ANGLE OF 106° 13' 20" MEASURED COUNTER-CLOCKWISE FROM THE LAST DESCRIBED COURSE, 859.60 FEET, MORE OR LESS, TO THE WEST BANK OF THE FOX RIVER; THENCE SOUTHERLY ALONG THE WEST BANK OF SAID FOX RIVER, 302.20 FEET, MORE OR LESS, TO THE NORTHERLY LINE OF COMMONWEALTH EDISON LANDS DESCRIBED IN DOCUMENT NO. 127020 AT THE RECORDER'S OFFICE OF KENDALL COUNTY, ILLINOIS; THENCE WESTERLY ALONG SAID NORTHERLY LINE, 1109.30 FEET, MORE OR LESS, TO THE POINT OF BEGINNING), IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS.

PARCEL 17      PIN: 03-05-353-009      ZONING: R-1 (SU)

THAT PART OF THE SOUTH HALF OF SECTION 5, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE CENTERLINE OF STATE ROUTE 31, WHICH IS 165.86 FEET NORTH OF THE INTERSECTION OF SAID CENTERLINE WITH THE SOUTH LINE OF SAID SECTION 5 AS MEASURED ALONG THE CENTERLINE OF SAID ROAD; THENCE NORTH 06° 03' 17" EAST ALONG SAID CENTERLINE, 85.00 FEET; THENCE EASTERLY AT AN ANGLE OF 87° 43' 10" MEASURED COUNTER-CLOCKWISE FROM THE LAST DESCRIBED COURSE, 99.08 FEET; THENCE NORTHEASTERLY AT AN ANGLE OF 169° 46' 24" MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, 87.59 FEET; THENCE NORTHERLY AT AN ANGLE OF 142° 32' 41" MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, 69.19 FEET; THENCE NORTHERLY AT AN ANGLE OF 148° 08' 36" MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, 52.57 FEET; THENCE EASTERLY AT AN ANGLE OF 106° 13' 20" MEASURED COUNTER-CLOCKWISE FROM THE LAST DESCRIBED COURSE, 1010.40 FEET, MORE OR LESS, TO THE WEST BANK OF THE FOX RIVER; THENCE SOUTHERLY ALONG THE WEST BANK OF SAID FOX RIVER, 320 FEET MORE OR LESS, TO THE NORTHERLY LINE OF THE COMMONWEALTH EDISON COMPANY LANDS DESCRIBED IN DOCUMENT 127020 AT THE RECORDER'S OFFICE OF KENDALL COUNTY, ILLINOIS; THENCE WESTERLY ALONG SAID NORTHERLY LINE, 1109.30 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS.

EXCEPTING THEREFROM OF ALL OF THE ABOVE PARCELS THAT PORTION DEDICATED TO THE STATE OF ILLINOIS FOR ILLINOIS STATE HIGHWAY 31 RIGHT-OF-WAY.



**WALTER E. DEUCHLER ASSOCIATES, INC.**  
*Consulting Engineers — Aurora, Illinois*



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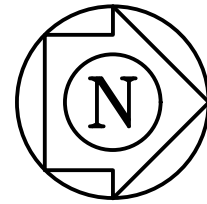
**FOX METRO WATER RECLAMATION DISTRICT**  
**PLAT OF SURVEY**  
**LEGAL DESCRIPTIONS**

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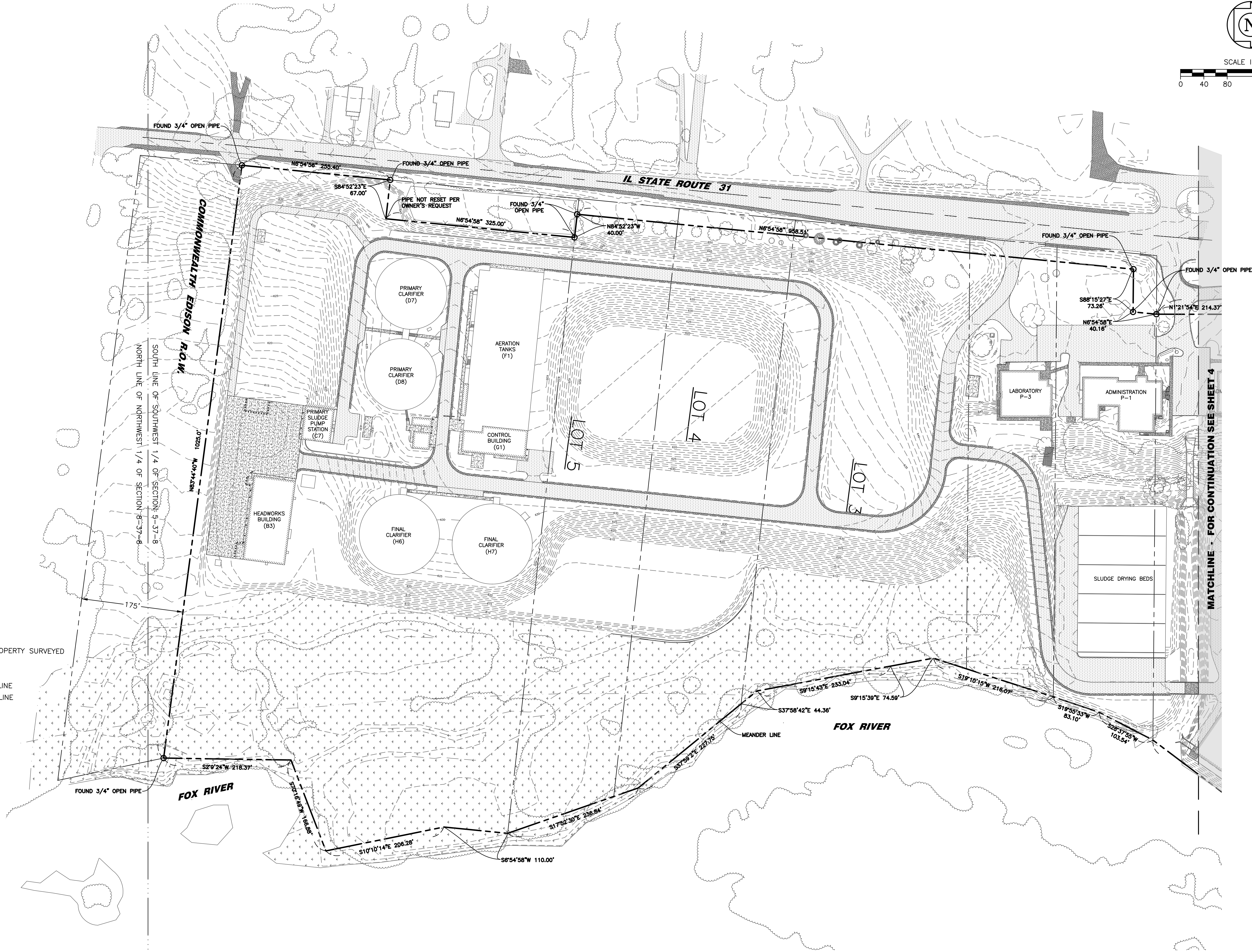


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SCALE IN FEET  
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LEGEND

- BOUNDARY OF PROPERTY SURVEYED
- LOT LINE
- SECTION LINE
- MINOR CONTOUR LINE
- MAJOR CONTOUR LINE
- WOODED AREAS
- WETLAND AREAS
- FOUND IRON PIPE

MATCHLINE - FOR CONTINUATION SEE SHEET 4



**WALTER E. DEUCHLER ASSOCIATES, INC.**  
*Consulting Engineers - Aurora, Illinois*

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**FOX METRO WATER RECLAMATION DISTRICT**  
**PLAT OF SURVEY**  
**PARTIAL PLAN - SOUTH**

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*Consulting Engineers — Aurora, Illinois*



REVISIONS

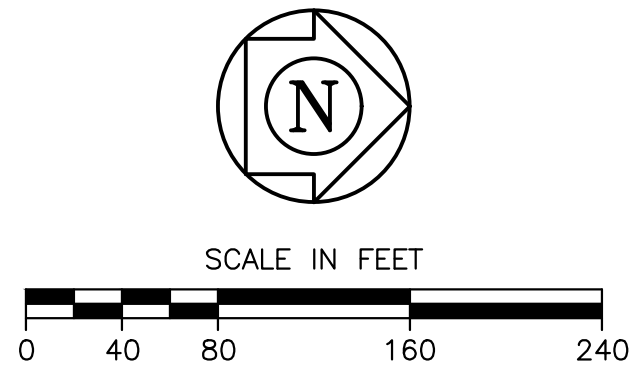
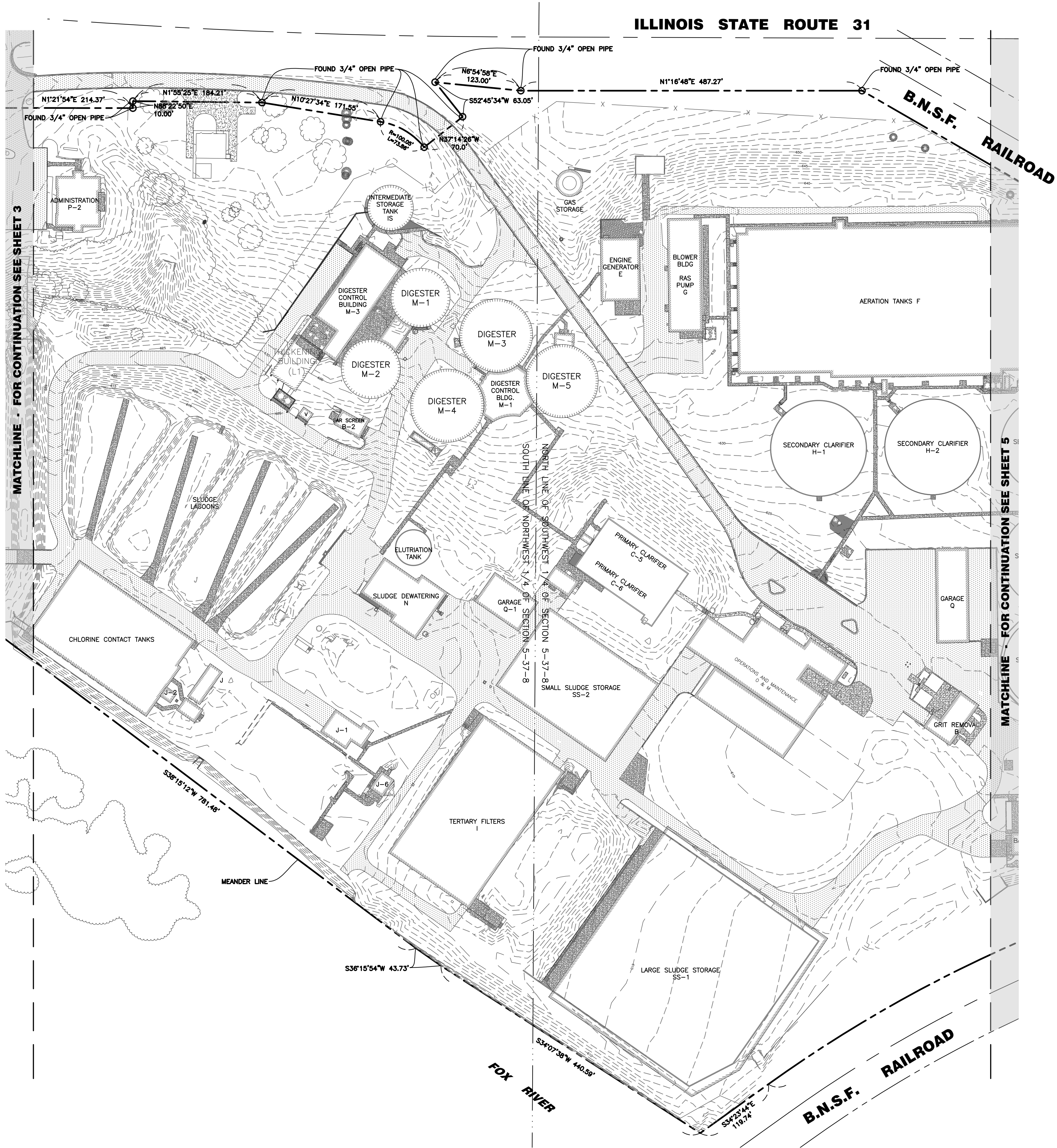
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**FOX METRO WATER RECLAMATION DISTRICT**  
**PLAT OF SURVEY**  
**PARTIAL PLAN - MIDDLE**

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**4**  
OF  
**5**

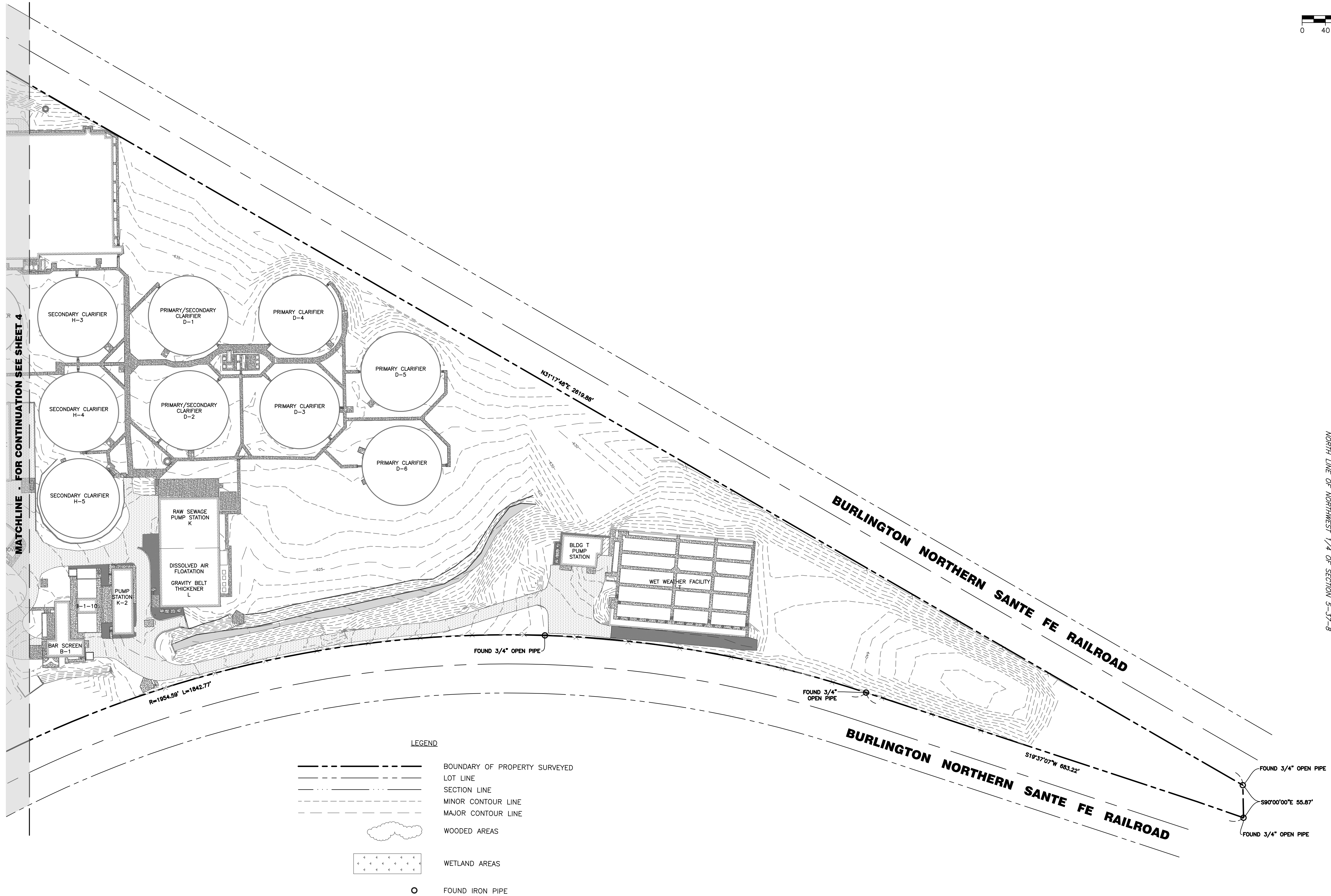
| LEGEND |                               |
|--------|-------------------------------|
|        | BOUNDARY OF PROPERTY SURVEYED |
|        | LOT LINE                      |
|        | SECTION LINE                  |
|        | MINOR CONTOUR LINE            |
|        | MAJOR CONTOUR LINE            |
|        | WOODED AREAS                  |
|        | WETLAND AREAS                 |
|        | FOUND IRON PIPE               |





F:\ASD\18016-00\Final Drawings\5 PARTIAL PLAN - NORTH.dwg

Plotted: 5/21/2018 6:10:53 PM



**WALTER E. DEUCHLER ASSOCIATES, INC.**  
*Consulting Engineers - Aurora, Illinois*



|    |    |
|----|----|
| 1. | 4. |
| 2. | 5. |
| 3. | 6. |

|                 |              |           |       |
|-----------------|--------------|-----------|-------|
| DATE:           | 5/20/2018    | DESIGNED: | DPC   |
| SCALE:          | AS SHOWN     | DRAWN:    | AS/SV |
| JOB NO.         | 111-18016-00 | APPROVED: | DPC   |
| FIELD BOOK NO.: | 251          |           |       |

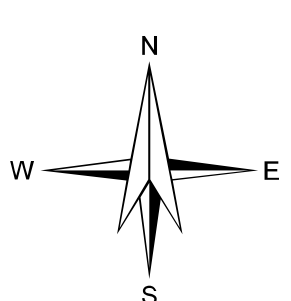
**FOX METRO WATER RECLAMATION DISTRICT**  
**PLAT OF SURVEY**  
**PARTIAL PLAN - NORTH**

|     |          |
|-----|----------|
| SHT | <b>5</b> |
| OF  | <b>5</b> |





0 270 540 810 1,080  
Feet



1 inch = 200 feet

Aerial Date : 2016

# Fox Metro Property Oswego Twp. Kendall County Illinois

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Created: 05/23/2018

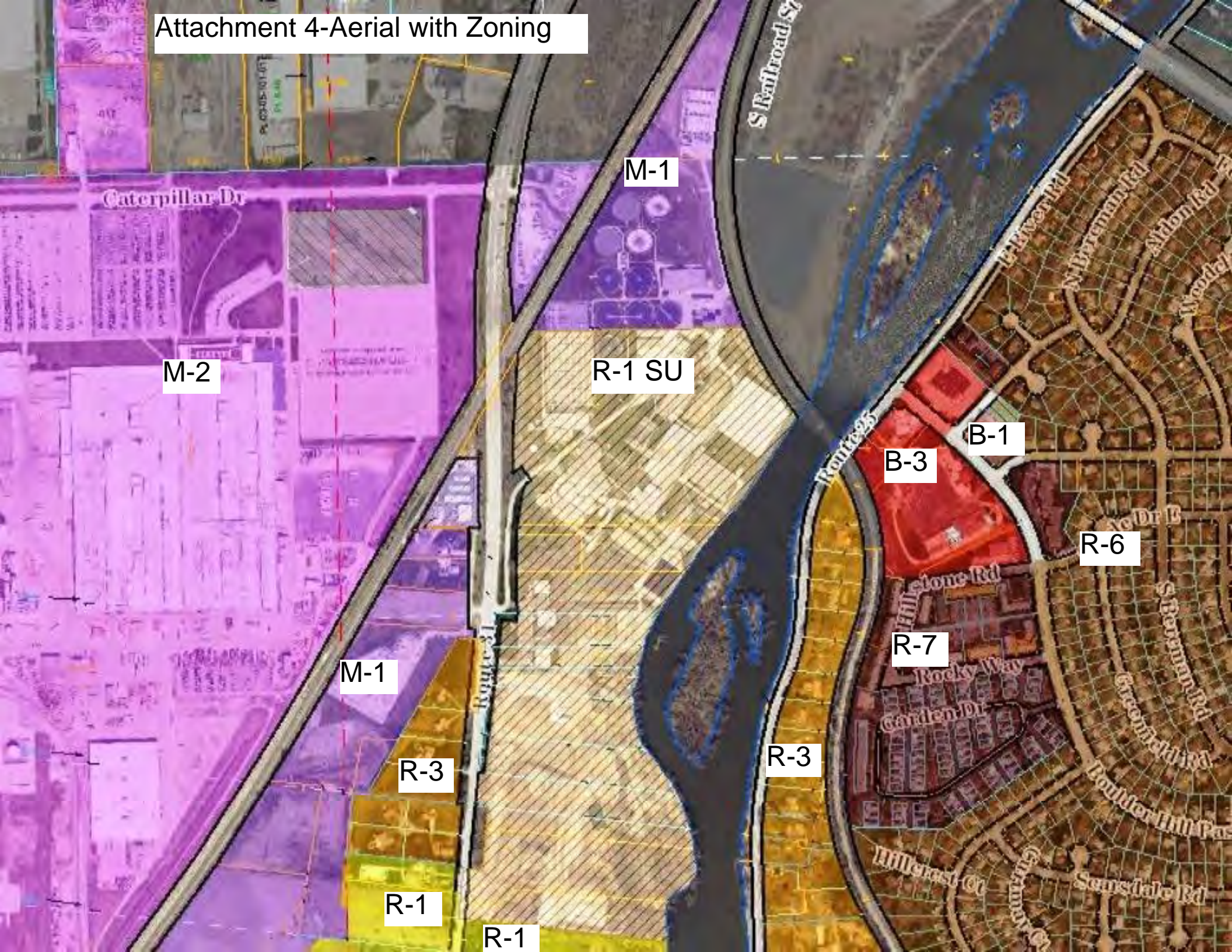


**Kendall County GIS**

111 West Fox Street - Room 309  
Yorkville, Illinois 60560-1498  
630.553.4030



Attachment 4-Aerial with Zoning





Attachment 5 Looking West from Administration Building





Attachment 6 Looking  
Northwest from  
Administration Building





Attachment 7 Looking Southwest from Administration Building





Attachment 8 Residential Properties Located  
Across from the Southwest Corner of Site





Attachment 9 Vegetation at Southern Portion of Site





Attachment 10 Neighboring Residential Property to the South





Attachment 11 Comed Ed ROW Looking East





Attachment 12 Looking West from Inside Property





Attachment 13 Looking South from Inside Property





Attachment 14 Looking East from Inside Property





# Attachment 15, Page 1

**Matt Asselmeier**

---

**From:** Brian LeClercq [bleclercq@oswegotownship.com]  
**Sent:** Thursday, May 31, 2018 9:08 AM  
**To:** Matt Asselmeier; Bob Rogerson; Ken Holmstrom  
**Subject:** Re: Kendall County Petition 18-20 Fox Metro Rezoning Request

Sounds logical. The township will neither attend any meetings nor file any objections

Get [Outlook for iOS](#)

---

**From:** Matt Asselmeier <masselmeier@co.kendall.il.us>  
**Sent:** Thursday, May 31, 2018 8:12:48 AM  
**To:** Brian LeClercq; Bob Rogerson; Ken Holmstrom  
**Subject:** RE: Kendall County Petition 18-20 Fox Metro Rezoning Request

Correct.

The northern and southern portions of their property have different zoning classifications and they would like their entire property to have the same zoning classification.

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

---

**From:** Brian LeClercq [mailto:bleclercq@oswegotownship.com]  
**Sent:** Wednesday, May 30, 2018 9:18 PM  
**To:** Bob Rogerson; Matt Asselmeier; Ken Holmstrom  
**Subject:** Re: Kendall County Petition 18-20 Fox Metro Rezoning Request

No. This merely expanding on the land you already own, correct?

Get [Outlook for iOS](#)

---

**From:** Bob Rogerson  
**Sent:** Wednesday, May 30, 2018 1:35:41 PM  
**To:** Matt Asselmeier; Brian LeClercq; Ken Holmstrom  
**Subject:** Re: Kendall County Petition 18-20 Fox Metro Rezoning Request

I do not plan on being there.

Get [Outlook for iOS](#)

---

**From:** Matt Asselmeier <masselmeier@co.kendall.il.us>  
**Sent:** Wednesday, May 30, 2018 11:32:23 AM  
**To:** Brian LeClercq; Ken Holmstrom; Bob Rogerson  
**Subject:** RE: Kendall County Petition 18-20 Fox Metro Rezoning Request

Brian, Ken, and Bob:

Please let me know if Oswego Township meets on the Fox Metro rezoning request.

Thanks,

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

**From:** Matt Asselmeier

**Sent:** Tuesday, May 29, 2018 9:37 AM

**To:** Brian LeClerc; Captain Alec Keenum; Jim Detzler ([daxmare@oswegotownship.com](mailto:daxmare@oswegotownship.com)); Kenneth Holmstrom; Michele Stradel ([michele@oswegotownship.com](mailto:michele@oswegotownship.com)); Mike Veseling ([mveseling@oswegofire.com](mailto:mveseling@oswegofire.com)); 'Jerad Chipman'; 'Debbie Buchanan'; 'Bob Rogerson'

**Subject:** RE: Kendall County Petition 18-20 Fox Metro Rezoning Request

To All:

Here is the link to the Staff Report regarding this rezoning request, [https://www.co.kendall.il.us/wp-content/uploads/Petition\\_18-20.pdf](https://www.co.kendall.il.us/wp-content/uploads/Petition_18-20.pdf).

ZPAC will meet on this request on June 5<sup>th</sup> at 9:00 a.m. in the County Board Room at 111 W. Fox Street in Yorkville.

If you have any questions, please let me know.

Thanks,

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

**From:** Matt Asselmeier

**Sent:** Wednesday, May 23, 2018 10:45 AM

**To:** Aaron Rybski; Andrews, Megan - NRCS-CD, Yorkville, IL; Brian Holdiman; David Guritz; Donald L. Clayton; Fran Klaas; 'Greg Chismark'; Jason Langston; Robert Davidson; Scott Koeppel; Bob Rogerson; Brian LeClerc; Captain Alec Keenum; Jim Detzler ([daxmare@oswegotownship.com](mailto:daxmare@oswegotownship.com)); Kenneth Holmstrom; Michele Stradel ([michele@oswegotownship.com](mailto:michele@oswegotownship.com)); Mike Veseling ([mveseling@oswegofire.com](mailto:mveseling@oswegofire.com)); 'Jerad Chipman'; 'Debbie Buchanan'

**Subject:** Kendall County Petition 18-20 Fox Metro Rezoning Request

To All:

Attached please find a notice of meeting regarding a request from Fox Metro to rezone a portion of their property on Route 31.



## Attachment 15, Page 3

As noted in the attached document, I will send you report on this request on or before May 29<sup>th</sup>.

If you have any questions, please let me know.

Thanks,

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

## Matt Asselmeier

---

**From:** Alec Keenum [akeenum@oswegofire.com]  
**Sent:** Thursday, May 31, 2018 12:32 PM  
**To:** Matt Asselmeier  
**Subject:** RE: Kendall County Petition 18-20 Fox Metro Rezoning Request

Matt,

The Oswego Fire Protection District has no comments concerning this rezoning request.

Regards,

Capt. Alec J Keenum  
Fire Marshal  
Oswego Fire Protection District



---

**From:** Matt Asselmeier [mailto:masselmeier@co.kendall.il.us]  
**Sent:** Tuesday, May 29, 2018 9:37 AM  
**To:** Brian LeClerc; Alec Keenum; Jim Detzler (daxmare@oswegotownship.com); Kenneth Holmstrom; Michele Stradel (michele@oswegotownship.com); Mike Veseling; Jerad Chipman; Debbie Buchanan; Bob Rogerson  
**Subject:** RE: Kendall County Petition 18-20 Fox Metro Rezoning Request

To All:

Here is the link to the Staff Report regarding this rezoning request, [https://www.co.kendall.il.us/wp-content/uploads/Petition\\_18-20.pdf](https://www.co.kendall.il.us/wp-content/uploads/Petition_18-20.pdf).

ZPAC will meet on this request on June 5<sup>th</sup> at 9:00 a.m. in the County Board Room at 111 W. Fox Street in Yorkville.

If you have any questions, please let me know.

Thanks,

Matthew H. Asselmeier, AICP  
Senior Planner  
Kendall County Planning, Building & Zoning  
111 West Fox Street

## Attachment 16, Page 2

Yorkville, IL 60560-1498

PH: 630-553-4139

Fax: 630-553-4179

**From:** Matt Asselmeier

**Sent:** Wednesday, May 23, 2018 10:45 AM

**To:** Aaron Rybski; Andrews, Megan - NRCS-CD, Yorkville, IL; Brian Holdiman; David Guritz; Donald L. Clayton; Fran Klaas; 'Greg Chismark'; Jason Langston; Robert Davidson; Scott Koeppel; Bob Rogerson; Brian LeClerc; Captain Alec Keenum; Jim Detzler ([daxmare@oswegotownship.com](mailto:daxmare@oswegotownship.com)); Kenneth Holmstrom; Michele Stradel ([michele@oswegotownship.com](mailto:michele@oswegotownship.com)); Mike Veseling ([mveseling@oswegofire.com](mailto:mveseling@oswegofire.com)); 'Jerad Chipman'; 'Debbie Buchanan'

**Subject:** Kendall County Petition 18-20 Fox Metro Rezoning Request

To All:

Attached please find a notice of meeting regarding a request from Fox Metro to rezone a portion of their property on Route 31.

As noted in the attached document, I will send you report on this request on or before May 29<sup>th</sup>.

If you have any questions, please let me know.

Thanks,

Matthew H. Asselmeier, AICP

Senior Planner

Kendall County Planning, Building & Zoning

111 West Fox Street

Yorkville, IL 60560-1498

PH: 630-553-4139

Fax: 630-553-4179

# Attachment 17, Page 1

## **ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC) June 5, 2018 – Unapproved Meeting Minutes**

Senior Planner Matt Asselmeier called the meeting to order at 9:05 a.m.

### Present:

Aaron Rybski – Health Department  
Fran Klaas – Highway Department  
David Guritz – Forest Preserve (Arrived 9:07 a.m.)  
Megan Andrews – Soil and Water Conservation District  
Don Clayton – GIS  
Deputy Commander Jason Langston – Sheriff's Department  
Matt Asselmeier – PBZ Department

### Absent:

Greg Chismark – WBK Engineering, LLC  
Brian Holdiman – PBZ Department  
Robert Davidson – PBZ Committee Chair

### Audience:

Dan Caceres and Matt Woodin

### **AGENDA**

Mr. Klaas made a motion, seconded by Mr. Rybski, to approve the agenda as proposed. With a voice vote of all ayes the motion carried.

### **MINUTES**

Mr. Rybski made a motion, seconded by Mr. Langston, to approve the May 1, 2018, meeting minutes. With a voice vote of all ayes the motion carried.

Mr. Guritz arrived at this time (9:07 a.m.)

### **PETITIONS**

#### **Petition 18-16 Lawrence Slattery on Behalf of R.Y. Property Management, Corp. (Owner) and Jorge Ramirez a/k/a Rancho La Purisima (Prospective Buyer) – Special Use Permit for a Banquet Facility at 8218 Route 30 (PIN 02-03-200-001) in Bristol Township**

Mr. Asselmeier summarized the request.

At the May 1<sup>st</sup> ZPAC meeting, the Committee voted to layover Petition 18-16 (Request by Lawrence Slattery on Behalf of R.Y. Management Corp. and Jorge Ramirez a/k/a Rancho La Purisima Corp for a banquet facility at 8218 Route 30 in Bristol Township). The reasons for the layover were:

1. Petitioner was to meet with an architect or engineer to determine occupancy loads for the barn.
2. Petitioner was to address the access issue with the Illinois Department of Transportation.
3. Petitioner was to provide the revised plat of survey or topographic survey showing a scale, north arrow, location map, name of the owner/developer, all existing structures on adjacent properties within 100' of the property line, and the present zoning classification and PINs for the subject property and all adjacent properties.
4. Petitioner was to provide the Findings of Fact for the special use request.

To date, the Petitioner has not provided specifics on the above items. However, the Petitioner's attorney indicated that he and his client were working on gathering the information.

Staff recommends that this petition be laid over until such time as the Petitioner resolves the access issues with IDOT, obtains the occupancy load from an architect or engineer, submits a revised plat of survey or topographic survey showing a scale, north arrow, location map, name of the owner/developer, all existing structures on adjacent properties within 100' of the property line, and the present zoning classification and PINs for the subject property and all adjacent properties, and provides the Findings of Fact for the special use request.

# Attachment 17, Page 2

Mr. Klaas made a motion, seconded by Mr. Rybski, to layover Petition 18-16 to the next regularly scheduled ZPAC meeting after the Petitioner submits the following to the Planning, Building and Zoning Department:

1. Information from an architect or engineer determining occupancy loads for the barn.
2. Information that the access issue with the Illinois Department of Transportation has been resolved
3. A revised plat of survey or topographic survey showing a scale, north arrow, location map, name of the owner/developer, all existing structures on adjacent properties within 100' of the property line, and the present zoning classification and PINs for the subject property and all adjacent properties.
4. The Findings of Fact for the special use request.

Ayes (6): Andrews, Clayton, Klaas, Langston, Rybski, and Asselmeier  
Nays (0): None  
Abstain (1): Guritz  
Absent (3): Chismark, Holdiman, and Davidson

The motion passed. This matter will go before ZPAC again after the Petitioner submits the requested information.

**Petition 18-20 Fox Metro Water Reclamation District – Map Amendment Rezoning 682 Route 31 in Oswego Township (PINs 03-05-176-002, 03-05-302-001, 03-05-302-002, 03-05-302-003, 03-05-302-004, 03-05-353-001, 03-05-353-002, 03-05-353-003, 03-05-353-004, 03-05-353-006, 03-05-353-009, and 03-05-353-010) from R-1 with a Special Use Permit to M-1. Parcels 03-05-127-005 and 03-05-176-001 are already zoned M-1.**

Mr. Asselmeier summarized the request.

The Fox Metro Water Reclamation District is considering improvements at their plant on Route 31. Rather than amending their special use permit, Fox Metro is requesting that the southern portion of the property, presently zoned R-1 with a special use permit for a sewage treatment facility, be rezoned to M-1. A wastewater treatment facility is a permitted use in the M-1 District and the rezoning would place the entire Fox Metro property in the same zoning classification. The northern portion of the property is already zoned M-1.

If the map amendment is approved, any improvement to the Fox Metro facility would still require site plan approval per Section 13 of the Kendall County Zoning Ordinance.

The Petitioner previously received special use permits to operate a sewage treatment facility onsite through the 1974 comprehensive County rezoning and Ordinances 2011-13 and 2011-35.

The existing use of the property as a wastewater treatment facility has occurred since the 1920s. The Petitioner has no desire to change the land use of the property. Even if the Petitioner did desire to change the land use of the property, a large amount of remediation and site work would be required to transform the property into a residential or other light manufacturing use.

The existing land use is Institutional. The future land use in the Land Resource Management Plan is Mixed Use Business. M-1 is a type of Mixed Use Business zoning classification.

An EcoCat is not required because the property is not zoned A-1.

The application to the Soil and Water Conservation District was submitted on May 21, 2018.

Information was sent to the Village of Montgomery on May 29, 2018. No comments have been received.

Information was sent to Oswego Township on May 29, 2018. No comments have been received.

The area around the subject property has a variety of agricultural, residential, and manufacturing related zoning classifications.

Staff has no concerns about the ability of Route 31 to handle the proposed map amendment.

Wetlands are located on the subject property. Any further development of the property would have to secure all applicable permits including stormwater permits.

Fox Metro is taking precautions to reduce odors.

Because the Future Land Use Map in the Land Resource Management Plan calls for the subject property to be Mixed Use Business and the M-1 zoning classification corresponds to the Mixed Use Business designation, Staff recommends approval of the proposed map amendment. If the map amendment is approved, the special use permits and R-1 related variances granted by Ordinances 2011-13 and 2011-35 would be repealed. Any additional R-1 related variances would also be repealed upon rezoning.

Mr. Guritz made a motion, seconded by Mr. Klaas, to recommend approval of the map amendment as requested.

Ayes (7): Andrews, Clayton, Klaas, Guritz, Langston, Rybski, and Asselmeier  
Nays (0): None  
Absent (3): Chismark, Holdiman, and Davidson

The motion passed unanimously. This matter will go before the Kendall County Regional Planning Commission on June 27<sup>th</sup>.

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

Mr. Asselmeier reported that Petition 18-05 regarding the Warpinski map amendment on Walker Road was approved by the County Board.

## **OLD BUSINESS/NEW BUSINESS**

None

## **PUBLIC COMMENT**

None

## **ADJOURNMENT**

Mr. Guritz made a motion, seconded by Mr. Langston to adjourn. With a voice vote of all ayes, the motion carried. The ZPAC, at 9:17 a.m., adjourned.

Respectfully Submitted,  
Matthew H. Asselmeier, AICP  
Senior Planner



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



[www.kendallswcd.org](http://www.kendallswcd.org)

June 27, 2018

Daniel Caceres  
Walter E. Deuchler Associates  
230 Woodlawn Avenue  
Aurora, IL 60506

Dear Mr. Caceres,

The Kendall County Soil & Water Conservation District (SWCD) received the complete Natural Resources Information Report (NRI) Application for the proposed Fox Metro Waste Water Treatment Plant re-zoning request as filed with Kendall County on June 22, 2018. The proposed project is located at 682 Route 31 in Oswego (Section 5 of Oswego Township (T.37N.-R.8E.) in Kendall County, Illinois) and covers twelve parcel index numbers. The application was submitted on behalf of petitioner Fox Metro Water Reclamation District at the request of the contact Walter E. Deuchler Associates. After reviewing the application, it was determined that a *full NRI Report is not necessary at this time* for the proposed project. In place of a full NRI Report, a review letter has been prepared.

The entire re-zoning request (R-1 Special Use to M-1) is approximately 69.8 acres. NRI Reports were prepared for approximately 30.9 acres of the currently proposed re-zoning project in 2011 based on site conditions at that time (NRI 1104 was for 5.0 acres for the Administration and Laboratory project and NRI 1105 was for 25.9 acres for the South Plant Expansion project); copies of these reports are included with this letter. Please see the following notes below regarding review of current natural resource considerations for the approximate 37.96 acres that is remaining of the 69.8 acre proposed rezoning request that have not been reviewed to date.

For the currently proposed re-zoning request, the Kendall County SWCD has reviewed the project site based on the scope of the acreage indicated above and would like to note the following regarding natural resource considerations:

- The acreage reviewed is part of the original wastewater treatment plant that dates to as early as the late 1920s with updates and expansion since. As such, the original soil profile, as mapped by USDA, has been modified and prepared for construction associated with upgrades and expansion of the plant. If any future updates or upgrades are made to the existing plat on the acreage referred to for the review letter, we would recommend site specific soil testing to ensure any limitations associated with the current soil material onsite will support associated uses.
- The site is located on slopes of approximately 0-20% and is approximately 610' to 650' above sea level. The original topography of the site has been altered allowing for drainage patterns to be reconfigured as part of the overall wastewater treatment plant.
- The site lies within the Fox River watershed.
- Based on in office review of existing FEMA Flood Insurance Rate Map, it does appear that this acreage is located within the 100-year floodplain. Additionally, based upon review of the National Wetland Inventory Map, wetlands are identified on the project site.
- 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 upon 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, cropland or forestland. The best group is assigned a value of 100 and all other groups are assigned lower values. 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 300 points; 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.

- The LESA Score for the acreage reviewed for the scope of this letter is 44 indicating a low level of protection. For the project acreage reviewed in the provided NRI Reports 1104 and 1105, the LESA scores for each were 62 and 110; both indicating a low level of protection.

If you have any questions, please contact our office at (630)553-5821 extension 3.

Sincerely,

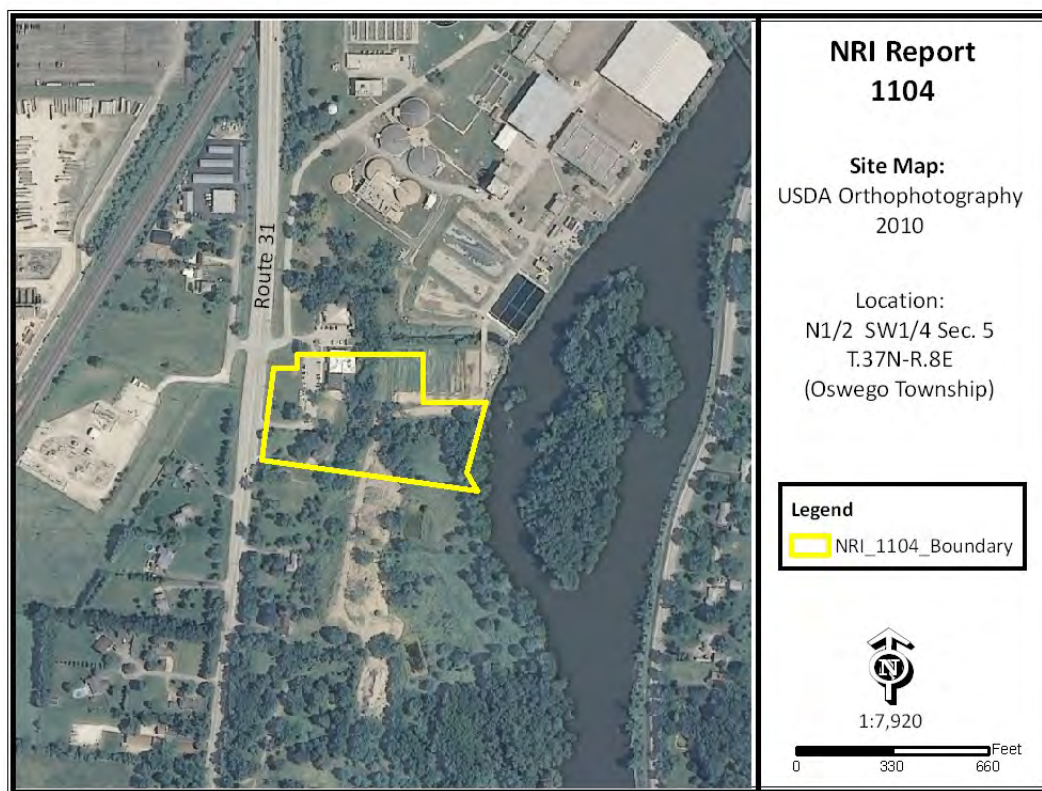
A handwritten signature in cursive script that reads "Megan Andrews".

Megan Andrews, Resource Conservationist

Enclosures



# NATURAL RESOURCE INFORMATION REPORT (NRI): 1104



April  
2011

Petitioner: Fox Metro Water Reclamation District  
Contact: Maury Malaise, Walter E. Deuchler Assoc., Inc.

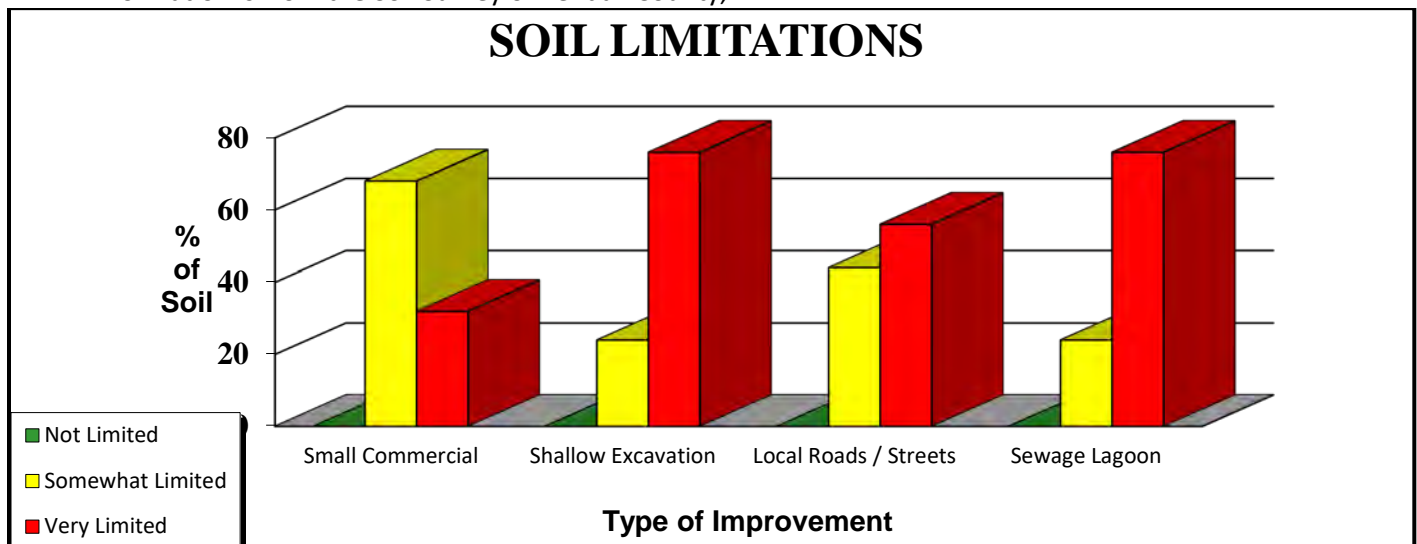
*Prepared by:*



*Kendall County Soil & Water  
Conservation District*

7775A Route 47 • Yorkville, Illinois 60560  
Phone: (630)553-5821 x3 • Fax: (630)553-7442  
[www.kendallswcd.org](http://www.kendallswcd.org)

1104

**Executive Summary****April 11, 2011****Petitioner:** Fox Metro Water Reclamation District**Contact Person:** Maury Malaise, Walter E. Deuchler Associates, Inc.**County or Municipality the petition is filled with:** Kendall County**Location of Parcel:** N ½ Section 4, NE ¼ Section 5 T.37N.-R.8E. (Oswego Township) of the 3<sup>rd</sup> Principal Meridian in Kendall County, IL**Project or Subdivision Name:** New Laboratory, Building P-3**Existing Zoning & Land Use:** R-1, Existing office & laboratory, abandoned residence, wooded, grass, sludge pits.**Proposed Zoning & Land Use:** R-1 Special Use, Office & Laboratory Building**Proposed Water Source:** Non-community public water supply operated by Fox Metro**Proposed Type of Sewage Disposal System:** To Fox Metro treatment plant**Proposed Type of Storm Water Management:** Not provided**Size of Site:** 5.0 acres**Land Evaluation Score:** 53**Natural Resource Concerns****Soils Limitations:** Limitations for small commercial building, shallow excavation, local roads/streets and sewage lagoons. See soils information page and attached soils tables. All information is from the Soil Survey of Kendall County, IL.**Wetlands:** The U.S. Fish & Wildlife Service's National Wetland Inventory map **does indicate** the presence of wetlands on-site. The Natural Resources Conservation Service's wetland map **does indicate** the presence of wetlands on-site. If a wetland is present, 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.**Floodplain:** Floodplain areas are identified on this site.**Hydric Soil:** Hydric soils which may be prone to ponding, are located on the parcel. Approximately 8% of the soils onsite are designated as hydric.**Prime Farmland:** Prime farmland soils are an important resource for Kendall County. Each soil type is assigned a rating, and is then used to determine the land evaluation (LE) value. The LE

value is a component of the Land Evaluation and Site Assessment (LESA) score. Sites with an LE score of 80 or greater are considered to be prime farmland that is well-suited for agricultural uses. This site has an LE score of 53 which does not place it within the definition of Prime Farmland (Kendall County LESA System, November 2008).

**Stormwater:** The District encourages the use of on-site detention for stormwater runoff, and recommends the use of a 0.10cfs/acre release rate for on-site detention ponds.

**Sediment and Erosion Control:** Development on this site should include a sediment and erosion control plan.

#### **LAND USE OPINION:**

The Kendall County Soil and Water Conservation District Board has reviewed the proposed development plans for Petitioner Fox Metro Water Reclamation District. This parcel is located in the N ½ SW ¼ of Section 5 and in Oswego Township (T.37N.-R8E. of the 3<sup>rd</sup> Principal Meridian) in Kendall County. Based on the information provided by the petitioner, an on site examination and a data review of the parcel in question, the SWCD Board has the following opinions and recommendations.

The Kendall County Soil and Water Conservation District has always had the opinion that Prime Farmland should be preserved whenever feasible. A land evaluation, which is a part of the Land Evaluation and Site Assessment (LESA) was conducted on this parcel. The soils on this parcel scored a 53 out of a possible 100 points indicating the soils are not well suited for agricultural uses. The Natural Resource Information Report indicates that 52% of the soils on this site are soils that are classified as being prime farmland and the most agronomically productive. Once farmland has been developed its agriculture productivity will be lost forever. Currently, there is no agricultural production onsite as the existing land uses including administrative building, laboratory building, sewage pits, wooded and grassed areas as well as an abandoned residential dwelling.

Soils have limitations for development. This report indicates that for soils located on the parcel: 76% of the soils are very limited for shallow excavation and sewage lagoons; 56% of the soils are very limited for shallow lawns/landscaping and local roads/streets; and 32% are very limited for small commercial building. This information is based on the soil in an undisturbed state. Some soil reclamation, special design, or maintenance may be required to obtain suitable soil conditions to support these types of development. Please note that the original soil profile has been altered due to past development and as a result, this site contains disturbed soils. The material found on site may not correspond to the soil type indicated within the Soil Survey of Kendall County.

This site is located within the Fox River Watershed. A portion of the site is located within the floodplain. Hydric soils are present onsite. In addition, wetlands may be present onsite.

This development should include a soil erosion sediment control plan. Soil erosion and sedimentation may become a primary non-point source of pollution. Eroded soils during the construction phase can create unsafe conditions on roadways, degrade water quality and destroy aquatic ecosystems lower in the watershed.

For intense use it is recommended that the drainage tile survey completed on the parcel to locate the subsurface drainage tile be taken into consideration during the land use planning process. Drainage tile expedites drainage and facilitates farming. It is imperative that these drainage tiles remain undisturbed. Impaired tile may affect a few acres or hundreds of acres of drainage.

The information that is included in this Natural Resources Information Report is to assure the Land Developers take into full consideration the limitations of that land that they wish to develop. Guidelines and recommendations are also apart of this report and should be considered in the planning process. The Natural Resource Information Report is required by the Illinois Soil and Water Conservation District Act (Ill. Compiled Statues, Ch. 70, Par 405/22.02a).

  
SWCD Chairman

  
Date

**KENDALL COUNTY SOIL AND WATER  
CONSERVATION DISTRICT  
NATURAL RESOURCE INFORMATION REPORT  
(NRI)**

|   |   |
|---|---|
| NRI Report Number                       | 1104  |
| Date District Board Reviews Application | April 11, 2011                                  |
| Applicant's Name                        | Fox Metro Water Reclamation District            |
| Size of Parcel                          | 5.0 acres                                       |
| Zoning Change                           | R-1 to R-1 Special Use (Kendall County)         |
| Parcel Index Number(s)                  | 03-05-302-003, 03-05-302-004, 03-05-353-001     |
| Contact Person                          | Maury Malaise<br>Walter E. Deuchler Assoc, Inc. |

| <b><i>Copies of this report or notification of the proposed land-use change were provided to:</i></b> | <b><i>Yes</i></b> | <b><i>No</i></b> |
|---|-------------------|------------------|
| The Applicant   | X                 |                  |
| The Applicant's Legal Representation  |                   | X                |
| The Local/Township Planning Commission  | X                 |                  |
| The Village/City/County Planning and Zoning Department or Appropriate Agency                          | X                 |                  |
| The Kendall County Soil and Water Conservation District Files   | X                 |                  |

Report Prepared By: *Megan Andrews*Position: *Resource Conservationist*

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## PURPOSE AND INTENT

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The purpose of this report is to inform officials of the local governing body and other decision-makers with natural resource information. This information may be useful when undertaking land use decisions concerning variations, amendments or relief of local zoning ordinances, proposed subdivision of vacant or agricultural lands and the subsequent development of these lands. This report is a requirement under Section 22.02a of the Illinois Soil and Water Conservation Districts Act.

The intent of this report is to present the most current natural resource information available in a readily understandable manner. It contains a description of the present site conditions, the present resources, and the potential impacts that the proposed change may have on the site and its resources. The natural resource information was gathered from standardized data, on-site investigations and information furnished by the petitioner. This report must be read in its entirety so that the relationship between the natural resource factors and the proposed land use change can be fully understood.

Due to the limitations of scale encountered with the various resource maps, the

property boundaries depicted in the various exhibits in this report provide a generalized representation of the property location and may not precisely reflect the legal description of the PIQ (Parcel in Question).

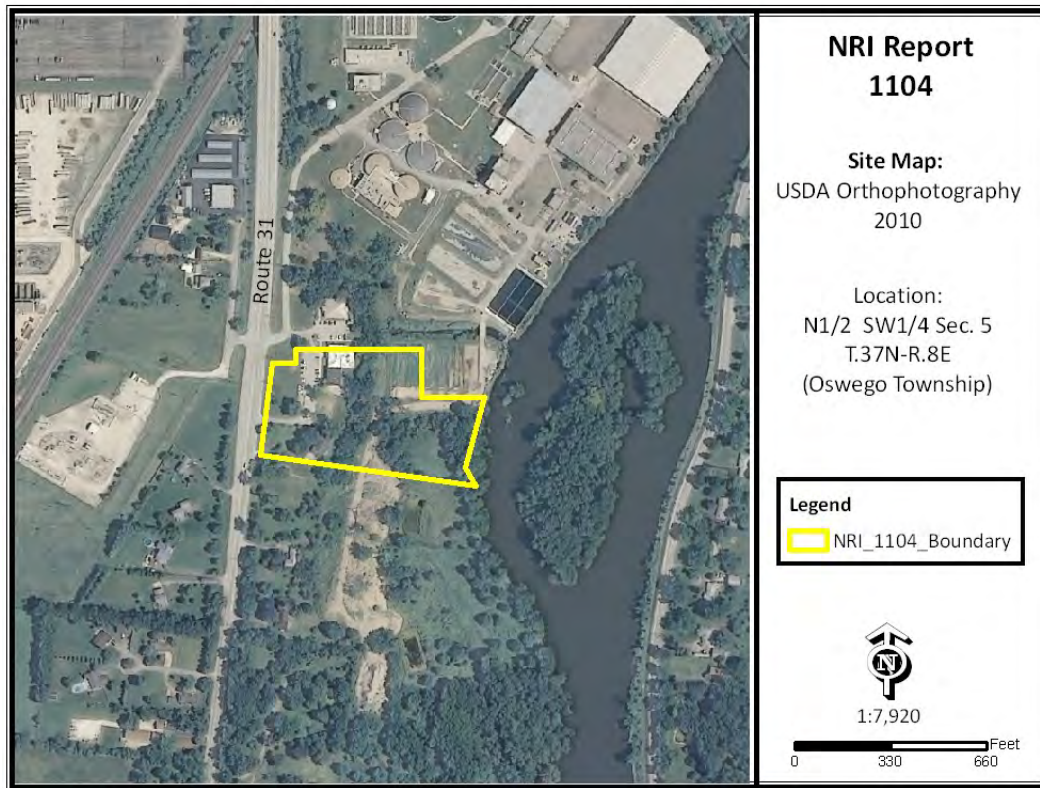
This report, when used properly, will provide the basis for proper land use change decisions and development while protecting the natural resource base of the county. It should not be used in place of detailed environmental and/or engineering studies that are warranted under most circumstances, but in conjunction with those studies.

The conclusions of this report in no way indicate that a certain land use is not possible, but it should alert the reader to possible problems that may occur if the capabilities of the land are ignored. Any questions on the technical data supplied in this report or if anyone feels that they would like to see more additional specific information to make the report more effective, please contact:

**Kendall County Soil and Water  
Conservation District  
7775A Route 47, Yorkville, IL 60560  
Phone: (630) 553-5821 ext. 3  
FAX: (630) 553-7442  
E-mail: [Megan.Andrews@il.nacdnet.net](mailto:Megan.Andrews@il.nacdnet.net)**







## ARCHAEOLOGIC/CUTURAL RESOURCES

Simply stated, cultural resources are all the past activities and accomplishments of people. They include the following: buildings; objects made or used by people; locations; and less tangible resources, such as stories, dance forms, and holiday traditions. The Soil and Water Conservation District most often encounters cultural resources as historical properties. These may be prehistoric or historical sites, buildings, structures, features, or objects. The most common type of historical property that the Soil and Water Conservation District may encounter is non-structural archaeological sites. These sites often extend below the soil surface, and must be protected against disruption by development or other earth moving activity if possible. Cultural resources are *non-renewable* because there is no way to “grow” a site to replace a disrupted site.

Landowners with historical properties on their land have ownership of that historical property. However, the State of Illinois owns all of the following: human remains, grave markers, burial mounds, and artifacts associated with graves and human remains.

Non-grave artifacts from archaeological sites and historical buildings are the property of the landowner. The landowner may choose to disturb a historical property, but may not receive federal or state assistance to do so. If an earth moving activity disturbs human remains, the landowner must contact the county coroner within 48 hours.

***The Illinois Historic Preservation Agency has not been notified of the proposed land use change by the Kendall County SWCD. The applicant may need to contact the IHPA according to current Illinois law.***



## ECOLOGICALLY SENSITIVE AREAS

### ***What is Biological Diversity and Why Should it be Conserved?<sup>1</sup>***

Biological diversity, or biodiversity, is the range of life on our planet. A more thorough definition is presented by botanist Peter H. Raven: "At the simplest level, biodiversity is the sum total of all the plants, animals, fungi and microorganisms in the world, or in a particular area; all of their individual variation; and all of the interactions between them. It is the set of living organisms that make up the fabric of the planet Earth and allow it to function as it does, by capturing energy from the sun and using it to drive all of life's processes; by forming communities of organisms that have, through the several billion years of life's history on Earth, altered the nature of the atmosphere, the soil and the water of our Planet; and by making possible the sustainability of our planet through their life activities now." (Raven 1994)

It is not known how many species occur on our planet. Presently, about 1.4 million species have been named. It has been estimated that there are perhaps 9 million more that have not been identified. What is known is that they are vanishing at an unprecedented rate. Reliable estimates show extinction occurring at a rate several orders of magnitude above "background" in some ecological systems. (Wilson 1992, Hoose 1981)

The reasons for protecting biological diversity are complex, but they fall into four major categories.

First, loss of diversity generally weakens entire natural systems. Healthy ecosystems tend to have many natural checks and balances. Every species plays a role in maintaining this system. When simplified by the loss of diversity, the system becomes more susceptible to natural and artificial perturbations. The chances of a system-wide collapse increase. In parts of the midwestern United States, for example, it was

only the remnant areas of natural prairies that kept soil intact during the dust bowl years of the 1930s. (Roush 1982)

Simplified ecosystems are almost always expensive to maintain. For example, when synthetic chemicals are relied upon to control pests, the target species are not the only ones affected. Their predators are almost always killed or driven away, exasperating the pest problem. In the meantime, people are unintentionally breeding pesticide-resistant pests. A process has begun where people become perpetual guardians of the affected area, which requires the expenditure of financial resources and human ingenuity to keep the system going.

A second reason for protecting biological diversity is that it represents one of our greatest untapped resources. Great benefits can be reaped from a single species. About 20 species provide 90% of the world's food. Of these 20, just three, wheat, maize and rice-supply over one half of that food. American wheat farmers need new varieties every five to 15 years to compete with pests and diseases. Wild strains of wheat are critical genetic reservoirs for these new varieties.

Further, every species is a potential source of human medicine. In 1980, a published report identified the market value of prescription drugs from higher plants at over \$3 billion. Organic alkaloids, a class of chemical compounds used in medicines, are found in an estimated 20% of plant species. Yet only 2% of plant species have been screened for these compounds. (Hoose 1981)

The third reason for protecting diversity is that humans benefit from natural areas and depend on healthy ecosystems. The natural world supplies our air, our water, our food and supports human economic activity. Further, humans are creatures that evolved in a diverse natural environment between forest and grasslands. People need to be reassured that such places remain. When people speak of "going to the country," they generally mean more than getting out of town. For reasons of

<sup>1</sup>Taken from *The Conservation of Biological Diversity in the Great Lakes Ecosystem: Issues and Opportunities*, prepared by the Nature Conservancy Great Lakes Program 79W. Monroe Street, Suite 1309, Chicago, IL 60603, January 1994

their own sanity and well being, they need a holistic, organic experience. Prolonged exposure to urban monotony produces neuroses, for which cultural and natural diversity cure.

Historically, the lack of attention to biological diversity, and the ecological processes it supports, has resulted in economic hardships for segments of the basin's human population.

The final reason for protecting biological diversity is that species and natural systems are intrinsically valuable. The above reasons have focused on the benefits of the natural world to humans. All things possess intrinsic value simply because they exist.

### **Biological Resources Concerning the Subject Parcel**

As part of the Natural Resources Information Report, staff checks office maps to determine if any nature preserves are in the general vicinity of the parcel in question. If there is a nature preserve in the area, then that resource will be identified as part of the report. The SWCD recommends that every effort be made to protect that resource. Such efforts should include, but are not limited to erosion control, sediment control, stormwater management, and groundwater monitoring.

*Office maps indicate that an ecologically sensitive area, the Fox River, is located near the parcel in question.*

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## **SOILS INFORMATION**

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### **Importance of Soils Information**

Soils information comes from the Natural Resources Conservation Service Soil Maps and Descriptions for Kendall County. This information is important to all parties involved in determining the suitability of the proposed land use change.

Each soil polygon is given a number, which represents its soil type. The letter found after the soil type number indicates the soils slope class.

Each soil map unit has limitations for a variety of land uses such as septic systems, buildings with basements, and buildings without basements. 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.

The limitation categories (slight, moderate or severe) indicate the potential for difficulty in using that soil unit for the proposed activity and, thus, the degree of need for thorough soil borings and engineering studies. A limitation does not

necessarily mean that the proposed activity cannot be done on that soil type. It does mean that the reasons for the limitation need to be thoroughly understood and dealt with in order to complete the proposed activity successfully. A severe limitation indicates that the proposed activity will be more difficult and costly to do on that soil type than on a soil type with a moderate or slight rating.

Soil survey interpretations are predictions of soil behavior for specified land uses and specified management practices. They are based on the soil properties that directly influence the specified use of the soil. Soil survey interpretations allow users of soil surveys to plan reasonable alternatives for the use and management of soils.

Soil interpretations do not eliminate the need for on-site study and testing of specific sites for the design and construction for specific uses. They can be used as a guide for planning more detailed investigations and for avoiding undesirable sites for an intended use. The scale of the maps and the range of error limit the use of the soil delineations.

Figure 2: Soil Map

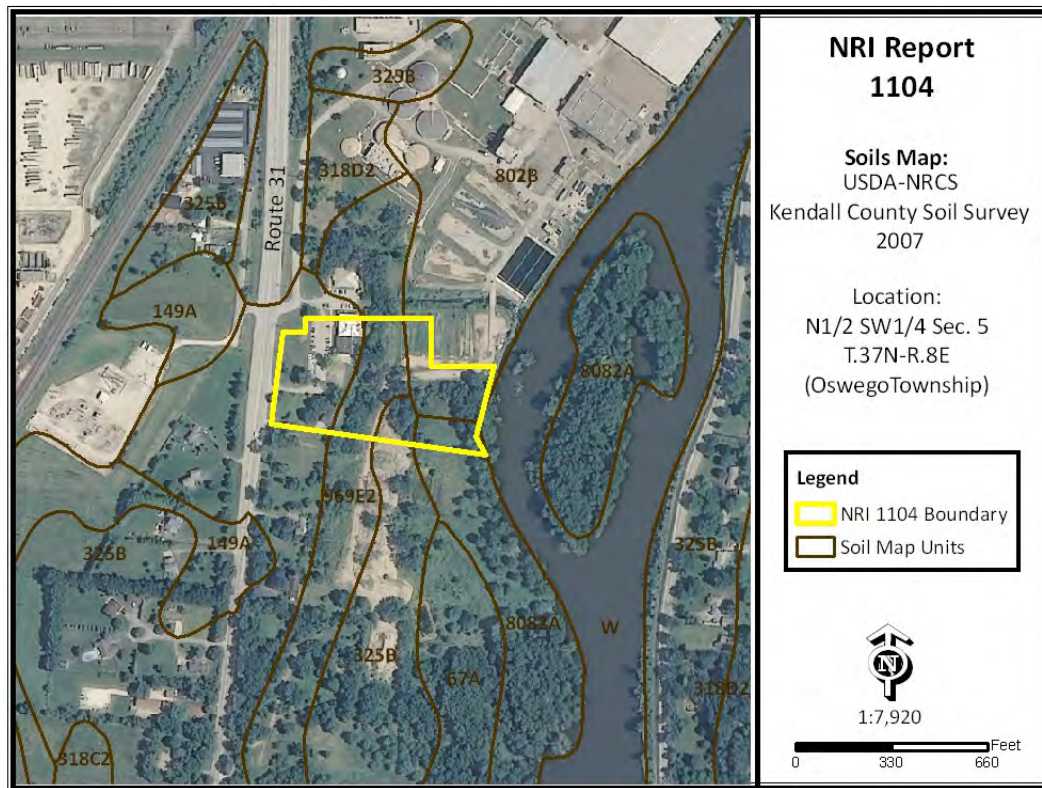


Table 1: Soil Map Unit Descriptions

| Symbol | Descriptions                                | Acres | Percent |
|--------|---|-------|---------|
| 325B   | Dresden silt loam, 2-4% slopes              | 2.2   | 44%     |
| 802B   | Orthents, loamy, undulating                 | 1.2   | 24%     |
| 969E2  | Casco-Rodman complex, 12-20% slopes, eroded | 1.2   | 24%     |
| 8082A  | Millington silt loam, 0-2% slopes,          | 0.4   | 8%      |

\*SOURCE: National Cooperative Soil Survey – USDA-NRCS

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## SOIL INTERPRETATIONS EXPLANATION

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### Nonagricultural

#### General

These interpretative ratings help engineers, planners, and others to understand how soil properties influence behavior when used for nonagricultural uses such as building site development or construction materials. This report gives ratings for proposed uses in terms of limitations and restrictive features. The tables list only the most restrictive features. Other features may need treatment to overcome soil limitations for a specific purpose.

Ratings come from the soil's "natural" state, that is, no unusual modification occurs other than that which is considered normal practice for the rated use. Even though soils may have limitations, an engineer may alter soil features or adjust building plans for a structure to compensate for most degrees of limitations. Most of these practices, however, are costly. The final decision in selecting a site for a particular use generally involves weighing the costs for site preparation and maintenance.

Soil properties influence development of building sites, including the selection of the site, the design of the structure, construction, performance after construction, and maintenance. Soil limitation ratings of slight, moderate, and severe are given for the types of proposed improvements that are listed or inferred by the petitioner as entered on the report application and/or zoning petition. The most common types of building limitation that this report gives limitations ratings for

is: septic systems. It is understood that engineering practices can overcome most limitations for buildings with and without basements, and small commercial buildings. Limitation ratings for these types of buildings are not commonly provided. Organic soils, when present on the parcel, are referenced in the hydric soils section of the report. This type of soil is considered to be unsuitable for all types of construction.

#### Limitations Ratings

1. **Not Limited** - This soil has favorable properties for the use. The degree of limitation is minor. The people involved can expect good performance and low maintenance.
2. **Somewhat Limited** - This soil has moderately favorable properties for the use. Special planning, design, or maintenance can overcome this degree of limitation. During some part of the year, the expected performance is less desirable than for soils rated slight.
3. **Very Limited** - This soil has one or more properties that are unfavorable for the rated use. These may include the following: steep slopes, bedrock near the surface, flooding, high shrink-swell potential, a seasonal high water table, or low strength. This degree of limitation generally requires major soil reclamation, special design, or intensive maintenance, which in most situations is difficult and costly.



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## BUILDING LIMITATIONS

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### Building on Poorly Suited or Unsuitable

Soils: Can present problems to future property owners such as cracked foundations, wet basements, lowered structural integrity and high maintenance costs associated with these problems. The staff of the Kendall County SWCD strongly urges scrutiny by the plat reviewers to avoid granting parcels with these soils exclusively.

Small Commercial Building - Ratings are for undisturbed soil for a small building of less than 3 stories without a basement. The foundation is assumed to be spread footings of reinforced concrete at a depth of 2 feet or the depth of maximum frost penetration, whichever is deeper.

Shallow Excavations - Trenches or holes dug to a maximum depth of 5 or 6 feet for graves, utility lines, open ditches, or other purposes. The ratings are based on the soil properties that influence the ease of digging and the resistance to sloughing.

Lawns and Landscaping - Require soils on which turf and ornamental trees and shrubs can be established and maintained (irrigation is not considered in the ratings). The ratings are based on the soil properties

that affect plant growth and trafficability after vegetation is established.

Local Roads and Streets - They have an all-weather surface and carry automobile and light truck traffic all year. They have a subgrade of cut or fill soil material, a base of gravel, crushed rock or soil material stabilized by lime or cement; and a surface of flexible material (asphalt), rigid material (concrete) or gravel with a binder. The ratings are based on the soil properties that affect the ease of excavation and grading and the traffic-supporting capacity.

Sewage Lagoon - Shallow ponds constructed to hold sewage while aerobic bacteria decompose the solid and liquid wastes. Lagoons should have a nearly level floor surrounded by cut slopes or embankments of compacted soil. Nearly impervious soil material for the lagoon floor and sides is required to minimize seepage and contamination of ground water. Considered in the ratings are slope, saturated hydraulic conductivity, depth to water table, ponding, depth to bedrock or a cemented pan, flooding, large stones and content of organic matter.

Table 2a: Building Limitations

| Soil Type             | Small Commercial Building  | Shallow Excavations   | Lawns/Landscaping   | Local Roads  | Acreage | Percent |
|-----------------------|--|---|---|--|---------|---------|
| 325B                  | <b>Somewhat Limited:</b><br>Shrink-swell                           | <b>Very Limited:</b><br>Unstable excavation walls   | <b>Not Limited</b>  | <b>Somewhat Limited:</b><br>Shrink-swell, Frost action   | 2.2     | 44%     |
| 802B                  | <b>Somewhat Limited:</b><br>Shrink-swell                           | <b>Somewhat Limited:</b><br>Depth to saturated Zone, Unstable excavation walls                | <b>Very Limited:</b><br>Too dense   | <b>Very Limited:</b><br>Low strength, Shrink-swell, Frost action   | 1.2     | 24%     |
| 969E2                 | <b>Very Limited:</b><br>Slope                                      | <b>Very Limited:</b><br>Unstable excavation walls, Too steep                                  | <b>Casco:</b><br>Very Limited:<br>Too steep, droughty<br><b>Rodman:</b><br>Very Limited:<br>Too steep, droughty, gravel | <b>Casco:</b><br><b>Very Limited:</b><br>Too steep, frost action<br><b>Rodman:</b><br>Very Limited:<br>Too steep | 1.2     | 24%     |
| 8082A                 | <b>Very Limited:</b><br>Flooding, Depth to saturated zone, Ponding | <b>Very Limited:</b><br>Depth to saturated zone, Ponding, Flooding, Unstable excavation walls | <b>Very Limited:</b><br>Depth to saturated zone, Ponding, Flooding  | <b>Very Limited:</b><br>Depth to saturated zone, Frost action, Flooding, Low strength, Ponding                   | 0.4     | 8%      |
| <b>% Very Limited</b> | <b>32%</b>   | <b>76%</b>  | <b>56%</b>  | <b>56%</b>   |         |         |

Table 2b: Building Limitations

| Soil Type             | Sewage Lagoon   | Acreage | Percent |
|-----------------------|---|---------|---------|
| 325B                  | <b>Very Limited:</b><br>Seepage, Slope                                      | 2.2     | 44%     |
| 802B                  | <b>Somewhat Limited:</b><br>Slope   | 1.2     | 24%     |
| 969E2                 | <b>Very Limited:</b><br>Slope, Seepage                                      | 1.2     | 24%     |
| 8082A                 | <b>Very Limited:</b><br>Flooding, Depth to saturated zone, Ponding, Seepage | 0.4     | 8%      |
| <b>% Very Limited</b> | <b>76%</b>  |         |         |



Figure 3a: Map of Building Limitations – Small Commercial Building

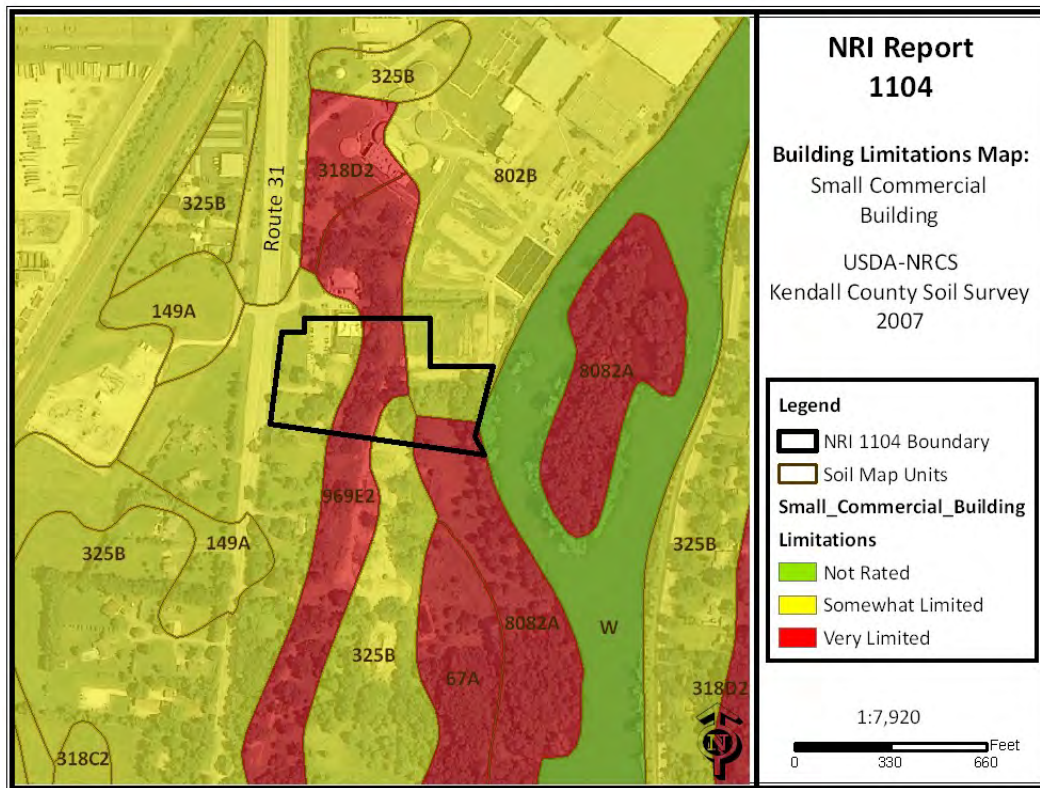
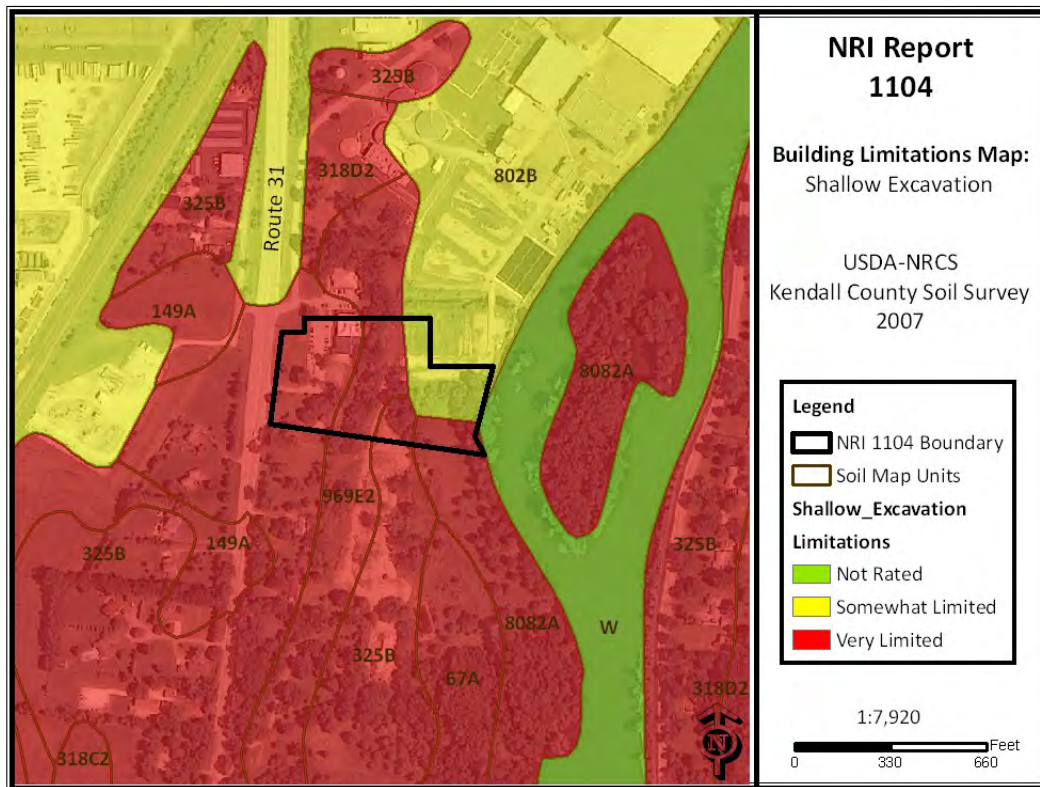


Figure 3b: Map of Building Limitations – Shallow Excavation



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## SOIL WATER FEATURES

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This table gives estimates of various soil water features that should be taken into consideration when reviewing engineering for a land use project.

**Hydrologic Soil Groups (HSGs):** The groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

**Group A:** Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.

**Group B:** Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

**Group C:** Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.

**Group D:** Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

**Note:** 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 is for undrained areas.

**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). The classes are:

negligible, very low, low, medium, high and very high.

**Months:** Indicates the portion of the year in which a water table, ponding, and/or flooding is most likely to be a concern.

**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:** Refers to standing water in a closed depression and the data indicates surface water depth, duration and frequency of ponding.

**Duration:** Expressed as *very brief* if less than 2 days, *brief* is 2 to 7 days, *long* if 7 to 30 days and *very long* if more than 30 days.

**Frequency:** Expressed as: *none* meaning ponding is not possible; *rare* means unlikely but possible under unusual weather conditions (chance of ponding is 0-5% in any year); *occasional* means that it occurs, on the average, once or less in 2 years (chance of ponding is 5 to 50% in any year); and *frequent* means that it occurs, on the average, more than once in 2 years (chance of ponding is more than 50% in any year).

**Flooding:** The temporary inundation of an area caused by overflowing streams, by runoff from adjacent slopes, or by tides. Water standing for short periods after rainfall or snowmelt is not considered flooding, and water standing in swamps and marshes is considered ponding rather than flooding.

**Duration:** Expressed as: *extremely brief* if 0.1 hour to 4 hours; *very brief* if 4 hours to 2 days; *brief* if 2 to 7 days; *long* if 7 to 30 days; and *very long* if more than 30 days.

**Frequency:** Expressed as: *none* means flooding is not probable; *very rare* means that it is very unlikely but possible under extremely unusual weather conditions (chance of flooding is less than 1% in any year); *rare* means that it is unlikely but possible under



unusual weather conditions (chance of flooding is 1 to 5% in any year); *occasional* means that it occurs infrequently under normal weather conditions (chance of flooding is 5 to 50% in any year but is less than 50% in all months in any year); and *very frequent* means that it is likely to occur very often under normal weather conditions (chance of flooding is more than 50% in all months of any year).

**Note:** The information is based on evidence in the soil profile. In addition, consideration is also given to local information about the extent and levels of flooding and the relation of each soil on the landscape to historic floods. Information on the extent of flooding based on soil data is less specific than that provided by detailed engineering surveys that delineate flood-prone areas at specific flood frequency levels.

Table 3a: Water Features

| Soil Type | Hydrologic Group      | Surface Runoff               |
|-----------|-----------------------|------------------------------|
| 325B      | B                     | Low                          |
| 802B      | B                     | Low                          |
| 969E2     | Casco: B<br>Rodman: A | Casco: Medium<br>Rodman: Low |
| 8082A     | B/D                   | Negligible                   |

Table 3b: Water Features

| Soil Type    | Month    | Water Table |             | Ponding       |          |           | Flooding |           |
|--------------|----------|-------------|-------------|---------------|----------|-----------|----------|-----------|
|              |          | Upper Limit | Lower Limit | Surface Depth | Duration | Frequency | Duration | Frequency |
| <b>325B</b>  | Jan-Dec  | --          | --          | --            | --       | None      | --       | None      |
| <b>802B</b>  | February | 3.5'-5.0'   | 3.7'-5.5'   | --            | --       | None      | --       | None      |
|              | March    | 3.5'-5.0'   | 3.7'-5.5'   | --            | --       | None      | --       | None      |
|              | April    | 3.5'-5.0'   | 3.7'-5.5'   | --            | --       | None      | --       | None      |
| <b>969E2</b> | Jan-Dec  | --          | --          | --            | --       | None      | --       | None      |
| <b>3082A</b> | January  | 0.0'-1.0'   | >6.0'       | 0.0'-0.5'     | Brief    | Frequent  | Brief    | Frequent  |
|              | February | 0.0'-1.0'   | >6.0'       | 0.0'-0.5'     | Brief    | Frequent  | Brief    | Frequent  |
|              | March    | 0.0'-1.0'   | >6.0'       | 0.0'-0.5'     | Brief    | Frequent  | Brief    | Frequent  |
|              | April    | 0.0'-1.0'   | >6.0'       | 0.0'-0.5'     | Brief    | Frequent  | Brief    | Frequent  |
|              | May      | 0.0'-1.0'   | >6.0'       | 0.0'-0.5'     | Brief    | Frequent  | Brief    | Frequent  |
|              | June     | --          | --          | --            | --       | None      | Brief    | Frequent  |
|              | November | --          | --          | --            | --       | None      | Brief    | Frequent  |
|              | December | --          | --          | --            | --       | None      | Brief    | Frequent  |

## SOIL EROSION & SEDIMENT CONTROL

Erosion is the wearing away of the soil by water, wind, and other forces. Soil erosion threatens the Nation's soil productivity and contributes the most pollutants in our waterways. Water causes about two thirds of erosion on agricultural land. Four properties, mainly, determine a soil's erodibility:

1. Texture
2. Slope
3. Structure
4. Organic matter content

**Slope** has the most influence on soil erosion potential when the site is under construction. Erosivity and runoff increase as slope grade increases. The runoff then exerts more force on the particles, breaking their bonds more readily and carrying them farther before deposition. The longer water flows along a slope before reaching a major waterway, the greater the potential for erosion.

Soil erosion during and after this proposed construction can be a primary non-point source of water pollution. Eroded soil during the construction phase can create unsafe conditions on roadways, decrease the storage capacity of lakes, clog streams and drainage channels, cause deterioration of aquatic habitats, and increase

water treatment costs. Soil erosion also increases the risk of flooding by choking culverts, ditches and storm sewers, and by reducing the capacity of natural and man-made detention facilities.

The general principles of erosion and sedimentation control measures include:

- reducing or diverting flow from exposed areas, storing flows or limiting runoff from exposed areas,
- staging construction in order to keep disturbed areas to a minimum,
- establishing or maintaining or temporary or permanent groundcover,
- retaining sediment on site and
- properly installing, inspecting and maintaining control measures.

Erosion control practices are useful controls only if they are properly located, installed, inspected and maintained.

The SWCD recommends an erosion control plan for all building sites, especially if there is a wetland or stream nearby.

**Table 4: Soil Erosion Potential**

| Soil Type | Slope  | Rating   | Acreage | Percent of Parcel |
|-----------|--------|----------|---------|-------------------|
| 325B      | 2-4%   | Slight   | 2.2     | 44%               |
| 802B      | N/A    | Slight   | 1.2     | 24%               |
| 969E2     | 12-20% | Moderate | 1.2     | 24%               |
| 8082A     | 0-2%   | Moderate | 0.4     | 8%                |



## PRIME FARMLAND SOILS

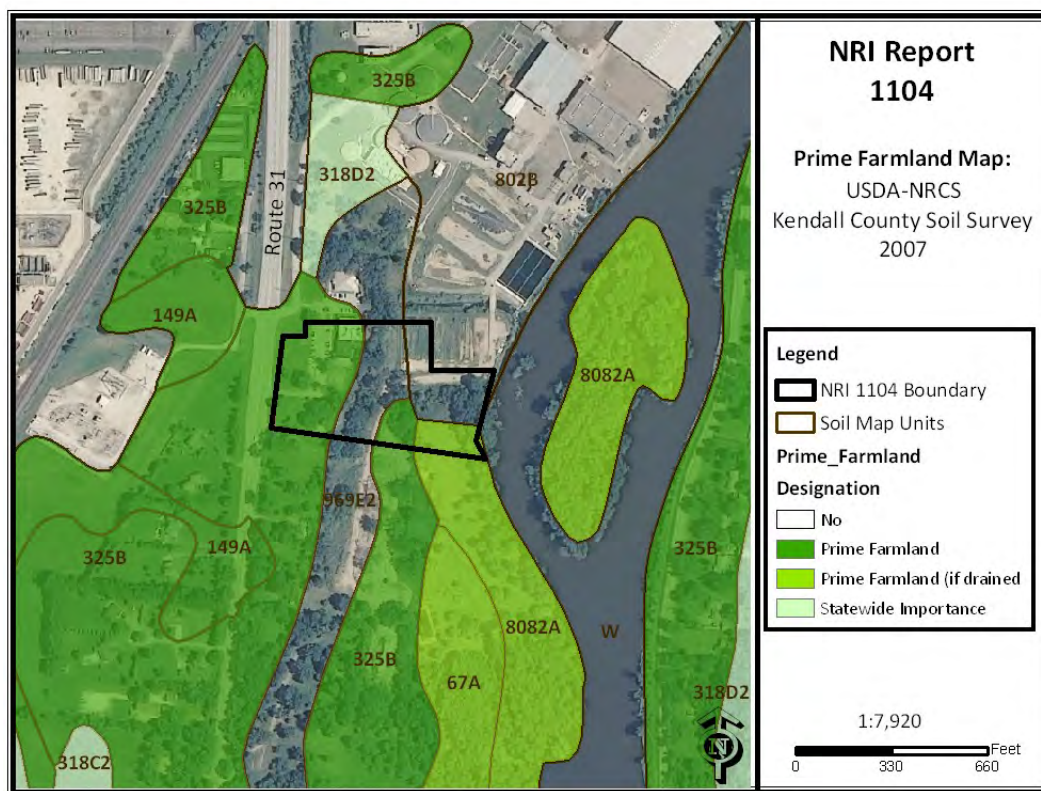
Prime farmland soils are an important resource to Kendall County. Some of the most productive soils in the United States occur locally. Each soil map unit in the United States is assigned a prime or non-prime rating. Prime agricultural land does not need to be in the production of food & fiber.

Section 310 of the NRCS general manual states that urban or built-up land on prime farmland soils is not prime farmland. The percentages of soils map units on the parcel reflect the determination that urban or built up land on prime farmland soils is not prime farmland.

**Table 5: Prime Farmland Soils**

| Soil Types       | Prime Designation                   | Acreage | Percent |
|------------------|-------------------------------------|---------|---------|
| 325B             | Prime Farmland                      | 2.2     | 44%     |
| 802B             | No Designation (Not Prime Farmland) | 1.2     | 24%     |
| 969E2            | No Designation (Not Prime Farmland) | 1.2     | 24%     |
| 8082A            | Prime Farmland (if drained)         | 0.4     | 8%      |
| % Prime Farmland | 52%                                 |         |         |

**Figure 4: Prime Farmland Soil Map**



## LAND EVALUATION & SITE ASSESSMENT (LESA)

Decision-makers in Kendall County use the Land Evaluation and Site Assessment (LESA) system to determine the suitability of a land use change and/or a zoning request as it relates to agricultural land. 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)** – The soils of a given area are rated and placed in groups ranging from the best to worst suited for a stated agriculture use, cropland or forestland. The best group is assigned a value of 100 and all other groups are assigned lower values. The

Land Evaluation is based on data from the Kendall County Soil Survey. The Kendall County Soil and Water Conservation District is responsible for this portion of the LESA system.

**SITE ASSESSMENT (SA)** – The site 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 Kendall County LESA Committee is responsible for this portion of the LESA system.

The value group is a predetermined value based upon prime farmland designation. The LE score is calculated by multiplying the relative value of each soil type by the number of acres of that soil. The sum of the products is then divided by the total number of acres; the answer is the Land Evaluation score on this site.

**Table 6a: Land Evaluation Computation**

| Soil Type       | Value Group | Relative Value       | Acres      | Product<br>(Relative Value x Acres) |
|-----------------|-------------|----------------------|------------|-------------------------------------|
| 325B            | 4           | 79                   | 2.2        | 173.8                               |
| 802B            | 8           | 0                    | 1.2        | 0                                   |
| 969E2           | 7           | 47                   | 1.2        | 56.4                                |
| 8082A           | 3           | 87                   | 0.4        | 34.8                                |
|                 |             |                      |            |                                     |
| <b>Totals</b>   |             |                      | <b>5.0</b> | <b>265.0</b>                        |
| <b>LE Score</b> |             | <b>LE= 265.0/5.0</b> |            | <b>LE=53</b>                        |

The Land Evaluation score for this site is **53**, indicating that this site is **not designated** as prime farmland that is well suited for agricultural uses.

**Table 6b: 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)   | 0        |
|           | 2. Current land use adjacent to site. (30-20-15-10-0)  | 0        |
|           | 3. Percentage of site in agricultural production in any of the last 5 years. (20-15-10-5-0)  | 0        |
|           | 4. Size of site. (30-15-10-0)  | 0        |
| <b>B.</b> | <b>Compatibility / Impact on Uses</b>  |          |
|           | 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) | 0        |
|           | 3. Compatibility of agricultural and non-agricultural uses. (15-7-0)   | 7        |
| <b>C.</b> | <b>Existence of Infrastructure</b>   |          |
|           | 1. Availability of public sewage system. (10-8-6-0)  | 0        |
|           | 2. Availability of public water system. (10-8-6-0)   | 0        |
|           | 3. Transportation systems. (15-7-0)  | 0        |
|           | 4. Distance from fire protection service. (10-8-6-2-0)   | 2        |
|           | <b>Site Assessment Score:</b>  | <b>9</b> |



**Kendall County LESA (cont.):**

**Land Evaluation Value: 53 + Site Assessment Value: 9 = LESA Score: 62**

| LESA SCORE | LEVEL OF PROTECTION |
|------------|---------------------|
| 0-200      | Low                 |
| 201-225    | Medium              |
| 226-250    | High                |
| 251-300    | Very High           |

The **LESA Score for this site is 62 which indicates 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.

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## LAND USE PLANS

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Many counties, municipalities, villages and townships have developed land-use plans. These plans are intended to reflect the existing and future land-use needs of a

given community. Please contact Kendall County for information regarding the County's comprehensive land use map.

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## DRAINAGE, RUNOFF AND FLOOD INFORMATION

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U.S.G.S Topographic maps give information on elevations, which are important mostly to determine slopes, drainage directions, and watershed information.

Elevations determine the area of impact of floods of record. Slope information determines steepness and erosion potential. Drainage directions determine where water leaves the PIQ, possibly impacting surrounding natural resources.

Watershed information is given for changing land use to a subdivision type of development on parcels greater than 10 acres.

### **What is a watershed?**

Simply stated, a watershed is the area of land that contributes water to a certain point. The point that we use on these reports is usually the point where water exits the parcel. The point is marked with a "O." The watershed boundary is drawn in using the following marking: (—●●—). Often times, water will flow off the parcel in two or more directions. In that case, there is a watershed break on the parcel. (—●●—), and there are two or more watersheds on the parcel.

The watershed boundary is important because the area of land in the watershed can now be calculated using an irregular shape area calculator such as a dot counter or planimeter.

Using regional storm event information, and site specific soils and land use information, the peak stormwater flow through the point marked "O" for a specified storm event can be calculated. This value is called a "Q" value (for the given storm event), and is measured in cubic feet per second (CFS).

When construction occurs, the Q value naturally increases because of the increase in impermeable surfaces. This process decreases the ability of soils to accept and temporarily hold water. Therefore, more water runs off and increases the Q value.

Theoretically, if each development, no matter how large or small, maintains their preconstruction Q value after construction by the installation of stormwater management systems, the streams and wetlands and lakes will not suffer damage from excessive urban stormwater.

For this reason, the Kendall County SWCD recommends that the developer for intense

uses such as a subdivision calculate the preconstruction Q value for the exit point(s). A stormwater management system should be designed, installed, and maintained to limit the postconstruction Q value to be at or below the preconstruction value.

### **Importance of Flood Information**

A floodplain is defined as land adjoining a watercourse (riverine) or an inland depression (non-riverine) that is subject to periodic inundation by high water. Floodplains are important areas demanding protection since they have water storage and conveyance functions which affect upstream and downstream flows, water quality and quantity, and suitability of the land for human activity. Since floodplains play distinct and vital roles in the hydrologic cycle, development that interferes with their hydrologic and biologic functions should be carefully considered.

Flooding is both dangerous to people and destructive to their properties. The following maps, when combined with wetland and topographic information, can help developers and future homeowners to “sidestep” potential flooding or ponding problems.

FIRM is the acronym for the Flood Insurance Rate Map, produced by the Federal Emergency Management Agency. These maps define flood elevation adjacent to tributaries and major bodies of water, and superimpose that onto a simplified USGS topographic map. The scale of the FIRM maps is generally dependent on the size and density of parcels in that area. (This is to correctly determine the parcel location and flood plain location.) The FIRM map has three (3) zones. A is the zone of 100 year flood, zone B is the 100 to 500 year flood, and zone C is outside the flood plain.

The Hydrologic Atlas (H.A.) Series of the Flood of Record Map is also used for the topographic information. This map is different from the FIRM map mainly because it will show isolated, or pocketed flooded areas. Kendall County uses both these maps in conjunction with each other for flooded area determinations. The Flood of Record maps, show the areas of flood for various years. Both of these maps stress that

the recurrence of flooding is merely statistical. That is to say a 100-year flood may occur twice in one year, or twice in one week, for that matter.

It should be noted that greater floods than those shown on the two maps are possible. The flood boundaries indicated provide a historic record only until the map publication date. Additionally, these flood boundaries are a function of the watershed conditions existing when the maps were produced. Cumulative changes in runoff characteristics caused by urbanization can result in an increase in flood height of future flood episodes.

Floodplains play a vital role in reducing the flood damage potential associated with an urbanizing area and, when left in an undisturbed state, also provide valuable wildlife habitat benefits. If it is the petitioner's intent to conduct floodplain filling or modification activities, the petitioner and the Unit of Government responsible need to consider the potentially adverse effects this type of action could have on adjacent properties. The change or loss of natural floodplain storage often increases the frequency and severity of flooding on adjacent property.

If the available maps indicate the presence of a floodplain on the PIQ, the petitioner should contact the IDOT-DWR and FEMA to delineate a floodplain elevation for the parcel. If a portion of the property is indeed floodplain, applicable state, county and local regulations will need to be reflected in the site plans.

Another indication of flooding potential can be found in the soils information. Hydric soils indicate the presence of drainageways, areas subject to ponding, or a naturally occurring high water table. These need to be considered along with the floodplain information when developing the site plan and the stormwater management plan. If the site does include these hydric soils and development occurs, thus raising the concerns of the loss of water storage in these soils and the potential for increased flooding in the area.



**Kendall County**  
**Unincorporated Areas**  
**170341**

**ZONE X**

**ZONE X**

**ZONE X**

**ZONE AE**

**ZONE X**

**Kendall County**  
**Unincorporated Area**

**NATIONAL FLOOD INSURANCE PROGRAM**

**PANEL 0053G**

**FIRM**  
**FLOOD INSURANCE RATE MAP**  
**KENDALL COUNTY,**  
**ILLINOIS**  
**AND INCORPORATED AREAS**

**PANEL 53 OF 225**  
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

**CONTAINS:**

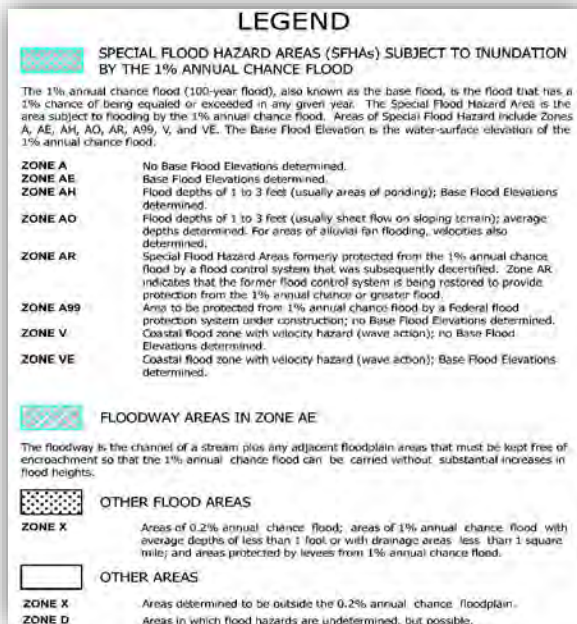
| COMMUNITY             | NUMBER | PANEL | SUFFIX |
|-----------------------|--------|-------|--------|
| KENDALL COUNTY        | 170341 | 0053  | G      |
| MONTGOMERY VILLAGE OF | 170328 | 0053  | G      |
| CORREDO VILLAGE OF    | 170345 | 0053  | G      |

**Map Number**  
**17093C0053G**

**EFFECTIVE DATE**  
**FEBRUARY 4, 2009**

**Federal Emergency Management Agency**

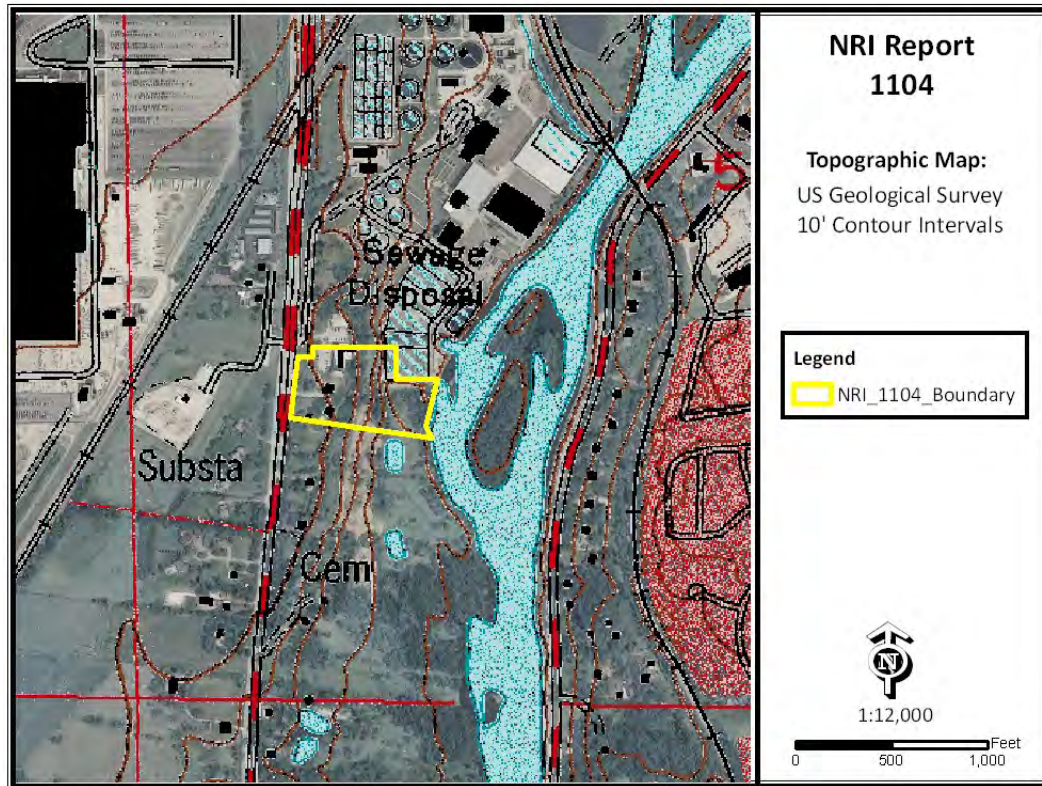
This is an official copy of a portion of the above referenced flood map. It was extracted using E-MINT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc-fema.gov.



- Zone A
- Zone AE
- Zone X

As such, portions of the parcel are located within the 100 year floodplain (designated "A" and "AE").

Figure 6: USGS Topographic Map



This parcel is located on topography (slopes 0 to 20%) involving high and low areas (elevation is approximately 610' to 650' above sea level). The parcel lies within the **Fox River Watershed (Mastodon Lake/Fox River subwatershed)**.

During construction erosion and sediment control best management practices should be implemented onsite to prevent sediment and other pollutants from discharging offsite. Please consult the Illinois Urban Manual ([www.aiswcd.org/IUM/index.html](http://www.aiswcd.org/IUM/index.html)) for appropriate measures.

## WATERSHED PLANS

### Watershed and Subwatershed Information

A watershed is the area of land that drains into a specific point including a stream, lake or other body of water. High points on the Earth's surface, such as hills and ridges define watersheds. When rain falls in the watershed, it flows across the ground towards a stream or lake. Rainwater carries any pollutants it comes in contact with such as oils, pesticides, and soil. Everyone lives in a watershed. Their actions can impact natural resources and people living downstream. Residents can minimize this impact by being aware of their environment and implications of their activities, implementing practices recommended in watershed plans and educating others about their watershed. This parcel is located within the **Fox River Watershed (Mastodon Lake/Fox River subwatershed)**.

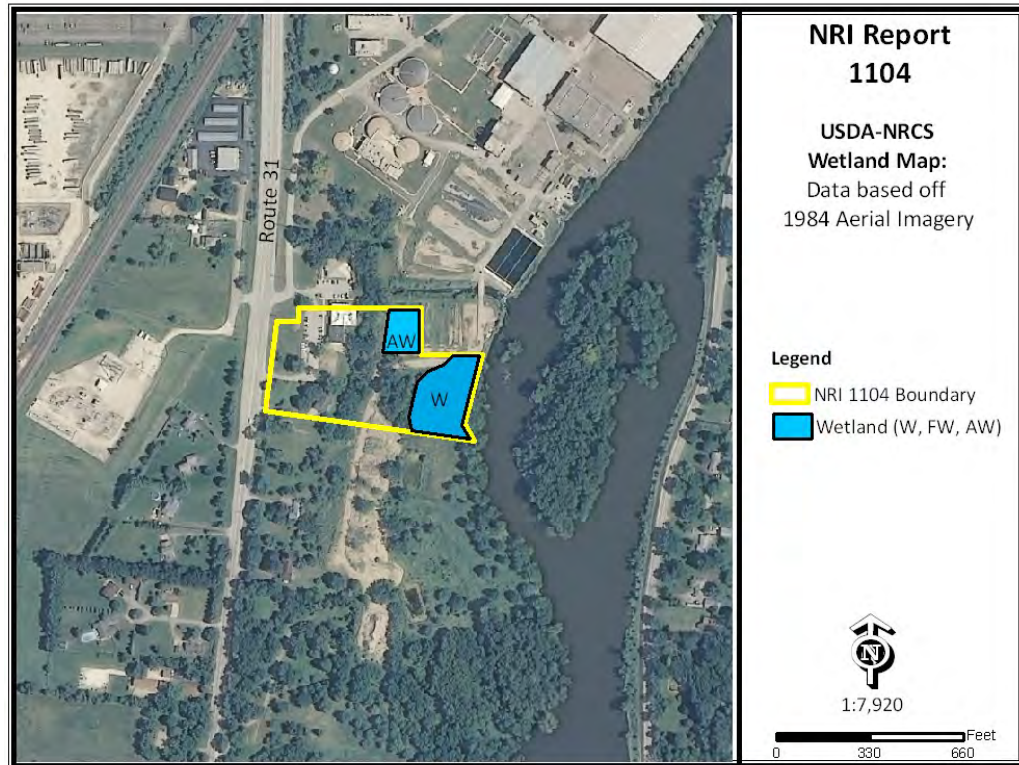
The following are recommendations to developers for protection of this watershed:

- Preserve open space.
- Maintain wetlands as part of development.
- Use natural water management.
- Prevent soil from leaving a construction site.
- Protect subsurface drainage.
- Use native vegetation.
- Retain natural features.
- Mix housing styles and types.
- Decrease impervious surfaces.
- Reduce area disturbed by mass grading.
- Shrink lot size and create more open space.
- Maintain historical and cultural resources.
- Treat water where it falls.
- Preserve views.
- Establish and link trails.

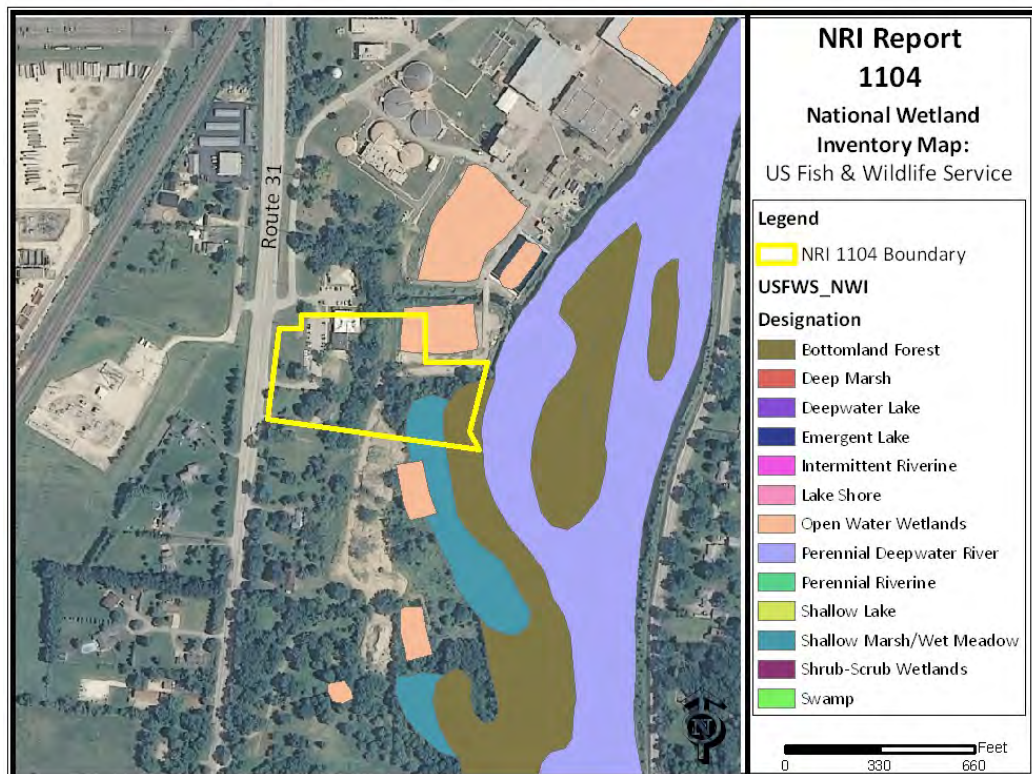


## WETLAND INFORMATION

**Figure7: Wetland Maps – NRCS Wetland and USFWS National Wetland Inventory**



Office maps indicate that wetlands may be present on the parcel in question. Please note polygons denoting possible wetlands on the map are approximate, possible, locations only.



Office maps indicate that wetlands **may be present** on the parcel in question (PIQ).

### Importance of Wetland Information

Wetlands function in many ways to provide numerous benefits to society. They control flooding by offering a slow release of excess water downstream or through the soil. They cleanse water by filtering out sediment and some pollutants, and can function as rechargers of our valuable groundwater. They also are essential breeding, rearing, and feeding grounds for many species of wildlife.

These benefits are particularly valuable in urbanizing areas as development activity typically adversely affects water quality, increases the volume of stormwater runoff, and increases the demand for groundwater. In an area where many individual homes rely on shallow groundwater wells for domestic water supplies, activities that threaten potential groundwater recharge areas are contrary to the public good. The conversion of wetlands, with their sediment trapping and nutrient absorbing vegetation, to biologically barren stormwater detention ponds can cause additional degradation of water quality in downstream or adjacent areas.

It has been estimated that over 95% of the wetlands that were historically present in Illinois have been destroyed while only recently has the true environmental significance of wetlands been fully recognized. America is losing 100,000 acres of wetland a year, and has

saved 5 million acres total (since 1934). One acre of wetland can filter 7.3 million gallons of water a year. These are reasons why our wetlands are high quality and important.

This section contains the NRCS (Natural Resources Conservation Service) Wetlands Inventory, which is the most comprehensive inventory to date. The NRCS Wetlands Inventory is reproduced from an aerial photo at a scale of 1" equals 660 feet. The NRCS developed these maps in cooperation with U.S. EPA (Environmental Protection Agency,) and the U.S. Fish and Wildlife Service, using the National Food Security Act Manual, 3rd Edition. The main purpose of these maps is to determine wetland areas on agricultural fields and areas that may be wetlands but are in a non-agriculture setting.

The NRCS Wetlands Inventory in no way gives an exact delineation of the wetlands, but merely an outline, or the determination that there is a wetland within the outline. For the final, most accurate wetland **determination** of a specific wetland, a wetland **delineation** must be certified by NRCS staff using the National Food Security Act Manual (on agricultural land.) On urban land, a certified wetland delineator must perform the delineation using the ACOE 1987 Manual. *See the glossary section for the definitions of "delineation" and "determination."*



## Hydric Soils

Soils information gives another indication of flooding potential. The soils map on this page indicates the soil(s) on the parcel that the Natural Resources Conservation Service indicates as hydric. Hydric soils by definition have seasonal high water at or near the soil surface and/or have potential flooding or ponding problems. All hydric soils range from poorly suited to unsuitable for building. One group of the hydric soils, are the organic soils, which formed from dead organic material. Organic soils are unsuitable for building because of not only the high water table, but also their subsidence problems.

It is also important to add the possibility of hydric inclusions in a soil type. An inclusion is a soil polygon that is too small to appear on these maps. While relatively insignificant for agricultural use, hydric soil inclusions become more important to more intense uses such as a residential subdivision.

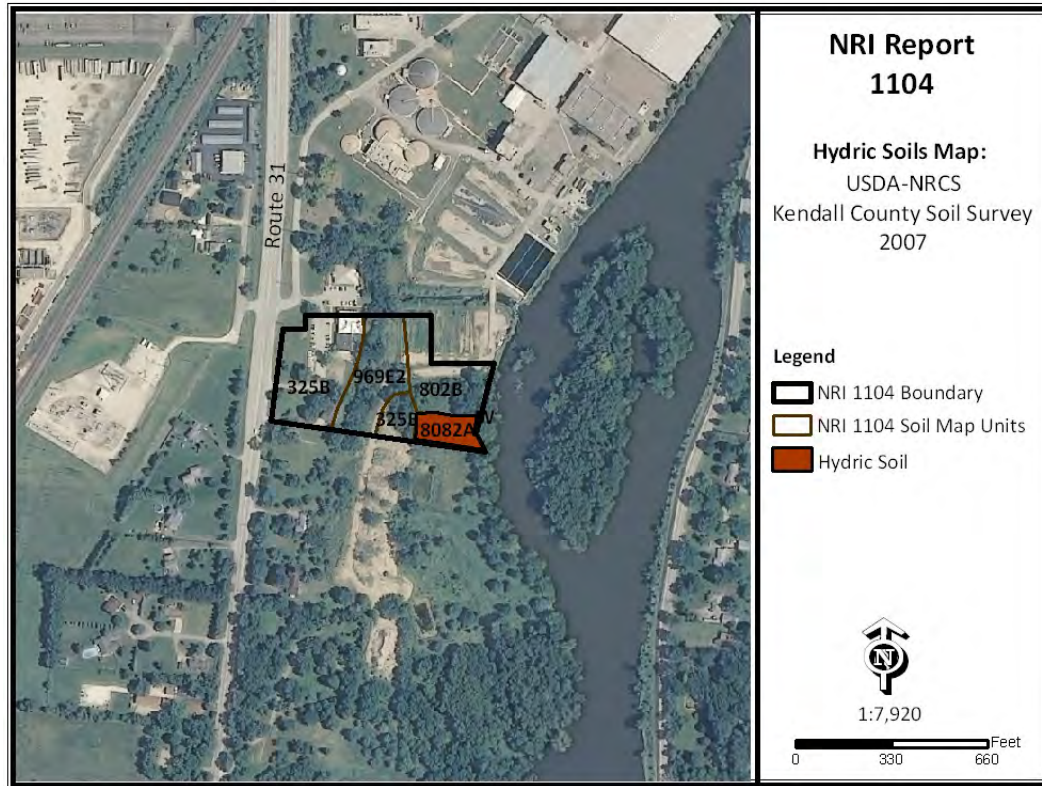
While considering hydric soils and hydric inclusions, it is noteworthy to mention that subsurface agriculture drainage tile occurs in almost all poorly drained and somewhat poorly drained soils. Drainage tile expedites drainage and facilitates farming. It is imperative that these drainage tiles remain undisturbed. A damaged subsurface drainage tile may return original hydrologic conditions to all of the areas that drained through the tile (ranging from less than one acre to many square miles.)

For an intense land use, such as a subdivision, the Kendall County SWCD recommends the following:

1. A topographical survey with 1 foot contour intervals to accurately define the flood area on the parcel.
2. An intensive soil survey to define most accurately the locations of the hydric soils and inclusions
3. A drainage tile survey on the area to locate the tiles that must be preserved.

**Table 7: Hydric Soils**

| Soil Types      | Drainage Class   | Hydric Designation | Hydric Inclusions Likely | Acreage | Percent |
|-----------------|--|--------------------|--------------------------|---------|---------|
| 325B            | Well drained   | Non-hydric         | No                       | 2.2     | 44%     |
| 802B            | Well drained   | Non-hydric         | No                       | 1.2     | 24%     |
| 969E2           | Casco:<br>Somewhat excessively drained<br>Rodman:<br>Excessively drained | Non-hydric         | No                       | 1.2     | 24%     |
| 8082A           | Poorly drained   | Hydric             | No                       | 0.4     | 8%      |
| <b>% Hydric</b> |  | <b>18.8%</b>       | <b>5.3%</b>              |         |         |

**Figure 8: Hydric Soils Map**



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## WETLAND AND FLOODPLAIN REGULATIONS

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**PLEASE READ THE FOLLOWING IF YOU ARE PLANNING TO DO ANY WORK NEAR A STREAM (THIS INCLUDES SMALL UNNAMED STREAMS), LAKE, WETLAND OR FLOODWAY.**

The laws of the United States and the State of Illinois assign certain agencies specific and different regulatory roles to protect the waters within the State's boundaries. These roles, when considered together, include protection of navigation channels and harbors, protection against flood way encroachments, maintenance and enhancement of water quality, protection of fish and wildlife habitat and recreational resources, and, in general, the protection of total public interest. Unregulated use of the waters within the State of Illinois could permanently destroy or alter the character of these valuable resources and adversely impact the public. Therefore, please contact the proper regulatory authorities when planning any work associated with Illinois waters so that proper consideration and approval can be obtained.

### WHO MUST APPLY

Anyone proposing to dredge, fill, rip rap, or otherwise alter the banks or beds of, or construct, operate, or maintain any dock, pier, wharf, sluice, dam, piling, wall, fence, utility, flood plain or flood way subject to State or Federal regulatory jurisdiction should apply for agency approvals.

### REGULATORY AGENCIES:

- ◆ **Wetlands or U.S. Waters:** U.S. Army Corps of Engineers, Rock Island District, Clock Tower Building, P.O. Box 2004, Rock Island, IL 61204-2004. Phone: (309) 794-5379.
- ◆ **Flood plains:** Illinois Department of Natural Resources \ Office of Water Resources, Natural Resources Way, Springfield, IL 62702-1270.
- ◆ **Water Quality \ Erosion Control:** Illinois Environmental Protection Agency, Division of Water Pollution Control, Permit Section, Watershed Unit, 2200 Churchill Road, Springfield, IL 62706. Phone (217) 782-0610.

### COORDINATION

We recommend early coordination with the regulatory agencies BEFORE finalizing work plans. This allows the agencies to recommend measures to mitigate or compensate for adverse impacts. Also, the agency can make possible environmental enhancement provisions early in the project planning stages. This could reduce time required to process necessary approvals.

**CAUTION: Contact with the United States Army Corps of Engineers is strongly advised before commencement of any work in or near a water of the United States. This could save considerable time and expense. Persons responsible for willful and direct violation of Section 10 of the River And Harbor Act of 1899 or Section 404 of the Federal Water Pollution Control Act are subject to fines ranging up to \$27,500 per day of violation and imprisonment for up to one year or both.**

## GLOSSARY

### **AGRICULTURAL PROTECTION AREAS (AG AREAS)** -

Allowed by P.A. 81-1173. An AG AREA consists of a minimum of 350 acres of farmland, as contiguous and compact as possible. Petitioned by landowners, AG AREAS protect for a period of ten years initially, then reviewed every eight years thereafter. AG AREA establishment exempts landowners from local nuisance ordinances directed at farming operations, and designated land can not receive special tax assessments on public improvements that do not benefit the land, e.g. water and sewer lines.

**AGRICULTURE** - The growing, harvesting and storing of crops including legumes, hay, grain, fruit and truck or vegetable including dairying, poultry, swine, sheep, beef cattle, pony and horse production, fur farms, and fish and wildlife farms; farm buildings used for growing, harvesting and preparing crop products for market, or for use on the farm; roadside stands, farm buildings for storing and protecting farm machinery and equipment from the elements, for housing livestock or poultry and for preparing livestock or poultry products for market; farm dwellings occupied by farm owners, operators, tenants or seasonal or year around hired farm workers.

**B.G.** - Below Grade. Under the surface of the Earth.

**BEDROCK** - Indicates depth at which bedrock occurs. Also lists hardness as rippable or hard.

**FLOODING** - Indicates frequency, duration, and period during year when floods are likely to occur.

**HIGH LEVEL MANAGEMENT** - The application of effective practices adapted to different crops, soils, and climatic conditions. Such practices include providing for adequate soil drainage, protection from flooding, erosion and runoff control, near optimum tillage, and planting the correct kind and amount of high quality seed. Weeds, diseases, and harmful insects are controlled. Favorable soil reaction and near optimum levels of available nitrogen, phosphorus, and potassium for individual crops are maintained. Efficient use is made of available crop residues, barnyard manure, and/or green manure crops. All operations, when combined efficiently and timely, can create favorable growing conditions and reduce harvesting losses -- within limits imposed by weather.

**HIGH WATER TABLE** - A seasonal high water table is a zone of saturation at the highest average depth during the wettest part of the year. May be apparent, perched, or artesian kinds of water tables.

**Water Table, Apparent** - A thick zone of free water in the soil. An apparent water table is indicated by the level at which water stands in an uncased borehole after adequate time is allowed for adjustment in the surrounding soil.

**Water Table, Artesian** - A water table under hydrostatic head, generally beneath an impermeable layer. When this layer is penetrated, the water level rises in an uncased borehole.

**Water Table, Perched** - A water table standing above an unsaturated zone. In places an upper, or perched, water table is separated from a lower one by a dry zone.

**DELINEATION** - For Wetlands: A series of orange flags placed on the ground by a certified professional that outlines the wetland boundary on a parcel.

**DETERMINATION** - A polygon drawn on a map using map information that gives an outline of a wetland.

**HYDRIC SOIL** - This type of soil is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part (USDA Natural Resources Conservation Service 1987)

**INTENSIVE SOIL MAPPING** - Mapping done on a smaller more intensive scale than a modern soil survey to determine soil properties of a specific site, e.g. mapping for septic suitability.

### **LAND EVALUATION AND SITE ASSESSMENT**

**(L.E.S.A.)** - LESA is a systematic approach for evaluating a parcel of land and to determine a numerical value for the parcel for farmland preservation purposes.

**MODERN SOIL SURVEY** - A soil survey is a field investigation of the soils of a specific area, supported by information from other sources. The kinds of soil in the survey area are identified and their extent shown on a map, and an accompanying report describes, defines, classifies, and interprets the soils. Interpretations predict the behavior of the soils under different used and the soils' response to management. Predictions are made for areas of soil at specific places. Soils information collected in a soil survey is useful in developing land-use plans and alternatives involving soil management systems and in evaluating and predicting the effects of land use.

**PALUSTRINE** - Name given to inland fresh water wetlands.

**PERMEABILITY** - Values listed estimate the range (in rate and time) it takes for downward movement of water in the major soil layers when saturated, but allowed to drain freely. The estimates are based on soil texture, soil structure, available data on



permeability and infiltration tests, and observation of water movement through soils or other geologic materials.

**PIQ** - Parcel in question

**POTENTIAL FROST ACTION** - Damage that may occur to structures and roads due to ice lens formation causing upward and lateral soil movement. Based primarily on soil texture and wetness.

**PRIME FARMLAND** - Prime farmland soils are lands that are best suited to food, feed, forage, fiber and oilseed crops. It may be cropland, pasture, woodland, or other land, but it is not urban and built up land or water areas. It either is used for food or fiber or is available for those uses. The soil qualities, growing season, and moisture supply are those needed for a well managed soil economically to produce a sustained high yield of crops. Prime farmland produces in highest yields with minimum inputs of energy and economic resources, and farming the land results in the least damage to the environment.

Prime farmland has an adequate and dependable supply of moisture from precipitation or irrigation. The temperature and growing season are favorable. The level of acidity or alkalinity is acceptable. Prime farmland has few or no rocks and is permeable to water and air. It is not excessively erodible or saturated with water for long periods and is not frequently flooded during the growing season. The slope ranges mainly from 0 to 5 percent. (Source USDA Natural Resources Conservation Service)

**PRODUCTIVITY INDEXES** - Productivity indexes for grain crops express the estimated yields of the major grain crops grown in Illinois as a single percentage of the average yields obtained under basic management from several of the more productive soils in the state. This group of soils is composed of the Muscatine, Ipava, Sable, Lisbon, Drummer, Flanagan, Littleton, Elburn and Joy soils. Each of the 425 soils found in Illinois are found in Circular 1156 from the Illinois Cooperative Extension Service.

**SEASONAL** - When used in reference to wetlands indicates that the area is flooded only during a portion of the year.

**SHRINK-SWELL POTENTIAL** - Indicates volume changes to be expected for the specific soil material with changes in moisture content.

**SOIL MAPPING UNIT** - A map unit is a collection of soil areas of miscellaneous areas delineated in mapping. A map unit is generally an aggregate of the delineations of many different bodies of a kind of soil or miscellaneous area but may consist of only one delineated body. Taxonomic class names and accompanying phase terms are used to name soil map units. They are described in terms of ranges of soil properties within the limits defined for taxa and in terms of ranges of taxadjuncts and inclusions.

**SOIL SERIES** - A group of soils, formed from a particular type of parent material, having horizons that, except for texture of the A or surface horizon, are similar in all profile characteristics and in arrangement in the soil profile. Among these characteristics are color, texture, structure, reaction, consistence, and mineralogical and chemical composition.

**SUBSIDENCE** - Applies mainly to organic soils after drainage. Soil material subsides due to shrinkage and oxidation.

**TERRAIN** - The area or surface over which a particular rock or group of rocks is prevalent.

**TOPSOIL** - That portion of the soil profile where higher concentrations of organic material, fertility, bacterial activity and plant growth take place. Depths of topsoil vary between soil types.

**WATERSHED** - An area of land that drains to an associated water resource such as a wetland, river or lake. Depending on the size and topography, watersheds can contain numerous tributaries, such as streams and ditches, and ponding areas such as detention structures, natural ponds and wetlands.

**WETLAND** - An area that has a predominance of hydric soils and that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances does support, a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions.

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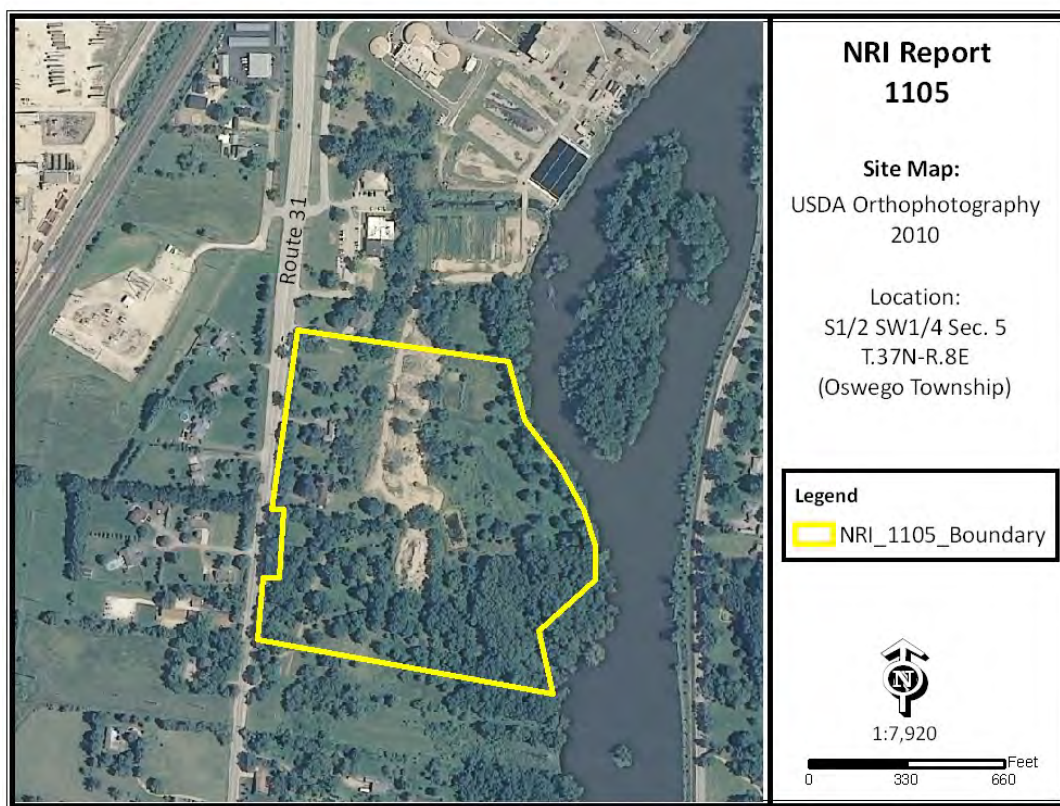
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# NATURAL RESOURCE INFORMATION REPORT (NRI): 1105



July  
2011

Petitioner: Fox Metro Water Reclamation District  
Contact: John Frerich, Walter E. Deuchler Associates, Inc.

*Prepared by:*

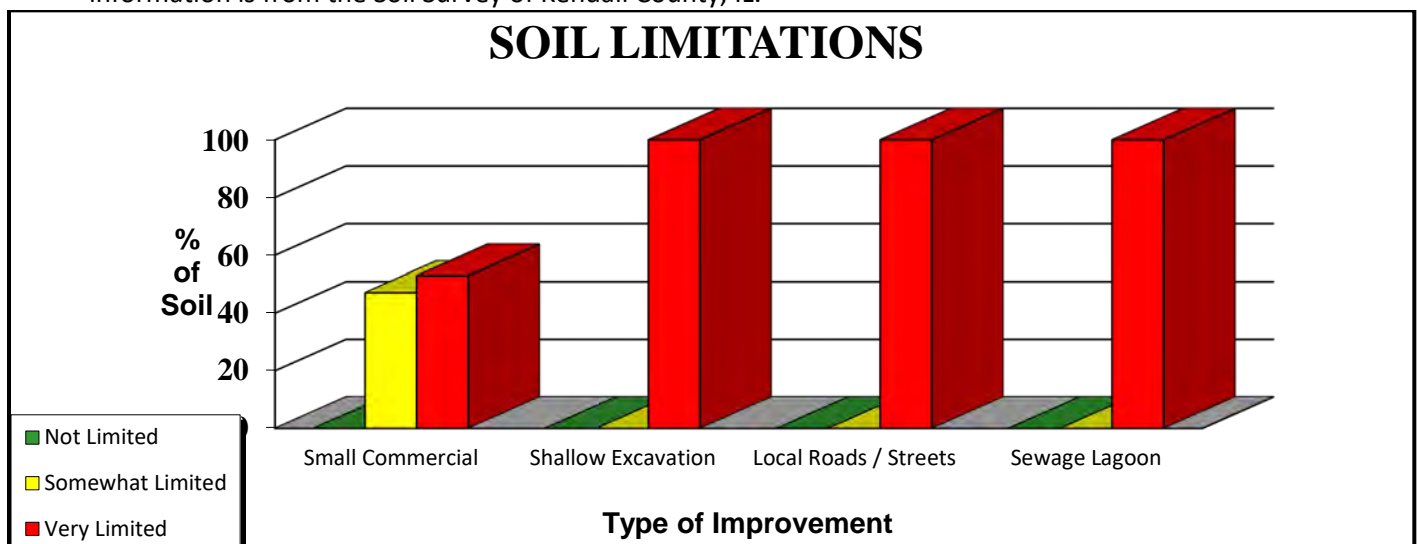


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1105

**Executive Summary**

July 11, 2011

**Petitioner:** Fox Metro Water Reclamation District**Contact Person:** John Frerich, Walter E. Deuchler Associates, Inc.**County or Municipality the petition is filled with:** Kendall County**Location of Parcel:** S½ SW¼ Section 5 T.37N.-R.8E. (Oswego Township) of the 3<sup>rd</sup> Principal Meridian in Kendall County, IL**Project or Subdivision Name:** South Plant Expansion**Existing Zoning & Land Use:** R-1, abandoned residences, wooded, grass, wetlands, pond, water.**Proposed Zoning & Land Use:** R-1 Special Use, Waste Water Treatment**Proposed Water Source:** Non-commercial public water supply operated by Fox Metro**Proposed Type of Sewage Disposal System:** To Fox Metro water treatment plant**Proposed Type of Storm Water Management:** surface drainage**Size of Site:** 25.9 acres**LESA Score:** 110**Natural Resource Concerns****Soils Limitations:** Limitations for small commercial building, shallow excavation, local roads/streets and sewage lagoons. See soils information page and attached soils tables. All information is from the Soil Survey of Kendall County, IL.**Wetlands:** The U.S. Fish & Wildlife Service's National Wetland Inventory map **does indicate** the presence of wetlands on-site. The Natural Resources Conservation Service's wetland map **does indicate** the presence of wetlands on-site. If a wetland is present, 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.**Floodplain:** Floodplain areas are identified on this site.**Hydric Soil:** Hydric soils which may be prone to ponding, are located on the parcel. Approximately 35.9% of the soils onsite are designated as hydric.**Prime Farmland:** Prime farmland soils are an important resource for Kendall County. Each soil type is assigned a rating, and is then used to determine the land evaluation (LE) value. The LE value is a component of the Land Evaluation and Site Assessment (LESA) score. Sites with an LE



score of 78 or greater are considered to be prime farmland that is well-suited for agricultural uses. This site has an LE score of 78 which does not place it within the definition of Prime Farmland (Kendall County LESA System, November 2008).

**Stormwater:** The District encourages the use of on-site detention for stormwater runoff, and recommends the use of a 0.10cfs/acre release rate for on-site detention ponds.

**Sediment and Erosion Control:** Development on this site should include a sediment and erosion control plan.

#### **LAND USE OPINION:**

The Kendall County Soil and Water Conservation District Board has reviewed the proposed development plans for Petitioner Fox Metro Water Reclamation District. This parcel is located in the S ½ SW ¼ of Section 5 in Oswego Township (T.37N.-R8E. of the 3<sup>rd</sup> Principal Meridian) in Kendall County. Based on the information provided by the petitioner, an on site examination and a data review of the parcel in question, the SWCD Board has the following opinions and recommendations.

The Kendall County Soil and Water Conservation District has always had the opinion that Prime Farmland should be preserved whenever feasible. A land evaluation, which is a part of the Land Evaluation and Site Assessment (LESA) was conducted on this parcel. The soils on this parcel scored a 78 out of a possible 100 points indicating the soils are not well suited for agricultural uses. The Natural Resource Information Report indicates that 83% of the soils on this site are soils that are classified as being prime farmland and the most agronomically productive. Once farmland has been developed its agriculture productivity will be lost forever. Currently, there is no agricultural production onsite as the existing land uses include abandoned residential dwellings, wetlands, wooded and grassed areas as well as water.

Soils have limitations for development. This report indicates that for soils located on the parcel: 100% of the soils are very limited for shallow excavation, sewage lagoons and local roads; 52.9% of the soils are very limited for small commercial building and lawns/landscaping. This information is based on the soil in an undisturbed state. Some soil reclamation, special design, or maintenance may be required to obtain suitable soil conditions to support these types of development. Please note that the original soil profile has been altered due to past development and as a result, this site contains disturbed soils. The material found on site may not correspond to the soil type indicated within the Soil Survey of Kendall County.

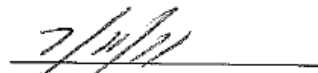
This site is located within the Fox River Watershed. A portion of the site is located within the floodplain. Hydric soils are present onsite. In addition, wetlands may be present onsite.

This development should include a soil erosion sediment control plan. Soil erosion and sedimentation may become a primary non-point source of pollution. Eroded soils during the construction phase can create unsafe conditions on roadways, degrade water quality and destroy aquatic ecosystems lower in the watershed.

For intense use it is recommended that the drainage tile survey completed on the parcel to locate the subsurface drainage tile be taken into consideration during the land use planning process. Drainage tile expedites drainage and facilitates farming. It is imperative that these drainage tiles remain undisturbed. Impaired tile may affect a few acres or hundreds of acres of drainage.

The information that is included in this Natural Resources Information Report is to assure the Land Developers take into full consideration the limitations of that land that they wish to develop. Guidelines and recommendations are also apart of this report and should be considered in the planning process. The Natural Resource Information Report is required by the Illinois Soil and Water Conservation District Act (Ill. Compiled Statutes, Ch. 70, Par 405/22.02a).

  
SWCD Chairman

  
Date

**KENDALL COUNTY SOIL AND WATER  
CONSERVATION DISTRICT  
NATURAL RESOURCE INFORMATION REPORT  
(NRI)**

|   |  |
|---|--|
| NRI Report Number                       | 1105   |
|   |  |
| Date District Board Reviews Application | July 11, 2011  |
|   |  |
| Applicant's Name                        | Fox Metro Water Reclamation District   |
|   |  |
| Size of Parcel                          | 25.9 acres   |
|   |  |
| Zoning Change                           | R-1 to R-1 Special Use<br>(Kendall County)   |
|   |  |
| Parcel Index Number(s)                  | 03-05-353-002, 03-05-353-003, 03-05-353-004, 03-05-353-006, 03-05-353-009, 03-05-353-009 |
|   |  |
| Contact Person                          | John Frerich<br>Walter E. Deuchler Assoc, Inc.   |

| <b><i>Copies of this report or notification of the proposed land-use change were provided to:</i></b> | <b><i>Yes</i></b> | <b><i>No</i></b> |
|---|-------------------|------------------|
| The Applicant   | X                 |                  |
| The Applicant's Legal Representation  |                   | X                |
| The Local/Township Planning Commission  | X                 |                  |
| The Village/City/County Planning and Zoning Department or Appropriate Agency                          | X                 |                  |
| The Kendall County Soil and Water Conservation District Files   | X                 |                  |

Report Prepared By: *Megan Andrews*Position: *Resource Conservationist*



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## PURPOSE AND INTENT

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The purpose of this report is to inform officials of the local governing body and other decision-makers with natural resource information. This information may be useful when undertaking land use decisions concerning variations, amendments or relief of local zoning ordinances, proposed subdivision of vacant or agricultural lands and the subsequent development of these lands. This report is a requirement under Section 22.02a of the Illinois Soil and Water Conservation Districts Act.

The intent of this report is to present the most current natural resource information available in a readily understandable manner. It contains a description of the present site conditions, the present resources, and the potential impacts that the proposed change may have on the site and its resources. The natural resource information was gathered from standardized data, on-site investigations and information furnished by the petitioner. This report must be read in its entirety so that the relationship between the natural resource factors and the proposed land use change can be fully understood.

Due to the limitations of scale encountered with the various resource maps, the

property boundaries depicted in the various exhibits in this report provide a generalized representation of the property location and may not precisely reflect the legal description of the PIQ (Parcel in Question).

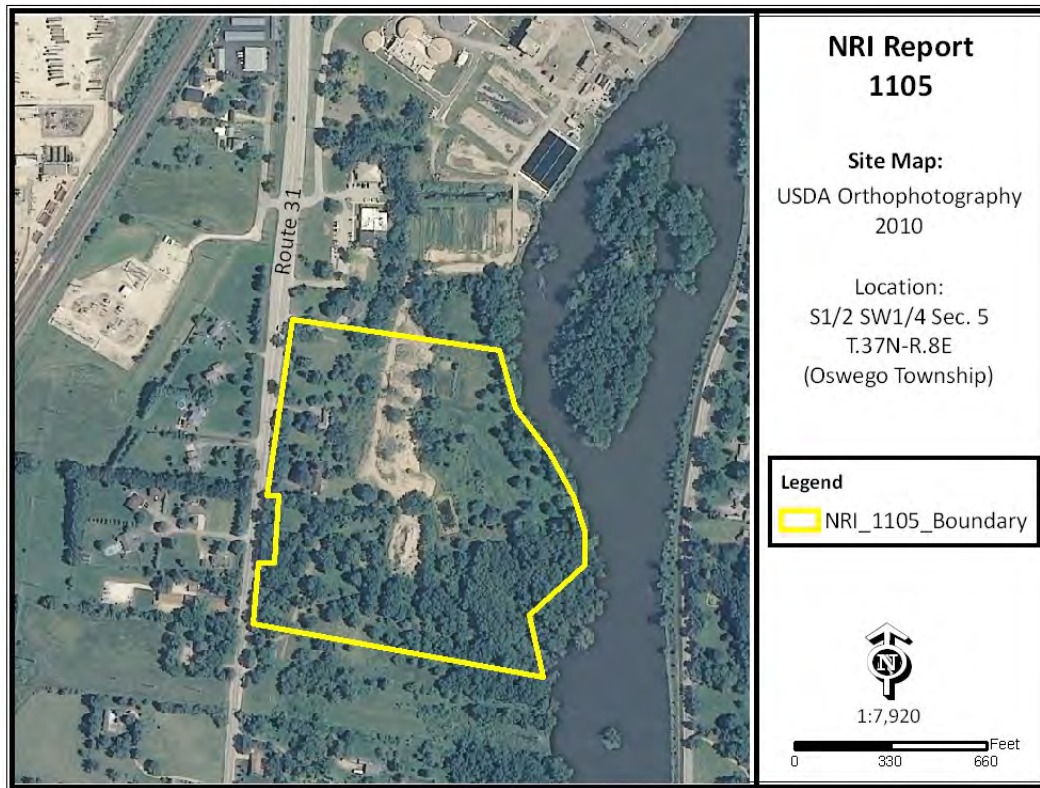
This report, when used properly, will provide the basis for proper land use change decisions and development while protecting the natural resource base of the county. It should not be used in place of detailed environmental and/or engineering studies that are warranted under most circumstances, but in conjunction with those studies.

The conclusions of this report in no way indicate that a certain land use is not possible, but it should alert the reader to possible problems that may occur if the capabilities of the land are ignored. Any questions on the technical data supplied in this report or if anyone feels that they would like to see more additional specific information to make the report more effective, please contact:

**Kendall County Soil and Water  
Conservation District  
7775A Route 47, Yorkville, IL 60560  
Phone: (630) 553-5821 ext. 3  
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E-mail: [Megan.Andrews@il.nacdnet.net](mailto:Megan.Andrews@il.nacdnet.net)**







## ARCHAEOLOGIC/CUTURAL RESOURCES

Simply stated, cultural resources are all the past activities and accomplishments of people. They include the following: buildings; objects made or used by people; locations; and less tangible resources, such as stories, dance forms, and holiday traditions. The Soil and Water Conservation District most often encounters cultural resources as historical properties. These may be prehistoric or historical sites, buildings, structures, features, or objects. The most common type of historical property that the Soil and Water Conservation District may encounter is non-structural archaeological sites. These sites often extend below the soil surface, and must be protected against disruption by development or other earth moving activity if possible. Cultural resources are *non-renewable* because there is no way to “grow” a site to replace a disrupted site.

Landowners with historical properties on their land have ownership of that historical property. However, the State of Illinois owns all of the following: human remains, grave markers, burial mounds, and artifacts associated with graves and human remains.

Non-grave artifacts from archaeological sites and historical buildings are the property of the landowner. The landowner may choose to disturb a historical property, but may not receive federal or state assistance to do so. If an earth moving activity disturbs human remains, the landowner must contact the county coroner within 48 hours.

***The Illinois Historic Preservation Agency has not been notified of the proposed land use change by the Kendall County SWCD. The applicant may need to contact the IHPA according to current Illinois law.***



## ECOLOGICALLY SENSITIVE AREAS

### ***What is Biological Diversity and Why Should it be Conserved?*<sup>1</sup>**

Biological diversity, or biodiversity, is the range of life on our planet. A more thorough definition is presented by botanist Peter H. Raven: "At the simplest level, biodiversity is the sum total of all the plants, animals, fungi and microorganisms in the world, or in a particular area; all of their individual variation; and all of the interactions between them. It is the set of living organisms that make up the fabric of the planet Earth and allow it to function as it does, by capturing energy from the sun and using it to drive all of life's processes; by forming communities of organisms that have, through the several billion years of life's history on Earth, altered the nature of the atmosphere, the soil and the water of our Planet; and by making possible the sustainability of our planet through their life activities now." (Raven 1994)

It is not known how many species occur on our planet. Presently, about 1.4 million species have been named. It has been estimated that there are perhaps 9 million more that have not been identified. What is known is that they are vanishing at an unprecedented rate. Reliable estimates show extinction occurring at a rate several orders of magnitude above "background" in some ecological systems. (Wilson 1992, Hoose 1981)

The reasons for protecting biological diversity are complex, but they fall into four major categories.

First, loss of diversity generally weakens entire natural systems. Healthy ecosystems tend to have many natural checks and balances. Every species plays a role in maintaining this system. When simplified by the loss of diversity, the system becomes more susceptible to natural and artificial perturbations. The chances of a system-wide collapse increase. In parts of the midwestern United States, for example, it was

only the remnant areas of natural prairies that kept soil intact during the dust bowl years of the 1930s. (Roush 1982)

Simplified ecosystems are almost always expensive to maintain. For example, when synthetic chemicals are relied upon to control pests, the target species are not the only ones affected. Their predators are almost always killed or driven away, exasperating the pest problem. In the meantime, people are unintentionally breeding pesticide-resistant pests. A process has begun where people become perpetual guardians of the affected area, which requires the expenditure of financial resources and human ingenuity to keep the system going.

A second reason for protecting biological diversity is that it represents one of our greatest untapped resources. Great benefits can be reaped from a single species. About 20 species provide 90% of the world's food. Of these 20, just three, wheat, maize and rice-supply over one half of that food. American wheat farmers need new varieties every five to 15 years to compete with pests and diseases. Wild strains of wheat are critical genetic reservoirs for these new varieties.

Further, every species is a potential source of human medicine. In 1980, a published report identified the market value of prescription drugs from higher plants at over \$3 billion. Organic alkaloids, a class of chemical compounds used in medicines, are found in an estimated 20% of plant species. Yet only 2% of plant species have been screened for these compounds. (Hoose 1981)

The third reason for protecting diversity is that humans benefit from natural areas and depend on healthy ecosystems. The natural world supplies our air, our water, our food and supports human economic activity. Further, humans are creatures that evolved in a diverse natural environment between forest and grasslands. People need to be reassured that such places remain. When people speak of "going to the country," they generally mean more than getting out of town. For reasons of

<sup>1</sup>Taken from *The Conservation of Biological Diversity in the Great Lakes Ecosystem: Issues and Opportunities*, prepared by the Nature Conservancy Great Lakes Program 79W. Monroe Street, Suite 1309, Chicago, IL 60603, January 1994

their own sanity and well being, they need a holistic, organic experience. Prolonged exposure to urban monotony produces neuroses, for which cultural and natural diversity cure.

Historically, the lack of attention to biological diversity, and the ecological processes it supports, has resulted in economic hardships for segments of the basin's human population.

The final reason for protecting biological diversity is that species and natural systems are intrinsically valuable. The above reasons have focused on the benefits of the natural world to humans. All things possess intrinsic value simply because they exist.

### **Biological Resources Concerning the Subject Parcel**

As part of the Natural Resources Information Report, staff checks office maps to determine if any nature preserves are in the general vicinity of the parcel in question. If there is a nature preserve in the area, then that resource will be identified as part of the report. The SWCD recommends that every effort be made to protect that resource. Such efforts should include, but are not limited to erosion control, sediment control, stormwater management, and groundwater monitoring.

*Office maps indicate that an ecologically sensitive area, the Fox River, is located near the parcel in question.*

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## **SOILS INFORMATION**

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### **Importance of Soils Information**

Soils information comes from the Natural Resources Conservation Service Soil Maps and Descriptions for Kendall County. This information is important to all parties involved in determining the suitability of the proposed land use change.

Each soil polygon is given a number, which represents its soil type. The letter found after the soil type number indicates the soils slope class.

Each soil map unit has limitations for a variety of land uses such as septic systems, buildings with basements, and buildings without basements. 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.

The limitation categories (slight, moderate or severe) indicate the potential for difficulty in using that soil unit for the proposed activity and, thus, the degree of need for thorough soil borings and engineering studies. A limitation does not

necessarily mean that the proposed activity cannot be done on that soil type. It does mean that the reasons for the limitation need to be thoroughly understood and dealt with in order to complete the proposed activity successfully. A severe limitation indicates that the proposed activity will be more difficult and costly to do on that soil type than on a soil type with a moderate or slight rating.

Soil survey interpretations are predictions of soil behavior for specified land uses and specified management practices. They are based on the soil properties that directly influence the specified use of the soil. Soil survey interpretations allow users of soil surveys to plan reasonable alternatives for the use and management of soils.

Soil interpretations do not eliminate the need for on-site study and testing of specific sites for the design and construction for specific uses. They can be used as a guide for planning more detailed investigations and for avoiding undesirable sites for an intended use. The scale of the maps and the range of error limit the use of the soil delineations.



Figure 2: Soil Map

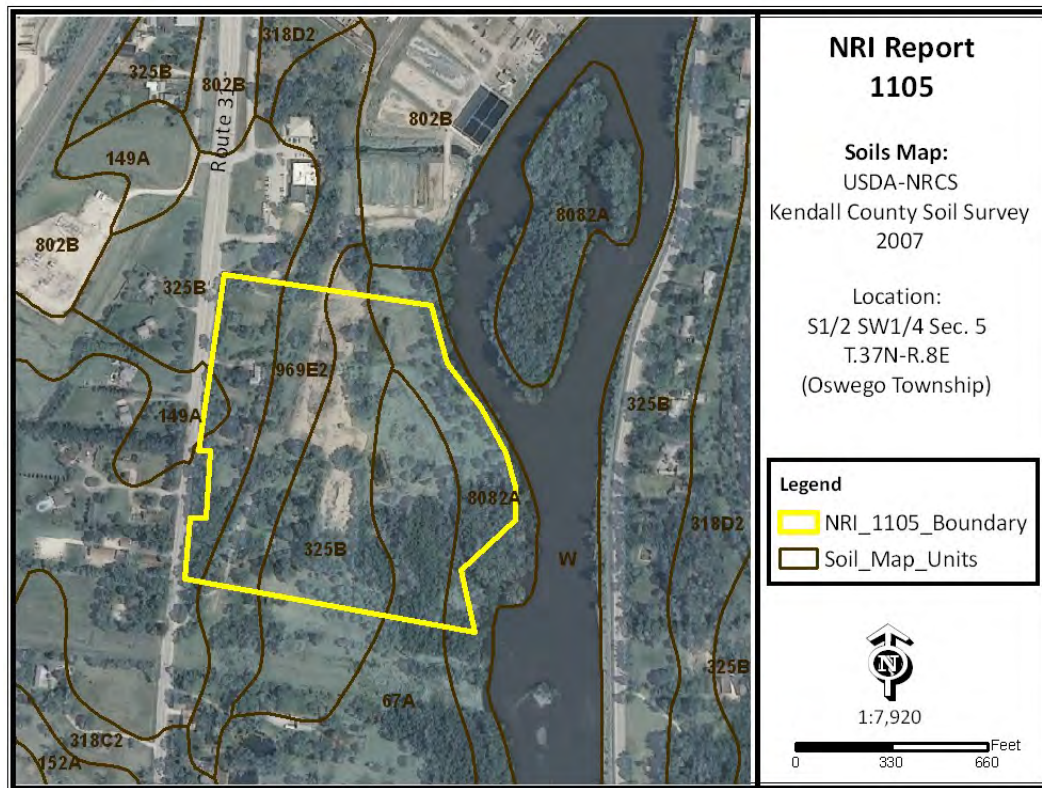


Table 1: Soil Map Unit Descriptions

| Symbol | Descriptions                                | Acres | Percent |
|--------|---|-------|---------|
| 67A    | Harpster silty clay loam, 0-2% slopes       | 4.5   | 17.4%   |
| 149A   | Brenton silt loam, 0-2% slopes              | 0.3   | 1.2%    |
| 325B   | Dresden silt loam, 2-4% slopes              | 11.9  | 45.9%   |
| 969E2  | Casco-Rodman complex, 12-20% slopes, eroded | 4.4   | 17.0%   |
| 8082A  | Millington silt loam, 0-2% slopes,          | 4.8   | 18.5%   |

\*SOURCE: National Cooperative Soil Survey – USDA-NRCS

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## SOIL INTERPRETATIONS EXPLANATION

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### Nonagricultural

#### General

These interpretative ratings help engineers, planners, and others to understand how soil properties influence behavior when used for nonagricultural uses such as building site development or construction materials. This report gives ratings for proposed uses in terms of limitations and restrictive features. The tables list only the most restrictive features. Other features may need treatment to overcome soil limitations for a specific purpose.

Ratings come from the soil's "natural" state, that is, no unusual modification occurs other than that which is considered normal practice for the rated use. Even though soils may have limitations, an engineer may alter soil features or adjust building plans for a structure to compensate for most degrees of limitations. Most of these practices, however, are costly. The final decision in selecting a site for a particular use generally involves weighing the costs for site preparation and maintenance.

Soil properties influence development of building sites, including the selection of the site, the design of the structure, construction, performance after construction, and maintenance. Soil limitation ratings of slight, moderate, and severe are given for the types of proposed improvements that are listed or inferred by the petitioner as entered on the report application and/or zoning petition. The most common types of building limitation that this report gives limitations ratings for

is: septic systems. It is understood that engineering practices can overcome most limitations for buildings with and without basements, and small commercial buildings. Limitation ratings for these types of buildings are not commonly provided. Organic soils, when present on the parcel, are referenced in the hydric soils section of the report. This type of soil is considered to be unsuitable for all types of construction.

#### Limitations Ratings

1. **Not Limited** - This soil has favorable properties for the use. The degree of limitation is minor. The people involved can expect good performance and low maintenance.
2. **Somewhat Limited** - This soil has moderately favorable properties for the use. Special planning, design, or maintenance can overcome this degree of limitation. During some part of the year, the expected performance is less desirable than for soils rated slight.
3. **Very Limited** - This soil has one or more properties that are unfavorable for the rated use. These may include the following: steep slopes, bedrock near the surface, flooding, high shrink-swell potential, a seasonal high water table, or low strength. This degree of limitation generally requires major soil reclamation, special design, or intensive maintenance, which in most situations is difficult and costly.



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## BUILDING LIMITATIONS

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### Building on Poorly Suited or Unsuitable

Soils: Can present problems to future property owners such as cracked foundations, wet basements, lowered structural integrity and high maintenance costs associated with these problems. The staff of the Kendall County SWCD strongly urges scrutiny by the plat reviewers to avoid granting parcels with these soils exclusively.

Small Commercial Building - Ratings are for undisturbed soil for a small building of less than 3 stories without a basement. The foundation is assumed to be spread footings of reinforced concrete at a depth of 2 feet or the depth of maximum frost penetration, whichever is deeper.

Shallow Excavations - Trenches or holes dug to a maximum depth of 5 or 6 feet for graves, utility lines, open ditches, or other purposes. The ratings are based on the soil properties that influence the ease of digging and the resistance to sloughing.

Lawns and Landscaping - Require soils on which turf and ornamental trees and shrubs can be established and maintained (irrigation is not considered in the ratings). The ratings are based on the soil properties

that affect plant growth and trafficability after vegetation is established.

Local Roads and Streets - They have an all-weather surface and carry automobile and light truck traffic all year. They have a subgrade of cut or fill soil material, a base of gravel, crushed rock or soil material stabilized by lime or cement; and a surface of flexible material (asphalt), rigid material (concrete) or gravel with a binder. The ratings are based on the soil properties that affect the ease of excavation and grading and the traffic-supporting capacity.

Sewage Lagoon - Shallow ponds constructed to hold sewage while aerobic bacteria decompose the solid and liquid wastes. Lagoons should have a nearly level floor surrounded by cut slopes or embankments of compacted soil. Nearly impervious soil material for the lagoon floor and sides is required to minimize seepage and contamination of ground water. Considered in the ratings are slope, saturated hydraulic conductivity, depth to water table, ponding, depth to bedrock or a cemented pan, flooding, large stones and content of organic matter.

Table 2a: Building Limitations

| Soil Type             | Small Commercial Building  | Shallow Excavations   | Lawns/Landscaping   | Local Roads  | Acreage | Percent |
|-----------------------|--|---|---|--|---------|---------|
| 67A                   | <b>Very Limited:</b><br>Depth to saturated zone, Ponding, Shrink-swell | <b>Very Limited:</b><br>Depth to saturated zone, Ponding, Unstable excavation walls           | <b>Very Limited:</b><br>Depth to saturated zone, Ponding  | <b>Very Limited:</b><br>Depth to saturated zone, Frost action, Low strength, Ponding, Shrink-swell               | 4.5     | 17.4%   |
| 149A                  | <b>Somewhat Limited:</b><br>Depth to saturated zone, Shrink-swell      | <b>Very Limited:</b><br>Depth to saturated zone, Unstable excavation walls                    | <b>Somewhat Limited:</b><br>Depth to saturated zone   | <b>Very Limited:</b><br>Frost action, Low strength, Depth to saturated zone, Shrink-swell                        | 0.3     | 1.2%    |
| 325B                  | <b>Somewhat Limited:</b><br>Shrink-swell                               | <b>Very Limited:</b><br>Unstable excavation walls   | <b>Not Limited</b>  | <b>Somewhat Limited:</b><br>Shrink-swell, Frost action   | 11.9    | 45.9%   |
| 969E2                 | <b>Very Limited:</b><br>Slope  | <b>Very Limited:</b><br>Unstable excavation walls, Too steep                                  | <b>Casco:</b><br>Very Limited:<br>Too steep, droughty<br><b>Rodman:</b><br>Very Limited:<br>Too steep, droughty, gravel | <b>Casco:</b><br><b>Very Limited:</b><br>Too steep, frost action<br><b>Rodman:</b><br>Very Limited:<br>Too steep | 4.4     | 17.0%   |
| 8082A                 | <b>Very Limited:</b><br>Flooding, Depth to saturated zone, Ponding     | <b>Very Limited:</b><br>Depth to saturated zone, Ponding, Flooding, Unstable excavation walls | <b>Very Limited:</b><br>Depth to saturated zone, Ponding, Flooding  | <b>Very Limited:</b><br>Depth to saturated zone, Frost action, Flooding, Low strength, Ponding                   | 4.8     | 18.5%   |
| <b>% Very Limited</b> | <b>52.9%</b>   | <b>100%</b>   | <b>52.9%</b>  | <b>100%</b>  |         |         |

Table 2b: Building Limitations

| Soil Type             | Sewage Lagoon   | Acreage | Percent |
|-----------------------|---|---------|---------|
| 67A                   | <b>Very Limited:</b><br>Depth to saturated zone<br>Ponding<br>Seepage       | 4.5     | 17.4%   |
| 149A                  | <b>Very Limited:</b><br>Depth to saturated zone<br>Seepage                  | 0.3     | 1.2%    |
| 325B                  | <b>Very Limited:</b><br>Seepage, Slope                                      | 11.9    | 45.9%   |
| 969E2                 | <b>Very Limited:</b><br>Slope, Seepage                                      | 4.4     | 17.0%   |
| 8082A                 | <b>Very Limited:</b><br>Flooding, Depth to saturated zone, Ponding, Seepage | 4.8     | 18.5%   |
| <b>% Very Limited</b> | <b>100%</b>   |         |         |



Figure 3a: Map of Building Limitations – Small Commercial Building

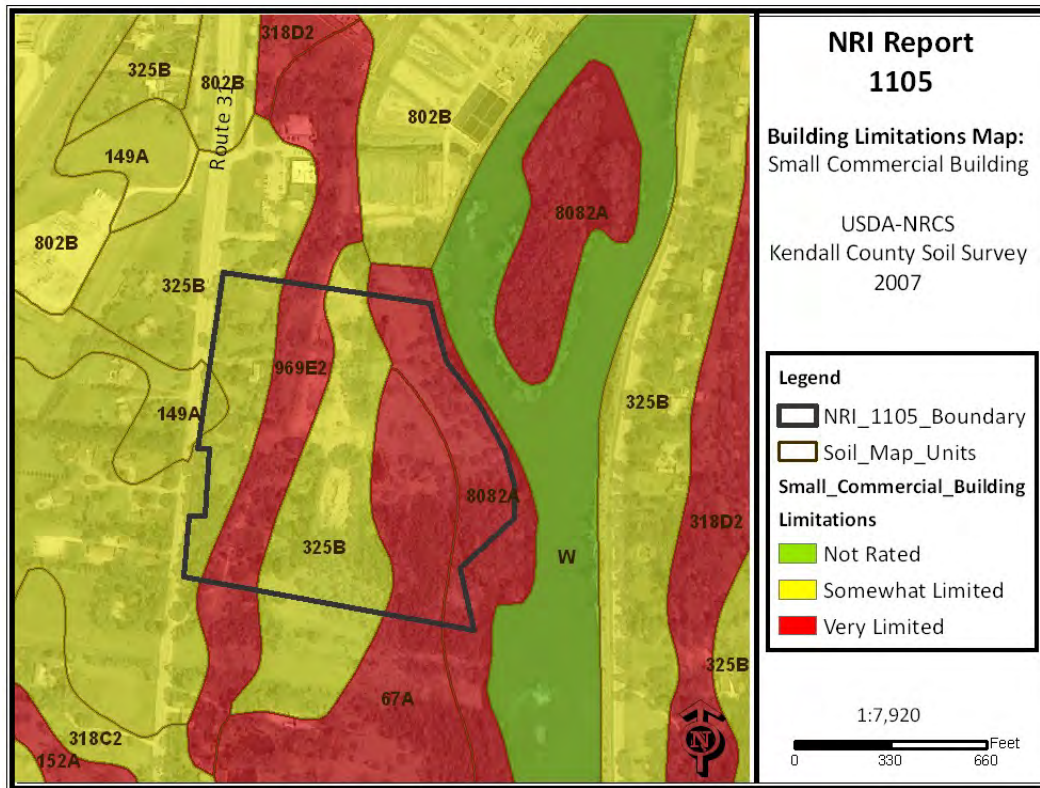
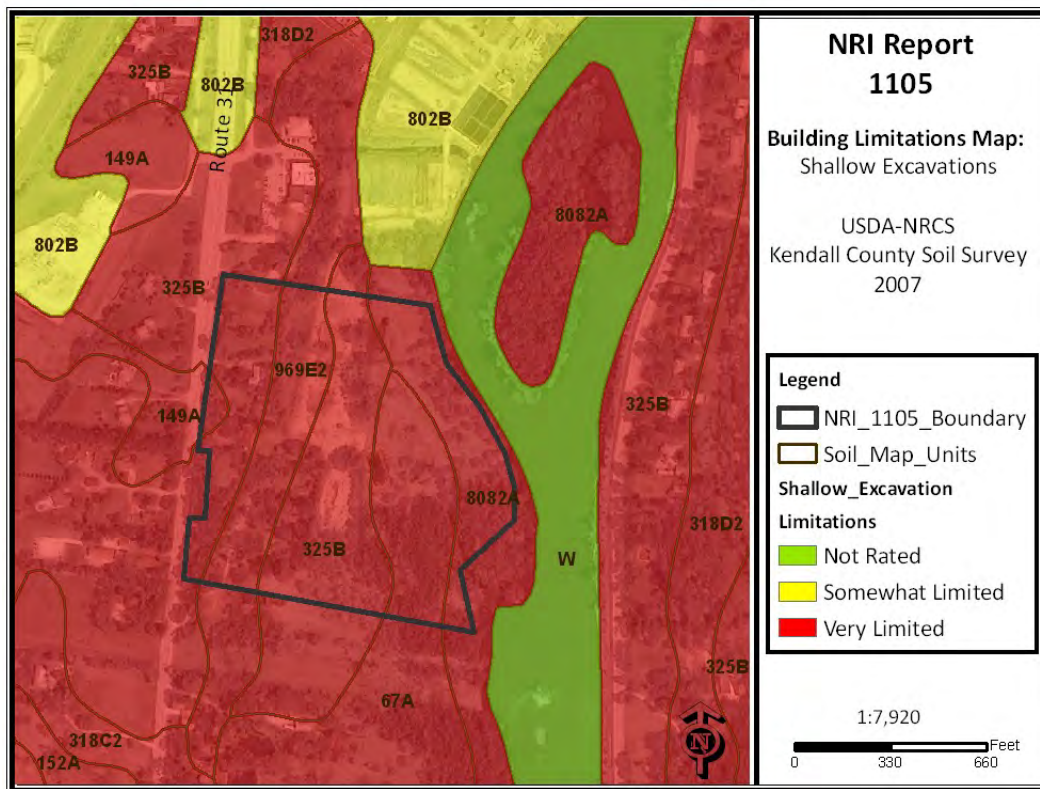


Figure 3b: Map of Building Limitations – Shallow Excavation



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## SOIL WATER FEATURES

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This table gives estimates of various soil water features that should be taken into consideration when reviewing engineering for a land use project.

**Hydrologic Soil Groups (HSGs):** The groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

**Group A:** Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.

**Group B:** Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

**Group C:** Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.

**Group D:** Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

**Note:** 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 is for undrained areas.

**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). The classes are:

negligible, very low, low, medium, high and very high.

**Months:** Indicates the portion of the year in which a water table, ponding, and/or flooding is most likely to be a concern.

**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:** Refers to standing water in a closed depression and the data indicates surface water depth, duration and frequency of ponding.

**Duration:** Expressed as *very brief* if less than 2 days, *brief* is 2 to 7 days, *long* if 7 to 30 days and *very long* if more than 30 days.

**Frequency:** Expressed as: *none* meaning ponding is not possible; *rare* means unlikely but possible under unusual weather conditions (chance of ponding is 0-5% in any year); *occasional* means that it occurs, on the average, once or less in 2 years (chance of ponding is 5 to 50% in any year); and *frequent* means that it occurs, on the average, more than once in 2 years (chance of ponding is more than 50% in any year).

**Flooding:** The temporary inundation of an area caused by overflowing streams, by runoff from adjacent slopes, or by tides. Water standing for short periods after rainfall or snowmelt is not considered flooding, and water standing in swamps and marshes is considered ponding rather than flooding.

**Duration:** Expressed as: *extremely brief* if 0.1 hour to 4 hours; *very brief* if 4 hours to 2 days; *brief* if 2 to 7 days; *long* if 7 to 30 days; and *very long* if more than 30 days.

**Frequency:** Expressed as: *none* means flooding is not probable; *very rare* means that it is very unlikely but possible under extremely unusual weather conditions (chance of flooding is less than 1% in any year); *rare* means that it is unlikely but possible under



unusual weather conditions (chance of flooding is 1 to 5% in any year); *occasional* means that it occurs infrequently under normal weather conditions (chance of flooding is 5 to 50% in any year but is less than 50% in all months in any year); and *very frequent* means that it is likely to occur very often under normal weather conditions (chance of flooding is more than 50% in all months of any year).

**Note:** The information is based on evidence in the soil profile. In addition, consideration is also given to local information about the extent and levels of flooding and the relation of each soil on the landscape to historic floods. Information on the extent of flooding based on soil data is less specific than that provided by detailed engineering surveys that delineate flood-prone areas at specific flood frequency levels.

Table 3a: Water Features

| Soil Type | Hydrologic Group      | Surface Runoff               |
|-----------|-----------------------|------------------------------|
| 67A       | B/D                   | Negligible                   |
| 149A      | B                     | Low                          |
| 325B      | B                     | Low                          |
| 969E2     | Casco: B<br>Rodman: A | Casco: Medium<br>Rodman: Low |
| 8082A     | B/D                   | Negligible                   |

Table 3b: Water Features

| Soil Type | Month    | Water Table |             | Ponding       |          |           | Flooding |            |
|-----------|----------|-------------|-------------|---------------|----------|-----------|----------|------------|
|           |          | Upper Limit | Lower Limit | Surface Depth | Duration | Frequency | Duration | Frequency  |
| 67A       | January  | 0.0'-1.0'   | >6.0'       | 0.0'-0.5'     | Brief    | Frequent  | --       | None       |
|           | February | 0.0'-1.0'   | >6.0'       | 0.0'-0.5'     | Brief    | Frequent  | --       | None       |
|           | March    | 0.0'-1.0'   | >6.0'       | 0.0'-0.5'     | Brief    | Frequent  | --       | None       |
|           | April    | 0.0'-1.0'   | >6.0'       | 0.0'-0.5'     | Brief    | Frequent  | --       | None       |
|           | May      | 0.0'-1.0'   | >6.0'       | 0.0'-0.5'     | Brief    | Frequent  | --       | None       |
| 149A      | January  | 1.0'-2.0'   | >6.0'       | --            | --       | None      | --       | None       |
|           | February | 1.0'-2.0'   | >6.0'       | --            | --       | None      | --       | None       |
|           | March    | 1.0'-2.0'   | >6.0'       | --            | --       | None      | --       | None       |
|           | April    | 1.0'-2.0'   | >6.0'       | --            | --       | None      | --       | None       |
|           | May      | 1.0'-2.0'   | >6.0'       | --            | --       | None      | --       | None       |
| 325B      | Jan-Dec  | --          | --          | --            | --       | None      | --       | None       |
| 969E2     | Jan-Dec  | --          | --          | --            | --       | None      | --       | None       |
| 8082A     | January  | 0.0'-1.0'   | >6.0'       | 0.0'-0.5'     | Brief    | Frequent  | Brief    | Occasional |
|           | February | 0.0'-1.0'   | >6.0'       | 0.0'-0.5'     | Brief    | Frequent  | Brief    | Occasional |
|           | March    | 0.0'-1.0'   | >6.0'       | 0.0'-0.5'     | Brief    | Frequent  | Brief    | Occasional |
|           | April    | 0.0'-1.0'   | >6.0'       | 0.0'-0.5'     | Brief    | Frequent  | Brief    | Occasional |
|           | May      | 0.0'-1.0'   | >6.0'       | 0.0'-0.5'     | Brief    | Frequent  | Brief    | Occasional |
|           | June     | --          | --          | --            | --       | None      | Brief    | Occasional |
|           | November | --          | --          | --            | --       | None      | Brief    | Occasional |
|           | December | --          | --          | --            | --       | None      | Brief    | Occasional |

## SOIL EROSION & SEDIMENT CONTROL

Erosion is the wearing away of the soil by water, wind, and other forces. Soil erosion threatens the Nation's soil productivity and contributes the most pollutants in our waterways. Water causes about two thirds of erosion on agricultural land. Four properties, mainly, determine a soil's erodibility:

1. Texture
2. Slope
3. Structure
4. Organic matter content

**Slope** has the most influence on soil erosion potential when the site is under construction. Erosivity and runoff increase as slope grade increases. The runoff then exerts more force on the particles, breaking their bonds more readily and carrying them farther before deposition. The longer water flows along a slope before reaching a major waterway, the greater the potential for erosion.

Soil erosion during and after this proposed construction can be a primary non-point source of water pollution. Eroded soil during the construction phase can create unsafe conditions on roadways, decrease the storage capacity of lakes, clog streams and drainage channels, cause deterioration of aquatic habitats, and increase

water treatment costs. Soil erosion also increases the risk of flooding by choking culverts, ditches and storm sewers, and by reducing the capacity of natural and man-made detention facilities.

The general principles of erosion and sedimentation control measures include:

- reducing or diverting flow from exposed areas, storing flows or limiting runoff from exposed areas,
- staging construction in order to keep disturbed areas to a minimum,
- establishing or maintaining or temporary or permanent groundcover,
- retaining sediment on site and
- properly installing, inspecting and maintaining control measures.

Erosion control practices are useful controls only if they are properly located, installed, inspected and maintained.

The SWCD recommends an erosion control plan for all building sites, especially if there is a wetland or stream nearby.

**Table 4: Soil Erosion Potential**

| Soil Type | Slope  | Rating   | Acreage | Percent of Parcel |
|-----------|--------|----------|---------|-------------------|
| 67A       | 0-2%   | Slight   | 4.5     | 17.4%             |
| 149A      | 0-2%   | Slight   | 0.3     | 1.2%              |
| 325B      | 2-4%   | Slight   | 11.9    | 45.9%             |
| 969E2     | 12-20% | Moderate | 4.4     | 17.0%             |
| 8082A     | 0-2%   | Slight   | 4.8     | 18.5%             |



## PRIME FARMLAND SOILS

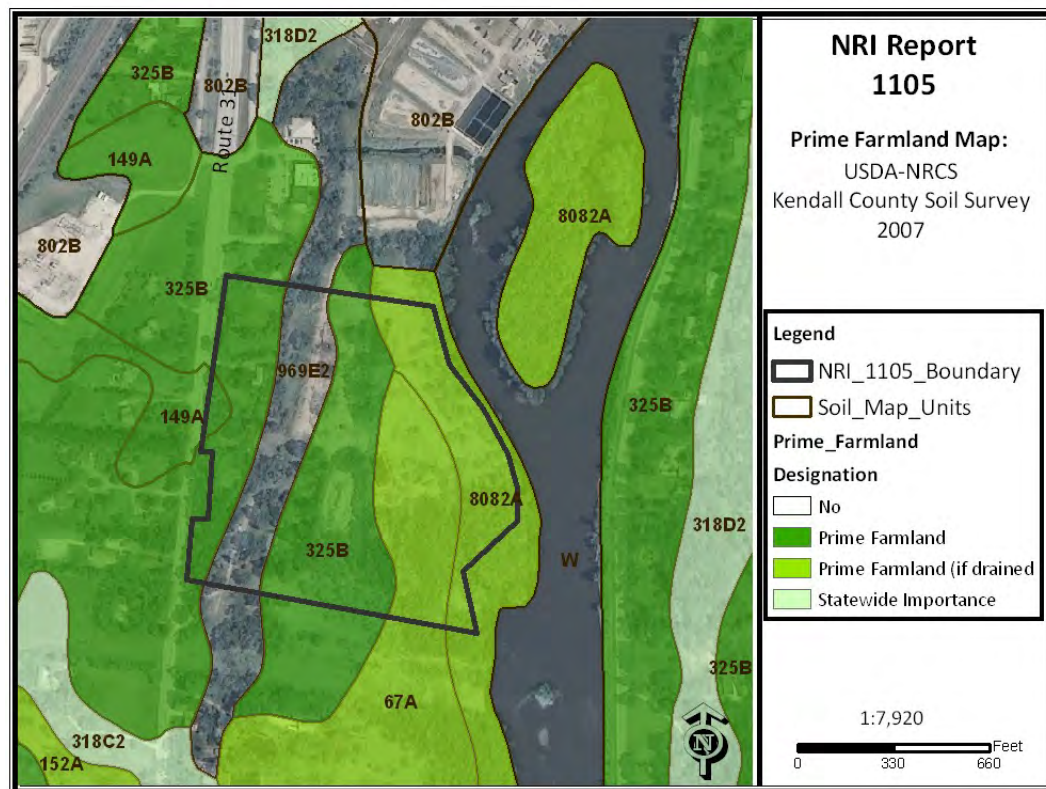
Prime farmland soils are an important resource to Kendall County. Some of the most productive soils in the United States occur locally. Each soil map unit in the United States is assigned a prime or non-prime rating. Prime agricultural land does not need to be in the production of food & fiber.

Section 310 of the NRCS general manual states that urban or built-up land on prime farmland soils is not prime farmland. The percentages of soils map units on the parcel reflect the determination that urban or built up land on prime farmland soils is not prime farmland.

**Table 5: Prime Farmland Soils**

| Soil Types       | Prime Designation                   | Acreage | Percent |
|------------------|-------------------------------------|---------|---------|
| 67A              | Prime Farmland (if drained)         | 4.5     | 17.4%   |
| 149A             | Prime Farmland                      | 0.3     | 1.2%    |
| 325B             | Prime Farmland                      | 11.9    | 45.9%   |
| 969E2            | No Designation (Not Prime Farmland) | 4.4     | 17.0%   |
| 8082A            | Prime Farmland (if drained)         | 4.8     | 18.5%   |
| % Prime Farmland | 83%                                 |         |         |

**Figure 4: Prime Farmland Soil Map**



## LAND EVALUATION & SITE ASSESSMENT (LESA)

Decision-makers in Kendall County use the Land Evaluation and Site Assessment (LESA) system to determine the suitability of a land use change and/or a zoning request as it relates to agricultural land. 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)** – The soils of a given area are rated and placed in groups ranging from the best to worst suited for a stated agriculture use, cropland or forestland. The best group is assigned a value of 100 and all other groups are assigned lower values. The

Land Evaluation is based on data from the Kendall County Soil Survey. The Kendall County Soil and Water Conservation District is responsible for this portion of the LESA system.

**SITE ASSESSMENT (SA)** – The site 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 Kendall County LESA Committee is responsible for this portion of the LESA system.

The value group is a predetermined value based upon prime farmland designation. The LE score is calculated by multiplying the relative value of each soil type by the number of acres of that soil. The sum of the products is then divided by the total number of acres; the answer is the Land Evaluation score on this site.

**Table 6a: Land Evaluation Computation**

| Soil Type       | Value Group | Relative Value         | Acres       | Product<br>(Relative Value x Acres) |
|-----------------|-------------|------------------------|-------------|-------------------------------------|
| 67A             | 2           | 94                     | 4.5         | 423.0                               |
| 149A            | 1           | 100                    | 0.3         | 30.0                                |
| 325B            | 4           | 79                     | 11.9        | 940.1                               |
| 969E2           | 7           | 47                     | 4.4         | 206.8                               |
| 8082A           | 3           | 87                     | 4.8         | 417.6                               |
|                 |             |                        |             |                                     |
| <b>Totals</b>   |             |                        | <b>25.9</b> | <b>2017.5</b>                       |
| <b>LE Score</b> |             | <b>LE= 2017.5/25.9</b> |             | <b>LE=78</b>                        |

The Land Evaluation score for this site is **78**, indicating that this site is **not designated** as prime farmland that is well suited for agricultural uses.

**Table 6b: 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)   | 0         |
|           | 2. Current land use adjacent to site. (30-20-15-10-0)  | 0         |
|           | 3. Percentage of site in agricultural production in any of the last 5 years. (20-15-10-5-0)  | 0         |
|           | 4. Size of site. (30-15-10-0)  | 10        |
| <b>B.</b> | <b>Compatibility / Impact on Uses</b>  |           |
|           | 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) | 0         |
|           | 3. Compatibility of agricultural and non-agricultural uses. (15-7-0)   | 7         |
| <b>C.</b> | <b>Existence of Infrastructure</b>   |           |
|           | 1. Availability of public sewage system. (10-8-6-0)  | 0         |
|           | 2. Availability of public water system. (10-8-6-0)   | 0         |
|           | 3. Transportation systems. (15-7-0)  | 7         |
|           | 4. Distance from fire protection service. (10-8-6-2-0)   | 8         |
|           | <b>Site Assessment Score:</b>  | <b>32</b> |



**Kendall County LESA (cont.):**

**Land Evaluation Value: 78 + Site Assessment Value: 32 = LESA Score: 110**

| LESA SCORE | LEVEL OF PROTECTION |
|------------|---------------------|
| 0-200      | Low                 |
| 201-225    | Medium              |
| 226-250    | High                |
| 251-300    | Very High           |

The **LESA Score for this site is 110 which indicates 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.

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## LAND USE PLANS

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Many counties, municipalities, villages and townships have developed land-use plans. These plans are intended to reflect the existing and future land-use needs of a

given community. Please contact Kendall County for information regarding the County's comprehensive land use map.

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## DRAINAGE, RUNOFF AND FLOOD INFORMATION

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U.S.G.S Topographic maps give information on elevations, which are important mostly to determine slopes, drainage directions, and watershed information.

Elevations determine the area of impact of floods of record. Slope information determines steepness and erosion potential. Drainage directions determine where water leaves the PIQ, possibly impacting surrounding natural resources.

Watershed information is given for changing land use to a subdivision type of development on parcels greater than 10 acres.

### **What is a watershed?**

Simply stated, a watershed is the area of land that contributes water to a certain point. The point that we use on these reports is usually the point where water exits the parcel. The point is marked with a "O." The watershed boundary is drawn in using the following marking: (—●●—). Often times, water will flow off the parcel in two or more directions. In that case, there is a watershed break on the parcel. (—●●—), and there are two or more watersheds on the parcel.

The watershed boundary is important because the area of land in the watershed can now be calculated using an irregular shape area calculator such as a dot counter or planimeter.

Using regional storm event information, and site specific soils and land use information, the peak stormwater flow through the point marked "O" for a specified storm event can be calculated. This value is called a "Q" value (for the given storm event), and is measured in cubic feet per second (CFS).

When construction occurs, the Q value naturally increases because of the increase in impermeable surfaces. This process decreases the ability of soils to accept and temporarily hold water. Therefore, more water runs off and increases the Q value.

Theoretically, if each development, no matter how large or small, maintains their preconstruction Q value after construction by the installation of stormwater management systems, the streams and wetlands and lakes will not suffer damage from excessive urban stormwater.

For this reason, the Kendall County SWCD recommends that the developer for intense

uses such as a subdivision calculate the preconstruction Q value for the exit point(s). A stormwater management system should be designed, installed, and maintained to limit the postconstruction Q value to be at or below the preconstruction value.

### **Importance of Flood Information**

A floodplain is defined as land adjoining a watercourse (riverine) or an inland depression (non-riverine) that is subject to periodic inundation by high water. Floodplains are important areas demanding protection since they have water storage and conveyance functions which affect upstream and downstream flows, water quality and quantity, and suitability of the land for human activity. Since floodplains play distinct and vital roles in the hydrologic cycle, development that interferes with their hydrologic and biologic functions should be carefully considered.

Flooding is both dangerous to people and destructive to their properties. The following maps, when combined with wetland and topographic information, can help developers and future homeowners to “sidestep” potential flooding or ponding problems.

FIRM is the acronym for the Flood Insurance Rate Map, produced by the Federal Emergency Management Agency. These maps define flood elevation adjacent to tributaries and major bodies of water, and superimpose that onto a simplified USGS topographic map. The scale of the FIRM maps is generally dependent on the size and density of parcels in that area. (This is to correctly determine the parcel location and flood plain location.) The FIRM map has three (3) zones. A is the zone of 100 year flood, zone B is the 100 to 500 year flood, and zone C is outside the flood plain.

The Hydrologic Atlas (H.A.) Series of the Flood of Record Map is also used for the topographic information. This map is different from the FIRM map mainly because it will show isolated, or pocketed flooded areas. Kendall County uses both these maps in conjunction with each other for flooded area determinations. The Flood of Record maps, show the areas of flood for various years. Both of these maps stress that

the recurrence of flooding is merely statistical. That is to say a 100-year flood may occur twice in one year, or twice in one week, for that matter.

It should be noted that greater floods than those shown on the two maps are possible. The flood boundaries indicated provide a historic record only until the map publication date. Additionally, these flood boundaries are a function of the watershed conditions existing when the maps were produced. Cumulative changes in runoff characteristics caused by urbanization can result in an increase in flood height of future flood episodes.

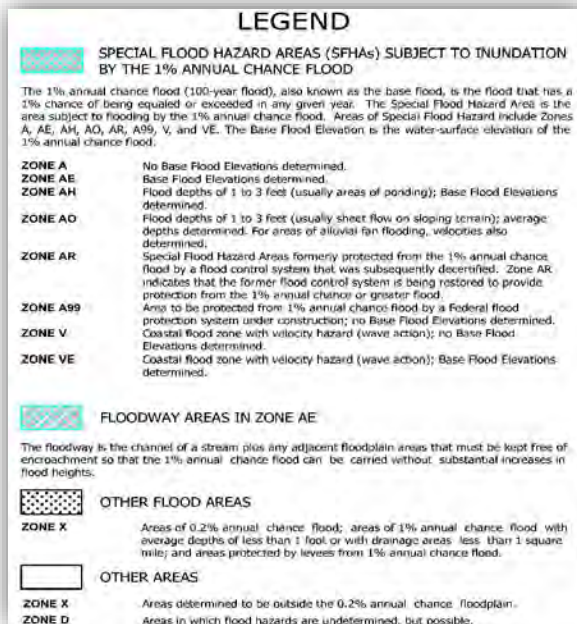
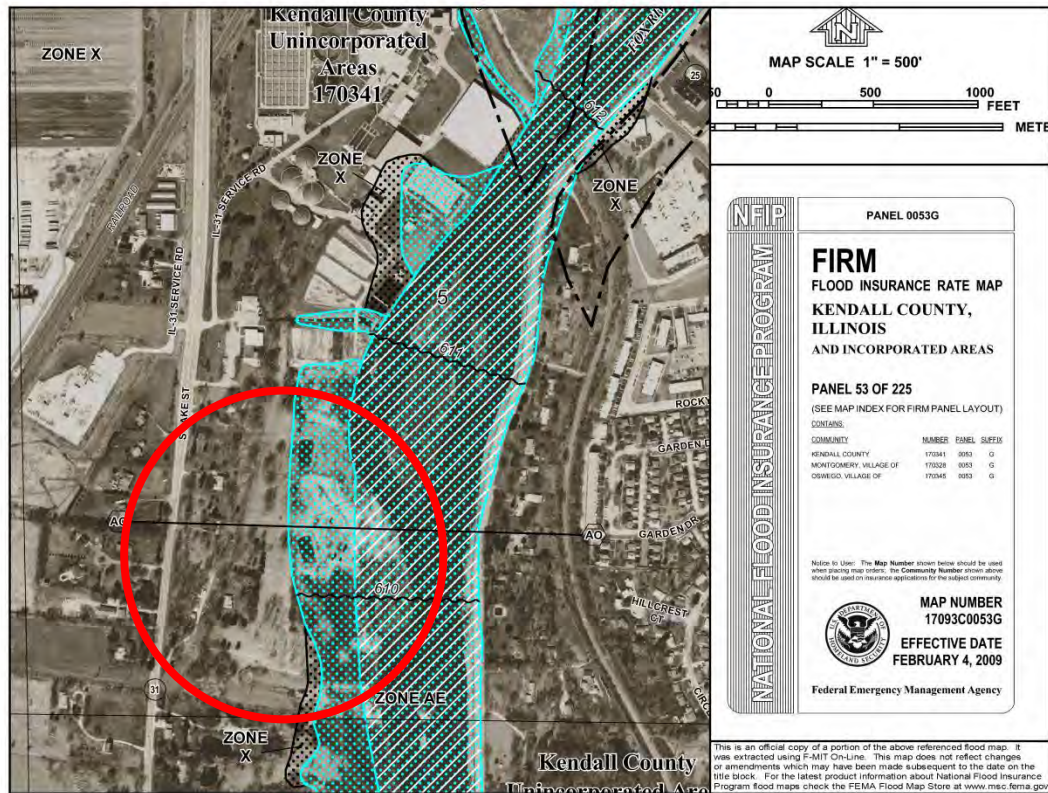
Floodplains play a vital role in reducing the flood damage potential associated with an urbanizing area and, when left in an undisturbed state, also provide valuable wildlife habitat benefits. If it is the petitioner's intent to conduct floodplain filling or modification activities, the petitioner and the Unit of Government responsible need to consider the potentially adverse effects this type of action could have on adjacent properties. The change or loss of natural floodplain storage often increases the frequency and severity of flooding on adjacent property.

If the available maps indicate the presence of a floodplain on the PIQ, the petitioner should contact the IDOT-DWR and FEMA to delineate a floodplain elevation for the parcel. If a portion of the property is indeed floodplain, applicable state, county and local regulations will need to be reflected in the site plans.

Another indication of flooding potential can be found in the soils information. Hydric soils indicate the presence of drainageways, areas subject to ponding, or a naturally occurring high water table. These need to be considered along with the floodplain information when developing the site plan and the stormwater management plan. If the site does include these hydric soils and development occurs, thus raising the concerns of the loss of water storage in these soils and the potential for increased flooding in the area.



Figure 5: FEMA Floodplain Map

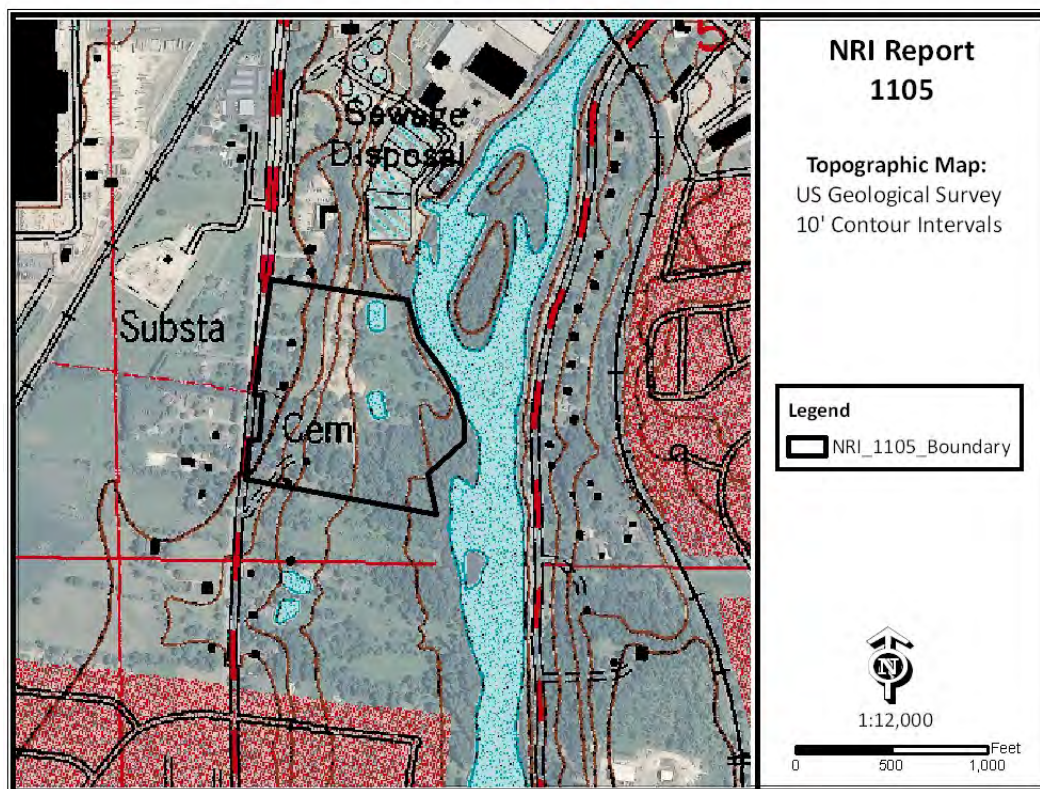


Portions of the proposed project site are shown to be within the following:

- Zone A
- Zone AE
- Zone X

As such, portions of the parcel are located within the 100 year floodplain (designated "A" and "AE").

Figure 6: USGS Topographic Map



This parcel is located on topography (slopes 0 to 20%) involving high and low areas (elevation is approximately 610' to 650' above sea level). The parcel lies within the **Fox River Watershed (Mastodon Lake/Fox River subwatershed)**.

During construction erosion and sediment control best management practices should be implemented onsite to prevent sediment and other pollutants from discharging offsite. Please consult the Illinois Urban Manual ([www.aiswcd.org/IUM/index.html](http://www.aiswcd.org/IUM/index.html)) for appropriate measures.

## WATERSHED PLANS

### Watershed and Subwatershed Information

A watershed is the area of land that drains into a specific point including a stream, lake or other body of water. High points on the Earth's surface, such as hills and ridges define watersheds. When rain falls in the watershed, it flows across the ground towards a stream or lake. Rainwater carries any pollutants it comes in contact with such as oils, pesticides, and soil. Everyone lives in a watershed. Their actions can impact natural resources and people living downstream. Residents can minimize this impact by being aware of their environment and implications of their activities, implementing practices recommended in watershed plans and educating others about their watershed. This parcel is located within the **Fox River Watershed (Mastodon Lake/Fox River subwatershed)**.

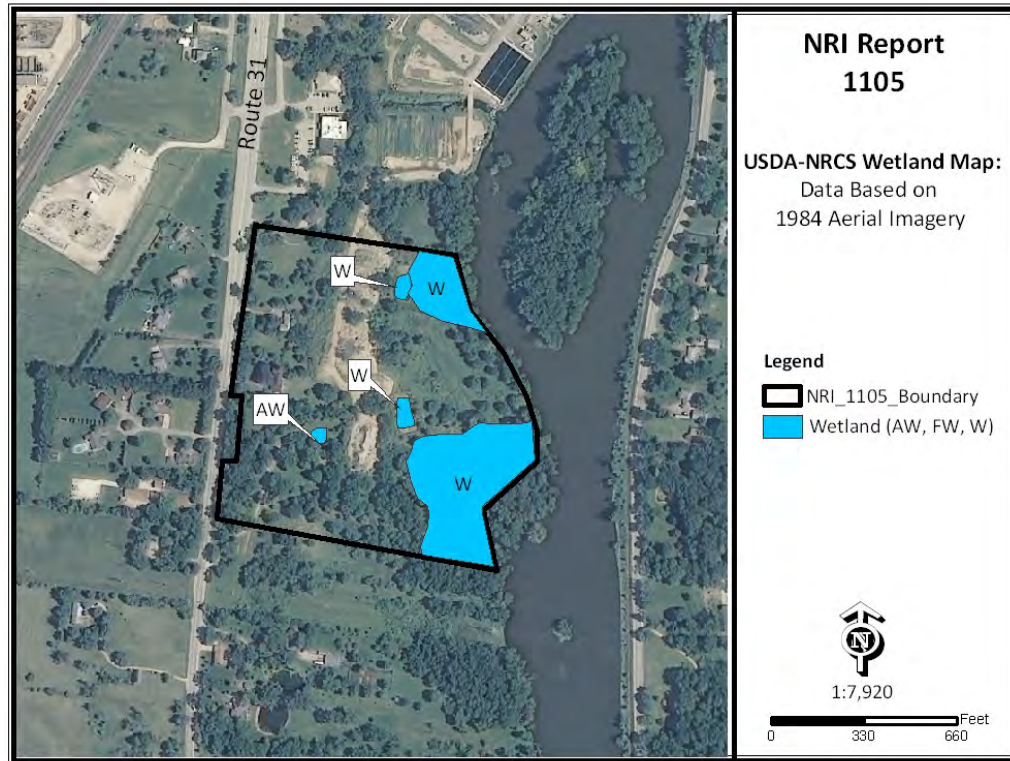
The following are recommendations to developers for protection of this watershed:

- Preserve open space.
- Maintain wetlands as part of development.
- Use natural water management.
- Prevent soil from leaving a construction site.
- Protect subsurface drainage.
- Use native vegetation.
- Retain natural features.
- Mix housing styles and types.
- Decrease impervious surfaces.
- Reduce area disturbed by mass grading.
- Shrink lot size and create more open space.
- Maintain historical and cultural resources.
- Treat water where it falls.
- Preserve views.
- Establish and link trails.

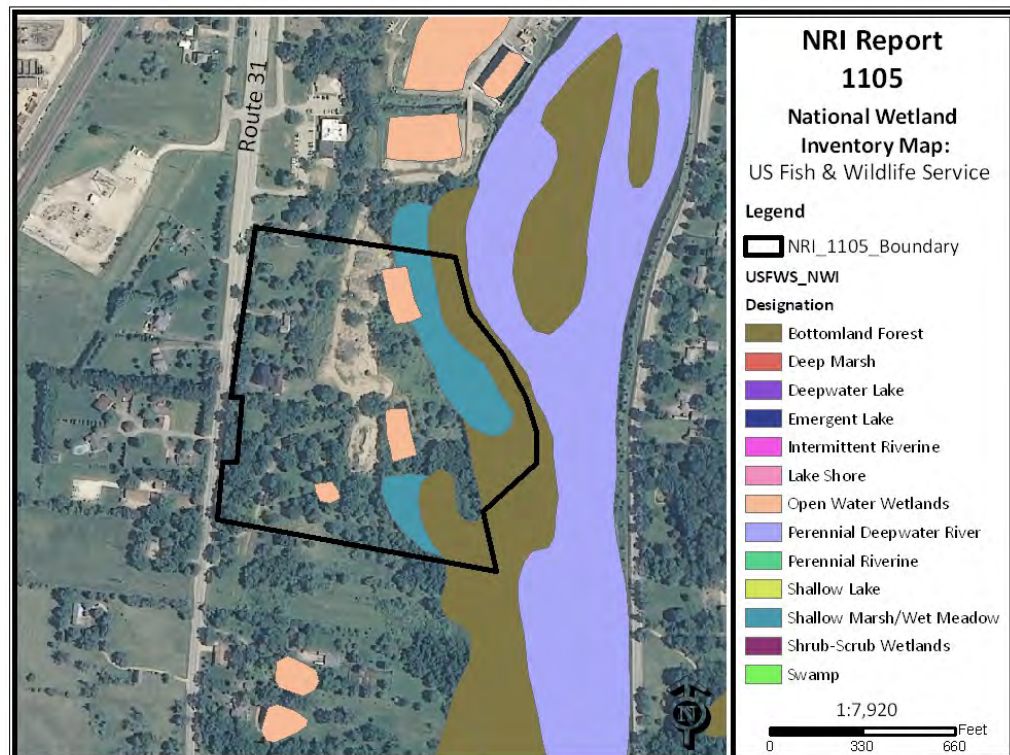


## WETLAND INFORMATION

**Figure7: Wetland Maps – NRCS Wetland and USFWS National Wetland Inventory**



Office maps indicate that wetlands may be present on the parcel in question. Please note polygons denoting possible wetlands on the map are possible, approximate, locations only.



Office maps indicate that wetlands **may be present** on the parcel in question (PIQ).

### Importance of Wetland Information

Wetlands function in many ways to provide numerous benefits to society. They control flooding by offering a slow release of excess water downstream or through the soil. They cleanse water by filtering out sediment and some pollutants, and can function as rechargers of our valuable groundwater. They also are essential breeding, rearing, and feeding grounds for many species of wildlife.

These benefits are particularly valuable in urbanizing areas as development activity typically adversely affects water quality, increases the volume of stormwater runoff, and increases the demand for groundwater. In an area where many individual homes rely on shallow groundwater wells for domestic water supplies, activities that threaten potential groundwater recharge areas are contrary to the public good. The conversion of wetlands, with their sediment trapping and nutrient absorbing vegetation, to biologically barren stormwater detention ponds can cause additional degradation of water quality in downstream or adjacent areas.

It has been estimated that over 95% of the wetlands that were historically present in Illinois have been destroyed while only recently has the true environmental significance of wetlands been fully recognized. America is losing 100,000 acres of wetland a year, and has

saved 5 million acres total (since 1934). One acre of wetland can filter 7.3 million gallons of water a year. These are reasons why our wetlands are high quality and important.

This section contains the NRCS (Natural Resources Conservation Service) Wetlands Inventory, which is the most comprehensive inventory to date. The NRCS Wetlands Inventory is reproduced from an aerial photo at a scale of 1" equals 660 feet. The NRCS developed these maps in cooperation with U.S. EPA (Environmental Protection Agency,) and the U.S. Fish and Wildlife Service, using the National Food Security Act Manual, 3rd Edition. The main purpose of these maps is to determine wetland areas on agricultural fields and areas that may be wetlands but are in a non-agriculture setting.

The NRCS Wetlands Inventory in no way gives an exact delineation of the wetlands, but merely an outline, or the determination that there is a wetland within the outline. For the final, most accurate wetland **determination** of a specific wetland, a wetland **delineation** must be certified by NRCS staff using the National Food Security Act Manual (on agricultural land.) On urban land, a certified wetland delineator must perform the delineation using the ACOE 1987 Manual. *See the glossary section for the definitions of "delineation" and "determination."*



## Hydric Soils

Soils information gives another indication of flooding potential. The soils map on this page indicates the soil(s) on the parcel that the Natural Resources Conservation Service indicates as hydric. Hydric soils by definition have seasonal high water at or near the soil surface and/or have potential flooding or ponding problems. All hydric soils range from poorly suited to unsuitable for building. One group of the hydric soils, are the organic soils, which formed from dead organic material. Organic soils are unsuitable for building because of not only the high water table, but also their subsidence problems.

It is also important to add the possibility of hydric inclusions in a soil type. An inclusion is a soil polygon that is too small to appear on these maps. While relatively insignificant for agricultural use, hydric soil inclusions become more important to more intense uses such as a residential subdivision.

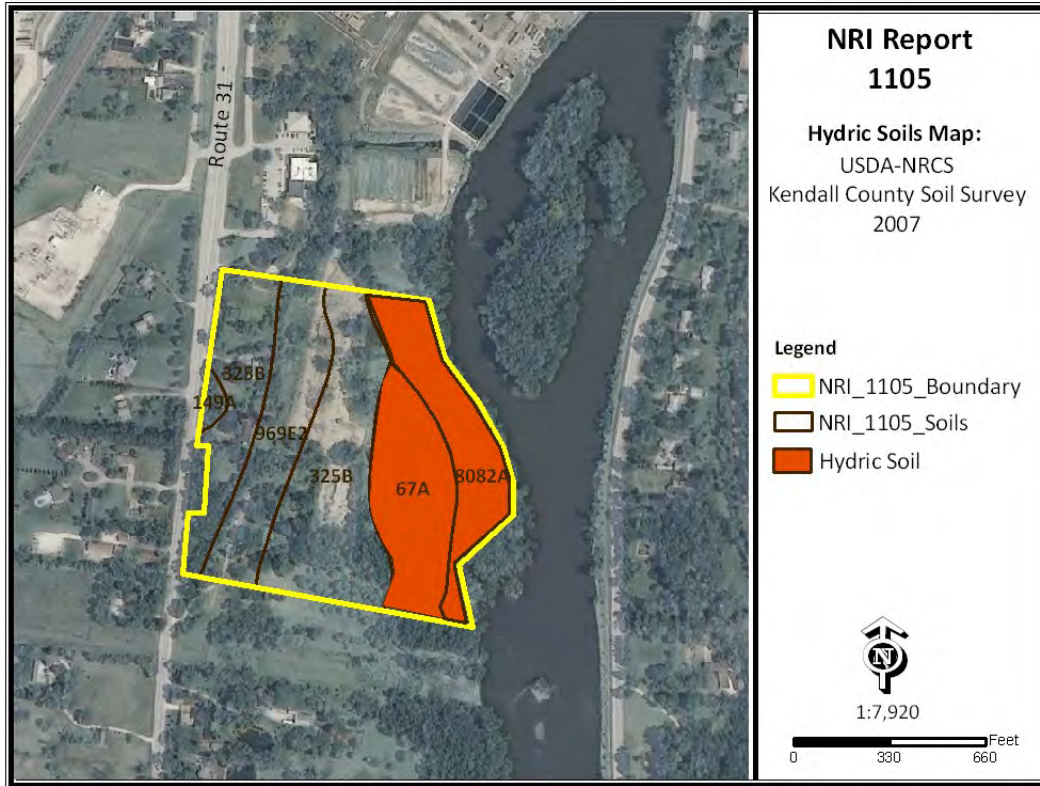
While considering hydric soils and hydric inclusions, it is noteworthy to mention that subsurface agriculture drainage tile occurs in almost all poorly drained and somewhat poorly drained soils. Drainage tile expedites drainage and facilitates farming. It is imperative that these drainage tiles remain undisturbed. A damaged subsurface drainage tile may return original hydrologic conditions to all of the areas that drained through the tile (ranging from less than one acre to many square miles.)

For an intense land use, such as a subdivision, the Kendall County SWCD recommends the following:

1. A topographical survey with 1 foot contour intervals to accurately define the flood area on the parcel.
2. An intensive soil survey to define most accurately the locations of the hydric soils and inclusions
3. A drainage tile survey on the area to locate the tiles that must be preserved.

**Table 7: Hydric Soils**

| Soil Types      | Drainage Class   | Hydric Designation | Hydric Inclusions Likely | Acreage | Percent |
|-----------------|--|--------------------|--------------------------|---------|---------|
| 325B            | Well drained   | Non-hydric         | No                       | 2.2     | 44%     |
| 802B            | Well drained   | Non-hydric         | No                       | 1.2     | 24%     |
| 969E2           | Casco:<br>Somewhat excessively drained<br>Rodman:<br>Excessively drained | Non-hydric         | No                       | 1.2     | 24%     |
| 8082A           | Poorly drained   | Hydric             | No                       | 0.4     | 8%      |
| <b>% Hydric</b> |  | <b>18.8%</b>       | <b>5.3%</b>              |         |         |

**Figure 8: Hydric Soils Map**



## WETLAND AND FLOODPLAIN REGULATIONS

**PLEASE READ THE FOLLOWING IF YOU ARE PLANNING TO DO ANY WORK NEAR A STREAM (THIS INCLUDES SMALL UNNAMED STREAMS), LAKE, WETLAND OR FLOODWAY.**

The laws of the United States and the State of Illinois assign certain agencies specific and different regulatory roles to protect the waters within the State's boundaries. These roles, when considered together, include protection of navigation channels and harbors, protection against flood way encroachments, maintenance and enhancement of water quality, protection of fish and wildlife habitat and recreational resources, and, in general, the protection of total public interest. Unregulated use of the waters within the State of Illinois could permanently destroy or alter the character of these valuable resources and adversely impact the public. Therefore, please contact the proper regulatory authorities when planning any work associated with Illinois waters so that proper consideration and approval can be obtained.

### WHO MUST APPLY

Anyone proposing to dredge, fill, rip rap, or otherwise alter the banks or beds of, or construct, operate, or maintain any dock, pier, wharf, sluice, dam, piling, wall, fence, utility, flood plain or flood way subject to State or Federal regulatory jurisdiction should apply for agency approvals.

### REGULATORY AGENCIES:

- ◆ **Wetlands or U.S. Waters:** U.S. Army Corps of Engineers, Rock Island District, Clock Tower Building, P.O. Box 2004, Rock Island, IL 61204-2004. Phone: (309) 794-5379.
- ◆ **Flood plains:** Illinois Department of Natural Resources \ Office of Water Resources, Natural Resources Way, Springfield, IL 62702-1270.
- ◆ **Water Quality \ Erosion Control:** Illinois Environmental Protection Agency, Division of Water Pollution Control, Permit Section, Watershed Unit, 2200 Churchill Road, Springfield, IL 62706. Phone (217) 782-0610.

### COORDINATION

We recommend early coordination with the regulatory agencies BEFORE finalizing work plans. This allows the agencies to recommend measures to mitigate or compensate for adverse impacts. Also, the agency can make possible environmental enhancement provisions early in the project planning stages. This could reduce time required to process necessary approvals.

**CAUTION: Contact with the United States Army Corps of Engineers is strongly advised before commencement of any work in or near a water of the United States. This could save considerable time and expense. Persons responsible for willful and direct violation of Section 10 of the River And Harbor Act of 1899 or Section 404 of the Federal Water Pollution Control Act are subject to fines ranging up to \$27,500 per day of violation and imprisonment for up to one year or both.**

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## GLOSSARY

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**AGRICULTURAL PROTECTION AREAS (AG AREAS)** -

Allowed by P.A. 81-1173. An AG AREA consists of a minimum of 350 acres of farmland, as contiguous and compact as possible. Petitioned by landowners, AG AREAS protect for a period of ten years initially, then reviewed every eight years thereafter. AG AREA establishment exempts landowners from local nuisance ordinances directed at farming operations, and designated land can not receive special tax assessments on public improvements that do not benefit the land, e.g. water and sewer lines.

**AGRICULTURE** - The growing, harvesting and storing of crops including legumes, hay, grain, fruit and truck or vegetable including dairying, poultry, swine, sheep, beef cattle, pony and horse production, fur farms, and fish and wildlife farms; farm buildings used for growing, harvesting and preparing crop products for market, or for use on the farm; roadside stands, farm buildings for storing and protecting farm machinery and equipment from the elements, for housing livestock or poultry and for preparing livestock or poultry products for market; farm dwellings occupied by farm owners, operators, tenants or seasonal or year around hired farm workers.

**B.G.** - Below Grade. Under the surface of the Earth.

**BEDROCK** - Indicates depth at which bedrock occurs. Also lists hardness as rippable or hard.

**FLOODING** - Indicates frequency, duration, and period during year when floods are likely to occur.

**HIGH LEVEL MANAGEMENT** - The application of effective practices adapted to different crops, soils, and climatic conditions. Such practices include providing for adequate soil drainage, protection from flooding, erosion and runoff control, near optimum tillage, and planting the correct kind and amount of high quality seed. Weeds, diseases, and harmful insects are controlled. Favorable soil reaction and near optimum levels of available nitrogen, phosphorus, and potassium for individual crops are maintained. Efficient use is made of available crop residues, barnyard manure, and/or green manure crops. All operations, when combined efficiently and timely, can create favorable growing conditions and reduce harvesting losses -- within limits imposed by weather.

**HIGH WATER TABLE** - A seasonal high water table is a zone of saturation at the highest average depth during the wettest part of the year. May be apparent, perched, or artesian kinds of water tables.

**Water Table, Apparent** - A thick zone of free water in the soil. An apparent water table is indicated by the level at which water stands in an uncased borehole after adequate time is allowed for adjustment in the surrounding soil.

**Water Table, Artesian** - A water table under hydrostatic head, generally beneath an impermeable layer. When this layer is penetrated, the water level rises in an uncased borehole.

**Water Table, Perched** - A water table standing above an unsaturated zone. In places an upper, or perched, water table is separated from a lower one by a dry zone.

**DELINEATION** - For Wetlands: A series of orange flags placed on the ground by a certified professional that outlines the wetland boundary on a parcel.

**DETERMINATION** - A polygon drawn on a map using map information that gives an outline of a wetland.

**HYDRIC SOIL** - This type of soil is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part (USDA Natural Resources Conservation Service 1987)

**INTENSIVE SOIL MAPPING** - Mapping done on a smaller more intensive scale than a modern soil survey to determine soil properties of a specific site, e.g. mapping for septic suitability.

**LAND EVALUATION AND SITE ASSESSMENT**

**(L.E.S.A.)** - LESA is a systematic approach for evaluating a parcel of land and to determine a numerical value for the parcel for farmland preservation purposes.

**MODERN SOIL SURVEY** - A soil survey is a field investigation of the soils of a specific area, supported by information from other sources. The kinds of soil in the survey area are identified and their extent shown on a map, and an accompanying report describes, defines, classifies, and interprets the soils. Interpretations predict the behavior of the soils under different used and the soils' response to management. Predictions are made for areas of soil at specific places. Soils information collected in a soil survey is useful in developing land-use plans and alternatives involving soil management systems and in evaluating and predicting the effects of land use.

**PALUSTRINE** - Name given to inland fresh water wetlands.

**PERMEABILITY** - Values listed estimate the range (in rate and time) it takes for downward movement of water in the major soil layers when saturated, but allowed to drain freely. The estimates are based on soil texture, soil structure, available data on



permeability and infiltration tests, and observation of water movement through soils or other geologic materials.

**PIQ** - Parcel in question

**POTENTIAL FROST ACTION** - Damage that may occur to structures and roads due to ice lens formation causing upward and lateral soil movement. Based primarily on soil texture and wetness.

**PRIME FARMLAND** - Prime farmland soils are lands that are best suited to food, feed, forage, fiber and oilseed crops. It may be cropland, pasture, woodland, or other land, but it is not urban and built up land or water areas. It either is used for food or fiber or is available for those uses. The soil qualities, growing season, and moisture supply are those needed for a well managed soil economically to produce a sustained high yield of crops. Prime farmland produces in highest yields with minimum inputs of energy and economic resources, and farming the land results in the least damage to the environment.

Prime farmland has an adequate and dependable supply of moisture from precipitation or irrigation. The temperature and growing season are favorable. The level of acidity or alkalinity is acceptable. Prime farmland has few or no rocks and is permeable to water and air. It is not excessively erodible or saturated with water for long periods and is not frequently flooded during the growing season. The slope ranges mainly from 0 to 5 percent. (Source USDA Natural Resources Conservation Service)

**PRODUCTIVITY INDEXES** - Productivity indexes for grain crops express the estimated yields of the major grain crops grown in Illinois as a single percentage of the average yields obtained under basic management from several of the more productive soils in the state. This group of soils is composed of the Muscatine, Ipava, Sable, Lisbon, Drummer, Flanagan, Littleton, Elburn and Joy soils. Each of the 425 soils found in Illinois are found in Circular 1156 from the Illinois Cooperative Extension Service.

**SEASONAL** - When used in reference to wetlands indicates that the area is flooded only during a portion of the year.

**SHRINK-SWELL POTENTIAL** - Indicates volume changes to be expected for the specific soil material with changes in moisture content.

**SOIL MAPPING UNIT** - A map unit is a collection of soil areas of miscellaneous areas delineated in mapping. A map unit is generally an aggregate of the delineations of many different bodies of a kind of soil or miscellaneous area but may consist of only one delineated body. Taxonomic class names and accompanying phase terms are used to name soil map units. They are described in terms of ranges of soil properties within the limits defined for taxa and in terms of ranges of taxadjuncts and inclusions.

**SOIL SERIES** - A group of soils, formed from a particular type of parent material, having horizons that, except for texture of the A or surface horizon, are similar in all profile characteristics and in arrangement in the soil profile. Among these characteristics are color, texture, structure, reaction, consistence, and mineralogical and chemical composition.

**SUBSIDENCE** - Applies mainly to organic soils after drainage. Soil material subsides due to shrinkage and oxidation.

**TERRAIN** - The area or surface over which a particular rock or group of rocks is prevalent.

**TOPSOIL** - That portion of the soil profile where higher concentrations of organic material, fertility, bacterial activity and plant growth take place. Depths of topsoil vary between soil types.

**WATERSHED** - An area of land that drains to an associated water resource such as a wetland, river or lake. Depending on the size and topography, watersheds can contain numerous tributaries, such as streams and ditches, and ponding areas such as detention structures, natural ponds and wetlands.

**WETLAND** - An area that has a predominance of hydric soils and that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances does support, a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions.

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## REFERENCES

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- Hydric Soils of the United States. USDA Natural Resources Conservation Service, 1987.
- FIRM – Flood Insurance Rate Maps for Kendall County. Prepared by FEMA – Federal Emergency Management Agency.
- Hydrologic Unit Map for Kendall County. Natural Resources Conservation Service, United States Department of Agriculture.
- Land Evaluation and Site Assessment System. The Kendall County Department of Planning Building and Zoning, and The Kendall County Soil and Water Conservation District. In cooperation with: USDS, Natural Resources Conservation Service.
- Soil Survey of Kendall County. United States Department of Agriculture 1978, Natural Resources Conservation Service.
- Kendall County Land Resource Management Plan.
- Illinois Urban Manuel. United States Department of Agriculture, Natural Resources Conservation Service.
- Kendall County Land Atlas and Plat Book. 15<sup>th</sup> Edition, 2002.
- Potential For Contamination of Shallow Aquifers from Land Burial of Municipal Wastes. Illinois State Geological Survey.
- Natural Resources Conservation Service Wetland Inventory Map. United States Department of Agriculture.
- Geologic Road Map of Illinois. Department of Natural Resources, Illinois State Geological Survey, Natural Resources Building, 615 East Peabody, Champaign IL 61820-6964.
- Wetlands - The Corps of Engineers' Administration of the Section 404 Program July 1988 (GAO/RCED-88-110)
- Soil Erosion by Water - United States Department of Agriculture Natural Resources Conservation Service. Agriculture Information Bulletin 513.
- The Conservation of Biological Diversity in the Great Lakes Ecosystem: Issues and Opportunities, prepared by the Nature Conservancy Great Lakes Program 79W. Monroe Street, Suite 1309, Chicago, IL 60603, January 1994.



Village Board

Matt Brolley  
Village President

June 27, 2018

Penny FitzPatrick  
Village Clerk

Matthew H. Asselmeier, AICP  
111 West Fox Street  
Yorkville, IL 60560

Trustees:  
Stan Bond  
Peter Heinz  
Steve Jungermann  
Denny Lee  
Doug Marecek  
Theresa Sperling

Re: Fox Metro Rezoning Petition

Dear Mr. Asselmeier:

Village staff have reviewed the proposed rezoning petition for most of the property owned by Fox Metro Water Reclamation District. Staff has no objections to the proposed rezoning.

Should you have any questions, please feel free to contact this office at 630-896-8080 x9022.

Sincerely,

A handwritten signature in cursive script, reading "Jerad Chipman".

Jerad Chipman, AICP  
Senior Planner

Staff

Jeff Zoepfel  
Village  
Administrator

Phillip J. Smith  
Chief of Police

Rick Radde  
Dir. of Public Works

Justin VanVooren  
Director of Finance

Richard Young  
Dir. of Community  
Development

Attachment 20, Page 1  
**KENDALL COUNTY**  
**REGIONAL PLANNING COMMISSION**

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

**Unapproved Hearing and Meeting Minutes of June 27, 2018**

Chairman Ashton called the public hearing to order at 7:00 p.m.

**ROLL CALL**

Members Present: Bill Ashton, Tom Casey, Larry Nelson, Ruben Rodriguez, John Shaw, Claire Wilson (arrived at 7:01 p.m.), Budd Wormley, and Angela Zubko

Members Absent: Roger Bledsoe

Staff Present: Matthew H. Asselmeier, Senior Planner

In the Audience: Todd Milliron

**PUBLIC HEARING**

**Petition 18-04 Kendall County Regional Planning Commission**

Mr. Asselmeier summarized the request. The proposed changes include:

1. Changing the Agricultural Area West of Route 47 from Slightly South of Townhall Road to the Kendall/Grundy County Line to Mining (Mr. Asselmeier acknowledged the typographical error in the letter, but noted that the “south” was included in the notice in the newspaper).
2. Changing the Agricultural Area East of Route 47 from the Kendall/Grundy County Line North for a Distance of 0.50 Miles to Commercial
3. Changing the Agricultural Area at the Northwest, Southwest, and Northeast Quadrants of the Intersection of Routes 47 and 52 to Commercial
4. Changing the Agricultural Area at the Intersection of Route 47 and Plattville Road to Commercial
5. Removing Rural Settlement Classification from Map
6. Remaining Properties Along Route 47 from the Kendall/Grundy County Line to the Lisbon/Kendall Township Line Not Impacted by 1-5 Above Shall Be Changed from Agricultural to Mixed Use Business
7. Incorporating the Village of Lisbon’s Mixed Use Business and Residential Areas in Sections 16, 17, 18, 19, 20, 29, 30, 31, and 32 of Lisbon Township into the County Land Resource Management Plan
8. Incorporating the Proposed Changes to the Lisbon Township Future Land Use Map into the Kendall County Future Land Use Map
9. Remove All Language Contained in the Narrative Portion of the Kendall County Land Resource Management Plan that Conflicts with the Changes to the Lisbon Township Future Land Use Map

Ms. Wilson arrived at this time (7:01 p.m.).

Mr. Nelson requested that the final map be officially added to the record. No objections were expressed regarding this request.

Ms. Wilson asked if the properties north of Helmar Road would remain agricultural other than the commercial shown on the map. Mr. Asselmeier stated that properties north of Helmar Road were in Kendall Township and not part of the scope of this proposal.



Todd Milliron, Yorkville, asked how large in acreage was in the mining area. Mr. Nelson responded a strip of mixed use business existed between Route 47 and the mining. The specific distance was small because the Commission considered Route 47 to be a logical stop because of the berming requirements for mining currently contained in the Zoning Ordinance.

Mr. Nelson made a motion to approve the proposed amendments to the Land Resource Management Plan as presented with the amendment that only Lisbon Township information be shown on the map, seconded by Mr. Wormley. Ms. Zubko noted that the zoning of properties would not change if this proposal were adopted. Mr. Nelson noted that a property owner wishing to change their zoning would need to go through the rezoning process.

Yes – Ashton, Casey, Nelson, Rodriguez, Shaw, Wilson, Wormley, and Zubko (8)

No – None (0)

Absent – Bledsoe (1)

The motion passed. This proposal will go to the Zoning Board of Appeals on July 30<sup>th</sup>.

Mr. Nelson made a motion, seconded by Ms. Wilson, to adjourn the public hearing. With a voice vote of all ayes, the motion passed unanimously. The Kendall County Regional Plan Commission meeting adjourned at the public hearing at 7:10 p.m.

Enclosures from Public Hearing:

1. May 30, 2018 Letter to Property Owners Including the Three (3) Maps Presented at the Public Hearing.
2. Certificate of Publication for Petition 18-04 (Not Included with Report but on file in Planning, Building and Zoning Office).
3. June 27<sup>th</sup> Letter from Ruth Bell to the Kendall County Regional Planning Commission.

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

### **ROLL CALL**

Members Present: Bill Ashton, Tom Casey, Larry Nelson, Ruben Rodriguez, John Shaw, Claire Wilson, Budd Wormley, and Angela Zubko

Members Absent: Roger Bledsoe

Staff Present: Matthew H. Asselmeier, Senior Planner

In the Audience: Todd Milliron, Mark Perle, June Alice, Tom Muth, Dan Caceres, Robert Blake, Priscilla Gruber, Scott Wallin, David Lombardo, and Peter Pasteris

### **APPROVAL OF MINUTES**

Ms. Zubko made a motion, seconded by Mr. Wormley, to approve the May 23, 2018, Kendall County Regional Planning Commission meeting minutes as presented. With a voice vote of all ayes, the motion carried.

### **PETITIONS**

#### **Petition 18-20 Fox Metro Water Reclamation District**

Mr. Asselmeier summarized the request.

The Fox Metro Water Reclamation District is considering improvements at their plant on Route 31. Rather than amending their special use permit, Fox Metro is requesting that the southern portion of the property, presently zoned R-1 with a special use permit for a sewage treatment facility, be rezoned to M-1. A wastewater treatment

facility is a permitted use in the M-1 District and the rezoning would place the entire Fox Metro property in the same zoning classification. The northern portion of the property is already zoned M-1.

If the map amendment is approved, any improvement to the Fox Metro facility would still require site plan approval per Section 13 of the Kendall County Zoning Ordinance.

The Petitioner previously received special use permits to operate a sewage treatment facility onsite through the 1974 comprehensive County rezoning and Ordinances 2011-13 and 2011-35.

The existing use of the property as a wastewater treatment facility has occurred since the 1920s. The Petitioner has no desire to change the land use of the property. Even if the Petitioner did desire to change the land use of the property, a large amount of remediation and site work would be required to transform the property into a residential or other light manufacturing use.

The existing land use is Institutional. The future land use in the Land Resource Management Plan is Mixed Use Business. M-1 is a type of Mixed Use Business zoning classification.

An EcoCat is not required because the property is not zoned A-1.

The application to the Soil and Water Conservation District was submitted on May 21, 2018. The LESA score was 44 indicating a low level of protection. Previous LESA scores were 62 and 110; both scores indicate a low level of protection.

Information was sent to Oswego Township on May 29, 2018. They expressed no opposition to the proposal.

Information was sent to the Oswego Fire Protection District on May 29, 2018. They expressed no opposition to the proposal.

Information was sent to the Village of Montgomery on May 29, 2018. They expressed no opposition to the proposal.

ZPAC reviewed this proposal on June 5, 2018. They unanimously recommended approval of the proposal.

The area around the subject property has a variety of agricultural, residential, and manufacturing related zoning classifications.

Staff has no concerns about the ability of Route 31 to handle the proposed map amendment.

Wetlands are located on the subject property. Any further development of the property would have to secure all applicable permits including stormwater permits.

Fox Metro is taking precautions to reduce odors.

Because the Future Land Use Map in the Land Resource Management Plan calls for the subject property to be Mixed Use Business and the M-1 zoning classification corresponds to the Mixed Use Business designation, Staff recommends approval of the proposed map amendment. If the map amendment is approved, the special use permits and R-1 related variances granted by Ordinances 2011-13 and 2011-35 would be repealed. Any additional R-1 related variances would also be repealed upon rezoning.



Ms. Zubko noted that if the proposal is approved, only ZPAC would review changes to the site plan. The County Board would not review proposed changes and the opportunities for public comment would be reduced. Ms. Zubko had concerns regarding Fox Metro continuing to make changes.

Chairman Ashton noted that no change in use was proposed. Fox Metro is proposing changing their site plan.

Dan Caceres and Tom Muth, on behalf of Fox Metro, discussed the proposed changes to their facility. The south plant expansion is underway. Fox Metro is replacing their operations and maintenance facility which was originally constructed in the 1920s. The proposed changes are on the portion of the property zoned R-1 with the special use permit.

Discussion occurred regarding the maintenance of the cemetery west of Fox Metro. The cemetery is owned by Oswego Township and the Township is responsible for maintaining the cemetery. Mr. Muth will discuss the maintenance of the cemetery with the Township.

The bulk of the land of the Fox Metro campus is zoned R-1 with a special use permit. The entire campus is ninety-four (94) acres; Fox Metro is not acquiring more property at this time.

The operations and maintenance building expansion will double the size of the building. For this reason, the change does not qualify as a minor amendment to a special use permit. Mr. Nelson suggested that the Zoning Ordinance be amended to allow a small addition like this change to be considered a minor amendment to a special use permit.

Todd Milliron, Yorkville, stated changes to the Fox Metro campus should be reviewed by the public and the public should have an opportunity to comment on the changes. He provided a history of the Fox Metro's work in the floodplain. Mr. Muth stated Fox Metro worked out the issues with the neighbor regarding work in the floodplain. Mr. Muth discussed the process of obtaining approvals from the Illinois Environmental Protection Agency and U.S. Environmental Protection Agency.

Robert Blake, Oswego, said that Fox Metro only sent him the legal description which was very hard to read. Mr. Blake believes that Fox Metro does not care about their neighbors. The notice sign for the meeting was at the front gate to Fox Metro's property. Mr. Blake would like Fox Metro to have to appear before the County Board before making changes to their property.

Ms. Zubko asked about odor precautions. Mr. Muth noted that a carbon active system has been installed to reduce odors and they clean clarifiers whenever possible. The number of overflows has decreased dramatically. The proposed south plant expansion was approximately eighty-five percent (85%) complete; construction should be completed by March 2019.

Ms. Wilson made a motion to recommend approval of the map amendment as requested, seconded by Ms. Zubko.

Yes – Ashton, Rodriguez, and Wormley (3)

No – Casey, Nelson, Shaw, Wilson, and Zubko (5)

Absent – Bledsoe (1)

The motion failed. This proposal will go to the Zoning Board of Appeals on July 30<sup>th</sup>.

Mr. Nelson voted no because he wanted the Zoning Office to have greater authority to approve minor amendments to special use permits when small changes to site plans are proposed on a larger site. Mr. Nelson also noted that a portion of the property was used as a wastewater treatment plant before zoning was created. Several Commissioners voted no because they believed that the public should comment on expansions in the future. Ms. Zubko would have no problem approving a change to the site plan for the building expansion if it were part of a special use permit amendment. The rezoning gives great latitude over the use of the land with less oversight.

**Amended Petition 17-28 Kendall County Planning, Building and Zoning Committee**

Mr. Asselmeier summarized the request.

The proposal is very different from the version previously reviewed by the Commission. A clarification of property instead of yard was made. In addition, Forest Preserve and State owned land would be exempt from the regulations. The minimum lot size was removed; the setbacks of the district must be met. A sign listing firearms is required. At least one (1) designated qualified person must be present at all times when firing is taking place at for-profit outdoor target practice or shooting ranges. The qualified person shall be knowledgeable of the type of shooting being supervised, shall be approved by the owner of the range, and shall know and enforce all range rules. At least one (1) range flag flown, a sign, cone, or red light lit at all times that firing is taking place. Hours and days of operation as specified in the Special Use Permit to be determined by the County Board. Access must be controlled by a gated entrance. The range proper shall be gated and fenced in a manner so to prohibit entrance on the property by members of the public and shall have signs posted at one hundred foot (100') intervals warning members of the public of the danger. Berming may substitute for fencing. Hazardous waste plan addressing lead management required and included with other plans suggested by the National Rifle Association. No discharge of lead shot into wetland was included in the requirement to follow all applicable federal, state and local laws. The requirement to be at least one thousand feet (1,000') from existing dwellings and property lines of schools, daycares, places of worship, and air strips was removed. No alcohol allowed. No projectiles shall leave the boundaries of the site. All applicable Federal, State and local rules and regulations shall be adhered to. The safety area and range must be under the control of the operator of the range. An insurance requirement was added. The noise requirement was added with no distinction between day and night. The new ordinance does not apply to existing ranges and new ranges open the public are governed by the proposal. The easement provision contained in previous proposal was removed. Language regarding berm height was included in the proposal.

Chairman Ashton asked about hearing and vision protection requirement. This requirement applies to the sign only.

Ms. Wilson asked why Forest Preserves and State lands were exempted from the regulations. The Planning, Building and Zoning Committee made that decision.

Ms. Zubko asked why the proposal was advanced. Mr. Asselmeier stated the Planning, Building and Zoning Committee wanted different regulations.

Several Commissioners expressed concerns regarding the repeal of the five (5) acre minimum and no reduction in overnight noise compared to daytime noise. The only setback would be the base of the berm.

Ms. Wilson asked about runoff regulation. Mr. Asselmeier responded that the Kendall County Stormwater Management Ordinance falls under following all applicable federal, state, and local laws.

Mark Perle, Old Ridge Road, expressed concerns regarding gun discharges at the Anderson Tree Farm. To date, no evidence exists that a gun range for commercial operations exists at the Anderson Tree Farm. He felt



that the five (5) acre minimum should remain. Mr. Perle also expressed concerns regarding the downgrading of the requirements of the range chief by not requiring certification. He also wanted the one thousand foot (1,000') requirement to churches and schools should remain. He wanted a better definition of "private" property. He believed that businesses should be required to get approval for unpaid shooting on the property. The recommendation given to Mr. Perle and his neighbors was to contact the State's Attorney's Office and to attend their Township meeting to discuss the matter with the Sheriff's Office.

David Lombardo, Shorewood, discussed the range size requirements. He felt that the County Board should have discretion on specific cases regarding the size and location of gun ranges based on the neighborhood of the gun range. Mr. Lombardo stated that experience should be considered in cases where certification is not provided. If regulations become too tight, the regulations cannot be codified which could lead to lawsuits.

Priscilla Gruber, Old Ridge Road, requested that gun ranges should be at one thousand feet (1,000') from houses and airstrips. She would also like to see the five (5) acre requirement remain in the regulations.

Todd Milliron, Yorkville, compared the situation with Anderson Tree Farm to the gun business situation in Seward Township from 2016 and 2017.

Scott Wallin, Minooka, asked why this proposal was under consideration. He did not think the County should invite this type of use into the County.

The suggestion was made to divide the proposal by firearm type in order to have more specific regulations. The specific categories would be shotgun, pistol, and rifle.

Ms. Zubko made a motion to send the proposal back to the Planning, Building and Zoning Committee with the request that the proposal be divided into three (3) separate sections-shotgun, pistol, and rifle, seconded by Mr. Nelson. Commissioners encouraged the Planning, Building and Zoning Committee not to exempt the Forest Preserve and State from the proposed regulations.

Yes – Ashton, Casey, Nelson, Rodriguez, Shaw, Wilson, Wormley, and Zubko (8)

No – None (0)

Absent – Bledsoe (1)

The motion passed. This proposal will go to the Planning, Building and Zoning Committee on July 9<sup>th</sup>.

#### **Amended Petition 18-07 Kendall County Planning, Building and Zoning Committee**

Due to the lateness of hour, the Commission laid over Petition 18-07 to the July 25<sup>th</sup> Commission meeting.

Todd Milliron, Yorkville, does not like the simple majority language. He would like a supermajority vote of the County Board. He would like to see cause, documentation, and due process when amendments to or revocation of special use permits are considered.

Peter Pasteris, Johnson Road, expressed concerns regarding the proposal. He does not believe a special use permit should be revoked or amended if someone is following the provisions of their special use permit.

#### **CITIZENS TO BE HEARD/ PUBLIC COMMENT**

None

#### **NEW BUSINESS**

None

**OLD BUSINESS**

None

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

None

**OTHER BUSINESS/ANNOUNCEMENTS**

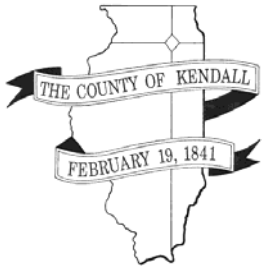
None

**ADJOURNMENT**

Mr. Wormley made a motion, seconded by Mr. Casey, to adjourn. With a voice vote of all ayes, the motion passed unanimously. The Kendall County Regional Plan Commission meeting adjourned at 9:20 p.m.

Respectfully submitted by,  
Matthew H. Asselmeier, AICP  
Senior Planner





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**DEPARTMENT OF PLANNING, BUILDING & ZONING**

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

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May 30, 2018

RE: Proposed Changes to the Kendall County Future Land Use Map for Properties Adjacent to Route 47 in Lisbon Township

Dear Property Owner:

The Kendall County Regional Planning Commission and Kendall County Comprehensive Land Plan and Ordinance Committee are considering changing the Future Land Use Map for properties located adjacent to Route 47 in Lisbon Township. In general, the proposed changes are as follows:

1. Changing the Agricultural Area West of Route 47 from Slightly North of Townhall Road to the Kendall/Grundy County Line to Mining
2. Changing the Agricultural Area East of Route 47 from the Kendall/Grundy County Line North for a Distance of 0.50 Miles to Commercial
3. Changing the Agricultural Area at the Northwest, Southwest, and Northeast Quadrants of the Intersection of Routes 47 and 52 to Commercial
4. Changing the Agricultural Area at the Intersection of Route 47 and Plattville Road to Commercial
5. Removing Rural Settlement Classification from Map
6. Remaining Properties Along Route 47 from the Kendall/Grundy County Line to the Lisbon/Kendall Township Line Not Impacted by 1-5 Above Shall Be Changed from Agricultural to Mixed Use Business
7. Incorporating the Village of Lisbon's Mixed Use Business and Residential Areas in Sections 16, 17, 18, 19, 20, 29, 30, 31, and 32 of Lisbon Township into the County Land Resource Management Plan
8. Incorporating the Proposed Changes to the Lisbon Township Future Land Use Map into the Kendall County Future Land Use Map
9. Remove All Language Contained in the Narrative Portion of the Kendall County Land Resource Management Plan that Conflicts with the Changes to the Lisbon Township Future Land Use Map

The existing Future Land Use Map and the Proposed Future Land Use Map are enclosed for your reference. The proposed Future Land Use Map is slightly different from the proposal presented at the February meeting in Plattville. The map key is:

Mining=M-3 (Mining and Mining Related Uses)

Mixed Use Business=B-6, M-1, M-2 and M-3 (Large Office and Manufacturing Uses)

Commercial= B-1, B-2 and B-3 (Small Office and Retail Uses)

The Kendall County Regional Planning Commission will hold a public hearing on the proposed changes on Wednesday, **June 27<sup>th</sup> at 7:00 p.m. at 111 W. Fox Street, in Rooms 209 and 210, in Yorkville.**

If the Proposed Future Land Use Map is approved, the zoning of your property will **NOT** change unless the property owner requests a change. The current uses of your property will **NOT** change unless the property owner initiates the change.

If you have any questions regarding this letter or meeting, please contact Matt Asselmeier, Kendall County Senior Planner at 630-553-4139 or [masselmeier@co.kendall.il.us](mailto:masselmeier@co.kendall.il.us).

Sincerely,

**THE COUNTY OF KENDALL**

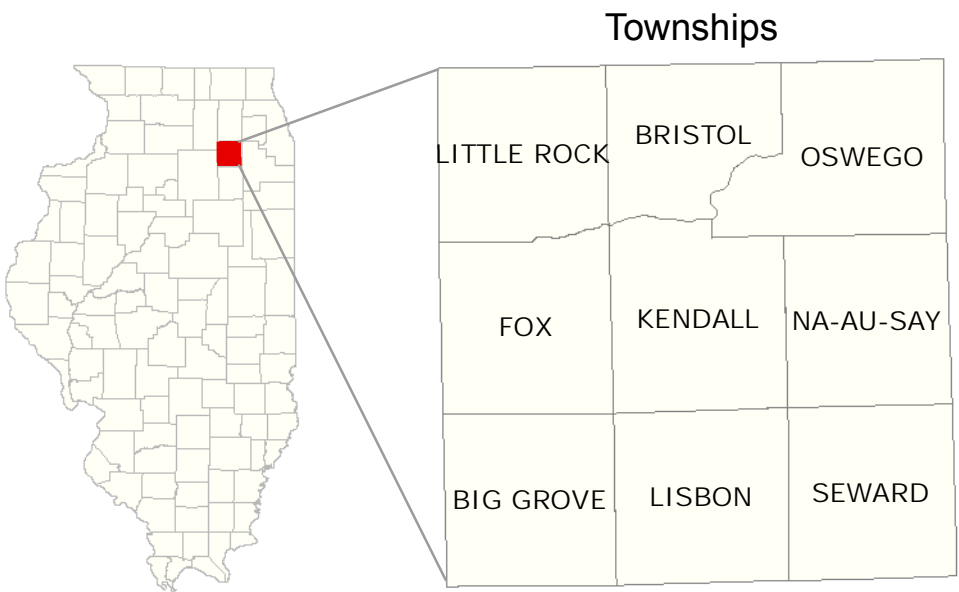
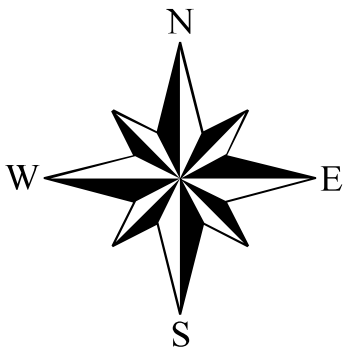
Matthew H. Asselmeier, AICP  
Senior Planner

Encs:   Current Future Land Use Map  
          Proposed Future Land Use Map

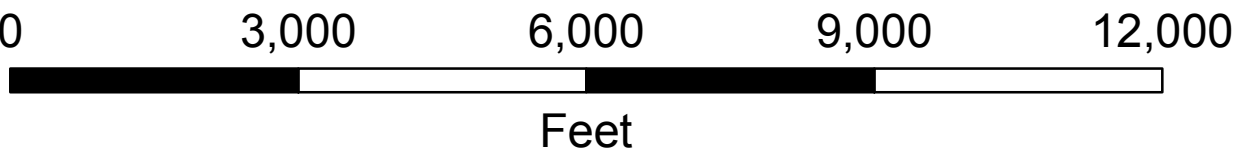


# Future Land Use Lisbon Township KENDALL COUNTY - 2017 -

<http://www.co.kendall.il.us>

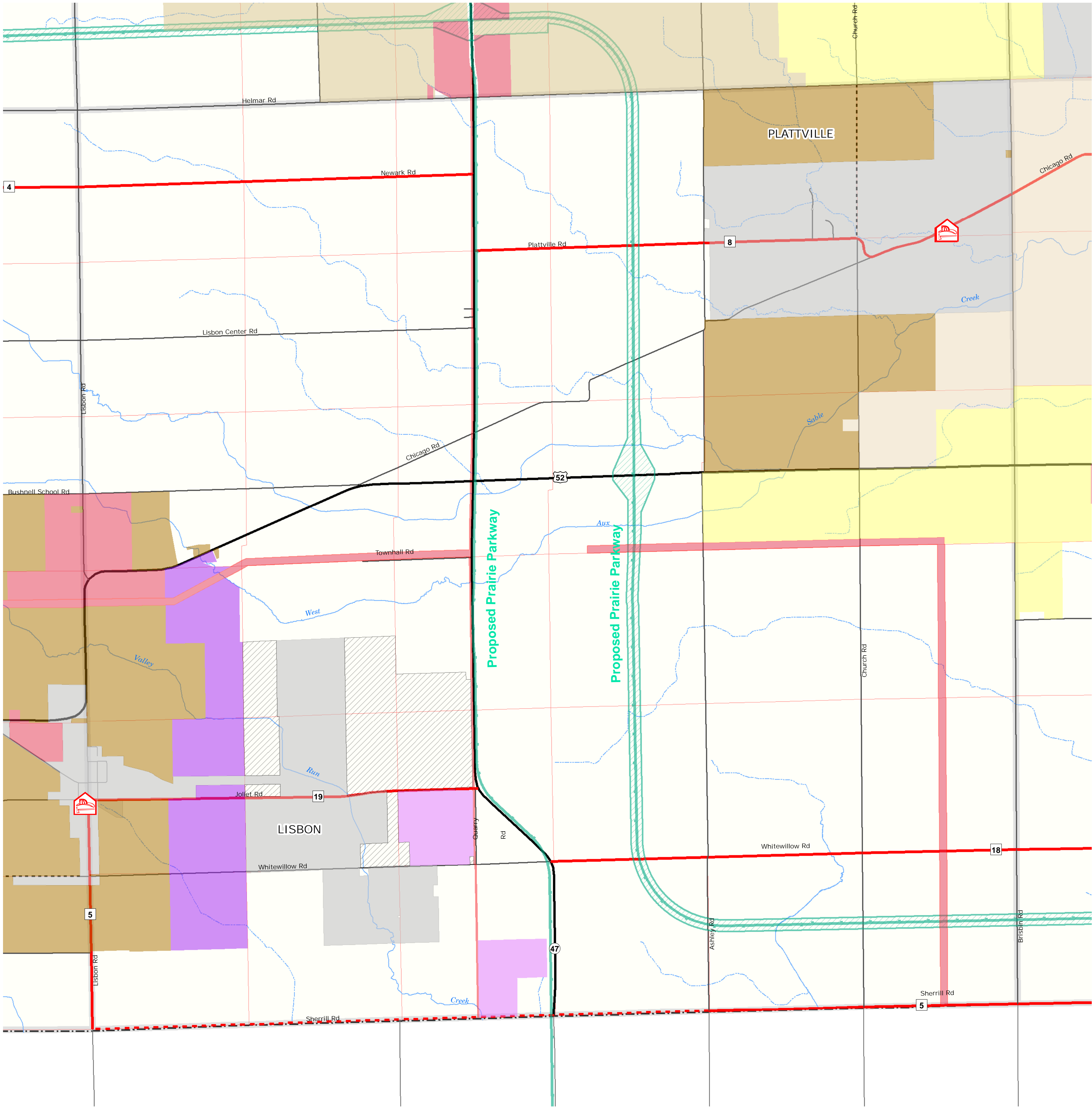


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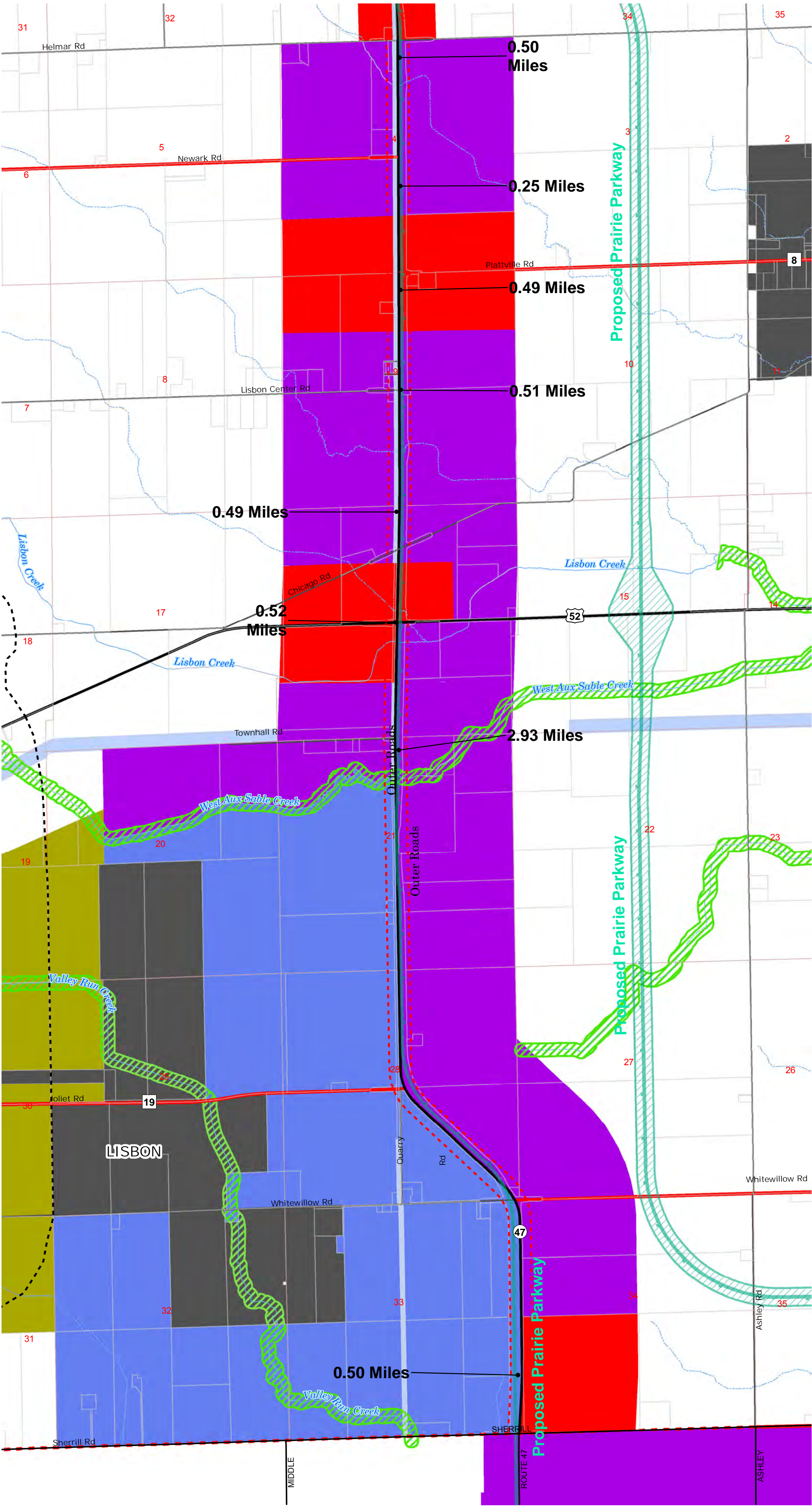
## Legend

- Future Land Use**  
**Land Use Type**
- Urban Areas - Incorporated
  - Suburban Residential - Max Density 1.00 DU Acres
  - Rural Residential Max Density 0.65 DU Acres
  - Rural Estate Resedential Max Density 0.45 DU Acre
  - Countryside Residential Max Density 0.33 DU Acre
  - Commercial
  - Commonwealth Edison
  - Mixed Use Business
  - Transportation Corridors
  - Mining
  - Potential Mining District
  - Public/Institutional
  - Agriculture
  - Open Space
  - Forest Preserve/State Parks
  - Unknown
  - FEIS\_centerline
  - Protected Corridor - 2007



**Kendall County GIS**  
111 West Fox Street - Room 308  
Yorkville, Illinois 60560-1498  
630.553.4030

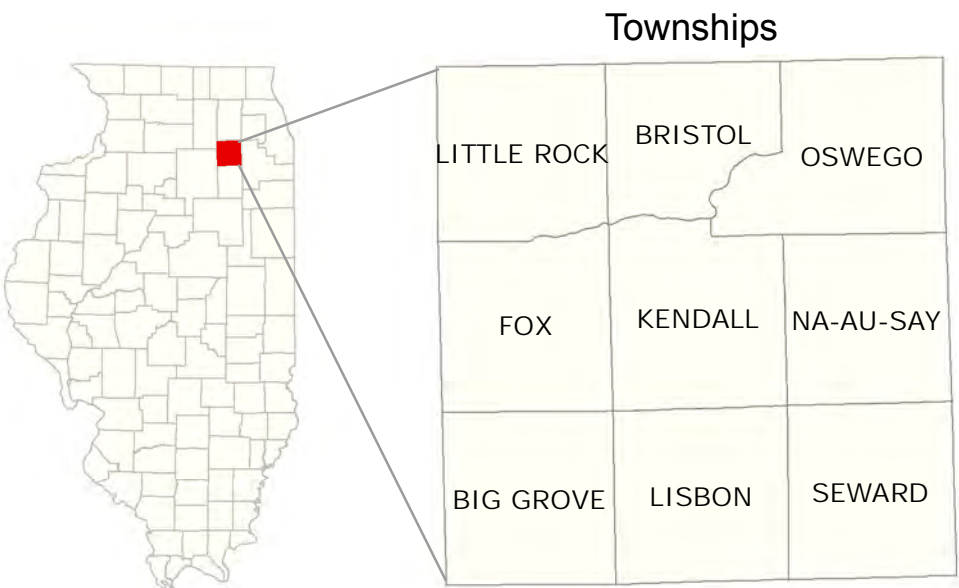
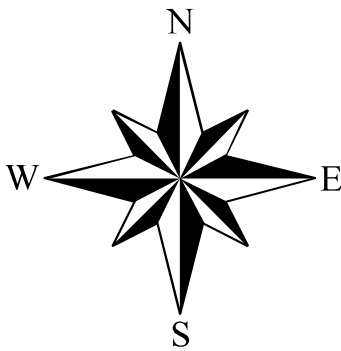




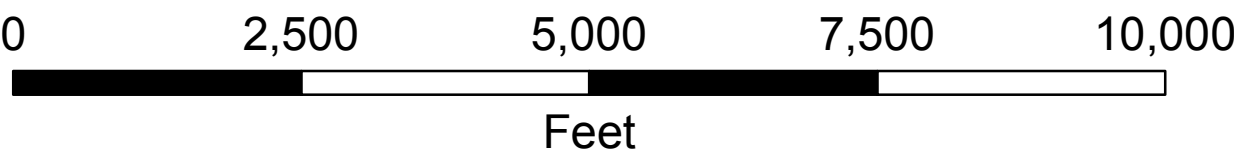
DRAFT Lisbon Future LRMP  
Helmar Rd to Sherrill Rd  
KENDALL COUNTY

- 2018 -

<http://www.co.kendall.il.us>



Scale: 1 in = 1,667 feet



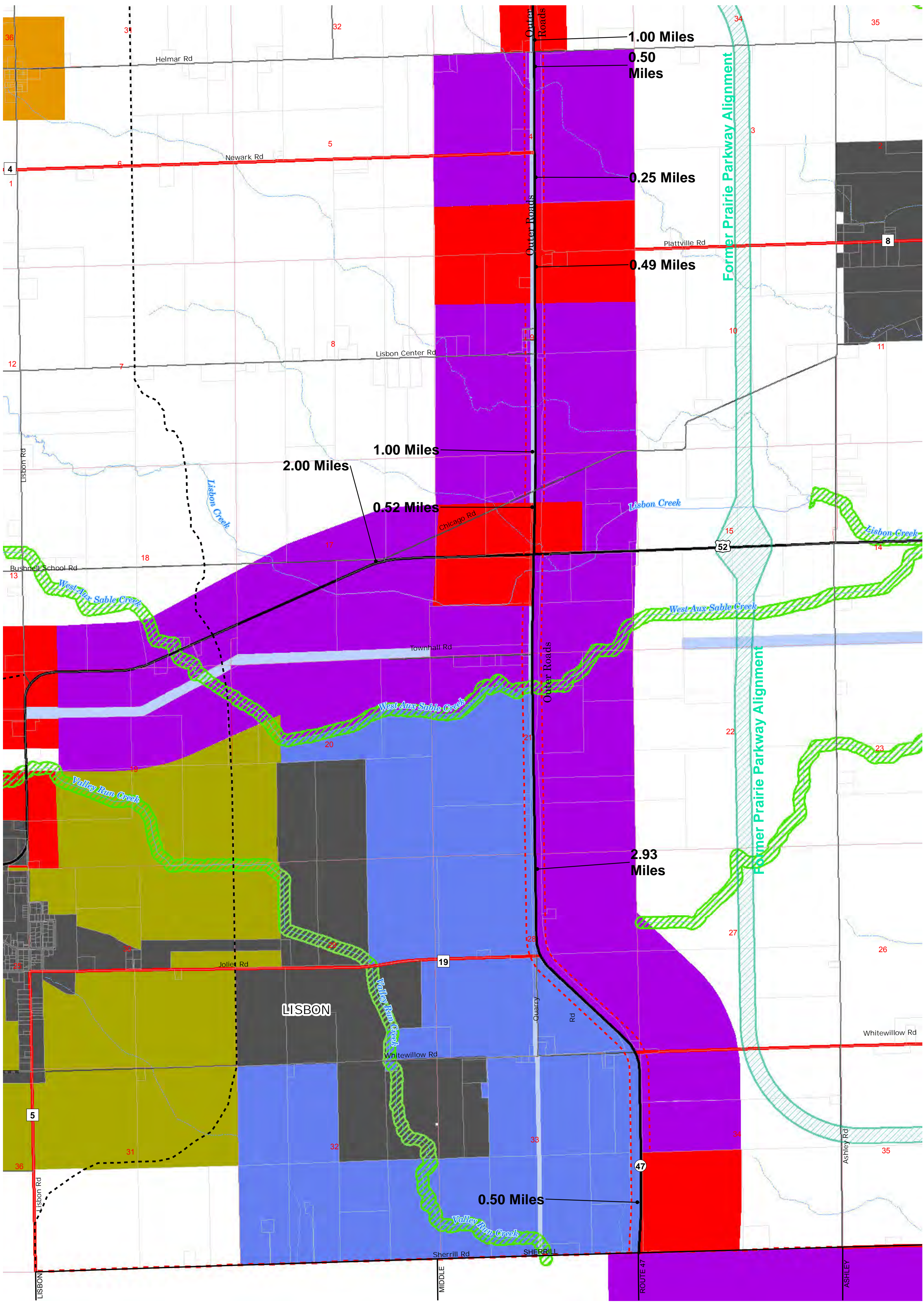
Legend

- Outer Roads
- Proposed Roadways
- Future LRMP**
- Abbreviation**
- Natural Resourse Areas
- Grundy Mixed Use Business
- Court Ordered Mining
- Open Space
- Urbanized Areas
- Mixed Use Business
- Transportation Corridors
- Public Institutional
- Mining
- Rural Settlements
- Commercial
- Continued Growth Suburban Residential



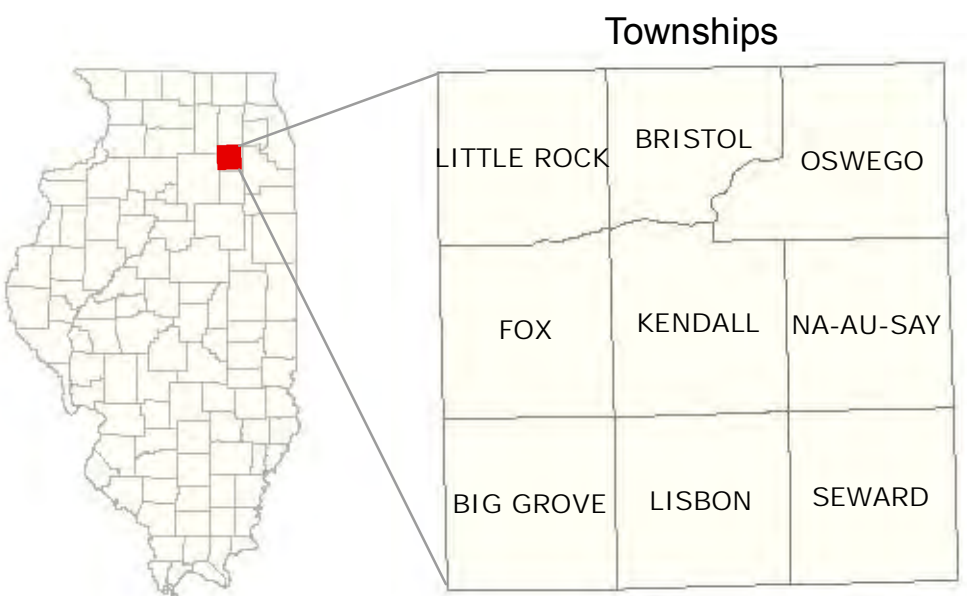
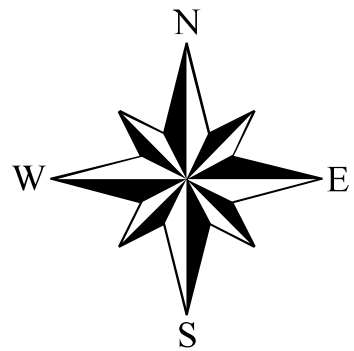
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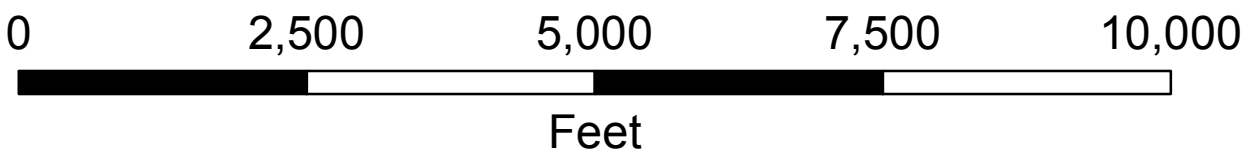


# DRAFT Lisbon Future LRMP Helmar Rd to Sherrill Rd KENDALL COUNTY - 2018 -

<http://www.co.kendall.il.us>



Scale: 1 in = 1,667 feet



## Legend

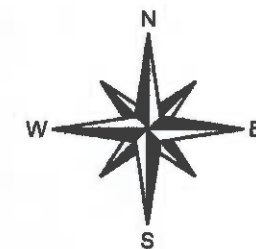
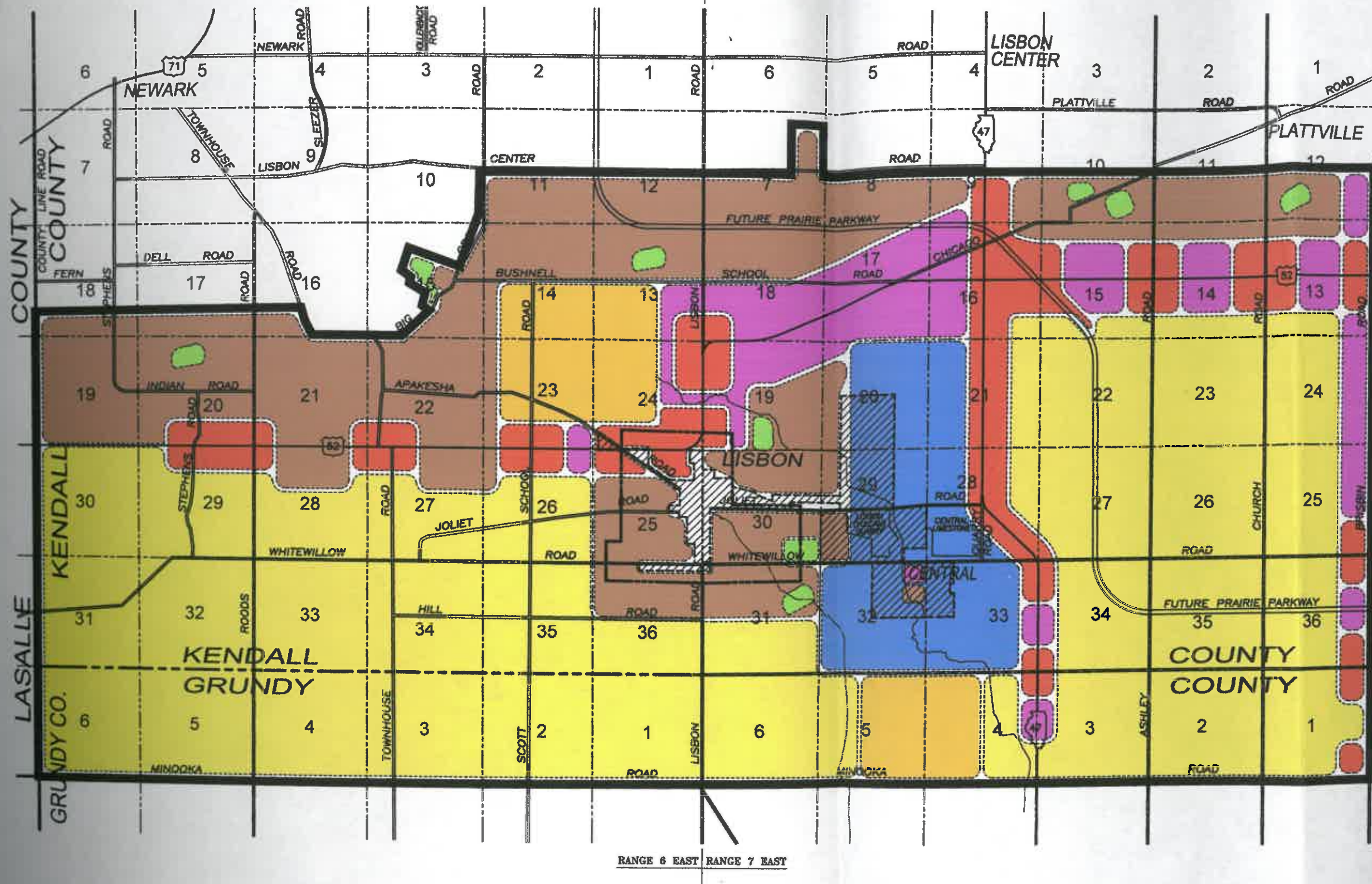
- Outer Roads
- Proposed Roadways
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- Abbreviation**
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- Grundy Mixed Use Business
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- Rural Settlements
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**Kendall County GIS**  
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RANGE 6 EAST RANGE 7 EAST



**LEGEND**

- LISBON COMPREHENSIVE BOUNDARY
- EXISTING LISBON VILLAGE LIMITS
- ORIGINAL LISBON VILLAGE LIMITS
- COMMERCIAL
- MIXED USE BUSINESS
- MINING
- OPEN SPACE
- 1 ACRE CITY LOTS
- INDUSTRIAL
- AGRICULTURAL

TOWNSHIP 34 NORTH  
TOWNSHIP 33 NORTH

RANGE 6 EAST RANGE 7 EAST



Findings of Fact for Proposed LRMP Map Changes Along Route 47 (Approximately 5.5 Miles)  
in Lisbon Township

1. The Illinois Department of Transportation approved Alternative B5 in 2007 which called for the widening of Route 47 from Caton Farm Road to the Grundy County Line through Lisbon Township as part of the Prairie Parkway Project.
2. The purpose of the Prairie Parkway was to:
  - a. “Improve regional mobility by providing more north-south, higher speed multi-lane roads or additional lanes to serve traffic growth and reduce regional travel times for long distance travel.
  - b. Address local system deficiencies by developing a transportation system that serves forecast growth in local traffic and reduces travel times.
  - c. Improve access from the study area to regional jobs by serving the forecast growth in work trips and by reducing travel times from the study area current and future jobs.
  - d. Improve safety by reducing existing and projected growth in motor vehicle crashes”  
Source: Prairie Parkway Design Report (2011) Page 1.
3. The Illinois Department of Transportation did not conduct any economic analysis of the impact of the proposed Prairie Parkway on lands located near Route 47 south of Caton Farm Road. Source: Illinois Department of Transportation
4. The Illinois Department of Transportation withdrew centerline protection of the Prairie Parkway in February 2018.
5. There are commercial and industrial lands in Grundy County and Minooka closer to Interstate 80 interchange
  - a. Kraft facility has 1 million square feet available.
  - b. 150 acres is available across from the Morris Airport
  - c. Morris plans warehouses out to Brisbin Road.
  - d. Morris plans retail on Route 47 north of town.
  - e. Morris plans industrial uses by the airport.  
Source: Grundy County EDC
6. The City of Morris has extended water lines to Minooka Road and sanitary sewer lines to Nelson Road; no plans to extend infrastructure into Lisbon Township. The City of Morris obtains water for the area north of Interstate 80 from wells south of Interstate 80 Source: Guy Christensen, City of Morris

7. The Chicago Metropolitan Agency for Planning, in the Kendall County Industrial Market Analysis of April 2016, concluded that industrial uses would favor locations near Minooka and inside Grundy County because of their proximity to Interstate 80 (Page 34)
8. Any buildings constructed presently along the corridor will utilize wells and septic systems. Larger buildings (over 5,000 square feet) will need adequate water for fire suppression and/or will need to be constructed with appropriate firewalls.
9. No fiber optics lines currently exist in the area.
10. Traffic counts along Route 47 in Lisbon Township have generally declined since 2003 with the exception for the north end of the Township:
  - a. 5400 (2003) to 4950 (2017) south end of County
  - b. 6300 (2003) to 4950 (2017) south end Route 47 and 52 interchange
  - c. 6600 (2003) to 6250 (2017) north of Chicago Road
  - d. 6400 (2003) to 6700 (2017) at Newark RoadSource: Illinois Department of Transportation
11. Traffic Counts on Route 52 have remained steady since 2003:
  - a. 1800 (2003) to 1600 (2017) south of Bushnell School Road
  - b. 2900 (2003) to 3350 (2017) east of 47Source: Illinois Department of Transportation
12. Current traffic accidents are most likely to occur near road intersections; many of these accidents are “failure to yield” type accidents. The types of accidents could change and could include more overcorrection type accidents after the widening project is completed. Source: Kendall County Sherriff’s Department
13. The existing Kendall County Land Resource Management Plan calls for agricultural uses along most of the corridor. Source: Kendall County Land Resource Management Plan (2011)
14. The Village of Lisbon’s existing Comprehensive Plan calls for commercial, mixed uses and mining along and near the corridor. Source: Village of Lisbon Comprehensive Plan (2009)
15. The intersection of Routes 47 and 52 is the most likely area on the northeast side of an enlarged Village of Lisbon where sales tax producing businesses could locate. The northeast corner of the intersection is already zoned B-3 Highway Business.



16. Existing mining operations are located in Sections 21, 28 and 33. The mining operations could expand into Sections 32, 29 and 20.
17. West Aux Sable Creek is located in the area.
18. The intersection of Plattville Road and Route 47 is the most likely area on the west side of an enlarged Village of Plattville where sales tax producing businesses could locate.
19. Grainco FS and CHS Elburn currently operate grain storage facilities between Helmar and Newark Roads on the west side of Route 47. These uses are special uses in the A-1 Zoning District and are Permitted Uses in the M-2 Zoning District.
20. Commonwealth Edison has a ROW along Route 47 running north to south and near Townhall Road running east to west.
21. The Kendall County Land Resource Management Plan includes classifications for Commercial Uses (office and retail establishments at nodes), Transportation Corridor Uses (uses in B-3, B-5 and B-6 Zoning Districts), Mixed Use Business (uses in B-6 and the 3 Manufacturing Districts) and Mining.
22. Most of the land along the corridor is currently used for agricultural purposes.
23. The Kendall County Economic Development Committee would like outer roads to ensure to prevent interruption of traffic flows in the area. The Committee was also concerned about adequate water and the aesthetics of the corridor. The Committee also wanted a portion of the corridor reserved for industrial uses.
24. Few houses are located along the corridor. Locations with less traffic tend to be better suited for residential uses and these locations exist elsewhere in the County. No loss of affordable housing units is anticipated. The County will remain in compliance with the Illinois Affordable Housing Planning and Appeal Act (310 ILCS 67).

#### 9.04 B-3 HIGHWAY BUSINESS DISTRICT

- A. Purpose: The B-3, Highway Business District is intended for major retail, service and repair establishments serving a large trade area, usually the entire County or beyond and oriented to the traveling public. The trade area population served by these establishments requires easy access, although patronage is more dispersed and visits to these establishments less frequent than in the B-1 District and B-2 District. It is the intent of the B-3 District regulations that establishments desiring location along major traffic routes are grouped with appropriate and adequate access ways provided.
- B. Permitted Uses. The following uses are permitted:
1. All Permitted Uses identified in the B-2 General Business District
  2. Agricultural implement sales and service on an open lot or within a building.
  3. Animal hospital
  4. Banquet Halls are permitted subject to the following conditions:
    - a. The facility shall have direct access to a road designated as an arterial roadway or major collector road as identified in the Land Resource Management Plan.
    - b. The subject parcel must be a minimum of 5 acres.
    - c. The use of this property shall be in compliance with all applicable ordinances. The banquet facility shall conform to the regulations of the Kendall County Health Department and the Kendall County Liquor Control Ordinance. (Ord. 99-34)
    - d. Off-street parking, lighting and landscaping shall be provided in accordance with the provisions of Section 11 of the zoning ordinance.
    - e. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance.
    - f. Retail sales are permitted as long as the retail sales will be ancillary to the main operation.
    - g. The noise regulations are as follows:

Day Hours: No person shall cause or allow the emission of sound during daytime hours (7:00 A.M. to 10:00 P.M.) from any noise source to any receiving residential land which exceeds sixty five (65) dBA when measured at any point within such receiving residential land, provided; however, that point of measurement shall be on the property line of the complainant.



Night Hours: No person shall cause or allow the emission of sound during nighttime hours (10:00 P.M. to 7:00 A.M.) from any noise source to any receiving residential land which exceeds fifty five (55) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the property line of the complainant.

**EXEMPTION:** Powered Equipment: Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors, and snow removal equipment which is necessary for the maintenance of property is exempted from the noise regulations between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.

5. Beverages, non-alcoholic, bottling and distributing.
6. Boat, Trailer and Recreational Vehicle sales or rental and service
7. Carpet and Rug Stores
8. Clean up and restoration services with the following conditions:
  - a. If zoned A-1 Agricultural the facility shall have direct access to a road designated as a major collector (or higher) on the County Land Resource Management Plan.
  - b. All commercial vehicles are to be stored inside an accessory structure when not in use unless outdoor storage is screened from adjacent and surrounding properties and screening and storage is shown on the approving site plan.
  - c. All operations are to take place inside an enclosed structure.
  - d. A waste management plan must be submitted for approval and included as an exhibit to the approving ordinance
  - e. A material management plan must be submitted including where items will be stored on site including but not limited to chemicals and belongings.
  - f. No materials that are brought in can be burned on this site.
  - g. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance (Sign Regulations).
  - h. Shall satisfy all requirements of the Kendall County Health Department and Building Department prior to the issuance of occupancy permits.
9. Construction equipment sales and service.
10. Crematories/ Funeral Homes
11. Currency exchange.

12. Drive through or drive up windows for any permitted use excluding the sale of alcoholic beverages.
13. Dry-cleaning and pressing establishments, when employing facilities for the cleaning and pressing of not more than fifteen hundred pounds of dry goods per day, and when using carbon tetrachloride or other similar non-inflammable solvents approved by the State Fire Marshal.
14. Health clubs (public or private) and related accessory uses.
15. Hotel and/or Motels
16. Indoor entertainment and recreation
17. Laboratories (medical, dental, research, experimental and testing), provided no production or manufacturing of products takes place.
18. Laundries, automatic self-service types or hand employing not more than two persons in addition to one owner or manager, provided that laundry machines shall not exceed ten pounds capacity each.
19. Miniature Golf Courses
20. Motor Vehicle Service Stations for Retail Sale of Gasoline and Oil for Motor Vehicles
21. Motor Vehicle Sales/Motorcycle Sales
22. Motor Vehicle/Motorcycle service stations, including repair and rebuilding, or painting of motor vehicles
23. Motor Vehicle washing—Facilities including the use of mechanical conveyers, blowers and steam cleaning.
24. Nurseries and greenhouses
25. Parking Garages for storage of private passenger automobiles and commercial vehicles under one and one-half ton capacity.
26. Restaurants, including the drive-in type where food is served to customers remaining in motor vehicles.
27. Taverns

C. Special Uses. The following uses may be allowed by special use permit in accordance with the provisions of Section 13.00.



1. Child Day Care Facility
2. Clubs and Lodges (non-profit), fraternal or religious institutions.
3. Communication Uses
4. Community Center/ After school programs/ Educational Center
5. Consumer credit, payday loan offices, financing or financial offices.
6. Dwelling units for Watchmen and Families including a Caretaker.
7. Fertilizer sales, including limited storage.
8. Hospitals
9. Indoor Target Practice with the following conditions:
  - a. The indoor shooting range shall meet all applicable standards established in the NRA Range Source Book. Documentation indicating compliance with the aforementioned standards shall be submitted with the site plan. Plans require engineer certification for soundproofing and appropriate design.
  - b. Must be at least 150' from existing dwellings and property lines of schools, daycares, and places of worship.
  - c. Hours of operation from 7am to 10pm
  - d. No alcohol allowed.
  - e. Must meet all requirements of the Kendall County Health Department.
  - f. All applicable Federal, State, EPA and County rules and regulations shall be adhered to.
10. Kendall County Sheriff's Office shooting range with conditions to be set and approved by the County Board.
11. Kennels with the condition that the kennels must be located inside and must be located a minimum of 250' from the lot line of lots zoned residential or shown as Residential on the Land Resource Management Plan (LRMP) map and 150' from lots zoned other than residential or shown on the LRMP map as non-residential. The animals must be indoors by sunset.
12. Landscaping business, provided that:
  - a. All vehicles equipment and materials associated with a landscaping business shall be stored entirely within an enclosed structure, unless otherwise permitted under the terms of this Special Use Permit.

- b. The business shall be located on, and have direct access to, a State, County or Collector Highway as identified in the County's LRMP, having an all-weather surface, designed to accommodate loads of at least 73,280 lbs, unless otherwise approved in writing by the agency having jurisdiction over said Highway. Such approvals shall establish limitations as to the number of employees and types of vehicles coming to and from the site that are engaged in the operation of the use (including delivery vehicles). These restrictions shall be included as controlling conditions of the Special Use.
- c. No landscape waste generated off the property can be burned on this site.

13. Meetings Halls

14. Micro-Brewery and/or Winery

15. Micro Distillery subject to the following conditions:

- a. If zoned A-1 Agricultural the facility shall have direct access to a road designated as a major collector (or higher) on the County Land Resource Management Plan.
- b. Locally grown inputs shall be used to the greatest extent possible
- c. The number of hours permitted to operate shall be on the approving ordinance.
- d. Parking shall be in accordance with Section 11 of the Zoning Ordinance including lighting.
- e. All applicable Federal (including the Alcohol and Tobacco Tax and Trade Bureau), State (including the Illinois Liquor Control Commission), and County rules and regulations shall apply.
- f. Shall contact & meet all requirements of the Kendall County Health Department.
- g. A waste management plan should be submitted to the Kendall County Health Department

16. Outdoor storage provided such storage is screened from adjacent and surrounding properties.

17. Outdoor amusement establishments, carnivals, kiddie parks, and other similar amusement centers, and including places of assembly devoted thereto, such as stadiums and arenas.

18. Pawn Shop

19. Performing arts center subject to the following conditions:



- a. The site shall have frontage on and access to a collector or arterial road, provided that the highway authority with jurisdiction over the subject road may approve alternative access.
  - b. The site shall be shown as a commercial area on the Land Resource Management Plan.
  - c. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance (Sign Regulations)
  - d. The amount of students and type of events are listed in the approving ordinance.
  - e. Shall satisfy all requirements of the Kendall County Health Department and Building Department prior to the issuance of occupancy permits.
  - f. Must meet applicable Fire Protection District codes.
- 20. Places of Worship subject to the following conditions:
  - a. The height for the towers and steeples shall not exceed seventy-five (75) feet and not more than forty-five (45) feet for the main structure.
  - b. Other related uses, such as school, child day care services, kindergartens, meeting facilities shall be permitted to the extent that the activity is otherwise permitted, and shall be subject to all applicable regulations, including parking.
  - c. Off-street parking, lighting and loading shall be provided as required or permitted in Section 11.00
- 21. Production and sale of sweet cider, hard cider, wine, jams, wine jams, jellies, pies, pickles, honey, sauces and similar items utilizing crops grown on the same property or in combination with crops grown off-site where such production takes place on the premises. In addition the tasting of and wholesale or retail sale of items produced on site as well as the sales of ancillary items and products related to crops and products produced on site shall be permitted provided all required licenses and permits have been secured. The total retail sales area on site within any building or combination of buildings shall not exceed one thousand (1,000) square feet. Said sales areas shall be set back at least ninety (90) feet from the center line of all adjacent roads with off-street parking for a minimum of five (5) cars. Seasonal outdoor displays on above listed items are also permitted.
- 22. Public or Private Utilities and Service uses:
  - a. Telecommunications hub
  - b. Filtration plant, pumping station, and water reservoir.
  - c. Sewage treatment plant.
  - d. Electric substations and booster stations.
  - e. Other Similar uses

- 23. Retail or wholesale sales yards for agricultural products including, but not necessarily limited to, fruits, vegetables, flowers, plants, etc., that are not grown on the premises.
- 24. Self-Service Storage Facilities
- 25. Telecommunications Stations
- 26. Theaters: Outdoor theaters (drive-in), indoor theaters and convention centers.
- 27. Truck Driving School
- 28. Truck Stop

D. Conditional Uses. All conditional uses outlined in the B-2 General Business District (Section 9.03D) may be permitted only if specifically authorized by the Zoning Administrator.

#### 9.06 B-5 BUSINESS PLANNED DEVELOPMENT

- A. Purpose. The B-5 Business Planned Development (BPD) District is intended to provide for greater freedom, imagination, and flexibility in the development of land while assuring appropriate development standards. To this extent it allows diversification and variation in the relationship of uses, structures, and open spaces in developments planned as comprehensive, cohesive projects which are unified by a shared concept. It is further intended to encourage the beneficial integration of different compatible land uses at a proper scale and to encourage better design, provision of amenities, and the efficient use of public services through the use of planned unit development procedures. The intensity and profile of the development within this District are intended to be compatible with all adjacent uses.
- B. Permitted Uses. Permitted uses shall be consistent with the purpose of this District, including a wide variety of retail, office, general commercial and light industry. A permitted use list shall be developed and approved with each zoning request in the BPD District.



B-6  
Permitted Uses

1. Accessory uses.
2. Banks and financial institutions
3. Business or trade school.
4. Colleges or universities, including dormitories, fraternities, sororities and other accessory buildings and structures when located on the college or university grounds, but not including business colleges or trade schools when operated for profit.
5. Consumer credit, payday loan offices, financing or financial offices.
6. Fire Stations
7. Governmental buildings and facilities
8. Hospital.
9. Laboratories (medical, dental, research, experimental and testing), provided no production or manufacturing of products takes place.
10. Offices, business and professional, including medical clinics.
11. Parking Garages for storage of private passenger automobiles and commercial vehicles under one and one-half ton capacity
12. Planned Developments- Business
13. Police Stations.
14. Research laboratories, including the testing of products, but not including the manufacturing of products, except as incidental to the research and testing of products
15. Schools (including music, dance, business, driving, commercial, or trade but excluding truck driving)
16. Temporary buildings or structures for construction offices or storage, on the same zoning lot, for a period not to exceed such construction
17. Wholesale sales, displays and offices, but not including storage or warehousing

B-6  
Special Uses

1. Book and stationary stores when Services are intended to serve the immediate convenience needs of persons employed in the area
2. Child Day Care Facility
3. Convenience store
4. Dwelling Unit for Watchmen and Families including a Caretaker
5. Health clubs (public or private) and related accessory uses.
6. Hotel and/or motel
7. Indoor Target Practice
8. Kendall County Sheriff's Office shooting range with conditions to be set and approved by the County Board.
9. Light manufacturing and assembly
10. Packaged Liquor Store or any sale of alcoholic beverages when associated with a brewery or winery.
11. Places of Worship
12. Private clubs such as soccer, etc.
13. Public or Private Utilities and Service uses:
  - a. Telecommunications hub

- b. Filtration plant, pumping station, and water reservoir.
  - c. Sewage treatment plant.
  - d. Electric substations and booster stations.
  - e. Other Similar uses
- 14. Restaurants and/or taverns
  - 15. Services or commercial uses intended primarily to serve the immediate convenience needs of persons employed in the area, including office supply stores, restaurants (but not drive-in facilities), dry cleaning (but not on-site plant) and similar uses
  - 16. Self Service Storage Facilities (enclosed)
  - 17. Telecommunications stations
  - 18. Other business uses not specifically listed as permitted uses, when found to be similar and compatible with existing or permitted businesses in the B-6 District

#### M-1

##### Permitted Uses

- 1. Ambulance Service (Private)
- 2. Animal feed; preparation, grinding, mixing and storage.
- 3. Auction Facility
- 4. Banquet Halls
- 5. Beverages, non-alcoholic, bottling and distributing.
- 6. Business or trade school
- 7. Clean up and restoration services
- 8. Colleges or universities, including dormitories, fraternities, sororities and other accessory buildings and structures when located on the college or university grounds.
- 9. Construction equipment sales and service.
- 10. Contractors' offices and shops.
- 11. Glass cutting and glazing establishments
- 12. Light manufacturing and assembly.
- 13. Micro Distillery
- 14. Miscellaneous uses - as follows:
  - Accessory uses.
  - Signs.
  - Temporary buildings for construction purposes for a period not to exceed the duration of such construction.
- 15. Motor vehicle Sales/ Motorcycle Sales including truck sales.
- 16. Nano Breweries.
- 17. Offices, business and professional, including medical clinics.
- 18. Parking Garages for storage of private passenger automobiles and commercial vehicles.
- 19. Public and community service uses - as follows:
  - Bus terminals, bus garages, bus lots, street railway terminals, or street car houses.
  - Electric sub-stations.
  - Fire stations.
  - Governmental buildings and facilities
  - Municipal or privately owned recreation buildings
  - Police stations.
  - Sewage treatment plants.



Telephone exchanges.  
Water filtration plants.  
Water pumping stations.  
Water reservoirs.

20. Production, publishing, processing, cleaning, testing, or repair, limited to the following uses and products:

Apparel and other products manufactured from textiles.  
Art needle work and hand weaving.  
Motor vehicle painting, upholstering, repairing, reconditioning, and body and fender repairing when done within the confines of a structure.  
Awnings, venetian blinds.  
Bakeries.  
Beverages - non-alcoholic.  
Blacksmith shop.  
Books - hand binding and tooling.  
Bottling works.  
Brushes and brooms.  
Building equipment, building materials, lumber, coal, sand and gravel yards, and yards for contracting equipment of public agencies, or public utilities, or materials or equipment of similar nature.  
Cameras and other photographic equipment and supplies.  
Canning and preserving.  
Canvas and canvas products.  
Carpet and rug cleaning.  
Carting, express hauling or storage yards.  
Cement block manufacture.  
Ceramic products - such as pottery and small glazed tile.  
Cleaning and dyeing establishments when employing facilities for handling more than fifteen hundred pounds of dry goods per day.  
Clothing.  
Cosmetics and toiletries.  
Creameries and dairies.  
Dentures.  
Drugs.  
Electrical appliances, such as lighting fixtures, irons, fans, toasters and electric toys.  
Electrical equipment assembly, such as home radio and television receivers and home movie equipment, but not including electrical machinery.  
Electrical supplies, manufacturing and assembly of - such as wire and cable assembly, switches, lamps, insulation and dry cell batteries.  
Food products, processing and combining of (except meat and fish) - baking, boiling, canning, cooking, dehydrating, freezing, frying, grinding, mixing and pressing.  
Fur goods, not including tanning and dyeing.  
Glass products, from previous manufactured glass.  
Hair, felt and feather products (except washing, curing and dyeing).  
Hat bodies of fur and wool felt.  
Hosiery.

House trailer, manufacture.

Ice, dry and natural.

Ink mixing and packaging and inked ribbons.

Jewelry.

Laboratories - medical, dental, research, experimental, and testing - provided there is no danger from fire or explosion nor of offensive noise, vibration, smoke, dust, odors, heat, glare, or other objectionable influences.

Laundries.

Leather products, including shoes and machine belting, but not including tanning and dyeing.

Luggage.

Machine shops for tool, die and pattern making.

Meat products.

Metal finishing, plating, grinding, sharpening, polishing, cleaning, rustproofing and heat treatment.

Metal stamping and extrusion of small products, such as costume jewelry, pins and needles, razor blades, bottle caps, buttons and kitchen utensils.

Musical instruments.

Orthopedic and medical appliances, such as artificial limbs, braces, supports and stretchers.

Paper products, small, such as envelopes and stationery, bags, boxes, tubes and wallpaper printing.

Perfumes and cosmetics.

Pharmaceutical products.

Plastic products, but not including the processing of the raw materials.

Poultry and rabbits - slaughtering.

Precision instruments - such as optical, medical and drafting.

Products from finished materials - plastic, bone, cork, feathers, felt, fiber, paper, fur, glass, hair, horn, leather, precious and semi-precious stones, rubber, shell or yard.

Printing and newspaper publishing, including engraving and photoengraving.

Public utility electric substations and distribution centers, gas regulations centers and underground gas holder stations.

Copying/Reproduction Stores & banner or sign supplies

Rubber products, small, and synthetic treated fabrics (excluding all rubber and synthetic processing), such as washers, gloves, footwear, bathing caps and atomizers.

Silverware, plate and sterling.

Soap and detergents, packaging only.

Soldering and welding.

Sporting and athletic equipment, such as balls, baskets, cues, gloves, bats, racquets, and rods.

Statuary, mannequins, figurines and religious and church art goods, excluding foundry operations.

Storage of household goods.

Storage and sale of trailers, farm implements and other similar equipment on an open lot.



Storage of flammable liquids, fats or oil in tanks each of fifty thousand gallons or less capacity, but only after the locations and protective measures have been approved by local fire chief in the district in which the subject property is located.

Textiles - spinning, weaving, manufacturing, dyeing, printing, knit goods, yard goods, thread, and cordage, but not including textile bleaching.

Tool and die shops.

Tools and hardware - such as bolts, nuts, and screws, doorknobs, drills, hand tools and cutlery, hinges, house hardware, locks nonferrous metal castings, and plumbing appliances.

Toys.

Truck, truck tractor, truck trailer, car trailer, or bus storage yard, when all equipment is in operable condition, but not including a truck or motor freight terminal, which shall be treated under sub-section 10.01-C.

Umbrellas.

Upholstering (bulk), including mattress manufacturing, rebuildings, and renovating.

Vehicles, children's - such as bicycles, scooter, wagons and baby carriages.

Watches.

Wood products, such as furniture, boxes, crates, baskets and pencils and cooperage works.

Any other manufacturing establishment that can be operated in compliance with the performance standards set forth in Section 4.12 without creating objectionable noise, odor, dust, smoke, gas, fumes, or vapor; and that is a use compatible with the use and occupancy of adjoining properties.

21. Retail and services as follows:

Motor vehicle service station for the retail sale of gasoline and oil for motor vehicles, for minor services which may be conducted out of doors.

Motor vehicle/Motorcycle Service Stations (includes repair, rebuild, and painting)

Banks and financial institutions

Carpet and Rug Stores

Catering Establishments as long as it conforms to the regulations of the Kendall County Health Department and the Kendall County Liquor Control Ordinance.

Contractor or construction such as: building, cement, electrical, refrigeration, masonry, building, plumbing, roofing, air-conditioning, heating and ventilating, fuel oil, with a storage of fuel oils, gas and other flammable products limited to 120,000 gallons per tank, with total storage on zoning lot not to exceed 500,000 gallons.

Plumbing, heating, and roofing supply shops

22. Residential uses - as follows:

Dwelling units for watchmen and their families including caretakers when located on the premises where they are employed in such capacity.

23. Telecommunication Stations

24. Wholesaling and warehousing

M-1

Special Uses

1. Any use which may be allowed as a special use in the B-3 or B-4 Business Districts, but not including house trailers (mobile homes) camps.

1. Child Day Care Facility
2. Clubs and Lodges (non-profit), fraternal or religious institutions.
3. Communication Uses
4. Community Center/ After school programs/ Educational Center
5. Consumer credit, payday loan offices, financing or financial offices.
6. Dwelling units for Watchmen and Families including a Caretaker.
7. Fertilizer sales, including limited storage.
8. Hospitals
9. Indoor Target Practice
10. Kendall County Sheriff's Office shooting range
11. Kennels
12. Landscaping business,
13. Meetings Halls
14. Micro-Brewery and/or Winery
15. Micro Distillery
16. Outdoor storage provided such storage is screened from adjacent and surrounding properties.
17. Outdoor amusement establishments, carnivals, kiddie parks, and other similar amusement centers, and including places of assembly devoted thereto, such as stadiums and arenas.
18. Pawn Shop
19. Performing arts center
20. Places of Worship subject to the following conditions:
21. Production and sale of sweet cider, hard cider, wine, jams, wine jams, jellies, pies, pickles, honey, sauces and similar items utilizing crops grown on the same property or in combination with crops grown off-site where such production takes place on the premises. In addition the tasting of and wholesale or retail sale of items produced on site as well as the sales of ancillary items and products related to crops and products produced on site shall be permitted provided all required licenses and permits have been secured.
22. Public or Private Utilities and Service uses:
  - a. Telecommunications hub
  - b. Filtration plant, pumping station, and water reservoir.
  - c. Sewage treatment plant.
  - d. Electric substations and booster stations.
  - e. Other Similar uses
23. Retail or wholesale sales yards for agricultural products including, but not necessarily limited to, fruits, vegetables, flowers, plants, etc., that are not grown on the premises.
24. Self-Service Storage Facilities
25. Telecommunications Stations
26. Theaters: Outdoor theaters (drive-in), indoor theaters and convention centers.
27. Truck Driving School
28. Truck Stop
  1. Amphitheater, drive-in theater, auditorium, stadium and sports arena,
  2. Athletic Fields with Lights,
  3. Amusement park, including go-cart tracks, water parks and other rides, .
  4. Bait Shop



5. Convenience Store
  6. Hotel and/or Motel
  7. Indoor entertainment and recreation
  8. Indoor Target Practice
  9. Kendall County Sheriff's Office shooting range
  10. Kennels
  11. Places of Worship
  12. Planned Developments- Business
  13. Production and sale of sweet cider, hard cider, wine, jams, wine jams, jellies, pies, pickles, honey, sauces and similar items utilizing crops grown on the same property or in combination with crops grown off-site where such production takes place on the premises. In addition the tasting of and wholesale or retail sale of items produced on site as well as the sales of ancillary items and products related to crops and products produced on site shall be permitted provided all required licenses and permits have been secured.
  14. Racetrack
  16. Riding Stables including, but not limited to: polo clubs, rodeo clubs and similar uses
  17. Seminaries, convents, monasteries, and similar religious institutions including dormitories and other accessory uses required for operation.
  18. Telecommunications Stations
  19. Other business uses not specifically listed as permitted uses, when found to be similar and compatible with existing or permitted businesses in the B-4 District
2. Adult Regulated uses
  3. Airports and heliports including aircraft hangers, tie downs and aircraft service and repair subject to the following restrictions:
  4. Airport, private airstrip, heliports and aircraft landing fields
  5. Art Galleries and studios
  6. Grain Storage.
  7. Indoor Target Practice
  8. Kendall County Sheriff's Office shooting range with conditions to be set and approved by the County Board.
  9. Kennels
  10. Medical Cannabis Cultivation Centers- Temporary
  11. Medical Cannabis Cultivation Centers- Temporary
  12. Motor freight terminals.
  13. Motor vehicle/ Truckwash Facilities including the use of mechanical conveyers, blowers and steam cleaning.
  14. Packaged Liquor Store or any sale of alcoholic beverages when associated with a brewery or winery.
  15. Paintball Facilities
  16. Parks and recreational areas
  17. Planned developments, industrial
  18. Private Clubs or lodges
  19. Private clubs such as soccer, etc.
  20. Racetrack provided that the following minimum standards are met:
  21. Schools (including music, dance, business, driving, commercial, or trade but excluding truck driving)

22. Stadiums, auditoriums and arenas.
23. Theaters, outdoor drive-in.
24. Transfer Stations as long as it conforms to the Solid Waste Plan and all EPA requirements.
25. Truck Wash Facility or Motor Vehicle Wash Facility
26. Any use permitted in the M-2 Heavy Manufacturing District, provided the performance standard set forth in Section 4.12. can be met in their entirety.
27. Wind Farms, Commercial,

## M-2

### Permitted Uses

1. Any use permitted in the M-1 Districts except banks and financial institutions.
2. Production, processing, cleaning, servicing, testing, and repair, including the following products:
  - Charcoal, lampblack and fuel briquettes.
  - Chemicals - including acetylene, aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black and bone black, cleaning and polishing preparation, creosote, exterminating agents, hydrogen and oxygen, industrial alcohol, nitrating of cotton or other materials, nitrates, (manufactured and natural) of an explosive nature, potash, plastic materials and synthetic resins, pyroxylin, rayon yard, hydrochloric, picric and sulfuric acids and derivatives.
  - Coal, coke and tar products, including gas manufacturing.
  - Electric central station, power and steam-generating plants.
  - Fertilizers.
  - Film, photographic.
  - Flour, feed and grain - milling and processing.
  - Incineration or reduction of garbage, offal and dead animals.
  - Linoleum and oil cloth.
  - Magnesium foundries.
  - Matches.
  - Metal and metal ores (except precious and rare metals) - reduction, refining, smelting and alloying.
  - Paint, lacquer, shellac, varnishes, linseed oil and turpentine.
  - Petroleum products, refining - such as gasoline, kerosene, naphtha, lubricating oil and liquefied petroleum gases.
  - Rubber (natural or synthetic).
  - Soaps, including fat and oil rendering.
  - Starch.
  - Wood, coal, and bones, distillations.
  - Wood pulp and fiber, reduction and processing, including paper mill operations.
  - Any other production, processing, cleaning, servicing, testing, and repair which conforms with the performance standards established hereinafter for the M-2 District.
3. Storage, including the following uses and materials or products: Goods used in or produced by manufacturing activities permitted in this district.
  - Grain.
  - Manure, peat and topsoil.
  - Petroleum and petroleum products.



M-2  
Special Uses

1. Any use which may be allowed as a special use in the M-1 Districts, unless already permitted under Section 10.02.B above.
2. Commercial off-premise advertising structures
3. Correctional Facilities
4. Explosive, including storage, when not prohibited by other ordinance.
5. Junk yards and Motor vehicle wrecking yards provided they are contained within completely enclosed buildings or screened by a solid wall or uniformly painted solid fence at least twelve feet high.
6. Kendall County Government Agency and other law enforcement shooting range with conditions to be set and approved by the County Board.
7. Miscellaneous uses as follows:
  - a. Railroad freight terminals, motor freight terminals, railroad switching and classification yards, repair shops and roundhouses.
8. Slaughter House

M-3  
Permitted Uses

1. Surface and/or open pit mining, extraction and or processing of aggregate materials, e.g. sand, gravel, limestone, subject to the issuance of a permit as provided including an office in relation to business.
2. Explosive, including storage, when not prohibited by other ordinance.

M-3  
Special Uses

1. Asphalt and/or concrete batch mixing plants with or without associated recycling facilities.
2. Commercial off-premise advertising structures
3. Kendall County Sheriff's Office shooting range with conditions to be set and approved by the County Board.
4. Outdoor Target Practice or Shooting (not including private shooting in your own yard)

TO: Kendall County Planning Commission

RE: Proposed changes to Lisbon Township LRMP

Once again, I am unable to attend your meeting tonight, June 27, and am forwarding this written comment for your consideration.

Thank you for removing the Prairie Parkway from the Planning map. I was most concerned about its continued inclusion on the map.

I remain concerned about the following:

Changing the Agricultural area west of Route 47 slightly north of Townhouse Rd south to the Kendall/Grundy County line to Mining: I feel allowing all the various Mining and B-6 classifications - six pages of uses, single spaced - for such a long stretch along Rt 47 allows far too many uses that are counterproductive to agriculture and residents. I recommend classifying the area west of Rt 47 north and south of Joliet Road to M-3, and moving north along Rt 47 to just north of Townhouse Rd., classify in order of declining intensity properties as M-2, M-1, and B-6

Extending the undefined M classification west on Rt 52 to Lisbon from the Rtes. 47/52 intersection: I realize this is done to accommodate Village of Lisbon growth and tax collection capabilities and is what is done statewide to accommodate incorporated villages and town. However, it is not good planning. The interests of the Village and its present and future residents are better served by the Village extending its own planning and zoning plan into its Extra Territorial Zoning district and, as parts of the ETZ are annexed to the Village, continuing to plan and zone its ETZ as the Village boundaries extend.

If the Commission prefers to keep M classification along Rt 52 from 47/52 intersection to Village of Lisbon, I ask that the M designation be made more specific -- showing B-6, M-1 and M-2 categories for various parts of that stretch of Rt 52. Doing so would lessen negative impact the very wide range of uses allowed in M designation would have on existing agriculture and residents.

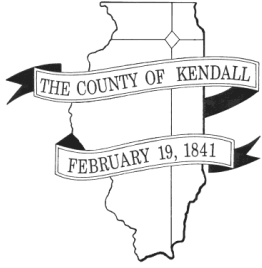
Ruth Bell, [REDACTED]

Bell Ltd. Partners. 10381 Lisbon Center Rd, Newark, IL 60541

**KENDALL COUNTY REGIONAL  
PLANNING COMMISSION MEETING  
JUNE 27, 2018**

| NAME             | ADDRESS                       | EMAIL ADDRESS          |
|------------------|-------------------------------|------------------------|
| Mark Dork        | 8176 Old Ridge Rd             | Mark@32@AuroraTech.net |
| JUNE ALICE       |                               |                        |
| Tom Muth         | oswego<br>682 St Rt 31        | tmuth@foxmetro.org     |
| RAE CACERES      | 230 WOODLAWN<br>AURORA, IL    | dcaceres@dueckler.com  |
| Robert Blake     |                               |                        |
| Aniseille Gruber |                               |                        |
| Scott Walker     |                               |                        |
| David Lombardo   | 1113 S. DAVEN RD<br>STOREWOOD | DLOMBARDO@SAFERUSA.COM |
| Todd Milliron    |                               |                        |
|                  |                               |                        |





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## DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

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July 5, 2018

RE: Proposed Changes to the Kendall County Future Land Use Map for Properties Adjacent to Route 47 in Lisbon Township

Dear Property Owner:

At their meeting on June 27<sup>th</sup>, the Kendall County Regional Planning Commission recommended approval of the proposed changes to the Kendall County Land Resource Management Plan's Future Land Use Map for properties located adjacent to Route 47 in Lisbon Township. The proposed changes were outlined in a letter sent to you date May 30, 2018, and can be found at [https://www.co.kendall.il.us/wp-content/uploads/Petition\\_18-04.pdf](https://www.co.kendall.il.us/wp-content/uploads/Petition_18-04.pdf).

The Kendall County Zoning Board of Appeals will be meeting on this proposal on Monday, **July 30<sup>th</sup> at 7:00 p.m. at 111 W. Fox Street, in Rooms 209 and 210, in Yorkville.** Pending the outcome of the Kendall County Zoning Board of Appeals meeting, this proposal will be discussed at the Monday, **August 13<sup>th</sup>** meeting of the Kendall County Planning, Building and Zoning Committee, which starts at **6:30 p.m.** in the same location as the Kendall County Zoning Board of Appeals meeting. At the August 13<sup>th</sup> meeting, the Kendall County Planning, Building and Zoning Committee could issue a recommendation to the County Board.

If the Proposed Future Land Use Map is approved, the zoning of your property will **NOT** change unless the property owner requests a change. The current uses of your property will **NOT** change unless the property owner initiates the change.

If you have any questions regarding this letter or meeting, please contact Matt Asselmeier, Kendall County Senior Planner at 630-553-4139 or [masselmeier@co.kendall.il.us](mailto:masselmeier@co.kendall.il.us).

Sincerely,

**THE COUNTY OF KENDALL**

Matthew H. Asselmeier, AICP  
Senior Planner

**KENDALL COUNTY  
REGIONAL PLANNING COMMISSION**

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

**Unapproved Hearing Minutes of June 27, 2018**

Chairman Ashton called the public hearing to order at 7:00 p.m.

**ROLL CALL**

Members Present: Bill Ashton, Tom Casey, Larry Nelson, Ruben Rodriguez, John Shaw, Claire Wilson (arrived at 7:01 p.m.), Budd Wormley, and Angela Zubko

Members Absent: Roger Bledsoe

Staff Present: Matthew H. Asselmeier, Senior Planner

In the Audience: Todd Milliron

**PUBLIC HEARING**

**Petition 18-04 Kendall County Regional Planning Commission**

Mr. Asselmeier summarized the request. The proposed changes include:

1. Changing the Agricultural Area West of Route 47 from Slightly South of Townhall Road to the Kendall/Grundy County Line to Mining (Mr. Asselmeier acknowledged the typographical error in the letter, but noted that the “south” was included in the notice in the newspaper).
2. Changing the Agricultural Area East of Route 47 from the Kendall/Grundy County Line North for a Distance of 0.50 Miles to Commercial
3. Changing the Agricultural Area at the Northwest, Southwest, and Northeast Quadrants of the Intersection of Routes 47 and 52 to Commercial
4. Changing the Agricultural Area at the Intersection of Route 47 and Plattville Road to Commercial
5. Removing Rural Settlement Classification from Map
6. Remaining Properties Along Route 47 from the Kendall/Grundy County Line to the Lisbon/Kendall Township Line Not Impacted by 1-5 Above Shall Be Changed from Agricultural to Mixed Use Business
7. Incorporating the Village of Lisbon’s Mixed Use Business and Residential Areas in Sections 16, 17, 18, 19, 20, 29, 30, 31, and 32 of Lisbon Township into the County Land Resource Management Plan
8. Incorporating the Proposed Changes to the Lisbon Township Future Land Use Map into the Kendall County Future Land Use Map
9. Remove All Language Contained in the Narrative Portion of the Kendall County Land Resource Management Plan that Conflicts with the Changes to the Lisbon Township Future Land Use Map

Ms. Wilson arrived at this time (7:01 p.m.).

Mr. Nelson requested that the final map be officially added to the record. No objections were expressed regarding this request.

Ms. Wilson asked if the properties north of Helmar Road would remain agricultural other than the commercial shown on the map. Mr. Asselmeier stated that properties north of Helmar Road were in Kendall Township and not part of the scope of this proposal.

Todd Milliron, Yorkville, asked how large in acreage was in the mining area. Mr. Nelson responded a strip of mixed use business existed between Route 47 and the mining. The specific distance was small because the Commission considered Route 47 to be a logical stop because of the berming requirements for mining currently contained in the Zoning Ordinance.

Mr. Nelson made a motion to approve the proposed amendments to the Land Resource Management Plan as presented with the amendment that only Lisbon Township information be shown on the map, seconded by Mr. Wormley. Ms. Zubko noted that the zoning of properties would not change if this proposal were adopted. Mr. Nelson noted that a property owner wishing to change their zoning would need to go through the rezoning process.

Yes – Ashton, Casey, Nelson, Rodriguez, Shaw, Wilson, Wormley, and Zubko (8)

No – None (0)

Absent – Bledsoe (1)

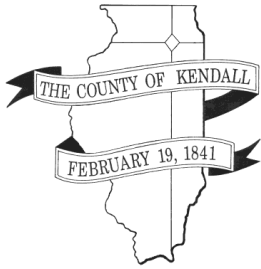
The motion passed. This proposal will go to the Zoning Board of Appeals on July 30<sup>th</sup>.

Mr. Nelson made a motion, seconded by Ms. Wilson, to adjourn the public hearing. With a voice vote of all ayes, the motion passed unanimously. The Kendall County Regional Plan Commission meeting adjourned at the public hearing at 7:10 p.m.

Enclosures from Public Hearing:

1. May 30, 2018 Letter to Property Owners Including the Three (3) Maps Presented at the Public Hearing.
2. Certificate of Publication for Petition 18-04 (Not Included with Report but on file in Planning, Building and Zoning Office).
3. June 27<sup>th</sup> Letter from Ruth Bell to the Kendall County Regional Planning Commission.





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## DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

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May 30, 2018

RE: Proposed Changes to the Kendall County Future Land Use Map for Properties Adjacent to Route 47 in Lisbon Township

Dear Property Owner:

The Kendall County Regional Planning Commission and Kendall County Comprehensive Land Plan and Ordinance Committee are considering changing the Future Land Use Map for properties located adjacent to Route 47 in Lisbon Township. In general, the proposed changes are as follows:

1. Changing the Agricultural Area West of Route 47 from Slightly North of Townhall Road to the Kendall/Grundy County Line to Mining
2. Changing the Agricultural Area East of Route 47 from the Kendall/Grundy County Line North for a Distance of 0.50 Miles to Commercial
3. Changing the Agricultural Area at the Northwest, Southwest, and Northeast Quadrants of the Intersection of Routes 47 and 52 to Commercial
4. Changing the Agricultural Area at the Intersection of Route 47 and Plattville Road to Commercial
5. Removing Rural Settlement Classification from Map
6. Remaining Properties Along Route 47 from the Kendall/Grundy County Line to the Lisbon/Kendall Township Line Not Impacted by 1-5 Above Shall Be Changed from Agricultural to Mixed Use Business
7. Incorporating the Village of Lisbon's Mixed Use Business and Residential Areas in Sections 16, 17, 18, 19, 20, 29, 30, 31, and 32 of Lisbon Township into the County Land Resource Management Plan
8. Incorporating the Proposed Changes to the Lisbon Township Future Land Use Map into the Kendall County Future Land Use Map
9. Remove All Language Contained in the Narrative Portion of the Kendall County Land Resource Management Plan that Conflicts with the Changes to the Lisbon Township Future Land Use Map

The existing Future Land Use Map and the Proposed Future Land Use Map are enclosed for your reference. The proposed Future Land Use Map is slightly different from the proposal presented at the February meeting in Plattville. The map key is:

Mining=M-3 (Mining and Mining Related Uses)

Mixed Use Business=B-6, M-1, M-2 and M-3 (Large Office and Manufacturing Uses)

Commercial= B-1, B-2 and B-3 (Small Office and Retail Uses)

The Kendall County Regional Planning Commission will hold a public hearing on the proposed changes on Wednesday, **June 27<sup>th</sup> at 7:00 p.m. at 111 W. Fox Street, in Rooms 209 and 210, in Yorkville.**

If the Proposed Future Land Use Map is approved, the zoning of your property will **NOT** change unless the property owner requests a change. The current uses of your property will **NOT** change unless the property owner initiates the change.

If you have any questions regarding this letter or meeting, please contact Matt Asselmeier, Kendall County Senior Planner at 630-553-4139 or [masselmeier@co.kendall.il.us](mailto:masselmeier@co.kendall.il.us).

Sincerely,

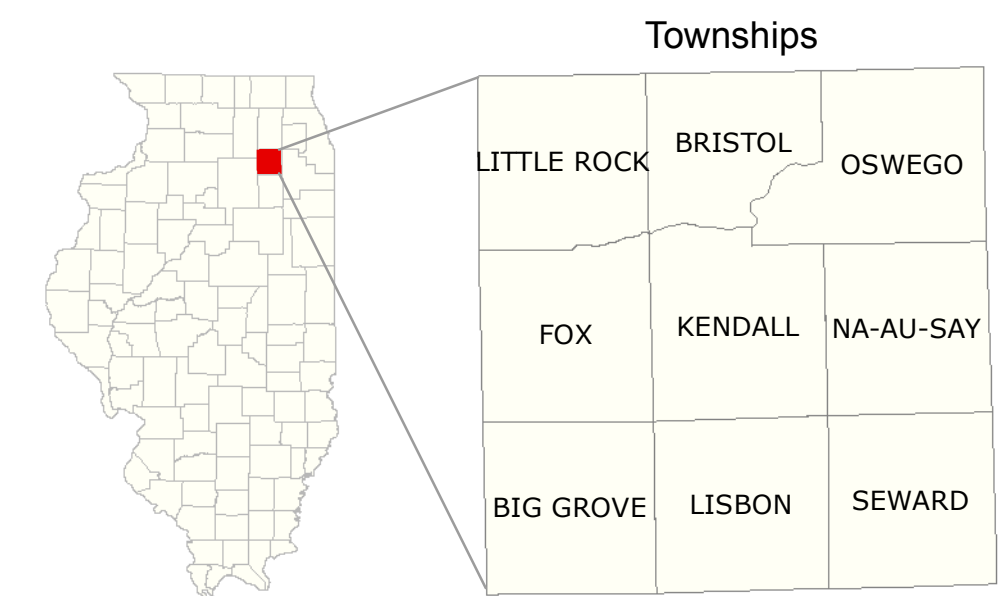
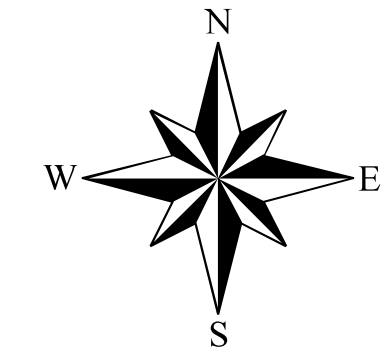
**THE COUNTY OF KENDALL**

Matthew H. Asselmeier, AICP  
Senior Planner

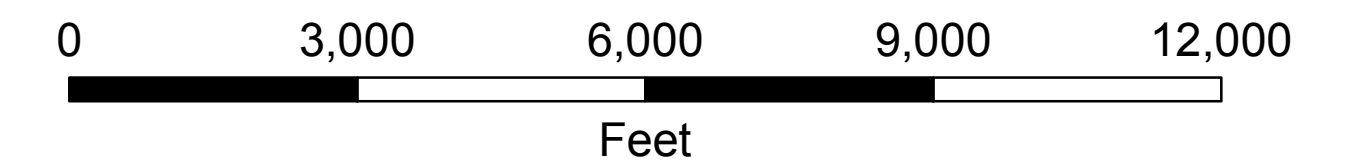
Encs:   Current Future Land Use Map  
          Proposed Future Land Use Map

# Future Land Use Lisbon Township KENDALL COUNTY - 2017 -

<http://www.co.kendall.il.us>



Scale: 1 in = 2,000 feet

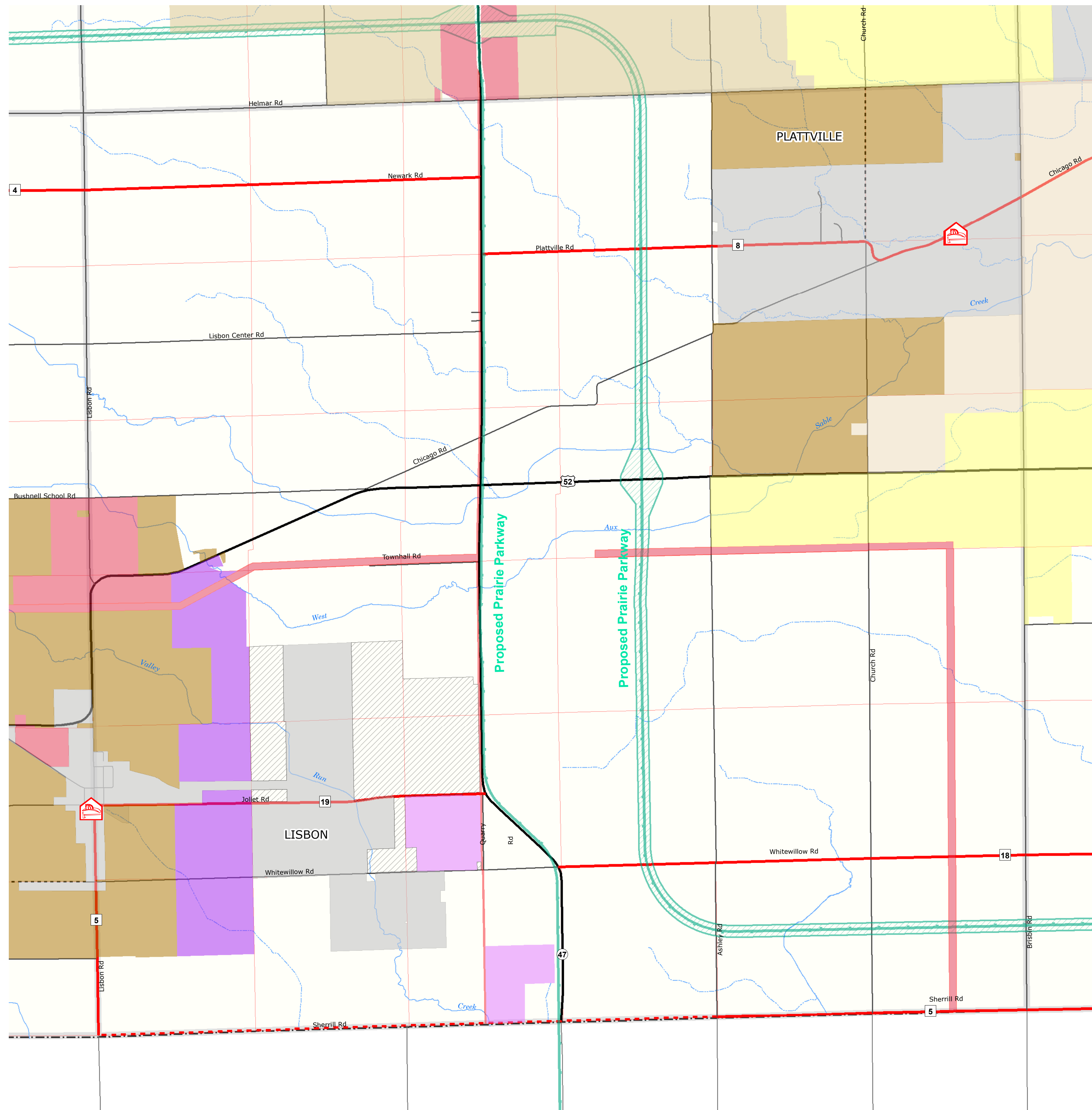


## Legend

### Future Land Use

#### Land Use Type

- Urban Areas - Incorporated
- Suburban Residential - Max Density 1.00 DU Acres
- Rural Residential Max Density 0.65 DU Acres
- Rural Estate Resedential Max Density 0.45 DU Acre
- Countryside Residential Max Density 0.33 DU Acre
- Commercial
- Commonwealth Edison
- Mixed Use Business
- Transportation Corridors
- Mining
- Potential Mining District
- Public/Institutional
- Agriculture
- Open Space
- Forest Preserve/State Parks
- Unknown
- FEIS\_centerline
- Protected Corridor - 2007



### Kendall County GIS

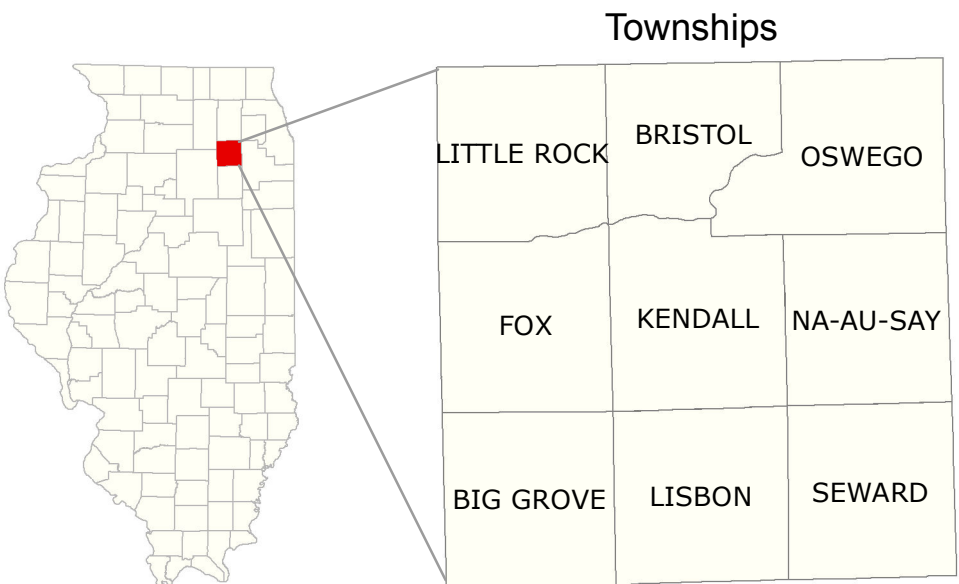
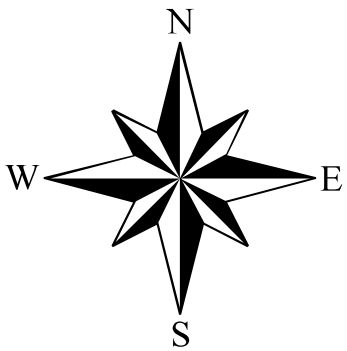
111 West Fox Street - Room 308  
Yorkville, Illinois 60560-1498  
630.553.4030



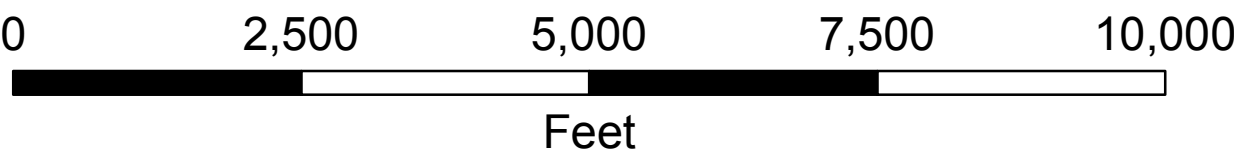
DRAFT Lisbon Future LRMP  
Helmar Rd to Sherrill Rd  
KENDALL COUNTY

- 2018 -

<http://www.co.kendall.il.us>

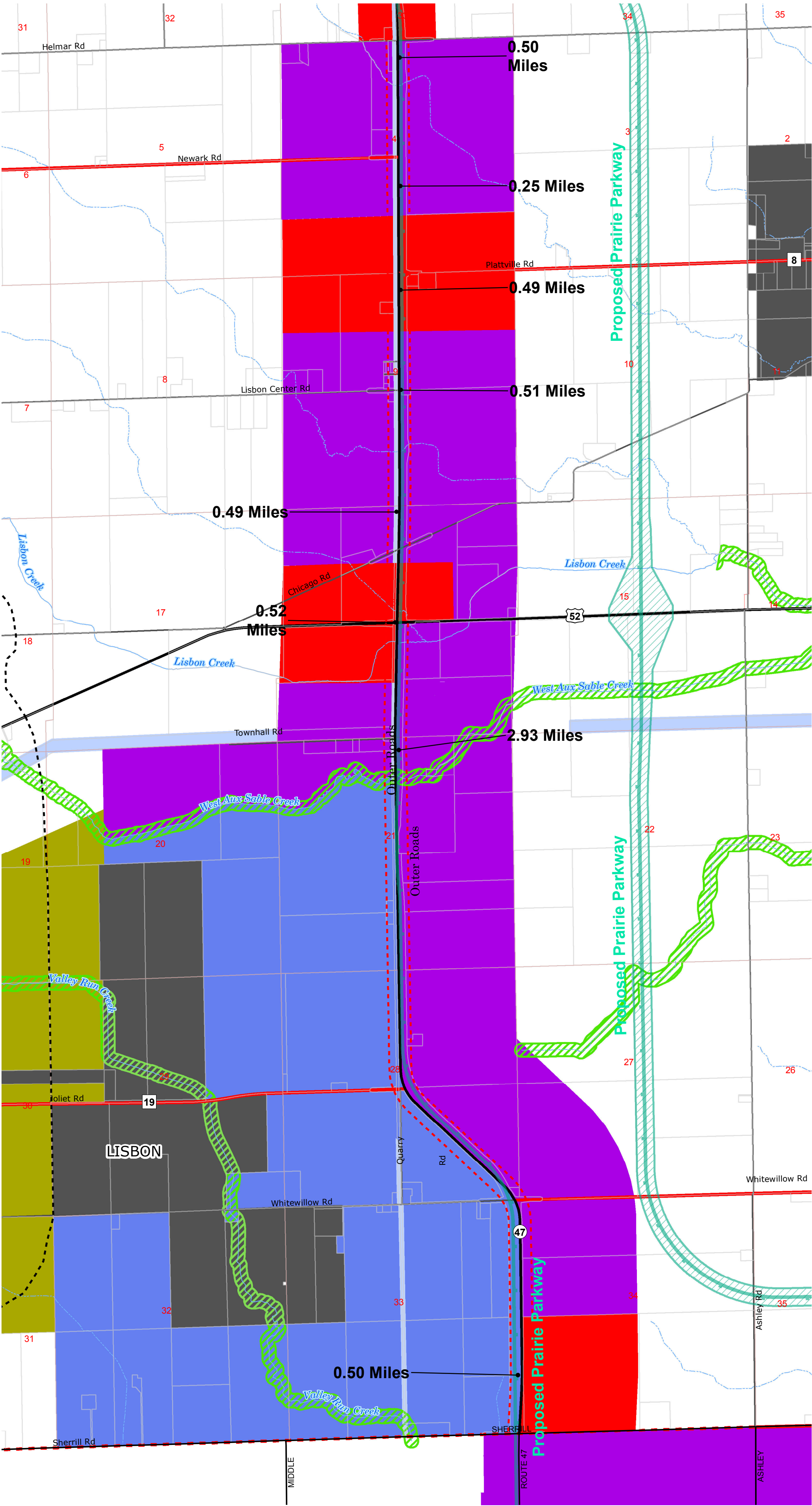


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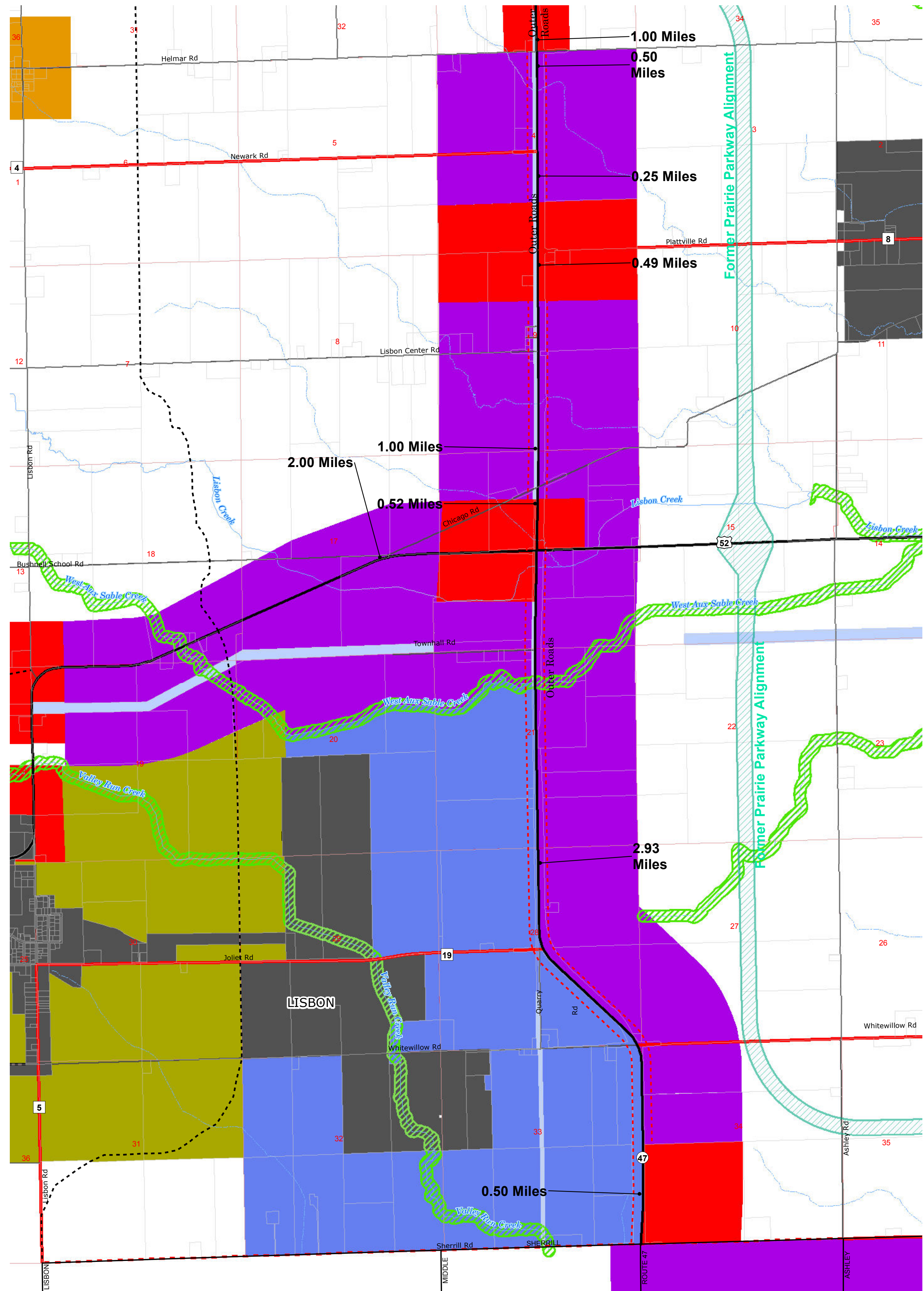
Legend

- Outer Roads
- Proposed Roadways
- Future LRMP
- Abbreviation
  - Natural Resourse Areas
  - Grundy Mixed Use Business
  - Court Ordered Mining
  - Open Space
  - Urbanized Areas
  - Mixed Use Business
  - Transportation Corridors
  - Public Institutional
  - Mining
  - Rural Settlements
  - Commercial
  - Continued Growth Suburban Residential



Kendall County GIS  
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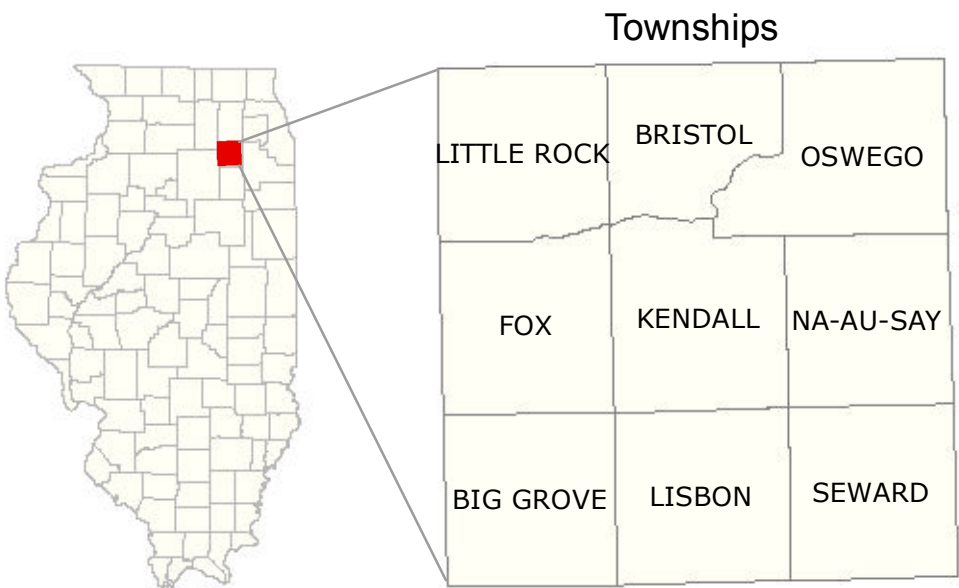
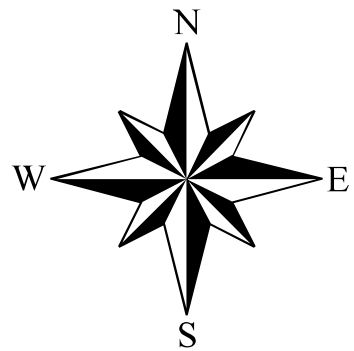




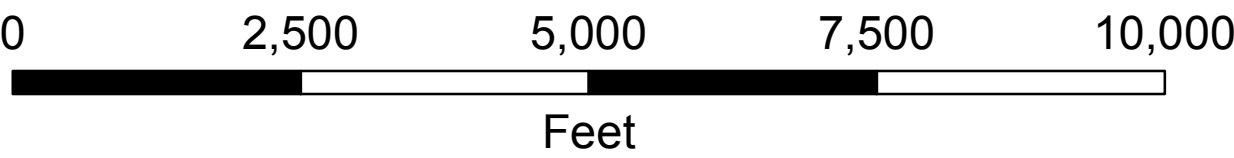
# DRAFT Lisbon Future LRMP Helmar Rd to Sherrill Rd KENDALL COUNTY

- 2018 -

<http://www.co.kendall.il.us>



Scale: 1 in = 1,667 feet



## Legend

- Outer Roads
- Proposed Roadways

### Future LRMP

#### Abbreviation

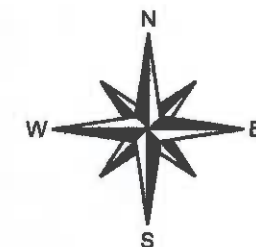
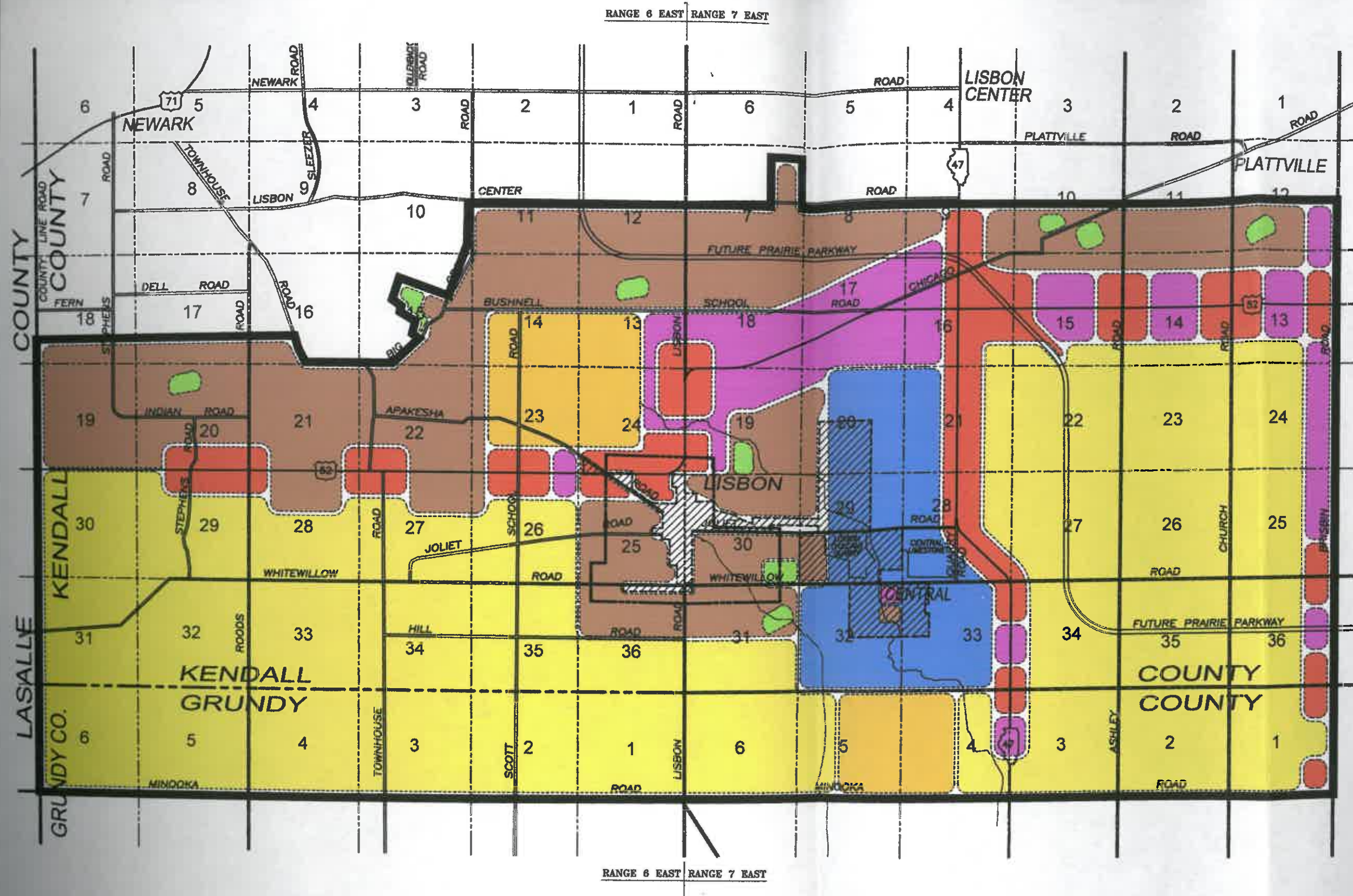
- Natural Resource Areas
- Grundy Mixed Use Business
- Court Ordered Mining
- Open Space
- Urbanized Areas
- Mixed Use Business
- Transportation Corridors
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- Mining
- Rural Settlements
- Commercial
- Continued Growth Suburban Residential



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# LEGEND

- LISBON COMPREHENSIVE BOUNDARY
- EXISTING LISBON VILLAGE LIMITS
- ORIGINAL LISBON VILLAGE LIMITS
- COMMERCIAL
- MIXED USE BUSINESS
- MINING
- OPEN SPACE
- 1 ACRE CITY LOTS
- INDUSTRIAL
- AGRICULTURAL

TOWNSHIP 34 NORTH  
TOWNSHIP 33 NORTH

|                 |                   |
|-----------------|-------------------|
| DRAWN BY: MAR   | SCALE: 1" = 1700' |
| CHECKED BY: GRC | DATE: 8/14/07     |

**CHAMLIN**  
ASSOCIATES

PERU MORRIS  
ILLINOIS

## COMPREHENSIVE PLANNING MAP VILLAGE OF LISBON, KENDALL COUNTY, ILLINOIS

PLANNING AREAS

SCALE: 1" = 1700'

SHEET

FILE NO.:

OF



Findings of Fact for Proposed LRMP Map Changes Along Route 47 (Approximately 5.5 Miles)  
in Lisbon Township

1. The Illinois Department of Transportation approved Alternative B5 in 2007 which called for the widening of Route 47 from Caton Farm Road to the Grundy County Line through Lisbon Township as part of the Prairie Parkway Project.
2. The purpose of the Prairie Parkway was to:
  - a. “Improve regional mobility by providing more north-south, higher speed multi-lane roads or additional lanes to serve traffic growth and reduce regional travel times for long distance travel.
  - b. Address local system deficiencies by developing a transportation system that serves forecast growth in local traffic and reduces travel times.
  - c. Improve access from the study area to regional jobs by serving the forecast growth in work trips and by reducing travel times from the study area current and future jobs.
  - d. Improve safety by reducing existing and projected growth in motor vehicle crashes”  
Source: Prairie Parkway Design Report (2011) Page 1.
3. The Illinois Department of Transportation did not conduct any economic analysis of the impact of the proposed Prairie Parkway on lands located near Route 47 south of Caton Farm Road. Source: Illinois Department of Transportation
4. The Illinois Department of Transportation withdrew centerline protection of the Prairie Parkway in February 2018.
5. There are commercial and industrial lands in Grundy County and Minooka closer to Interstate 80 interchange
  - a. Kraft facility has 1 million square feet available.
  - b. 150 acres is available across from the Morris Airport
  - c. Morris plans warehouses out to Brisbin Road.
  - d. Morris plans retail on Route 47 north of town.
  - e. Morris plans industrial uses by the airport.Source: Grundy County EDC
6. The City of Morris has extended water lines to Minooka Road and sanitary sewer lines to Nelson Road; no plans to extend infrastructure into Lisbon Township. The City of Morris obtains water for the area north of Interstate 80 from wells south of Interstate 80 Source: Guy Christensen, City of Morris

7. The Chicago Metropolitan Agency for Planning, in the Kendall County Industrial Market Analysis of April 2016, concluded that industrial uses would favor locations near Minooka and inside Grundy County because of their proximity to Interstate 80 (Page 34)
8. Any buildings constructed presently along the corridor will utilize wells and septic systems. Larger buildings (over 5,000 square feet) will need adequate water for fire suppression and/or will need to be constructed with appropriate firewalls.
9. No fiber optics lines currently exist in the area.
10. Traffic counts along Route 47 in Lisbon Township have generally declined since 2003 with the exception for the north end of the Township:
  - a. 5400 (2003) to 4950 (2017) south end of County
  - b. 6300 (2003) to 4950 (2017) south end Route 47 and 52 interchange
  - c. 6600 (2003) to 6250 (2017) north of Chicago Road
  - d. 6400 (2003) to 6700 (2017) at Newark RoadSource: Illinois Department of Transportation
11. Traffic Counts on Route 52 have remained steady since 2003:
  - a. 1800 (2003) to 1600 (2017) south of Bushnell School Road
  - b. 2900 (2003) to 3350 (2017) east of 47Source: Illinois Department of Transportation
12. Current traffic accidents are most likely to occur near road intersections; many of these accidents are “failure to yield” type accidents. The types of accidents could change and could include more overcorrection type accidents after the widening project is completed. Source: Kendall County Sheriff’s Department
13. The existing Kendall County Land Resource Management Plan calls for agricultural uses along most of the corridor. Source: Kendall County Land Resource Management Plan (2011)
14. The Village of Lisbon’s existing Comprehensive Plan calls for commercial, mixed uses and mining along and near the corridor. Source: Village of Lisbon Comprehensive Plan (2009)
15. The intersection of Routes 47 and 52 is the most likely area on the northeast side of an enlarged Village of Lisbon where sales tax producing businesses could locate. The northeast corner of the intersection is already zoned B-3 Highway Business.

16. Existing mining operations are located in Sections 21, 28 and 33. The mining operations could expand into Sections 32, 29 and 20.
17. West Aux Sable Creek is located in the area.
18. The intersection of Plattville Road and Route 47 is the most likely area on the west side of an enlarged Village of Plattville where sales tax producing businesses could locate.
19. Grainco FS and CHS Elburn currently operate grain storage facilities between Helmar and Newark Roads on the west side of Route 47. These uses are special uses in the A-1 Zoning District and are Permitted Uses in the M-2 Zoning District.
20. Commonwealth Edison has a ROW along Route 47 running north to south and near Townhall Road running east to west.
21. The Kendall County Land Resource Management Plan includes classifications for Commercial Uses (office and retail establishments at nodes), Transportation Corridor Uses (uses in B-3, B-5 and B-6 Zoning Districts), Mixed Use Business (uses in B-6 and the 3 Manufacturing Districts) and Mining.
22. Most of the land along the corridor is currently used for agricultural purposes.
23. The Kendall County Economic Development Committee would like outer roads to ensure to prevent interruption of traffic flows in the area. The Committee was also concerned about adequate water and the aesthetics of the corridor. The Committee also wanted a portion of the corridor reserved for industrial uses.
24. Few houses are located along the corridor. Locations with less traffic tend to be better suited for residential uses and these locations exist elsewhere in the County. No loss of affordable housing units is anticipated. The County will remain in compliance with the Illinois Affordable Housing Planning and Appeal Act (310 ILCS 67).



#### 9.04 B-3 HIGHWAY BUSINESS DISTRICT

- A. Purpose: The B-3, Highway Business District is intended for major retail, service and repair establishments serving a large trade area, usually the entire County or beyond and oriented to the traveling public. The trade area population served by these establishments requires easy access, although patronage is more dispersed and visits to these establishments less frequent than in the B-1 District and B-2 District. It is the intent of the B-3 District regulations that establishments desiring location along major traffic routes are grouped with appropriate and adequate access ways provided.
- B. Permitted Uses. The following uses are permitted:
1. All Permitted Uses identified in the B-2 General Business District
  2. Agricultural implement sales and service on an open lot or within a building.
  3. Animal hospital
  4. Banquet Halls are permitted subject to the following conditions:
    - a. The facility shall have direct access to a road designated as an arterial roadway or major collector road as identified in the Land Resource Management Plan.
    - b. The subject parcel must be a minimum of 5 acres.
    - c. The use of this property shall be in compliance with all applicable ordinances. The banquet facility shall conform to the regulations of the Kendall County Health Department and the Kendall County Liquor Control Ordinance. (Ord. 99-34)
    - d. Off-street parking, lighting and landscaping shall be provided in accordance with the provisions of Section 11 of the zoning ordinance.
    - e. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance.
    - f. Retail sales are permitted as long as the retail sales will be ancillary to the main operation.
    - g. The noise regulations are as follows:

Day Hours: No person shall cause or allow the emission of sound during daytime hours (7:00 A.M. to 10:00 P.M.) from any noise source to any receiving residential land which exceeds sixty five (65) dBA when measured at any point within such receiving residential land, provided; however, that point of measurement shall be on the property line of the complainant.

Night Hours: No person shall cause or allow the emission of sound during nighttime hours (10:00 P.M. to 7:00 A.M.) from any noise source to any receiving residential land which exceeds fifty five (55) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the property line of the complainant.

**EXEMPTION:** Powered Equipment: Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors, and snow removal equipment which is necessary for the maintenance of property is exempted from the noise regulations between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.

5. Beverages, non-alcoholic, bottling and distributing.
6. Boat, Trailer and Recreational Vehicle sales or rental and service
7. Carpet and Rug Stores
8. Clean up and restoration services with the following conditions:
  - a. If zoned A-1 Agricultural the facility shall have direct access to a road designated as a major collector (or higher) on the County Land Resource Management Plan.
  - b. All commercial vehicles are to be stored inside an accessory structure when not in use unless outdoor storage is screened from adjacent and surrounding properties and screening and storage is shown on the approving site plan.
  - c. All operations are to take place inside an enclosed structure.
  - d. A waste management plan must be submitted for approval and included as an exhibit to the approving ordinance
  - e. A material management plan must be submitted including where items will be stored on site including but not limited to chemicals and belongings.
  - f. No materials that are brought in can be burned on this site.
  - g. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance (Sign Regulations).
  - h. Shall satisfy all requirements of the Kendall County Health Department and Building Department prior to the issuance of occupancy permits.
9. Construction equipment sales and service.
10. Crematories/ Funeral Homes
11. Currency exchange.

12. Drive through or drive up windows for any permitted use excluding the sale of alcoholic beverages.
13. Dry-cleaning and pressing establishments, when employing facilities for the cleaning and pressing of not more than fifteen hundred pounds of dry goods per day, and when using carbon tetrachloride or other similar non-inflammable solvents approved by the State Fire Marshal.
14. Health clubs (public or private) and related accessory uses.
15. Hotel and/or Motels
16. Indoor entertainment and recreation
17. Laboratories (medical, dental, research, experimental and testing), provided no production or manufacturing of products takes place.
18. Laundries, automatic self-service types or hand employing not more than two persons in addition to one owner or manager, provided that laundry machines shall not exceed ten pounds capacity each.
19. Miniature Golf Courses
20. Motor Vehicle Service Stations for Retail Sale of Gasoline and Oil for Motor Vehicles
21. Motor Vehicle Sales/Motorcycle Sales
22. Motor Vehicle/Motorcycle service stations, including repair and rebuilding, or painting of motor vehicles
23. Motor Vehicle washing—Facilities including the use of mechanical conveyers, blowers and steam cleaning.
24. Nurseries and greenhouses
25. Parking Garages for storage of private passenger automobiles and commercial vehicles under one and one-half ton capacity.
26. Restaurants, including the drive-in type where food is served to customers remaining in motor vehicles.
27. Taverns

C. Special Uses. The following uses may be allowed by special use permit in accordance with the provisions of Section 13.00.



1. Child Day Care Facility
2. Clubs and Lodges (non-profit), fraternal or religious institutions.
3. Communication Uses
4. Community Center/ After school programs/ Educational Center
5. Consumer credit, payday loan offices, financing or financial offices.
6. Dwelling units for Watchmen and Families including a Caretaker.
7. Fertilizer sales, including limited storage.
8. Hospitals
9. Indoor Target Practice with the following conditions:
  - a. The indoor shooting range shall meet all applicable standards established in the NRA Range Source Book. Documentation indicating compliance with the aforementioned standards shall be submitted with the site plan. Plans require engineer certification for soundproofing and appropriate design.
  - b. Must be at least 150' from existing dwellings and property lines of schools, daycares, and places of worship.
  - c. Hours of operation from 7am to 10pm
  - d. No alcohol allowed.
  - e. Must meet all requirements of the Kendall County Health Department.
  - f. All applicable Federal, State, EPA and County rules and regulations shall be adhered to.
10. Kendall County Sheriff's Office shooting range with conditions to be set and approved by the County Board.
11. Kennels with the condition that the kennels must be located inside and must be located a minimum of 250' from the lot line of lots zoned residential or shown as Residential on the Land Resource Management Plan (LRMP) map and 150' from lots zoned other than residential or shown on the LRMP map as non-residential. The animals must be indoors by sunset.
12. Landscaping business, provided that:
  - a. All vehicles equipment and materials associated with a landscaping business shall be stored entirely within an enclosed structure, unless otherwise permitted under the terms of this Special Use Permit.

- b. The business shall be located on, and have direct access to, a State, County or Collector Highway as identified in the County's LRMP, having an all-weather surface, designed to accommodate loads of at least 73,280 lbs, unless otherwise approved in writing by the agency having jurisdiction over said Highway. Such approvals shall establish limitations as to the number of employees and types of vehicles coming to and from the site that are engaged in the operation of the use (including delivery vehicles). These restrictions shall be included as controlling conditions of the Special Use.
- c. No landscape waste generated off the property can be burned on this site.

13. Meetings Halls

14. Micro-Brewery and/or Winery

15. Micro Distillery subject to the following conditions:

- a. If zoned A-1 Agricultural the facility shall have direct access to a road designated as a major collector (or higher) on the County Land Resource Management Plan.
- b. Locally grown inputs shall be used to the greatest extent possible
- c. The number of hours permitted to operate shall be on the approving ordinance.
- d. Parking shall be in accordance with Section 11 of the Zoning Ordinance including lighting.
- e. All applicable Federal (including the Alcohol and Tobacco Tax and Trade Bureau), State (including the Illinois Liquor Control Commission), and County rules and regulations shall apply.
- f. Shall contact & meet all requirements of the Kendall County Health Department.
- g. A waste management plan should be submitted to the Kendall County Health Department

16. Outdoor storage provided such storage is screened from adjacent and surrounding properties.

17. Outdoor amusement establishments, carnivals, kiddie parks, and other similar amusement centers, and including places of assembly devoted thereto, such as stadiums and arenas.

18. Pawn Shop

19. Performing arts center subject to the following conditions:

- a. The site shall have frontage on and access to a collector or arterial road, provided that the highway authority with jurisdiction over the subject road may approve alternative access.
  - b. The site shall be shown as a commercial area on the Land Resource Management Plan.
  - c. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance (Sign Regulations)
  - d. The amount of students and type of events are listed in the approving ordinance.
  - e. Shall satisfy all requirements of the Kendall County Health Department and Building Department prior to the issuance of occupancy permits.
  - f. Must meet applicable Fire Protection District codes.
- 20. Places of Worship subject to the following conditions:
  - a. The height for the towers and steeples shall not exceed seventy-five (75) feet and not more than forty-five (45) feet for the main structure.
  - b. Other related uses, such as school, child day care services, kindergartens, meeting facilities shall be permitted to the extent that the activity is otherwise permitted, and shall be subject to all applicable regulations, including parking.
  - c. Off-street parking, lighting and loading shall be provided as required or permitted in Section 11.00
- 21. Production and sale of sweet cider, hard cider, wine, jams, wine jams, jellies, pies, pickles, honey, sauces and similar items utilizing crops grown on the same property or in combination with crops grown off-site where such production takes place on the premises. In addition the tasting of and wholesale or retail sale of items produced on site as well as the sales of ancillary items and products related to crops and products produced on site shall be permitted provided all required licenses and permits have been secured. The total retail sales area on site within any building or combination of buildings shall not exceed one thousand (1,000) square feet. Said sales areas shall be set back at least ninety (90) feet from the center line of all adjacent roads with off-street parking for a minimum of five (5) cars. Seasonal outdoor displays on above listed items are also permitted.
- 22. Public or Private Utilities and Service uses:
  - a. Telecommunications hub
  - b. Filtration plant, pumping station, and water reservoir.
  - c. Sewage treatment plant.
  - d. Electric substations and booster stations.
  - e. Other Similar uses



23. Retail or wholesale sales yards for agricultural products including, but not necessarily limited to, fruits, vegetables, flowers, plants, etc., that are not grown on the premises.
24. Self-Service Storage Facilities
25. Telecommunications Stations
26. Theaters: Outdoor theaters (drive-in), indoor theaters and convention centers.
27. Truck Driving School
28. Truck Stop

D. Conditional Uses. All conditional uses outlined in the B-2 General Business District (Section 9.03D) may be permitted only if specifically authorized by the Zoning Administrator.

#### 9.06 B-5 BUSINESS PLANNED DEVELOPMENT

- A. Purpose. The B-5 Business Planned Development (BPD) District is intended to provide for greater freedom, imagination, and flexibility in the development of land while assuring appropriate development standards. To this extent it allows diversification and variation in the relationship of uses, structures, and open spaces in developments planned as comprehensive, cohesive projects which are unified by a shared concept. It is further intended to encourage the beneficial integration of different compatible land uses at a proper scale and to encourage better design, provision of amenities, and the efficient use of public services through the use of planned unit development procedures. The intensity and profile of the development within this District are intended to be compatible with all adjacent uses.
- B. Permitted Uses. Permitted uses shall be consistent with the purpose of this District, including a wide variety of retail, office, general commercial and light industry. A permitted use list shall be developed and approved with each zoning request in the BPD District.

B-6  
Permitted Uses

1. Accessory uses.
2. Banks and financial institutions
3. Business or trade school.
4. Colleges or universities, including dormitories, fraternities, sororities and other accessory buildings and structures when located on the college or university grounds, but not including business colleges or trade schools when operated for profit.
5. Consumer credit, payday loan offices, financing or financial offices.
6. Fire Stations
7. Governmental buildings and facilities
8. Hospital.
9. Laboratories (medical, dental, research, experimental and testing), provided no production or manufacturing of products takes place.
10. Offices, business and professional, including medical clinics.
11. Parking Garages for storage of private passenger automobiles and commercial vehicles under one and one-half ton capacity
12. Planned Developments- Business
13. Police Stations.
14. Research laboratories, including the testing of products, but not including the manufacturing of products, except as incidental to the research and testing of products
15. Schools (including music, dance, business, driving, commercial, or trade but excluding truck driving)
16. Temporary buildings or structures for construction offices or storage, on the same zoning lot, for a period not to exceed such construction
17. Wholesale sales, displays and offices, but not including storage or warehousing

B-6  
Special Uses

1. Book and stationary stores when Services are intended to serve the immediate convenience needs of persons employed in the area
2. Child Day Care Facility
3. Convenience store
4. Dwelling Unit for Watchmen and Families including a Caretaker
5. Health clubs (public or private) and related accessory uses.
6. Hotel and/or motel
7. Indoor Target Practice
8. Kendall County Sheriff's Office shooting range with conditions to be set and approved by the County Board.
9. Light manufacturing and assembly
10. Packaged Liquor Store or any sale of alcoholic beverages when associated with a brewery or winery.
11. Places of Worship
12. Private clubs such as soccer, etc.
13. Public or Private Utilities and Service uses:
  - a. Telecommunications hub

- b. Filtration plant, pumping station, and water reservoir.
  - c. Sewage treatment plant.
  - d. Electric substations and booster stations.
  - e. Other Similar uses
14. Restaurants and/or taverns
  15. Services or commercial uses intended primarily to serve the immediate convenience needs of persons employed in the area, including office supply stores, restaurants (but not drive-in facilities), dry cleaning (but not on-site plant) and similar uses
  16. Self Service Storage Facilities (enclosed)
  17. Telecommunications stations
  18. Other business uses not specifically listed as permitted uses, when found to be similar and compatible with existing or permitted businesses in the B-6 District

### M-1 Permitted Uses

1. Ambulance Service (Private)
2. Animal feed; preparation, grinding, mixing and storage.
3. Auction Facility
4. Banquet Halls
5. Beverages, non-alcoholic, bottling and distributing.
6. Business or trade school
7. Clean up and restoration services
8. Colleges or universities, including dormitories, fraternities, sororities and other accessory buildings and structures when located on the college or university grounds.
9. Construction equipment sales and service.
10. Contractors' offices and shops.
11. Glass cutting and glazing establishments
12. Light manufacturing and assembly.
13. Micro Distillery
14. Miscellaneous uses - as follows:
  - Accessory uses.
  - Signs.
  - Temporary buildings for construction purposes for a period not to exceed the duration of such construction.
15. Motor vehicle Sales/ Motorcycle Sales including truck sales.
16. Nano Breweries.
17. Offices, business and professional, including medical clinics.
18. Parking Garages for storage of private passenger automobiles and commercial vehicles.
19. Public and community service uses - as follows:
  - Bus terminals, bus garages, bus lots, street railway terminals, or street car houses.
  - Electric sub-stations.
  - Fire stations.
  - Governmental buildings and facilities
  - Municipal or privately owned recreation buildings
  - Police stations.
  - Sewage treatment plants.



Telephone exchanges.  
Water filtration plants.  
Water pumping stations.  
Water reservoirs.

20. Production, publishing, processing, cleaning, testing, or repair, limited to the following uses and products:

Apparel and other products manufactured from textiles.  
Art needle work and hand weaving.  
Motor vehicle painting, upholstering, repairing, reconditioning, and body and fender repairing when done within the confines of a structure.  
Awnings, venetian blinds.  
Bakeries.  
Beverages - non-alcoholic.  
Blacksmith shop.  
Books - hand binding and tooling.  
Bottling works.  
Brushes and brooms.  
Building equipment, building materials, lumber, coal, sand and gravel yards, and yards for contracting equipment of public agencies, or public utilities, or materials or equipment of similar nature.  
Cameras and other photographic equipment and supplies.  
Canning and preserving.  
Canvas and canvas products.  
Carpet and rug cleaning.  
Carting, express hauling or storage yards.  
Cement block manufacture.  
Ceramic products - such as pottery and small glazed tile.  
Cleaning and dyeing establishments when employing facilities for handling more than fifteen hundred pounds of dry goods per day.  
Clothing.  
Cosmetics and toiletries.  
Creameries and dairies.  
Dentures.  
Drugs.  
Electrical appliances, such as lighting fixtures, irons, fans, toasters and electric toys.  
Electrical equipment assembly, such as home radio and television receivers and home movie equipment, but not including electrical machinery.  
Electrical supplies, manufacturing and assembly of - such as wire and cable assembly, switches, lamps, insulation and dry cell batteries.  
Food products, processing and combining of (except meat and fish) - baking, boiling, canning, cooking, dehydrating, freezing, frying, grinding, mixing and pressing.  
Fur goods, not including tanning and dyeing.  
Glass products, from previous manufactured glass.  
Hair, felt and feather products (except washing, curing and dyeing).  
Hat bodies of fur and wool felt.  
Hosiery.

House trailer, manufacture.

Ice, dry and natural.

Ink mixing and packaging and inked ribbons.

Jewelry.

Laboratories - medical, dental, research, experimental, and testing - provided there is no danger from fire or explosion nor of offensive noise, vibration, smoke, dust, odors, heat, glare, or other objectionable influences.

Laundries.

Leather products, including shoes and machine belting, but not including tanning and dyeing.

Luggage.

Machine shops for tool, die and pattern making.

Meat products.

Metal finishing, plating, grinding, sharpening, polishing, cleaning, rustproofing and heat treatment.

Metal stamping and extrusion of small products, such as costume jewelry, pins and needles, razor blades, bottle caps, buttons and kitchen utensils.

Musical instruments.

Orthopedic and medical appliances, such as artificial limbs, braces, supports and stretchers.

Paper products, small, such as envelopes and stationery, bags, boxes, tubes and wallpaper printing.

Perfumes and cosmetics.

Pharmaceutical products.

Plastic products, but not including the processing of the raw materials.

Poultry and rabbits - slaughtering.

Precision instruments - such as optical, medical and drafting.

Products from finished materials - plastic, bone, cork, feathers, felt, fiber, paper, fur, glass, hair, horn, leather, precious and semi-precious stones, rubber, shell or yard.

Printing and newspaper publishing, including engraving and photoengraving.

Public utility electric substations and distribution centers, gas regulations centers and underground gas holder stations.

Copying/Reproduction Stores & banner or sign supplies

Rubber products, small, and synthetic treated fabrics (excluding all rubber and synthetic processing), such as washers, gloves, footwear, bathing caps and atomizers.

Silverware, plate and sterling.

Soap and detergents, packaging only.

Soldering and welding.

Sporting and athletic equipment, such as balls, baskets, cues, gloves, bats, racquets, and rods.

Statuary, mannequins, figurines and religious and church art goods, excluding foundry operations.

Storage of household goods.

Storage and sale of trailers, farm implements and other similar equipment on an open lot.

Storage of flammable liquids, fats or oil in tanks each of fifty thousand gallons or less capacity, but only after the locations and protective measures have been approved by local fire chief in the district in which the subject property is located.

Textiles - spinning, weaving, manufacturing, dyeing, printing, knit goods, yard goods, thread, and cordage, but not including textile bleaching.

Tool and die shops.

Tools and hardware - such as bolts, nuts, and screws, doorknobs, drills, hand tools and cutlery, hinges, house hardware, locks nonferrous metal castings, and plumbing appliances.

Toys.

Truck, truck tractor, truck trailer, car trailer, or bus storage yard, when all equipment is in operable condition, but not including a truck or motor freight terminal, which shall be treated under sub-section 10.01-C.

Umbrellas.

Upholstering (bulk), including mattress manufacturing, rebuildings, and renovating.

Vehicles, children's - such as bicycles, scooter, wagons and baby carriages.

Watches.

Wood products, such as furniture, boxes, crates, baskets and pencils and cooperage works.

Any other manufacturing establishment that can be operated in compliance with the performance standards set forth in Section 4.12 without creating objectionable noise, odor, dust, smoke, gas, fumes, or vapor; and that is a use compatible with the use and occupancy of adjoining properties.

21. Retail and services as follows:

Motor vehicle service station for the retail sale of gasoline and oil for motor vehicles, for minor services which may be conducted out of doors.

Motor vehicle/Motorcycle Service Stations (includes repair, rebuild, and painting)

Banks and financial institutions

Carpet and Rug Stores

Catering Establishments as long as it conforms to the regulations of the Kendall County Health Department and the Kendall County Liquor Control Ordinance.

Contractor or construction such as: building, cement, electrical, refrigeration, masonry, building, plumbing, roofing, air-conditioning, heating and ventilating, fuel oil, with a storage of fuel oils, gas and other flammable products limited to 120,000 gallons per tank, with total storage on zoning lot not to exceed 500,000 gallons.

Plumbing, heating, and roofing supply shops

22. Residential uses - as follows:

Dwelling units for watchmen and their families including caretakers when located on the premises where they are employed in such capacity.

23. Telecommunication Stations

24. Wholesaling and warehousing

M-1

Special Uses

1. Any use which may be allowed as a special use in the B-3 or B-4 Business Districts, but not including house trailers (mobile homes) camps.



1. Child Day Care Facility
2. Clubs and Lodges (non-profit), fraternal or religious institutions.
3. Communication Uses
4. Community Center/ After school programs/ Educational Center
5. Consumer credit, payday loan offices, financing or financial offices.
6. Dwelling units for Watchmen and Families including a Caretaker.
7. Fertilizer sales, including limited storage.
8. Hospitals
9. Indoor Target Practice
10. Kendall County Sheriff's Office shooting range
11. Kennels
12. Landscaping business,
13. Meetings Halls
14. Micro-Brewery and/or Winery
15. Micro Distillery
16. Outdoor storage provided such storage is screened from adjacent and surrounding properties.
17. Outdoor amusement establishments, carnivals, kiddie parks, and other similar amusement centers, and including places of assembly devoted thereto, such as stadiums and arenas.
18. Pawn Shop
19. Performing arts center
20. Places of Worship subject to the following conditions:
21. Production and sale of sweet cider, hard cider, wine, jams, wine jams, jellies, pies, pickles, honey, sauces and similar items utilizing crops grown on the same property or in combination with crops grown off-site where such production takes place on the premises. In addition the tasting of and wholesale or retail sale of items produced on site as well as the sales of ancillary items and products related to crops and products produced on site shall be permitted provided all required licenses and permits have been secured.
22. Public or Private Utilities and Service uses:
  - a. Telecommunications hub
  - b. Filtration plant, pumping station, and water reservoir.
  - c. Sewage treatment plant.
  - d. Electric substations and booster stations.
  - e. Other Similar uses
23. Retail or wholesale sales yards for agricultural products including, but not necessarily limited to, fruits, vegetables, flowers, plants, etc., that are not grown on the premises.
24. Self-Service Storage Facilities
25. Telecommunications Stations
26. Theaters: Outdoor theaters (drive-in), indoor theaters and convention centers.
27. Truck Driving School
28. Truck Stop
  1. Amphitheater, drive-in theater, auditorium, stadium and sports arena,
  2. Athletic Fields with Lights,
  3. Amusement park, including go-cart tracks, water parks and other rides, .
  4. Bait Shop

5. Convenience Store
6. Hotel and/or Motel
7. Indoor entertainment and recreation
8. Indoor Target Practice
9. Kendall County Sheriff's Office shooting range
10. Kennels
11. Places of Worship
12. Planned Developments- Business
13. Production and sale of sweet cider, hard cider, wine, jams, wine jams, jellies, pies, pickles, honey, sauces and similar items utilizing crops grown on the same property or in combination with crops grown off-site where such production takes place on the premises. In addition the tasting of and wholesale or retail sale of items produced on site as well as the sales of ancillary items and products related to crops and products produced on site shall be permitted provided all required licenses and permits have been secured.
14. Racetrack
16. Riding Stables including, but not limited to: polo clubs, rodeo clubs and similar uses
17. Seminaries, convents, monasteries, and similar religious institutions including dormitories and other accessory uses required for operation.
18. Telecommunications Stations
19. Other business uses not specifically listed as permitted uses, when found to be similar and compatible with existing or permitted businesses in the B-4 District
2. Adult Regulated uses
3. Airports and heliports including aircraft hangers, tie downs and aircraft service and repair subject to the following restrictions:
4. Airport, private airstrip, heliports and aircraft landing fields
5. Art Galleries and studios
6. Grain Storage.
7. Indoor Target Practice
8. Kendall County Sheriff's Office shooting range with conditions to be set and approved by the County Board.
9. Kennels
10. Medical Cannabis Cultivation Centers- Temporary
11. Medical Cannabis Cultivation Centers- Temporary
12. Motor freight terminals.
13. Motor vehicle/ Truckwash Facilities including the use of mechanical conveyers, blowers and steam cleaning.
14. Packaged Liquor Store or any sale of alcoholic beverages when associated with a brewery or winery.
15. Paintball Facilities
16. Parks and recreational areas
17. Planned developments, industrial
18. Private Clubs or lodges
19. Private clubs such as soccer, etc.
20. Racetrack provided that the following minimum standards are met:
21. Schools (including music, dance, business, driving, commercial, or trade but excluding truck driving)

22. Stadiums, auditoriums and arenas.
23. Theaters, outdoor drive-in.
24. Transfer Stations as long as it conforms to the Solid Waste Plan and all EPA requirements.
25. Truck Wash Facility or Motor Vehicle Wash Facility
26. Any use permitted in the M-2 Heavy Manufacturing District, provided the performance standard set forth in Section 4.12. can be met in their entirety.
27. Wind Farms, Commercial,

## M-2

### Permitted Uses

1. Any use permitted in the M-1 Districts except banks and financial institutions.
2. Production, processing, cleaning, servicing, testing, and repair, including the following products:
  - Charcoal, lampblack and fuel briquettes.
  - Chemicals - including acetylene, aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black and bone black, cleaning and polishing preparation, creosote, exterminating agents, hydrogen and oxygen, industrial alcohol, nitrating of cotton or other materials, nitrates, (manufactured and natural) of an explosive nature, potash, plastic materials and synthetic resins, pyroxylin, rayon yard, hydrochloric, picric and sulfuric acids and derivatives.
  - Coal, coke and tar products, including gas manufacturing.
  - Electric central station, power and steam-generating plants.
  - Fertilizers.
  - Film, photographic.
  - Flour, feed and grain - milling and processing.
  - Incineration or reduction of garbage, offal and dead animals.
  - Linoleum and oil cloth.
  - Magnesium foundries.
  - Matches.
  - Metal and metal ores (except precious and rare metals) - reduction, refining, smelting and alloying.
  - Paint, lacquer, shellac, varnishes, linseed oil and turpentine.
  - Petroleum products, refining - such as gasoline, kerosene, naphtha, lubricating oil and liquefied petroleum gases.
  - Rubber (natural or synthetic).
  - Soaps, including fat and oil rendering.
  - Starch.
  - Wood, coal, and bones, distillations.
  - Wood pulp and fiber, reduction and processing, including paper mill operations.
  - Any other production, processing, cleaning, servicing, testing, and repair which conforms with the performance standards established hereinafter for the M-2 District.
3. Storage, including the following uses and materials or products: Goods used in or produced by manufacturing activities permitted in this district.
  - Grain.
  - Manure, peat and topsoil.
  - Petroleum and petroleum products.



M-2  
Special Uses

1. Any use which may be allowed as a special use in the M-1 Districts, unless already permitted under Section 10.02.B above.
2. Commercial off-premise advertising structures
3. Correctional Facilities
4. Explosive, including storage, when not prohibited by other ordinance.
5. Junk yards and Motor vehicle wrecking yards provided they are contained within completely enclosed buildings or screened by a solid wall or uniformly painted solid fence at least twelve feet high.
6. Kendall County Government Agency and other law enforcement shooting range with conditions to be set and approved by the County Board.
7. Miscellaneous uses as follows:
  - a. Railroad freight terminals, motor freight terminals, railroad switching and classification yards, repair shops and roundhouses.
8. Slaughter House

M-3  
Permitted Uses

1. Surface and/or open pit mining, extraction and or processing of aggregate materials, e.g. sand, gravel, limestone, subject to the issuance of a permit as provided including an office in relation to business.
2. Explosive, including storage, when not prohibited by other ordinance.

M-3  
Special Uses

1. Asphalt and/or concrete batch mixing plants with or without associated recycling facilities.
2. Commercial off-premise advertising structures
3. Kendall County Sheriff's Office shooting range with conditions to be set and approved by the County Board.
4. Outdoor Target Practice or Shooting (not including private shooting in your own yard)

TO: Kendall County Planning Commission

RE: Proposed changes to Lisbon Township LRMP

Once again, I unable to attend your meeting tonight, June 27, and am forwarding this written comment for your consideration.

Thank you for removing the Prairie Parkway from the Planning map. I was most concerned about its continued inclusion on the map.

I remain concerned about the following:

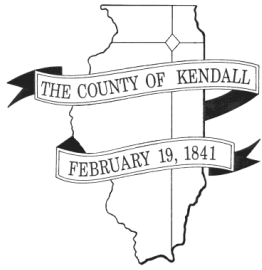
Changing the Agricultural area west of Route 47 slightly north of Townhouse Rd south to the Kendall/Grundy County line to Mining: I feel allowing all the various Mining and B-6 classifications - six pages of uses, single spaced - for such a long stretch along Rt 47 allows far too many uses that are counterproductive to agriculture and residents. I recommend classifying the area west of Rt 47 north and south of Joliet Road to M-3, and moving north along Rt 47 to just north of Townhouse Rd., classify in order of declining intensity properties as M-2, M-1, and B-6

Extending the undefined M classification west on Rt 52 to Lisbon from the Rtes. 47/52 intersection: I realize this is done to accommodate Village of Lisbon growth and tax collection capabilities and is what is done statewide to accommodate incorporated villages and town. However, it is not good planning. The interests of the Village and its present and future residents are better served by the Village extending its own planning and zoning plan into its Extra Territorial Zoning district and, as parts of the ETZ are annexed to the Village, continuing to plan and zone its ETZ as the Village boundaries extend.

If the Commission prefers to keep M classification along Rt 52 from 47/52 intersection to Village of Lisbon, I ask that the M designation be made more specific -- showing B-6, M-1 and M-2 categories for various parts of that stretch of Rt 52. Doing so would lessen negative impact the very wide range of uses allowed in M designation would have on existing agriculture and residents.

Ruth Bell, 

Bell Ltd. Partners. 10381 Lisbon Center Rd, Newark, IL 60541



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## DEPARTMENT OF PLANNING, BUILDING & ZONING

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### MEMORANDUM

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To: Kendall County Zoning Board of Appeals

From: Matthew H. Asselmeier, AICP, Senior Planner

Date: July 26, 2018

Re: 18-07 Proposed Text Amendment to Section 13.08 Pertaining to Special Use Permit Renewal Procedures

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This proposed text amendment was originally initiated because the Zoning Ordinance does not have a clear procedure for renewing special use permits. In reviewing all of the existing special use permits, twenty-seven (27) require some form of review or renewal. Additionally, in the future, the County Board may impose time limits on future special use permits. This proposal evolved into its current form as the Planning, Building and Zoning Committee and Kendall County Regional Planning Commission reviewed the proposal. Ultimately, the proposal called for amending the text of the Zoning Ordinance to allow the County Board to amend or revoke special use permits for any reason by a simple majority vote. This proposal only applies to special use permits issued after the date of adoption of this ordinance.

The Planning, Building and Zoning Committee reviewed the original proposal on February 13<sup>th</sup> and unanimously approved initiating the text amendment process. The Planning, Building and Zoning Committee reviewed the concerns raised by the Kendall County Regional Planning Commission at their May and June meetings and ultimately approved this text amendment proposal in its current form.

This original proposal was mailed to each township on February 15<sup>th</sup> and ZPAC reviewed this proposal on March 6<sup>th</sup> and unanimously recommended approval. The townships have been updated on the status of this proposal, with the most recent proposal mailed to each township on July 6<sup>th</sup>. To date, no township has submitted comments on this proposal.

The Kendall County Regional Planning Commission believed that amendments and revocations should only occur after a special use permit holder had been found guilty in court and such revocations and amendments should occur by super-majority votes of the County Board. The Kendall County Regional Planning Commission also expressed concerns about the investments that special use permit holders made in their property and business that could be lost if a special use permit was revoked. Concerns about obtaining business loans were expressed on several occasions and that this proposal would discourage business. The Kendall County Regional Planning Commission also did not like the potential for litigation. Concerns about the County Board behaving arbitrarily on revocations or amendments were also expressed. The Planning, Building and Zoning Committee was also informed of the Kendall County Regional Planning Commission's concerns about holding property and special use permit holders accountable for violations of previous property and/or special use permit holders. The Planning, Building and Zoning Committee did not share the concerns of the Kendall Regional Planning Commission on these matters and they (the Planning, Building and Zoning Committee) believed the County Board should have the ability to amend and/or revoke special use permits as outlined in the proposal. At their meeting on July 25, 2018, the Kendall County Regional Planning Commission unanimously recommended denial with eight (8) members of



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July 26, 2018  
the Commission present.

Staff mailed notices of the meetings and a copy of the proposal to all special use permit holders on file.

The following comments on this subject were made at the March 28, 2018, Kendall County Regional Planning Commission meeting:

Roger Smith, Tyler Road, provided a history of his special use permit for a mobile home on his property. He was not in favor of the proposed changes.

Pat Kinnally, attorney for Bryan Holdings, Aurora, expressed concerns about the lack of clarity for grandfathering. He also expressed concerns about the difference between minor and major amendments to special use permits and the power of the Zoning Administrator. Mr. Kinnally did not want the actions of previous property owners to have an impact on whether or not a special use permit is revoked or renewed.

George Ostreko, East Beecher Road, said that he has not been inspected by Kendall County since he bought the property in the 1984. His special use permit is for mining.

The following comments on the subject were at the June 27, 2018, Kendall County Regional Planning Commission meeting:

Todd Milliron, Yorkville, does not like the simple majority language. He would like a supermajority vote of the County Board. He would like to see cause, documentation, and due process when amendments to or revocation of special use permits are considered.

Peter Pasteris, Johnson Road, expressed concerns regarding the proposal. He does not believe a special use permit should be revoked or amended if someone is following the provisions of their special use permit.

The following comments on the subject were made the July 25, 2018, Kendall County Regional Planning Commission meeting:

The proposal will not impact the campground on Van Emmon.

Dan Koukol, Oswego Township, said many of the special use permit holders employ many people in Kendall County. These employees spend money in Kendall County. The Comprehensive Land Plan and Solid Waste Plan are constantly updated. Families have been built on the special use permits. Mr. Koukol was also concerned that fewer than six (6) votes could be required to revoke someone's special use permit. He also expressed concerns that these special use permit holders will not get financing. If a special permit holder makes four (4) County Board members angry, they could lose their special use permit.

Jerry Callahan, attorney for Green Organics, argued that the grandfathering provisions were not clear. Does "upon revocation" mean that someone has to cease immediately? He stated that people cannot just cease an activity because of private property rights. There are no standards for revocation or amendment of special use permits which makes it difficult for people and businesses to make business decisions.

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Peter Pasteris, Johnson Road, stated that his farm means a lot to him. He looked at his special use permit as a way to save their farm. He discussed the multiplier effect of his business on hotels, caterers, kids doing jobs, and similar businesses and people. He thinks that, if this proposal is approved, some of the growth will cease. He expressed concerns that he could lose his grandfathering if he makes changes to the layout of the site.

Megan Jensen, Caton Farm Road, stated that they went through the special use process two (2) years ago. She expressed concerns regarding the impact of potential changes to their special use permit. They purchased their property on the condition that the zoning must be approved. If the special use permit were revoked, that revocation would negatively impact their use of the property. The people applying for special use permits are trying to follow the rules.

Pete Bielby, Fox River Drive, asked how many special use permits did not run with the land. Mr. Asselmeier said very few. His special use permit runs with the land.

Nobody in audience at the July 25<sup>th</sup> meeting expressed support of the proposed amendment.

A copy of the proposal is attached to this memo

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

Thanks,

MHA

ENC: Proposed Revised Procedures

Renewal of Special Use Permits Procedures (5/14/18)

**Everything in 13.08 R is added to the Ordinance**

**13.08.R. Special Use Renewal Procedures**

1. All special use permits requiring renewal shall automatically be renewed for the same duration as listed in the special use permit currently in effect unless the Kendall County Board requests one or more amendments to or revocation of the special use permit using the procedure outlined in Section 13.08.R.2.
2. If the Kendall County Board requests one or more amendments to or the revocation of a special use permit requiring renewal, the following process shall occur:
  - a. Prior to initiating the amendment or revocation, the Kendall County Board shall direct the Planning, Building and Zoning Department to notify the property owner and owner of the special use permit by registered letter that changes to or revocation of their special use permit are under consideration. The letter shall state specific changes proposed by the Kendall County Board. The letter shall be sent not earlier than six (6) months or less than two (2) months prior to the renewal period stated in the special use permit or within six (6) months after all judicial appeals of the guilty verdict have been exhausted. The guilty verdict shall run with property and not the owner of the special use permit.
  - b. After sending the required letter, the Kendall County Board may approve initiating amendment(s) to or revocation of a special use permit by a favorable vote of a majority of the members of the Kendall County Board.
  - c. The proposed amendments shall follow the procedure outlined in Section 13.08.C (Processing of Special Use Permit Applications) regardless of the size or nature of the proposed amendment(s) to or revocation of the special use permit.
  - d. The Kendall County Board shall be responsible for paying all fees associated with the notification and holding of hearings.
  - e. After the completion of the procedure outlined in Section 13.08.R.2.c, the Kendall County Board may approve amendments to or revocation of special use permits by favorable vote of a majority of the Kendall County Board.
  - f. Within five (5) calendar days of approval of amendments to or revocation of a special use permit, the Kendall County Planning, Building and Zoning



Department shall notify the property owner and owner of the special use permit by registered mail of the changes or revocation to the special use permit.

- g. Amendments approved by the Kendall County Board shall become effective thirty-five (35) calendar days after approval by the Kendall County Board. During the time period between the approval of the amendments and the amendments becoming effective, the conditions of the special use permit previously in effect shall remain in place.
  - h. Revocations approved by the Kendall County Board shall become effective thirty-five (35) calendar days after approval by the Kendall County Board. During the time period between the approval of the revocation and the revocation becoming effective, the conditions of the special use permit previously in effect shall remain in place.
  - i. If a proposed amendment or revocation fails to receive the required votes, the existing special use permit shall be automatically renewed for the same duration as listed in the special use permit currently in effect.
  - j. If a special use permit is revoked under the provisions of this Sub-Section, the Zoning Administrator shall cause the Official Zoning Map of Kendall County to be amended to reflect the revocation.
  - k. At least one (1) year shall lapse between the effective date of the revocation and the application for a new special use permit for the same or similar use at the same property.
  - l. Nothing in this Sub-Section shall be construed to prevent a property owner or special use permit holder from applying for minor and major amendments to special use permits as outlined in Section 13 of the Kendall County Zoning Ordinance.
3. Section 13.08.R shall apply to any special use permit issued after the date of the adoption of this amendment. INSERT DATE requiring renewal. Any special use permit issued prior to this date that requires renewal may follow the provisions of this Sub-Section if the owner(s) of the special use permit sign a notarized affidavit agreeing to the provisions of this Sub-Section.

## Amendment or Revocation of Special Use Permits Without Renewal Periods

### Amendment to Section 13.08.F

Red is Proposed

**REVOCATION.** ~~In any case where a special use has not been established within two (2) years from the date of granting thereof, then, the County Board may revoke the special use, or if the special use has been discontinued for a continuous period of two (2) years, the County Board may revoke the special use.~~ **The Kendall County Board may initiate revocation of a special use permit following a simple majority vote of the County Board. The Kendall County Board shall be responsible for paying all fees associated with the notification and holding of hearings.** If a revocation is proposed, the Zoning Board of Appeals shall hold a public hearing (following procedures outlined in Section 13.08 H below) and submit to the County Board a report of their findings and recommendations. The current property owner shall be provided notice **by registered letter** at least 15 days in advance of the hearing. *(Amended 3.21.18)*

If the special use permit holder wishes to discontinue the special use, he or she may request revocation of said special use, no matter the duration of time that the special use has been discontinued. The owner shall submit to the PBZ Department, in writing, a request to the County Board to revoke said special use. Such a request shall be signed by the owner. No public hearing shall be required for an owner initiated revocation. Said revocation shall be discussed by the PBZ Committee for review and recommendation to the County Board. A revocation shall not become effective unless approved by the County Board.

### Amendment to Section 13.08.M

**AMENDMENTS TO APPROVED SPECIAL USES.** Unless amended, a special use shall be constructed/established in accordance with the terms and conditions as stated in the approving ordinance and any controlling site plans attached to or referenced in the ordinance which granted the special use (if applicable). Modifications of the terms and conditions specified in the approving ordinance granting the special use or changes to any controlling site plans attached to or referenced in the ordinance which granted the special use (if applicable) shall require the processing and approval of either a minor or major change to a Special Use.

Amendment of Special Uses under this paragraph shall apply to all existing, valid Special Uses issued prior to the date of the amendment of this ordinance as well as any future Special Uses granted under this ordinance. *(Amended 9.15.2009)*

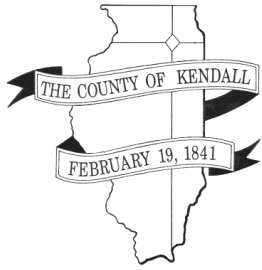
**The Kendall County Board may initiate amendments by a simple majority vote of the members of the Kendall County Board to approved special use permits after notifying the property owner and owner of the special use permit by registered letter that change(s) to their special use permit are under consideration. The letter shall state specific changes proposed by the Kendall County Board. The proposed amendment(s) shall be treated as**



major amendments regardless of the size or nature of the proposed amendments and shall follow review the procedure outlined in Section 13.08.O. The Kendall County Board shall be responsible for paying all fees associated with the notification and holding of hearings. After the completion of the procedure outlined in Section 13.08.O, the Kendall County Board may approve amendments to or special use permits by favorable vote of a majority of the Kendall County Board. Within five (5) calendar days of approval of amendments to a special use permit initiated by the Kendall County Board, the Kendall County Planning, Building and Zoning Department shall notify the property owner and owner of the special use permit by registered mail of the change(s) to the special use permit. The amendments shall become effective thirty-five (35) calendar days after approval by the Kendall County Board. During the time period between the approval of the amendments and the amendments becoming effective, the conditions of the special use permit previously in effect shall remain in place. Nothing in this Sub-Section shall be construed to prevent a property owner or special use permit holder from applying for minor and major amendments to special use permits as outlined in Section 13 of the Kendall County Zoning Ordinance.

13.08.O. MAJOR AMENDMENTS: A change to a special use that alters the intent or substantially violates the terms of compliance as specified in the approving ordinance granting the Special Use and which is not otherwise defined above as a minor amendment shall constitute a major amendment to a Special Use. Major Amendments shall be processed in accordance with the provisions of 13.08.C (Processing of Special Uses) of this ordinance. Notice that a major change is being sought shall be provided by the applicant in the manner provided for in 55 ILCS 5/5-12009.5 and additional requirements as specified in the By-Laws of the Zoning Board of Appeals (ZBA). (*Amended 9.15.2009*)





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## DEPARTMENT OF PLANNING, BUILDING & ZONING

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### MEMORANDUM

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To: Kendall County Zoning Board of Appeals  
From: Matthew H. Asselmeier, AICP, Senior Planner  
Date: June 25, 2018  
Re: 18-13 Proposed Text Amendments Pertaining to Solar Panel Zoning Regulations

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In recent months, the Kendall County Planning, Building and Zoning Department has received inquiries from solar energy consultants and property owners desiring to place solar panels on properties throughout the County. These solar panels would be used to generate power offsite from the location where the solar panels are placed. Kendall County adopted solar panel zoning regulations in 2010 and 2011, but these regulations focused on generating solar energy and using that energy onsite. The County also has zoning regulations for power plants, but many solar energy consultants were uncomfortable with a “power plant” classification.

Earlier in 2018, the Planning, Building and Zoning Committee instructed Staff to study the solar panel regulations of several counties. The comparison table from this study is included with this memo.

At their meeting on March 12, 2018, the Planning, Building and Zoning Committee approved initiating text amendments to the Kendall County Zoning Ordinance incorporating DeKalb County’s proposed regulations into the Kendall County Zoning Ordinance.

Mr. Holdiman previously suggested that 4.18.O.2 be removed from the proposal because the County currently does not require insurance for existing solar panels.

The Kendall County Farm Bureau was sent the proposal in March. They questioned why the bonding requirement was “may” and not “shall” (4.18.P.6).

The townships were mailed the proposal on March 22<sup>nd</sup>. To date, no townships have submitted comments.

ZPAC met on the proposal on April 3<sup>rd</sup> and unanimously recommended approval of the proposal with the following amendments:

1. Section 4.18.D.10 should be removed because the same language is found in 4.18.Q.3.
2. A more detailed contour map with existing vegetation, waterways, wetland boundaries, and FEMA FIRM information in a manner described in the Boone County ordinance should be added to the proposal.
3. The reference to the State of Illinois Uniform Building Code found in Section 4.18.C.8 should be removed.
4. Greater discussion should occur regarding the desire to have solar gardens in residential zoned districts.

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5. The word “crops” found in line 7 of 4.18.C.4 should be replaced with the word “vegetation” because crops probably will not be the only plants growing around the solar panels and crops probably will not grow around the solar panels.

The Kendall County Regional Planning Commission met on May 23, 2018, and recommended approval of the proposal with the following changes.

1. The reference to a county solar garden in the definition of “Solar Garden” should be deleted.
2. All references to waiving the special use permit requirements and setback requirements should be deleted.
3. Solar gardens and solar farms had to follow the setback requirements for the zoning district in which they are located. Accordingly, the reference to a one hundred foot (100’) distance from the right-of-way or property line found in 4.18.D.2 should be deleted.
4. The statement that solar farms require a special use permit found in Section 4.18.D.1 should be removed.
5. If allowed by the State’s Attorney’s Office, a provision should be added to Section 4.18.F regarding repair of damaged drain tile.

A revised proposal incorporating the above amendments is attached to this memo.

If you have any questions prior to the meeting on this topic, please let me know.

Thanks,

MHA

ENCS:       Solar Comparison Table  
              Proposed Text Amendments for Solar Panels (Dated 5/24/18)  
              4.3.18 ZPAC Minutes  
              5.23.18 RPC Minutes

## Solar Panel Amendments

(Updated 5/24/18)

Amend Section 3.02 by adding the following terms and definitions:

**ACTIVE SOLAR ENERGY SYSTEM.** A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.

**BUILDING-INTEGRATED SOLAR ENERGY SYSTEMS.** An active solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.

**GRID-INTERIE SOLAR ENERGY SYSTEM.** A photovoltaic solar energy system that is connected to an electric circuit served by an electric utility company.

**GROUND MOUNT SOLAR ENERGY SYSTEM.** A solar energy system mounted on a rack or pole that rests on or is attached to the ground.

**OFF-GRID SOLAR ENERGY SYSTEM.** A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility company.

**PASSIVE SOLAR ENERGY SYSTEM.** A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

**PHOTOVOLTAIC SYSTEM.** An active solar energy system that converts solar energy directly into electricity.

**ROOF MOUNT SOLAR ENERGY SYSTEM.** A solar energy system that is mounted on a rack that is fastened onto a building roof.

**SOLAR ACCESS.** Unobstructed access to direct sunlight on a lot or building through the entire year, including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a solar energy system.

**SOLAR COLLECTOR.** An assembly, structure, and the associated equipment and housing, designed for gathering, concentrating, or absorbing direct and indirect solar energy for which the primary purpose is to convert or transform solar radiant energy into thermal, mechanical, chemical or electrical energy.



**SOLAR ENERGY.** Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

**SOLAR ENERGY EASEMENT.** An easement that limits the height or location, or both, of permissible development on the burdened land in terms of a structure or vegetation, or both, for the purpose of providing access for the benefited land to wind or sunlight passing over the burdened land.

**SOLAR ENERGY SYSTEM (SES).** All components required to become a complete assembly or structure that will convert solar energy into electricity for use.

**SOLAR ENERGY SYSTEM ADDITION.** A private solar energy system which is structurally attached to a building or structure on the zoning lot on which said system is located. Said system shall be considered part of the building and shall comply with all provisions of this ordinance pertaining thereto.

**SOLAR ENERGY SYSTEM, PRIVATE.** A collection of one (1) or more solar collectors designed for use by the occupant(s) of the zoning lot on which said system is located; excess power generation is limited to net metering or similar technology with regulations set by the local power utility, community, county, and state. Private solar energy system equipment shall conform to applicable industry standards, and applicants for building permits for private solar energy systems shall submit certificates from equipment manufacturers that the equipment is manufactured in compliance with industry standards.

**SOLAR FARM.** A commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST), or other conversion technology, for the primary purpose of wholesale sales of generated electricity. A solar farm is the principal land use for the parcel on which it is located.

**SOLAR GARDEN.** A commercial solar-electric (photovoltaic) array, of no more than 20 acres in size, that provides retail electric power (or a financial proxy for retail power) to multiple households or businesses ~~residing in or located off-site from the location of the solar energy system. A county solar garden may be either an accessory use, when a part of an existing or a proposed subdivision or a special use if it is a stand-alone garden.~~ (Updated 5/24/18)

**SOLAR HEAT EXCHANGER.** A component of a solar energy device that is used to transfer heat from one substance to another, either liquid or gas.

**SOLAR HOT AIR SYSTEM.** An active solar energy system (also referred to as Solar Air Heat or Solar Furnace) that includes a solar collector to provide direct supplemental space heating by heating and re-circulating conditioned building air.

**SOLAR HOT WATER SYSTEM.** A system (also referred to as Solar Thermal) that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes.

**SOLAR MOUNTING DEVICES.** Racking, frames, or other devices that allow the mounting of a solar collector onto a roof surface or the ground.

**SOLAR STORAGE UNIT.** A component of a solar energy device that is used to store solar generated electricity or heat for later use.

Amend Section 4.18 as follows:

#### 4.18 SOLAR PANELS

- A. **Roof Mounted for On-Site Energy Consumption.** Solar panels located on the roof of an existing structure shall be permitted in all districts. **Roof mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted. Roof mounted solar energy systems shall not exceed the maximum allowed height in any zoning district. Roof mounted or building integrated private solar energy systems for residential or business use shall be considered an accessory use in all zoning districts where there is a principal structure and shall meet the regulations of the Kendall County Zoning Ordinance. Roof mounted solar panels used as accessory to agricultural uses and which the energy generated from the solar panels is consumed on-site shall be exempt from building permits.** The use of roof mounted solar panels for on-site energy consumption shall comply will all applicable federal, state, and local laws and the rules of the local electrical utility. (Updated 5/14/18)
- B. **Freestanding for On-Site Energy Consumption.** Solar panels located on the ground or attached to a framework located on the ground shall be classified as accessory structures **in all zoning districts provided that the system is no larger than necessary to provide one hundred twenty percent (120%) of the electrical and/or thermal requirements of the structure to which it is accessory as determined by a contractor licensed to install photovoltaic and thermal solar energy systems.** Freestanding solar panels shall be permitted if they comply with ~~all of the following standards~~ **the standards listed in the Kendall County Zoning Ordinance.** Ground or pole mounted solar energy systems shall not exceed the maximum height, when oriented at maximum tilt, for the zoning district in which it is located. **Freestanding solar panels used as accessory to agricultural uses and which the energy generated from the solar panels is consumed on-site shall be exempt from building permits.** The use of freestanding solar panels for on-site energy consumption shall comply will all applicable federal, state, and local laws and the rules of the local electrical utility. (Updated 5/14/18)

~~(Properties considered agriculturally exempt as defined in State Statute from building permits are further exempt from these standards with the exception of #3 listed below):~~

- ~~1. The proposed system is no larger than necessary to provide 120 percent of the electrical and/or thermal energy requirements of the structure to which it is accessory as determined by a contractor licensed to install photovoltaic and thermal solar energy systems.~~
- ~~2. The solar panels and supporting framework shall not exceed 12' in all districts with the exception of the agricultural district as measured from adjoining grade at base to the highest elevation of the equipment.~~
- ~~3. The solar energy system including any appurtenant equipment is not located within any required setback areas within the respective zoning district.~~
- ~~4. If the solar panels are visible from off-site, the solar panels are not located within 150 feet of a dwelling located on a lot other than the lot on which the solar energy system is located unless:~~
  - ~~a. There are appropriate facades, walls, fences or landscaping that screen the solar panels and supporting framework from unobstructed view.~~
  - ~~b. Reflection angles from collector surfaces are oriented away from neighboring windows.~~
  - ~~c. The panels are mounted as close as possible to the ground while allowing adequate drainage and preventing vegetation from shading the panels.~~
- ~~5. The solar panels are located so that they are not readily visible from public viewing areas including parks, roads and trails located to the south of the site.~~

**C. Solar Gardens.** Solar gardens shall be allowed in all zoning districts and shall require a special use permit whether accessory or principal use of the property subject to the following requirements:

- ~~1. The requirement for a special use permit may be waived, provided the solar garden's owner/lessee obtains and records with the Kendall County Planning, Building and Zoning Department signed and notarized affidavits agreeing that the need for a special use permit be waived from all property owners adjoining the zoning lot on which the solar garden is to be located (as determined by the Kendall County Planning, Building and Zoning Department). (Updated 5/24/18)~~



2. Unless otherwise noted in the Kendall County Zoning Ordinance, solar gardens must comply with all required standards for structures in the district in which the system is located.
  3. Rooftop community systems are permitted in all zoning districts where buildings are permitted.
  4. Ground-mount community solar energy gardens must be less than or equal to twenty (20) acres in total size. Ground-mount solar developments covering more than twenty (20) acres shall be considered solar farms. (Updated 5/14/18)
  5. Solar gardens are subject to Kendall County's Stormwater Management Ordinance and NPDES permit requirements.
  6. An interconnection agreement must be completed with the electric utility in whose service territory the system is located.
  - ~~7. For solar gardens located within 500 feet of an airport or within the approach zones of an airport, the applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA. (Updated 5/14/18)~~
  8. Ground-mount systems must comply with all required standards for structures in the district in which the system is located. All solar gardens shall also be in compliance with all applicable local, state and federal regulatory codes, including the ~~State of Illinois Uniform Building Code, as amended,~~ and the National Electric Code, as amended. Also, Health Department requirements for wells and septic systems must be met. (Updated 5/14/18).
- D. Solar Farms. Ground-mount solar energy systems that are the primary use on the lot, designed for providing energy to off-site uses or export to the wholesale market are permitted under the following standards:
- ~~1. Solar farms shall require a special use permit in the A-1 Agricultural District. Unless otherwise noted in the Kendall County Zoning Ordinance, solar farms must comply with all the required standards for structures in the district in which the system is located. (Updated 5/24/18)~~
  - ~~2. The solar array and all components of the solar collector system in a solar farm shall be kept at least one hundred feet (100') from a property line or right-of-way. However, this requirement may be waived, provided the solar farm's owner/lessee obtains, and records with the Kendall County~~

~~Planning, Building and Zoning Department, signed and notarized affidavits agreeing that the minimum setback be waived, from all property owners and affected road authorities adjoining the zoning lot on which the solar farm is to be located (as determined by the Kendall County, Planning, Building and Zoning Department). However, in no instance shall any part of the solar farm be located within fifty feet (50') of any of the aforementioned items.~~ Unless otherwise noted in the Kendall County Zoning Ordinance, solar farms must comply with all required standards for structures in the district in which the system is located. (Updated 5/24/18)

3. Solar farms are subject to Kendall County's Stormwater Management Ordinance and NPDES permit requirements.
4. Top soils shall not be removed during development, unless part of a remediation effort. Soils shall be planted to and maintained in perennial vegetation to prevent erosion, manage run off and build soil. A plan must be approved by the Kendall County Soil and Water Conservation District and paid for by the developer. Applicable noxious weed ordinances shall be followed. Due to potential County liability under the Illinois Endangered Species Protection Act (520 ILCS 10/11(b)), it is required that any crops or vegetation planted be in compliance with all federal and state laws protecting endangered species. This will also include pollinators such as bees. A report showing demonstration of plan compliance shall be submitted annually and paid for by the developer. (Updated 5/14/18)
5. A qualified engineer shall certify that the foundation and design of the solar panels racking and support is within accepted professional standards, given local soil and climate conditions.
6. All solar farms shall be in compliance with all applicable local, state and federal regulatory codes and the National Electric Code, as amended.
7. Power and communication lines running between banks of solar panels and to nearby electric substations or interconnections with buildings shall be buried underground. Exemptions may be granted by Kendall County in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines or distance makes undergrounding infeasible, at the discretion of the Kendall County Planning, Building and Zoning Department. In addition, the Illinois Department of Agriculture (IDOA) has established standards and policies in the Agricultural Impact Mitigation Agreements (AIMA) regarding the construction or burial of electric transmission lines which should be agreed to and adhered to between the landowner and the developer.
8. A detailed site plan for both existing and proposed conditions must be submitted, showing location of all solar arrays, other structures, property

lines, rights-of-way, service roads, floodplains, wetlands and other protected natural resources, topography, farm tile, electric equipment, fencing, and screening materials and all other characteristics requested by Kendall County. The site plan should also show all zoning districts and overlay districts.

- ~~9. For solar farms located within five hundred feet (500') of an airport or within approach zones of an airport, the applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA. (Updated 5/14/18)~~
- ~~10. Solar farm developers shall be required to initiate a natural resource review consultation with the Illinois Department of Natural Resources (IDNR) through the department's online, EcoCat program. Areas reviewed through this process will be endangered species and wetlands. The cost of the EcoCat consultation will be borne by the developer. (Updated 5/14/18)~~

- E. Setback Requirements.** Unless otherwise stated in the Kendall County Zoning Ordinance, the setback requirements for all solar energy systems shall meet the structure minimum setback requirements when the solar energy system is oriented at any and all positions.

No solar energy system shall be located in any front yard of any residentially zoned or used property.

- F. Design Standards.** Active solar energy systems shall be designed to conform to the County's Land Resource Management Plan and to blend into the architecture of the building or may be required to be screened from the routine view from public rights-of-way other than alleys. Screening may be required to the extent it does not affect the operation of the system. The color of the solar collector is not required to be consistent with other roofing materials.

1. Building integrated photovoltaic solar energy systems shall be allowed regardless of whether the system is visible from the public right-of-way, provided the building component in which the system is integrated meets all required setback, land use or performance standards for the district in which the building is located.
2. Solar energy systems using roof mounting devices or ground-mount solar energy systems shall not be restricted if the system is not visible from the closest edge of any public right-of-way or immediately adjacent to a residential structure.



3. All solar energy systems using a reflector to enhance solar production shall minimize glare from the reflector affecting adjacent or nearby properties. Measures to minimize glare include selective placement of the system, screening on the north side of the solar array, modifying the orientation of the system, reducing use of the reflector system, or other remedies that limit glare.
  4. Damaged field drain tile shall be repaired or rerouted on a timetable approved by the Kendall County Planning, Building and Zoning Department. (Updated 5/24/18)
  - ~~5. For solar units located within 500 feet of an airport or within approach zones of an airport, the applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA. (Updated 5/14/18)~~
- G. Coverage. Roof or building mounted solar energy systems, excluding building-integrated systems, shall allow for adequate roof access for fire-fighting purposes to the south-facing or flat roof upon which the panels are mounted. Ground-mount private solar energy systems shall be exempt from impervious surface calculations if the soil under the collector is not compacted and maintained in vegetation. Foundations, gravel, or compacted soils are considered impervious.
- H. Plan Approval Required. All solar energy systems shall require administrative plan approval by the Kendall County Building Official via the review of the application for a building permit.
1. Plan applications for solar energy systems shall be accompanied by horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the building or on the property for a ground-mount system including the property lines.
  2. For all roof-mounted systems other than a flat roof, the elevation must show the highest finished slope of the solar collector and the slope of the finished roof surface on which it is mounted.
  3. For flat roof applications, a drawing shall be submitted showing the distance to the roof edge and any parapets on the building shall identify the height of the building on the street frontage side, the shortest distance of the system from the street frontage edge of the building, and the highest finished height of the solar collector above the finished surface of the roof.

4. Applications that meet the design requirements of the Kendall County Zoning Ordinance and do not require an administrative variance shall be granted administrative approval by the Zoning Administrator and not require Planning, Building and Zoning Committee review. Plan approval does not indicate compliance with Building or Electrical Codes.
- I. **Approved Solar Components.** Electric solar energy system components must have a UL listing approved equivalent and solar hot water systems must have an SRCC rating.
  - J. **Compliance with Building Code.** All active solar energy systems shall meet approval of County building officials; solar thermal systems shall comply with HVAC-related requirements of the Illinois State Energy Code. All County adopted building codes will apply and take precedence where applicable.
  - ~~K. **Compliance with State Plumbing Code.** Solar thermal systems shall comply with applicable Illinois State Plumbing Code requirements. (Updated 5/14/18)~~
  - ~~L. **Compliance with State Energy Code.** All photovoltaic systems and solar thermal systems shall comply with the Illinois State Energy Code. (Updated 5/14/18)~~
  - M. **Utility Notification.** All grid-intertie solar energy systems shall comply with the interconnection requirements of the electric utility. Off-grid systems are exempt from this requirement.
  - N. **Building Permit Requirements and Fees.** All solar energy systems will be required to have a Kendall County Building Permit before any work can be started. A written plan and a plat/drawing for the proposed solar energy system shall be provided with the Building Permit Application. The plat/drawing must show the location of the system on the building or on the property, (for a ground-mount system show arrangement of panels), with all property lines and set back footages indicated. Fees for processing the applications for building permits shall be submitted to and collected by the Kendall County Planning, Building and Zoning Department as follows:
 

|                            |   |
|----------------------------|---|
| 0- 10 kilowatts (kW)       | \$150.00  |
| 11- 50 kilowatts (kW)      | \$300.00  |
| 51- 100 kilowatts (kW)     | \$600.00  |
| 101- 500 kilowatts (kW)    | \$1,200.00  |
| 501- 1,000 kilowatts (kW)  | \$2,750.00  |
| 1,001-2,000 kilowatts (kW) | \$6,000.00  |
| Over 2,000 kilowatts (kW)  | \$6,000.00 + \$200.00 for each additional 0-100 kilowatts |

Any solar energy system that construction has started before a Building Permit has been applied and paid for will be charged double the permit fee. The above fees do not apply to solar energy systems used to generate energy for on-site consumption of energy for agricultural purposes. (Updated 5/14/18)

**O. Liability Insurance and Indemnification.**

1. For Solar Farms and Solar Gardens, commencing with the issuance of building permits, the Applicant, Owner, or Operator shall maintain a current general liability policy covering bodily injury and property damage with limits of at least Three Million Dollars (\$3 Million) per occurrence and Five Million Dollars (\$5 Million) in the aggregate. Such insurance may be provided pursuant to a plan of self- insurance, by a party with a net worth of Twenty Million Dollars (\$20 Million) or more. The County shall be named as an individual insured on the policy to the extent the county is entitled to indemnification.
- ~~2. For private/individual SES(s), commencing with the issuance of building permits, the applicant or owner shall maintain a current liability policy covering bodily injuries and any damage that may occur, on their home owner's policy or other applicable policy as approved by the Planning, Building and Zoning Department.~~ (Remove Per Brian Holdiman)
3. Any SES(s), applicant, owner, or operator, whether individual or commercial, shall defend, indemnify, and hold harmless the County and its officials, employees, and agents (collectively and individually, the "Indemnified Parties") from and against any and all claims, demands, losses, suits, causes of actions, damages, injuries, costs, expenses, and liabilities whatsoever, including reasonable attorney's fees, except to the extent arising in whole or part out of negligence or intentional acts of such Indemnified Parties (such liabilities together known as "liability") arising out of applicant, owner, or operators selection, construction, operation, and removal of the SES(s) and affiliated equipment including, without limitation, liability for property damage or personal injury (including death), whether said liability is premised on contract or on tort (including without limitation strict liability or negligence). This general indemnification shall not be construed as limited or qualifying the County's other indemnification rights available under the law.

**P. Decommissioning Plan.**

1. Upon the request of the Kendall County Planning, Building and Zoning Department, an owner of a ~~commercial~~ solar energy system must provide documentation, within thirty (30) days, that the solar energy system is still in use. If the solar energy system is not in use, the owner of the system shall have 180 days, after notification from the Kendall County Planning,



**Building and Zoning Department, to remove the solar energy system from the property. (Updated 5/14/18)**

- 2. A decommissioning plan shall be required at the time of applying for all solar farms and solar gardens to ensure that the facilities are properly removed after their useful life.**
- 3. Decommission of solar panels must occur in the event they are not in use for ninety (90) consecutive days.**
- 4. The owner or operator will have six (6) months to complete the decommissioning plan after operation of a solar farm or solar garden ceases.**
- 5. The decommissioning plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation, and a plan ensuring financial resources will be available to fully decommission the site.**
- 6. The Kendall County Board may require the posting of a bond, letter of credit, or the establishment of an escrow account to ensure the proper decommissioning. The posting of a bond may be required prior to the issuance of a building permit for the facility.**
- 7. In the event that the State of Illinois enacts a law with regards to the decommissioning of a solar farm, the strictest requirements shall prevail.**

**Q. Other Requirements.**

- ~~**1. Upon request from the Kendall County Planning, Building and Zoning Department, an owner of a commercial solar energy system must provide documentation, within thirty (30) calendar days, that the solar energy system is still in use. If it is not still in use, the owner of the system will have one hundred eighty (180) calendar days, after notification from the Planning, Building and Zoning Department, to remove the solar energy system from the property. (Updated 5/14/18)**~~
- 2. Upon request from the Kendall County Planning, Building and Zoning Department, the owner or operator of a solar farm or a solar garden must submit, within fourteen (14) calendar days, a current operation and maintenance report to the Department.**
- 3. In all undeveloped areas, the solar energy developer will be required to complete a consultation with both the Illinois Historic Preservation Agency (IHPA) and the Illinois Department of Natural Resources (IDNR) through the Department's online EcoCat Program. The cost of this consultation shall be**

at the developer's expense. The final certificate from EcoCat shall be provided to the Kendall County Planning, Building and Zoning Department before a permit or special use permit will be issued.

4. No fencing is required; however, if installed on the property the fencing shall have a maximum height of eight (8) feet. The fence shall contain appropriate warning signage that is posted such that is clearly visible on the site.
5. Any lighting for solar farms or solar gardens shall be installed for security and safety purposes only. Except for lighting that is required by the FCC or FAA, all lighting shall be shielded so that no glare extends substantially beyond the boundaries of the facility.
6. Reflection angles for solar collectors shall be oriented such that they do not project glare onto adjacent properties.
7. Electric solar energy system components must have a UL listing and must be designed with anti-reflective coating(s).
8. Solar energy systems must be in compliance with all State of Illinois Plumbing and Energy Codes.
9. For solar energy systems located within five hundred feet (500') of an airport or within approach zones of an airport, the applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA (Updated 5/14/18).

Amend Section 7.01.D by adding:

**“54. Solar Gardens subject to the provisions of Section 4.00 of the Kendall County Zoning Ordinance.**

**55. Solar Farms subject to the provisions of Section 4.00 of the Kendall County Zoning Ordinance.”**

Amend Section 8.02.C by adding:

**“19. Solar Gardens subject to the provisions of Section 4.00 of the Kendall County Zoning Ordinance.”**

Amend Section 8.03.H.1 by adding

**“p. Solar Gardens subject to the provisions of Section 4.00 of the Kendall County Zoning Ordinance.”**

Amend Section 8.09.B by adding

**“9. Solar Gardens subject to the provisions of Section 4.00 of the Kendall County Zoning Ordinance.”**

Amend Section 9.02.C

**“15. Solar Gardens subject to the provisions of Section 4.00 of the Kendall County Zoning Ordinance.”**

Amend Section 9.03.C

**“26. Solar Gardens subject to the provisions of Section 4.00 of the Kendall County Zoning Ordinance.”**

Amend Section 9.04.C

**“29. Solar Gardens subject to the provisions of Section 4.00 of the Kendall County Zoning Ordinance.”**

Amend Section 9.05.C

**“20. Solar Gardens subject to the provisions of Section 4.00 of the Kendall County Zoning Ordinance.”**

Amend Section 9.06.F

**“Solar Gardens. Solar gardens shall be a special use in the B-5 Business Planned Development District.**

Amend Section 9.07.C

**“19. Solar Gardens subject to the provisions of Section 4.00 of the Kendall County Zoning Ordinance.”**

Amend Section 10.03.B

**“5. Solar Gardens subject to the provisions of Section 4.00 of the Kendall County Zoning Ordinance.”**

Amend the Table of Uses to reflect Solar Gardens as special use in every zoning district and Solar Farms as a special use in the A-1 District.



County Solar Panel Regulations (Updated DeKalb 3/19/18)

Boone (B)  
DeKalb (D)  
Grundy (G)  
Kankakee (K)  
Tazewell (T)  
Will (W)

Note: LaSalle County Allows Solar Panels as Special Use, But Has No Stated Restrictions.

|   | B    | D   | G    | K    | T   | W                              |
|---|------|---|------|------|---|--------------------------------|
| Differentiate Between Community and Utility Systems | Yes  | <b>No, but Does Differentiate in Size at 5 Acres<br/>20 Acres<br/>Maximum for Solar Gardens</b>   | No   | No   | No, but Does Differentiate in Size at 5 Acres | Concentrated Solar Not Allowed |
| Districts Where Permitted Use                       | None | <b>None<br/>Solar Gardens May Be Approved if Neighbors Approve<br/>Otherwise They Are Special Use (All Districts)<br/><br/>Solar Farms May Be Approved if Neighbors Approve</b> | None | None | None  | None                           |

|                                |   |   |   |  |   |                           |
|--------------------------------|---|---|---|--|---|---------------------------|
|                                |   | <b>Otherwise<br/>They Are<br/>Special Use in<br/>A-1</b>  |   |  |   |                           |
| Districts Where<br>Special Use | A-1, A-2, RE, R-1, RC,<br>RC-2, RTN, B-1, B-2, I-<br>1, and I-2 | <b><del>Less than 5<br/>Acres In All<br/>Districts</del><br/><del>5 Acres or<br/>Greater A-1<br/>Only</del><br/><br/>Applications<br/>Meeting the<br/>Requirements<br/>of the<br/>Ordinance Do<br/>Not Require<br/>Committee<br/>Review</b> | All Agricultural<br>and Industrial<br>Districts | A-1  | Less than 5<br>Acres In All<br>Districts<br>5 Acres or<br>Greater A-1,<br>Conservation<br>and Industrial<br>Districts | A-1,<br>I-1, I-2, and I-3 |
| Foundation                     | Must be Certified by a<br>Qualified Engineer                    | Must be<br>Certified by a<br>Qualified<br>Engineer <b>for<br/>Solar Farms</b><br><br><b>Must be an<br/>Impervious<br/>Surface<br/>(Gravel or<br/>Compacted<br/>Soils Are<br/>Impervious)</b>  | Not Mentioned                                   | Must be<br>Certified by<br>Qualified<br>Engineer | Panels Must Be<br>Installed by<br>Qualified<br>Installer  | Not Mentioned             |
|                                | B   | D   | G   | K  | T   | W                         |

|               | B   | D  | G  | K                           | T   | W  |
|---------------|---|--|--|-----------------------------|---|--|
| Glare         | No Glare on Adjacent Properties or ROWs   | No Glare on Adjacent Properties or <del>Airports within 500 Feet of Airport or Approach Zone</del> <b>If Within 500 Feet of Airport or Approach Zone, Solar Glare Hazard Analysis Tool Report Must be Submitted; Potential FAA Review Required</b> | No Glare on Adjacent Residential Property                            | Not Mentioned               | No Glare on Adjacent Properties or Airports within 500 Feet of Airport or Approach Zone | Minimize Glare to Adjacent Property<br><br>No Glare on ROWs or Impacting Air Traffic or Create a Safety Hazard |
| Lighting      | Photometric Plan Required, Security Lights Max 30 Feet in Height, Lighting Elements Shielded from Adjacent Property, Foot Candle at Property Line Max 0.5 | Security Lighting Only and Lighting Required by FAA and FCC  | Cannot Cross Property Lines  | Cannot Cross Property Lines | Not Mentioned   | No Artificial Lighting Unless Required by FAA or Other Governmental Entity                                     |
| Drainage Tile | Must Be Repaired and Restored-Boone County SWD Chooses Inspector and Applicant Pays for Inspection  | Not Mentioned  | Must Be Repaired and Bond or Letter of Credit Required, No Specifics | Not Mentioned               | Not Mentioned   | Must Be Maintained and Repaired  |



|                     | B  | D  | G  | K  | T   | W  |
|---------------------|--|--|--|--|---|--|
| Electrical Lines    | Inspected Prior to Burial  | Must Be Buried<br>(Also<br>Communication<br>Lines)   | Must Be Buried<br>(Also<br>Communication<br>Lines or<br>Wireless)                                      | Must Be Buried<br>(Also<br>Communication<br>Lines)   | Not Mentioned   | All Utilities Must Be<br>Buried Unless<br>Waived by SU<br>Permit                                 |
| Minimum Lot<br>Size | Not Specified  | Not Specified  | Not Specified  | 5 Acres  | Not Specified   | Not Specified  |
| Height              | Systems, Equipment and<br>Structures Shall Not<br>Exceed 30 Feet in<br>Height at Maximum Tilt<br>(Lines and Utility Poles<br>are Exempt) | <b>Systems,<br/>Equipment and<br/>Structures<br/>Shall Not<br/>Exceed 20 Feet<br/>in Height at<br/>Maximum Tilt<br/>(Lines and<br/>Utility Poles<br/>are Exempt)<br/>Must Follow<br/>Height<br/>Restrictions of<br/>the District at<br/>Maximum Tilt</b> | Systems,<br>Equipment and<br>Structures Shall<br>Not Exceed 20<br>Feet in Height<br>at Maximum<br>Tilt | Systems,<br>Equipment and<br>Structures Shall<br>Not Exceed 30<br>Feet in Height<br>(Lines and<br>Utility Poles are<br>Exempt) | Systems,<br>Equipment and<br>Structures Shall<br>Not Exceed 20<br>Feet in Height at<br>Maximum Tilt<br>(Cannot Exceed<br>30 Inches Above<br>Grade in the<br>Front Yard) | Systems, Equipment<br>and Structures Shall<br>Not Exceed 25 Feet<br>in Height at<br>Maximum Tilt |
| Setbacks-Front      | 75 Feet from ROW<br>(Fences Excluded)  | <b>Not Mentioned<br/>500-100 Feet<br/>Unless Waived<br/>by Road<br/>District (50<br/>Foot Min)<br/>No System in<br/>Front Yards</b>  | 150 Feet   | 100 Feet<br>(Fences<br>Excluded)   | Cannot<br>Encroach on<br>Setbacks at<br>Minimum Tilt  | Follow Setback<br>Regulations of<br>District   |

|                                    | B   | D  | G  | K   | T  | W   |
|------------------------------------|---|--|--|---|--|---|
| Setbacks-<br>Adjoining<br>Property | 40 Feet from Property<br>Lines (Excluding<br>Fences)  | 50 Feet from<br>Property Lines<br><b>Min<br/>500 100 Feet<br/>Unless Waived<br/>by Neighbors</b>   | 150 Feet   | 50 Feet from<br>Property Lines<br>(Excluding<br>Fences)             | Cannot<br>Encroach on<br>Setbacks and<br>Minimum Tilt<br><br>50 Feet from<br>Property Lines            | 25 Feet from<br>Property Lines  |
| Setbacks-<br>Residential           | 150 Feet from Properties<br>with Residences<br>(Neighbor Can Waive<br>this Requirement and<br>Record Waiver)  | <del>500</del> 100 Feet<br>from<br>Neighboring<br><b>Residence<br/>Residential<br/>Property Lines</b><br>(Neighbor Can<br>Waive up to <del>300</del><br>50 Feet)   | Not Mentioned  | 100 Feet (As<br>Measured From<br>Property Line to<br>Property Line) | Cannot<br>Encroach on<br>Setbacks and<br>Minimum Tilt<br><br>500 Feet from<br>Neighboring<br>Residence | Not Mentioned   |
| Setbacks Internal                  | None  | Not Mentioned  | Not Mentioned  | Not Mentioned   | Not Mentioned  | Not Mentioned   |
| Landscaping                        | Follow Zoning<br>Ordinance (Must Submit<br>Landscaping Plan,<br>Name Type(s) of<br>Evergreen Planted and<br>Location, Must Submit<br>Soil Evaluation,<br>Incorporate Native<br>Plantings) | <del>When Visible<br/>for Adjoining<br/>Residential Use<br/>or Residential<br/>Zoned<br/>Property, Use<br/>View<br/>Obstructing<br/>Vegetation, a<br/>Wall, Semi-<br/>Opaque Fence<br/>or Berm</del><br><br><b>Designed to<br/>Obscure Views</b> | Landscaping<br>Plan Required<br><br>Use Native<br>Plantings<br><br>Use as<br>Screening, But<br>No Specifics<br><br>Shall be<br>Inspected<br>Monthly by<br>County | Landscaping<br>Plan Must be<br>Submitted                            | Do Not Block<br>View or Shading<br>of Properties to<br>the North                                       | Must be Screened<br>from All Roads and<br>Dwelling Units<br>within 1000 Feet<br>(Screening May Be<br>in Setbacks) |

|                       |               |   |  |  |  |   |
|-----------------------|---------------|---|--|--|--|---|
| Landscaping Continued |               | <del>to a Height of 6 Feet (For Mechanical Equipment the Screening Shall be the Height of the Equipment Plus 6 Inches</del> |  |  |  |   |
| Fencing               | Not Mentioned | <b>Not Required but if Used Then</b> Maximum 8 Feet in Height with Warning Sign   | Maximum 8 Feet in Height with Warning Sign | Minimum 8 Feet in Height (Must Have Knox Box and Keys) | Maximum 8 Feet in Height with Warning Sign | Privacy Fence May Be Substituted for Buffer if 6 Feet Tall. At Least 1 Evergreen Must is Required Per 30 Linear Feet of Fence or Wall,<br><br>Perimeter Fencing is Required with a Minimum of 7 Feet in Height; Barbed Wire and Razor Wire Prohibited Unless Waived |
|                       | B             | D   | G  | K  | T  | W   |



|         | B  | D  | G                          | K  | T             | W   |
|---------|--|--|----------------------------|--|---------------|---|
| Buffers | 25 Foot Wide Buffer of Compact Evergreen Hedges or Other Type of Evergreen Foliage (Shall Be Located Along Road Frontage and Perimeter of Any Single-Family Dwelling) Minimum 3 Feet Tall; Hedge Must be 6 Feet Tall Within 5 Years; Replace Dead Growth and Maintain in Good Condition. Topographical Features and Existing Woodlands May Be Incorporated in Buffer | <p><b>Minimize View of System to Surrounding Properties Screened to Protect from Routine View from Public ROWs; Screening May Be Required to the Extent It Does Not Affect the Operation of the System</b></p> <p><b>Building Integrated or Roof Mounted Systems Do Not Need to be Screened</b></p> <p>Top Soils Cannot Be Removed <b>from Solar Farms</b></p> | Not Mentioned in Specifics | 30 Foot Wide Buffer of Compact Evergreen Hedges or Other Type of Evergreen Foliage Minimum 3 Feet Tall; Hedge Must be 8 Feet Tall Within 3 Years; Replace Dead Growth and Maintain in Good Condition. Earth Berms, Topographical Features and Existing Woodlands May Be Incorporated in Buffer | Not Mentioned | A Landscaped Area at Least 10 Feet in Width with at Least 1 Shrub Per 5 Linear Feet Plus 1 Evergreen Tree per 25 Linear Feet of the Perimeter Area Evergreens Must Be at Least 5 Feet Tall at Time of Planting, Top Soils Cannot be Removed Without Permission of the County Board, Perennial Vegetation Must Be Maintained |

|         | B   | D             | G   | K   | T                                      | W             |
|---------|---|---------------|---|---|--|---------------|
| Noise   | No Detectible Noise by the Human Ear at 500 Feet.<br>Noise Does Not Include Routine Maintenance, Repair, or Construction (Construction is Limited to Monday-Saturday 7-7; Sundays and Holidays 9-6) | Not Mentioned | Not Mentioned   | 50 dBA When Located Adjacent to Residence or Residential Zoning District                                  | Not Mentioned                          | Not Mentioned |
| Signage | Warning Sign at Entrance Which Includes Facility's 911 Address and 24 Hour Emergency Contact Phone Number   | Not Mentioned | High Voltage Signs Posted at Each Entrance and Base of All Pad Mounted Transformers<br><br>Emergency Contact Information Near Tower, Operations Building and Maintenance Building | Warning Sign at Entrance Which Includes Facility's 911 Address and 24 Hour Emergency Contact Phone Number | Manufacturer's Specs Must be Displayed | Not Mentioned |

|                        | B  | D   | G  | K  | T  | W  |
|------------------------|--|---|--|--|--|--|
| Site Plan Requirements | <p>Existing Property Lines Extending Five Hundred Feet from the Exterior Boundary, Including the Names of Adjacent Property Owners and Current Use of Those Properties</p> <p>Exiting Public and Private Roads, Show Width and Easements</p> <p>Location and Size of Existing and Abandoned Wells and Sewage Treatment Systems</p> <p>Existing Buildings and Impervious Surfaces</p> <p>Contour Map Showing Topography at 2 Foot Intervals, May Include Topography of Neighboring Properties</p> <p>Existing Vegetation and Type of Vegetation</p> | <p><del>Not Mentioned Directly</del></p> <p><b>Must Submit Horizontal and Vertical Elevations Showing the Location of the System, Buildings, and Property Lines</b></p> <p><b>Highest Finished Slope of Roof Must be Provided</b></p> | <p>25 Copies of Required Submittals</p> <p>Evidence of Control of Site Must Be Provided</p> <p>Plan Must Include Number and Capacity of Arrays, Placement, Fencing and Landscaping, and Total Height of Arrays</p> <p>Topography Information at 5 Foot Intervals</p> <p>Fire Protection Plan, Revegetation Plan, Drainage and Erosion Plan</p> | <p>50 Copies of Required Submittals</p> <p>Same as Boone Except No Utility Information</p> <p>Also Must Submit Manufacturer's Specs, Itemized Cost of Construction and Connection Method</p> | <p>Same as Boone Except No Utility Information</p> | <p>Must Provide Proof that Owner/Operator Has the Financial Ability to Construct the Solar Farm</p> <p>Must Provide Notice of Development Letter to Will County Board Representatives</p> <p>Site Plan Must Show Same Property Line, Property Ownership and Floodplain Locations as Boone</p> <p>Must Include Number Location and Spacing of Solar Panels</p> <p>Include Product Cut Sheets</p> <p>Traffic Control Information</p> <p>Operation and Maintenance Plan</p> |



|  |   |  |   |  |  |   |
|--|---|--|---|--|--|---|
| Site Plan<br>Requirements<br>Continued | Waterways,<br>Watercourses, Lakes,<br>and Wetlands<br><br>Wetland Boundaries<br><br>FEMA FIRM Map and<br>100 Year Flood<br>Elevation<br><br>Floodway, Flood<br>Fringe, and General<br>Flood Plain District<br>Boundary<br><br>Mapped Soils<br><br>Surface Water Drainage<br>Patterns<br><br>Location of Subsurface<br>Drainage Tiles<br><br>Location of All Utilities |  | Emergency Plan<br>Provided to<br>Local Fire<br>Department |  |  | Emergency Services<br>Plan<br><br>Redact Copy of<br>Lease |
|--|---|--|---|--|--|---|

|                      | B   | D   | G                                    | K   | T   | W                                    |
|----------------------|---|---|--------------------------------------|---|---|--------------------------------------|
| Site Plan Conditions | <ol style="list-style-type: none"> <li>1. Location, Number and Spacing of Solar Panels</li> <li>2. Location of Access Roads and Access Points</li> <li>3. Planned Location of Underground or Overhead Electric Lines Connecting the Solar Farm to a Building, Substation, or Other Electric Load.</li> <li>4. New Electrical Equipment Other Than Existing Building or Substation</li> <li>5. Certified Drawings of Elevation of the Premises Accurately Depicting the System</li> <li>6. Weed Control Plan Approved by Boone County Conservation District, No Soil Sterilant Shall Be Permitted to be Used Onsite</li> </ol> | <p><b>Must Submit Operation and Maintenance Report Within 14 Days Upon Request</b></p> <p><b>Must Submit EcoCat and Illinois Historic Preservation Agency Consultation Information</b></p> <p><b>Must Allow Access for Fire Protection Personnel</b></p> <p><b>Must Follow Noxious Weed Ordinance</b></p> | Included with Site Plan Requirements | <p>Same as Boone 1-6</p> <p>\$500 Per Week Weed Violation</p> | <p>Same as Boone 1-6</p> <p>\$500 Per Week Weed Violation</p> | Included with Site Plan Requirements |

|                        | B             | D                                    | G  | K  | T        | W        |
|------------------------|---------------|--------------------------------------|--|--|----------|----------|
| Road District Approval | Not Mentioned | Not Mentioned                        | Required and Panels Must Be 150 Feet From Public or Private Roads<br><br>Bonds or Letter of Credit Required for Maintenance, Amount Not Provided | Required   | Required | Required |
| Utility Approval       | Not Mentioned | <del>Not Mentioned</del><br>Required | Not Mentioned  | Required, Copy of the Agreement Must be Submitted as Part of Application | Required | Required |



|                      | B  | D  | G   | K  | T  | W  |
|----------------------|--|--|---|--|--|--|
| Decommissioning Plan | <p>Required as Part of Application</p> <p>Must Occur if Panels Not Used in 12 Consecutive Months, Operating Company or Land Owners has 6 Months to Complete Plan</p> <p>County Board May Grant Extensions</p> <p>Plan Must Include Removal of Structures, Equipment, Fencing, Hazardous or Special Materials, Roads, Foundations, and Restoration of Soil and Vegetation</p> <p>Bond in the Amount of 150% of the Engineer's Estimate for Decommission Costs Must Be Submitted Prior to Issuance of Occupancy Permit</p> | <p>Required as Part of Application</p> <p>If Not Used for 90 Consecutive Days</p> <p>6 Months to Complete Removal</p> <p><b>County May Request Written Approval that System is Still Operational; Must Respond in 14 Days</b></p> <p>Remove All Structures and Foundations and Restore Vegetation</p> <p>Bond or Letter of Credit May Be Required (Dollar Amount Not Listed)</p> | <p>Required as Part of Application</p> <p>If Not Used for 9 Months</p> <p>9 Months to Remove</p> <p>Must Remove All Structures and Pads to a Depth of 4 Feet Below Ground Surface</p> <p>Bond or Letter of Credit Required, Amount Determined by Engineer or Contractor, Must Pay 50% Before Construction Starts and Balance is Due Within 5 Years of the Start of Construction</p> | <p>Required as Part of Application</p> <p>Same as Boone Financial Security of \$1000 Per Acre in the Form of Irrevocable Letter of Credit or Escrow in lieu Boone Bond</p> | <p>If Not Used for 6 Months, Must be Removed in 30 Days (Violation)</p> <p>Required as Part of Application</p> <p>Must Occur if Panels Not Used for 12 Months, Have 6 Months to Remove Panels and Foundations to a Depth of 4 Feet Below Ground Surface.</p> <p>Hazardous Materials Must be Disposed Per Applicable Laws</p> <p>Surety Bond or Escrow Must Be Provided to Cover Cost of Removal at Time of Application</p> | <p>Required as Part of Application</p> <p>Removal within 180 Days</p> <p>Considered Abandoned if Not Producing Electricity for 1 Year</p> <p>Remove all Structures, Foundations, Barriers, and Transmission Lines</p> <p>Re-Vegetated as Necessary</p> <p>Hazardous Materials Must be Disposed Per Applicable Laws</p> <p>Owners Must Provide Cost Estimates at Time of Special Use Permit Application</p> |

|                             |   |   |                   |   |   |   |
|-----------------------------|---|---|-------------------|---|---|---|
| Decommission Plan Continued | <p>Updated Decommissioning Plans Must Be Submitted Every 3 Years, Plans Must Be Signed by Party Responsible for Decommissioning and/or Land Owner</p> <p>County May Request Additional Information</p> <p>Construction Must Commence within 2 Years of Approval by the County Board, Board May Grant Extension If Requested Prior to 60 Days of 2<sup>nd</sup> Anniversary of the Issuance of the Special Use Permit</p> <p>Must Comply with State Laws as They Relate to Decommissioning</p> |   | Revegetation Plan |   | <p>County May Collect Escrow or Bond and Enter Property if Decommissioning Not Completed in 6 Months</p> <p>County May Also Place a Lien on Property to Cover Costs</p> |   |
|                             | B   | D | G                 | K | T   | W |

|      | B   | D   | G             | K  | T   | W             |
|------|---|---|---------------|--|---|---------------|
| Fees | Reimburse County for Costs Greater than \$500 and Pay All Invoices within 10 Days | Building Permit Fees<br>0-10 KW \$150<br>11-50 KW \$300<br>51-100 KW \$600<br>101-500 KW \$1200<br>501-1000 KW \$2750<br>1001-2000 KW \$6000<br>Over 2000 KW \$200 for Each Additional 0-100 KW<br>Fees Double if Construction Commences before Obtaining Building Permit | Not Mentioned | Filing Fee of \$5,000 Plus Reimburse County for Costs Greater than \$5,000 and Pay All Invoices with 10 Days | Building Permit Fees<br>0-4 KW \$75<br>5-10 KW \$150<br>11-50 KW \$300<br>51-100 KW \$500<br>101-500 KW \$1000<br>501-1000 KW \$3000<br>1001-2000 KW \$5000 | Not Mentioned |



|           | B  | D  | G  | K             | T  | W                      |
|-----------|--|--|--|---------------|--|------------------------|
| Insurance | <p>Owner or Operator Shall Maintain Current Liability Policy Covering Bodily Injury and Property Damage at \$2 Million Per Occurrence and \$20 Million in Aggregate</p> <p>Must Have Policy for Duration of Special Use Permit and Submit Copy of Renewals to the Building Department</p> <p>County is Named as Additional Insured</p> | <p>Owner or Operator Shall Maintain Current Liability Policy Covering Bodily Injury and Property Damage at <b>Least</b> \$3 Million Per Occurrence and \$5 Million in Aggregate, Must Have Policy for Duration of Special Use Permit, Such Insurance May Be Provided Pursuant to a Plan of Self-Insurance by a Party with a Net Worth of \$20 Million Dollars or More,</p> <p>County Named as Additional Insured</p> | <p>Owner or Operator Shall Maintain Current Liability Policy Covering Bodily Injury and Property Damage at \$2 Million Per Occurrence and \$5 Million in Aggregate with a Deductible of No More Than \$5,000</p> | Not Mentioned | <p>Owner or Operator Shall Maintain Current Liability Policy Covering Bodily Injury and Property Damage at \$2 Million Per Occurrence and \$5 Million in Aggregate with a Deductible of No More Than \$5,000,</p> <p>Must Have Policy for Duration of Special Use Permit,</p> <p>County is Named as Additional Insured</p> | Required, No Specifics |

|   | B             | D   | G  | K  | T                                | W  |
|---|---------------|---|--|--|----------------------------------|--|
| Outdoor Storage                             | Not Mentioned | Not Mentioned   | Ordinance Hints that Outdoor Storage is Allowed, But Does Not Provide Any Perimeters | Only Equipment and Materials Related to the Operation and Maintenance of the Solar Farm (Must be paved with a Bituminous Surface and either Fenced or Screened from Adjoining Properties and Uses) | Not Mentioned                    | Not Allowed                                |
| UL (Underwriters Laboratories, Inc) Listing | Not Mentioned | <del>Not Mentioned</del><br><b>Required and Must Have Anti-Reflective Coating</b> | Not Mentioned, But Equipment Must Meet Industry Standards                            | Required and Must Have Anti-Reflective Coating   | Required for Components          | Required for Electrical Systems Components |
| Indemnification of County                   | Yes           | Yes   | Non Mentioned  | Not Mentioned  | Not Mentioned                    | Not Mentioned                              |
| Public Nuisance Statement                   | Yes           | Not Mentioned   | Not Mentioned  | Cost Statement   | Must Be Maintained in Good Order | Must Be Maintained in Good Order           |
| Severability Statement                      | Yes           | Not Mentioned   | Not Mentioned  | Not Mentioned  | Not Mentioned                    | Not Mentioned                              |
| High Water Mark                             | Not Mention   | Not Mentioned   | 150 Feet   | Not Mentioned  | Not Mentioned                    | Not Mentioned                              |
| Adjoining Property Value Evaluation         | Not Mention   | Not Mentioned   | Yes  | Not Mentioned  | Not Mentioned                    | Not Mentioned                              |

|   | B   | D   | G                        | K   | T  | W             |
|---|-----|-----|--------------------------|-----|--|---------------|
| Follow Federal,<br>State, and Local<br>Laws | Yes | Yes | Yes-Annual<br>Inspection | Yes | Yes-County<br>Will Do Annual<br>Inspection | Not Mentioned |



**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)**  
**April 3, 2018 – Meeting Minutes**

Senior Planner Matt Asselmeier called the meeting to order at 9:00 a.m.

Present:

Aaron Rybski – Health Department  
Don Clayton – GIS  
Fran Klaas – Highway Department  
David Guritz – Forest Preserve (Arrived at 9:05 a.m.)  
Megan Andrews – Soil and Water Conservation District  
Brian Holdiman – PBZ Department  
Matt Asselmeier – PBZ Department

Absent:

Greg Chismark – WBK Engineering, LLC  
Deputy Commander Jason Langston – Sheriff's Department  
Robert Davidson – PBZ Committee Chair

Audience:

None

**AGENDA**

Mr. Klaas made a motion, seconded by Mr. Rybski, to approve the agenda as proposed. With a voice vote of all ayes the motion carried.

**MINUTES**

Mr. Klaas made a motion, seconded by Mr. Rybski, to approve the March 6, 2018 meeting minutes with a correction to Petition 18-05 that an alternative sewer system “may” not “will” be required at the site. With a voice vote of all ayes the motion carried.

**PETITION**

**Petition 18-13 Kendall County Planning, Building and Zoning Committee – Text Amendments to Sections 3.02 4.18, 7.01.D, 8.02.C, 8.03.H.1, 8.09.B, 9.02.C, 9.03.C, 9.04.C, 9.05.C, 9.06.F, 9.07.C, and 10.03.B of the Kendall County Zoning Ordinance by Amending Kendall County’s Solar Panel Zoning Regulations**

Mr. Asselmeier summarized the request. In recent months, the Kendall County Planning, Building and Zoning Department has received inquiries from solar energy consultants and property owners desiring to place solar panels on properties throughout the County. These solar panels would be used to generate power offsite from the location where the solar panels are placed. Kendall County adopted solar panel zoning regulations in 2010 and 2011, but these regulations focused on generating solar energy and using that energy onsite. The County also has zoning regulations for power plants, but many solar energy consultants were uncomfortable with a “power plant” classification.

Earlier in 2018, the Planning, Building and Zoning Committee instructed Staff to study the solar panel regulations of several counties. The proposed regulations of Boone, DeKalb, Grundy, Kankakee, Tazewell, and Will Counties were examined.

Mr. Guritz arrived at this time (9:05 a.m.)

At their meeting on March 12, 2018, the Planning, Building and Zoning Committee approved initiating text amendments to the Kendall County Zoning Ordinance incorporating DeKalb County’s proposed regulations into the Kendall County Zoning Ordinance. DeKalb County adopted their regulations in March 2018.

The proposal states that solar farms are greater than twenty (20) acres in size; solar gardens are a maximum twenty (20) acres, and solar panels are considered accessory if they produce not greater than one hundred twenty (120%) of the solar need for onsite consumption of energy. Solar gardens would be special uses in all zoning classifications. However, the special use permit could be waived if adjoining property owners sign affidavits agreeing to the placement of the solar garden. Solar farms are special uses in the A-1 district.

Mr. Holdiman previously suggested that 4.18.O.2 be removed from the proposal because the County currently does not require insurance for existing solar panels.

The Kendall County Farm Bureau was sent the proposal in March. They questioned why the bonding requirement was “may” and not “shall” (4.18.P.6).

The townships were mailed the proposal on March 22<sup>nd</sup>. To date, no townships have submitted comments.

Ms. Andrews suggested that 4.18.D.10 should be removed because the same language is found in 4.18.Q.3.

Ms. Andrews asked when an NRI would occur. Mr. Asselmeier responded that an NRI would occur as part of the application in the same way as other special use permit applications.

Ms. Andrews suggested requiring a more detailed contour map with existing vegetation, waterways, wetland boundaries, and FEMA FIRM information in a manner described in the Boone County ordinance.

Mr. Holdiman noted that 4.18.C.8 references a “State of Illinois Uniform Building Code”. This code does not exist and he recommended that the reference to such code be removed.

Mr. Klaas questioned allowing solar gardens by special use in all districts, particularly residential districts. Mr. Holdiman noted that most of the homeowners’ associations will restrict the placement of solar panels within the subdivisions. Mr. Klaas questioned whether or not enough space existed on residential lots to make the placement of solar gardens worthwhile or practical in most cases.

Mr. Rybski expressed a concern that solar panels not be installed in such a manner that negatively impacts septic fields or the function of septic fields. The area of the septic field should be kept free of structures for functioning and maintenance purposes. Ms. Andrews noted Boone County’s requirements related to abandoned wells. Mr. Holdiman noted that, at the time of building permit submittal, the Health Department should catch the location of wells and septic systems in relation to solar panels and related solar panel infrastructure.

Ms. Andrews suggest that the word “crops” found in line 7 of 4.18.C.4 be replaced with “vegetation” because crops probably will not be the only plants growing around the solar panels. Crops probably will not grow around the solar panels.

Mr. Guritz asked about the lot size in Henneberry Woods as it relates to this proposal. Mr. Holdiman noted that the new single-family home in Henneberry Woods was on twenty (20) acres.

Mr. Andrews made a motion, seconded by Mr. Guritz, to recommend approval of the proposed text amendment with the following amendments:

1. Section 4.18.D.10 should be removed because the same language is found in 4.18.Q.3.
2. A more detailed contour map with existing vegetation, waterways, wetland boundaries, and FEMA FIRM information in a manner described in the Boone County ordinance should be added to the proposal.
3. The reference to the State of Illinois Uniform Building Code found in Section 4.18.C.8 should be removed.
4. Greater discussion should occur regarding the desire to have solar gardens in residential zoned districts.
5. The word “crops” found in line 7 of 4.18.C.4 should be replaced with the word “vegetation” because crops probably will not be the only plants growing around the solar panels and crops probably will not grow around the solar panels.

Ayes (7): Klaas, Guritz, Rybski, Andrews, Clayton, Holdiman, and Asselmeier  
Nays (0): None  
Absent: (3) Langston, Chismark, and Davidson

The motion passed unanimously. This matter will go before the Kendall County Regional Planning Commission on April 25<sup>th</sup>.

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

Mr. Asselmeier reported that Petition 17-33 transferring special use hearings from the Hearing Officer to the Zoning Board

of Appeals was approved by the County Board.

Mr. Asselmeier also reported that Petition 17-29 regarding distance notification requirements for special use applicants was sent back to the Planning, Building, and Zoning Committee by the Committee of the Whole.

Petition 18-03 regarding the items that ZPAC and Kendall County Regional Planning Commission reviews will have a public hearing on April 30<sup>th</sup>.

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

Mr. Asselmeier reported that the Illinois Department of Transportation recorded a document withdrawing the centerline protection for the Prairie Parkway.

#### **PUBLIC COMMENT**

None

#### **ADJOURNMENT**

Mr. Klaas made a motion, seconded by Ms. Andrews to adjourn. With a voice vote of all ayes, the motion carried. The ZPAC, at 9:39 a.m., adjourned.

Respectfully Submitted,  
Matthew H. Asselmeier, AICP  
Senior Planner



**KENDALL COUNTY  
REGIONAL PLANNING COMMISSION**

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

**Unapproved Meeting Minutes of May 23, 2018**

Chairman Ashton called the meeting to order at 7:02 p.m.

**ROLL CALL**

Members Present: Bill Ashton, Roger Bledsoe, Larry Nelson, Ruben Rodriguez, Claire Wilson, Budd Wormley, and Angela Zubko

Members Absent: Tom Casey and John Shaw

Staff Present: Matthew H. Asselmeier, Senior Planner

In the Audience: Robert Davidson, Chris Childress, Michael Saar, Tom Bromeland, Mary Bromeland, Melissa Samaroo, Justin Hardt, Jim Coyle, Margaret Blum, and Cliff Fox

**APPROVAL OF AGENDA**

Mr. Wormley made a motion, seconded by Ms. Zubko, to amend the agenda by moving Petition 18-14 to before Petition 18-13 and to approve the agenda as amended. With a voice vote of all ayes, the motion carried.

**APPROVAL OF MINUTES**

Mr. Nelson made a motion, seconded by Ms. Zubko, to approve the April 25, 2018, Kendall County Regional Planning Commission meeting minutes as presented. With a voice vote of all ayes, the motion carried.

**PETITIONS**

**Petition 18-14 Michael and Dayle Saar**

Mr. Asselmeier summarized the request.

Michael and Dayle Saar are requesting a map amendment rezoning the majority of the subject property from A-1 to R-1 in order to have the ability to sell the property and market the property as a single-family home site. The subject property does not have an allocation for the construction of a home and does not possess forty (40) acres. Therefore, a map amendment is required in order to construct a home onsite. The Petitioners own one (1) of the houses northeast of the subject parcel. They would like to divide a portion of the northeast corner off of the subject property and merge it with their property in the Timber Creek Subdivision and rezone the northeast corner to R-3 at some point in the future.

The Petitioners do not believe that the property is large enough for farming.

The Land Resource Management Plan calls for this area to be rural residential in the future. Existing single-family homes are located to the north and east of the subject property.

The area surrounding the property is a mix of residential and agricultural zoning.

EcoCAT Report submitted and consultation was terminated.

The application for NRI was submitted on April 12, 2018 and the LESA score was 178 indicating a low level of protection.

Petition information was sent to Kendall Township on April 20, 2018.

Petition information was sent to the United City of Yorkville on April 20, 2018. Yorkville will conduct its meetings on this petition in June.

ZPAC met on this proposal on May 1, 2018 and unanimously recommended approval.

Any structures constructed on the property would have to meet applicable building and health related laws and secure the necessary permits.

No new odors or lighting issues are foreseen.

Mr. Saar stated that he did not have any additional information to provide the Commission.

Ms. Zubko wanted to make sure that a future property owner was notified that a trail could be installed in the future. A concrete ditch is located along Route 71.

The northeast portion of the property will remain A-1. The property owners' home is zoned R-3. The northeast corner of the property will not be landlocked because the Petitioners' adjoining property touches Timbercreek Drive.

Mr. Nelson made a motion to recommend approval of the map amendment as requested, seconded by Ms. Zubko.

Yes – Ashton, Bledsoe, Nelson, Rodriguez, Wilson, Wormley, and Zubko (7)

No – None (0)

Absent – Casey and Shaw (2)

The motion passed. This proposal will go to the Zoning Board of Appeals on June 4<sup>th</sup>.

### **Petition 18-13 Kendall County Planning, Building and Zoning Committee**

Mr. Asselmeier summarized the request.

In recent months, the Kendall County Planning, Building and Zoning Department has received inquiries from solar energy consultants and property owners desiring to place solar panels on properties throughout the County. These solar panels would be used to generate power offsite from the location where the solar panels are placed. Kendall County adopted solar panel zoning regulations in 2010 and 2011, but these regulations focused on generating solar energy and using that energy onsite. The County also has zoning regulations for power plants, but many solar energy consultants were uncomfortable with a “power plant” classification.

At their meeting on March 12, 2018, the Planning, Building and Zoning Committee approved initiating text amendments to the Kendall County Zoning Ordinance incorporating DeKalb County's proposed regulations into the Kendall County Zoning Ordinance.

At the April Kendall County Regional Planning Commission meeting, Staff was asked to review the proposed solar panel regulations, contact the counties previously contacted regarding the number of solar panel projects they approved and any changes to their regulations they wish could be made in hindsight, obtain information from Fulton and Shelby Counties, and obtain Yorkville's solar panel regulations.

As of April 30<sup>th</sup>, DeKalb County had not approved any solar panel project. There were four (4) applications for projects. The only change they suggested was, as of April 3<sup>rd</sup>, the State of Illinois allows collocation. Prior to April 3<sup>rd</sup>, the State would not have allowed two (2) 2 MW systems to be located next to each other, but now they could be located adjacently.

As of April 30<sup>th</sup>, Will County had approved one (1) project and they have three (3) tabled for the past two (2) months. Discussion has occurred about whether or not to require a decommissioning bond; this was not required in the approved ordinance. Also, Will County is discussing a density limitation, i.e. how many solar panels should be allowed in a given area.

As of April 30<sup>th</sup>, Grundy County had approved one (1) project, a one hundred forty-three (143) acre solar farm. There are three (3) additional projects under consideration. The distance of the front yard setback has been an issue, some favor one hundred fifty feet (150') while others favor "farm ground". There are landscaping concerns (nature and type) and concerns that the roots of the landscaping could impact field tile. Discussion has occurred regarding requiring lighting at the gate entrance.

As of April 30<sup>th</sup>, Kankakee County had approved eleven (11) solar gardens and nine (9) more are at some stage of the adoption. In addition, there is one (1) solar farm that is under consideration. Their ordinance made no distinction between solar gardens and solar farms; that is the only change they would suggest.

As of April 30<sup>th</sup>, Tazewell County had one (1) approved project and two (2) projects at some form of the review process. They are considering changing the setback requirements from non-participating residences; it started at five hundred feet (500') and was reduced to one hundred feet (100').

As of May 6<sup>th</sup>, Boone County had not approved any solar projects and had four (4) projects at some form of the review process. The big issue of discussion is whether or not to allow solar projects on landfills and the impacts of the required setbacks for the landfills on the solar project.

Shelby County has not approved a separate solar panel project and they are in the process of writing an ordinance. They amended an existing special use permit for their electric co-operative to allow them to have solar panels on their existing site.

As of May 14<sup>th</sup>, Fulton County has not returned Staff's phone calls.

The regulations for the United City of Yorkville were provided.

Staff went through the proposal and offered the following amendments:

1. The definition of solar garden was clarified that energy generated from the panels would be used for offsite consumption.
2. The existing regulations for roof mounted and freestanding systems were clarified to apply for onsite consumption of energy only.
3. The existing regulations for roof mounted and freestanding systems were clarified that the systems had to follow applicable federal, state, and local laws and the regulations of the local electrical utility.
4. The building permit fee was clarified to apply to solar energy systems that consumed energy offsite or solar energy systems that consumed energy onsite for non-agricultural purposes.



5. The definition of solar gardens was clarified to include projects twenty (20) acres in size in Section 4.18.C 4.
6. The references to airports in Section 4.18.C.7, 4.18.D.9, and 4.18.F.4 were removed and replaced with a blanket statement in 4.18.Q.9 regarding all solar energy systems in relation to airports.
7. The reference to the State of Illinois Uniform Building Code in 4.18.C.8 was deleted because the Code does not exist.
8. The phrase “or vegetation” was added to Section 4.18.D.4 per the request of ZPAC.
9. Section 4.18.D.10 was deleted because it repeated the language found in 4.18.Q.3.
10. Solar energy systems must comply with State plumbing and energy codes (4.18.Q.8). Therefore, sections K and L or repetitive.

Mr. Holdiman previously suggested that 4.18.O.2 be removed from the proposal because the County currently does not require insurance for existing solar panels.

The Kendall County Farm Bureau was sent the proposal in March. They questioned why the bonding requirement was “may” and not “shall” (4.18.P.6).

The townships were mailed the proposal on March 22<sup>nd</sup>. To date, no townships have submitted comments.

ZPAC met on the proposal on April 3<sup>rd</sup> and unanimously recommended approval of the proposal with the following amendments:

1. Section 4.18.D.10 should be removed because the same language is found in 4.18.Q.3.
2. A more detailed contour map with existing vegetation, waterways, wetland boundaries, and FEMA FIRM information in a manner described in the Boone County ordinance should be added to the proposal.
3. The reference to the State of Illinois Uniform Building Code found in Section 4.18.C.8 should be removed.
4. Greater discussion should occur regarding the desire to have solar gardens in residential zoned districts.
5. The word “crops” found in line 7 of 4.18.C.4 should be replaced with the word “vegetation” because crops probably will not be the only plants growing around the solar panels and crops probably will not grow around the solar panels.

Ms. Wilson asked the difference between the solar energy system and the solar photovoltaic system. The photovoltaic system is the collectors and solar energy systems are all of the components.

The reference to county solar garden mentioned in the definition of solar garden was removed.

Onsite consumption of energy would be accessory to the existing use and would be allowed by right. Discussion occurred regarding the difference in regulations between onsite and offsite consumption of energy as applied to the regulations.

Ms. Zubko expressed her opposition to the waiver requirements listed in various sections. The consensus of the Commission was to have these references removed to protect neighbors.

The consensus of the Commission was also that solar gardens and solar farms had to follow the setback requirements of the zoning district in which they are located to avoid confusion and ensure consistency with the application of the Zoning Ordinance.

The reference to solar farms requiring a special use permit found in Section 4.18.D.1 was redundant because this language was in the definitions section.

Mr. Nelson asked if Greg Chismark commented on this proposal. Mr. Asselmeier said that Mr. Chismark reviewed the proposal and he was satisfied with the existing language because of the NPDES and Stormwater Ordinance requirement contained in the proposal. Discussion occurred about stormwater runoff, the importance of vegetation, and the method for controlling and maintaining the vegetation. Top soils will not be removed per 4.18.D.4.

Chris Childress, the County's consultant, discussed the importance of the distinction between onsite and offsite consumption of the energy generated. In the agreement for the County's proposed solar field, the developer is responsible for the maintenance and control of vegetation. The owner or developer should be responsible for maintaining the vegetation. Fixed panels could have stormwater drainage issues; these panels do not generate the same kilowatt hours.

The State has been collecting funds on electricity bills to fund the incentives for solar panel projects. Mr. Childress does not believe that many solar panel projects will occur in Kendall County because the funds for incentives will be gone within a year or year and a half. Most projects are in the advanced stage of approval. Once the incentives are used, solar panel projects will not occur because they are not economically beneficial.

Mr. Wormley asked the lifespan of the panels. Mr. Childress said that twenty-five (25) years is not an issue, but new technologies could arise to make the solar panels obsolete.

Mr. Childress said that holding a bond for twenty-five (25) years is expensive. Mr. Asselmeier noted that the bonding requirement says "may" in the current proposal. Mr. Davidson discussed the scrap value of the solar energy system.

Mr. Childress expressed concerns regarding damaging field tiles. He would like to see a provision for the repair of field tile.

Mr. Childress discussed the permit fees. He supported the fees so long as they were not required at the time of the special use permit application.

Mr. Nelson asked about the National Environmental Policy Act (NEPA) requirements. The Petitioners for Petition 18-15 will discuss this issue.

Discussion occurred regarding the exemption of building permits for agricultural related onsite consumption. A property owner would be required to get an agriculture-exempt permit, but not a building permit and no fees would be assessed.

Discussion occurred regarding the setbacks for the solar gardens and solar farms. The consensus of the Commission was to require solar gardens and solar farms to follow the setbacks and petitioners could request variances.

Discussion occurred regarding the relationship of solar panels to the County's Land Resource Management Plan. Renewable energy systems are mentioned in the Land Resource Management Plan.

Ms. Zubko requested that a provision for drain tile repair be placed in the proposal. The Commission requested that Staff ask the State's Attorney's Office for an opinion on this matter. If a provision could be added, the provision should be added in the Design Standards section. A drain tile replacement or repair restriction could be placed in each special use permit.

Ms. Zubko asked when the Department would know if the solar panels were not in use. Mr. Asselmeier responded that the Department would receive a complaint and ask for documentation of use per Section 4.18.P.1.

Ms. Wilson asked about the measures to minimize glare. Mr. Asselmeier responded that specific measures would be addressed in individual special use permits.

Chairman Ashton asked if knox boxes should be required. The consensus of the Commission was not to require knox boxes.

Ms. Wilson asked the impervious soil language in Section G. The issue of impervious surface calculations was addressed in the NPDES and Stormwater Ordinance requirements.

Ms. Zubko made a motion, seconded by Mr. Nelson, to recommend approval of the text amendment with the recommended changes from Staff and the following changes:

1. The reference to a county solar garden in the definition of "Solar Garden" should be deleted.
2. All references to waiving the special use permit requirements and setback requirements should be deleted.
3. Solar gardens and solar farms had to follow the setback requirements for the zoning district in which they are located. Accordingly, the reference to a one hundred foot (100') distance from the right-of-way or property line found in 4.18.D.2 should be deleted.
4. The statement that solar farms require a special use permit found in Section 4.18.D.1 should be removed.
5. If allowed by the State's Attorney's Office, a provision should be added to Section 4.18.F regarding repair of damaged drain tile.

Yes – Ashton, Bledsoe, Nelson, Rodriguez, Wilson, Wormley, and Zubko (7)

No – None (0)

Absent – Casey and Shaw (2)

The motion passed. This proposal will go to the Zoning Board of Appeals on July 2<sup>nd</sup>.



**Petition 18-15 Nancy Harazin on Behalf of Nancy L. Harazin Trust Number 101**

Mr. Asselmeier noted that this petition would not be required to follow the solar panel proposal because the proposal was not adopted at the time they submitted the application.

Mr. Asselmeier summarized the request.

Nancy Harazin, on behalf of Nancy L. Harazin Trust Number 101, submitted a petition for a special use permit to operate a public or private utility system – other on her property at 16400 Newark Road. Specifically, the Petitioner would like to contract with Borrego Solar Systems, Inc. for the installation and operation of a solar energy system. The energy generated from the system will be fed into Ameren’s system and consumed offsite.

The property is sixty (60) acres in size. The special use area is approximately twenty-two (22) acres in size and the solar panel area is approximately twelve (12) acres in size.

The subject property and all of the properties are zoned A-1.

The wetland buffer area was reduced from fifty feet (50’) to twenty-five feet (25’). There were two (2) wetlands and two (2) farmable wetlands identified.

The EcoCat report was submitted and consultation was terminated.

The LESA score was 205 indicating a medium area of protection.

Big Grove Township reviewed the proposal and expressed no concerns.

The Village of Newark expressed the following concerns:

1. They would like the solar panels be set back further to the south.
2. They would like larger landscaping or fencing that better blocks the view of the solar panels from adjoining properties other than a chain link fence.
3. They had concerns regarding the safety of the environment if the solar panels break and their contents spill onto the ground.
4. They had concerns about glare if the tracking system malfunctions.
5. They would like assurances that the equipment is removed in a timely manner at the end of the project or when the lease is terminated.

The Newark Fire Protection District reviewed the proposal and expressed no concerns.

ZPAC reviewed this proposal on May 1, 2018. The representatives from the Petitioner requested that the operator be included on conditions 8, 11, and 13 because the operator will be responsible for decommissioning and insurance. The County Highway Department requested a fifteen foot (15’) right-of-way dedication at the north side of the property along Newark Road to address an erosion issue. This request was added as condition 12 and the property owner agreed to this request.

According to the information provided by the Petitioner, the Petitioner would like to lease approximately twenty-three (23) acres to 312 Solar Development, LLC c/o Borrego Solar Systems, Inc. for an initial period of twenty (20) years. The lease could be renewed up to four (4) additional periods of five (5) years. If approved, Borrego Solar Systems, Inc. would install and maintain six thousand, nine hundred twelve (6,912) solar panels

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on the north side of the subject property. The solar panels would be seven feet (7') in height at maximum tilt and three to four feet (3'-4') off of the ground. The panels would rotate with the sun. The system would connect to Ameren's system at the northeast corner of the property at Newark Road. The system is planned to generate two mega-watts (2 MW) of energy. If approved, the system would be operational by approximately July 31, 2019.

Other than periodic mowing and maintenance, no personnel will be onsite and no parking is required.

The construction process is estimated to take between four and six (4-6) months.

The solar panels will be located at their closest point approximately one hundred seventy-five feet (175') from Newark Road and approximately one hundred forty-seven feet (147') from the nearest neighboring property line. The solar panels shall not be closer than twenty-five feet (25') from the identified wetlands.

The laydown area indicated on the site plan will be used for the placement of equipment during construction, decommissioning, and maintenance activities.

The Landscaping Plan calls for the planting of eighteen (18) Black Chokeberries, eighteen (18) Sea Green Junipers, twenty-nine (29) Spiraea, and thirty (30) Woodward Arborvitae. The shrubs would grow to approximately thirty inches (30") in height maximum. Several existing trees shall remain on the west side of the property.

A lawn seed mix will be planted under and around the solar panels. The growth would require mowing three (3) or four (4) times per year.

According to information provided to the County, the no mow is a blend of bunch-forming and creeping fescues derived from species that are native to the Northern Hemisphere. A combination of six (6) complementary varieties of fine fescues makes our no mow lawn seed mix a versatile and adaptable blend that is an excellent choice for a wide variety of planting situations and applications. The bunch grasses are exceptionally drought resistant, thrive in low nitrogen soils, and have moderate tolerance to heavy foot traffic. The creeping fescues spread gradually by underground rhizomes to help fill in between the bunch grasses to create a weed-resistant sod. The creeping fescues also help to fill in areas that may experience turf damage.

Some of the fine fescue grasses in the no mow lawn mix have been documented to possess allelopathic properties, in which the grasses produce compounds that prevent or retard the growth other plants and weeds. This "natural herbicide" makes the no mow particularly resistant to invasion by other herbaceous plants that often plague other types of turf.

- Hard Fescue (*Festuca brevipila*)
- Sheep Fescue (*Festuca ovina*)
- Chewings Fescue (*Festuca rubra* subs. *fallax*)
- Red Fescue (*Festuca rubra*)
- Creeping Red Fescue (*Festuca rubra* var. *rubra*)

The Kendall County Soil and Water Conservation District expressed no concerns regarding the ability of the proposed mix to handle erosion control provided that the property owner or operator conducted annual inspections.

Vegetation would be planted when the panels are in place.

The proposed solar panels should be located away from the wetlands. The Petitioner submitted a wetland study that verified these areas will not be negatively impacted by the placement of solar panels.

Several drain tiles were located on the property. Any drain tiles impacted by the placement of the solar panels shall be relocated.

The project will be required to meet Kendall County's Stormwater Management Ordinance. Greg Chismark submitted comments and questions on the proposal and the Petitioner addressed Mr. Chismark's concerns.

The proposed solar panels shall be required to meet all applicable building codes.

The supports would be buried approximately twelve to thirteen feet (12'-13') in the ground depending on soil conditions. The supports would not be encased in concrete.

Electric lines will be buried inside the fence. There is a utility pole east of the access drive. The electric lines will go above ground at that point and connect to the Ameren system at the point on connection on the northeast corner of the site.

A fourteen foot (14') wide gravel access from Newark Road will be installed. The property already possesses a field access at this location. The access is across the street from the driveway of 16295 Newark Road.

Per the Site Plan, a seven foot (7') high chained link fence shall surround the solar panels. The fence shall have a sixteen foot (16') wide vehicle access gate on the east side and a four foot (4') wide man gate on the south side. The fence will be installed approximately one (1) week after construction starts.

A light will be installed for security reasons at the electrical equipment area.

Approximately eight (8) signs will be placed around the property along the fence and anywhere required by the NEC. A "Danger High Voltage" sign will be placed around the fence every two hundred feet (200'). A sign will also be placed on the vehicle gate entrance. There will be plaques stating emergency contact information and a site key.

No new odors are foreseen.

The Petitioner supplied a report outlining that solar panels do not cause damage to neighboring property value or harm the environment.

The solar panels have life expectancy of thirty (30) years. The anticipated decommissioning costs were provided to the Commission. Decommission is estimated to take between two and three (2-3) months.

Kendall County is currently in the process of adopting solar panel regulations for offsite usage of energy. Some of the proposed language is included in the proposed recommendations.

Staff recommended approval of the requested special use permit with the following conditions and restrictions:

1. The site will be developed in accordance with the Site Plan.
2. Lighting will be installed in accordance with the Site Plan.



3. The landscaping shall occur in accordance with the Landscaping Plan.
4. Replacement of dead and/or damaged vegetation shall occur on a timetable agreed to between the property owner and the Kendall County Planning, Building and Zoning Department.
5. Signage shall be installed as described in the Sheet Notes. In addition, at least one (1) sign shall be placed at the vehicle access gate stating emergency contact information.
6. The site shall be decommissioned in accordance with the Decommissioning Plan. In the event the Decommissioning Plan changes, the property owner shall supply the Kendall County Planning, Building and Zoning Department with revised plans as soon as they are available.
7. The Decommissioning Plan shall be initiated if the solar panels are not used for ninety (90) consecutive days. This condition shall not apply if maintenance on the impacted solar panel(s) is occurring.
8. The property owner or operator shall have six (6) months to complete the Decommissioning Plan and remove the solar panels and related equipment from the property (**Amended by ZPAC**).
9. In addition to other applicable fees, the following fees should be paid to the County prior to the installation of the solar panels:  
 Building Permit Fees  
 0-10 KW \$150  
 51-100 \$300  
 101-500 \$600  
 501-1000 \$1200  
 1001-2000 \$2750  
 1001-2000 \$6000  
 Over 2000 KW \$200 for Each Additional 0-100KW  
 Fees Double if Construction Commences before Obtaining Building Permit
10. The property owner or operator shall maintain current liability policy covering bodily injury and property damage at least Three Million Dollars per occurrence and Five Million Dollars in aggregate and must have policy for the duration of the special use permit, such insurance may be provided pursuant to a plan of self-insurance by a party with a net worth of Twenty Million Dollars or more and the County shall be named as additional insured to the extent that the County is entitled to indemnification.
11. The property owner or operator shall indemnify, and hold harmless the County and its officials, employees, and agents (collectively and individually, the "Indemnified Parties") from and against any and all claims, demands, losses, suits, causes of actions, damages, injuries, costs, expenses, and liabilities whatsoever, including reasonable attorney's fees, except to the extent arising in whole or part out of negligence or intentional acts of such Indemnified Parties (such liabilities together known as "liability") arising out of Applicant, Owner, or Operators selection, construction, operation, and removal of the solar energy system and affiliated equipment including, without limitation, liability for property damage or personal injury (including death), whether said liability is premised on contract or on tort (including without limitation strict liability or negligence). This general indemnification shall not be construed as limited or qualifying the County's other indemnification rights available under the law (**Amended by ZPAC**).

12. Within sixty (60) days of the approval of this special use permit ordinance, the owner shall dedicate

a fifteen foot (15') wide strip along the northern portion of the property to Kendall County to be used as Newark Road right-of-way (**Added by ZPAC**).

13. The property owner or operator shall be responsible for ensuring that the operations of the solar panels allowed by this special use permit comply with all applicable Federal, State, and Local laws (**Amended by ZPAC**).
14. Damaged or non-functioning solar panels shall be replaced or repaired on a timetable agreed to between the property owner and the Kendall County Planning, Building and Zoning Department (**Added after Village of Newark meeting**).
15. Failure to comply with above conditions or restrictions could result in the amendment or revocation of the special use permit.
16. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid (**Added after ZPAC**).

Ms. Zubko requested that a condition be added that drain tile should be repaired and/or rerouted. The consensus of the Commission was to add this condition.

Margaret Blum, Justin Hardt, Jim Coyle, and Melissa Samaroo presented a powerpoint presentation, see enclosure. Mr. Hardt provided a description of Borrego and the various types of solar energy systems. He also discussed the various studies involved in the permitting process. Ms. Blum explained the installation process of the solar panels and related equipment. She also discussed the maintenance of the panels and vegetation. A sample panel was passed around to the Commissioners. Federal NEPA regulations do not apply to this project. The mature height for the plants is approximately four to six feet (4'-6') for the vegetation planted along the northern portion of the property.

Mr. Nelson asked about the taxing of the property. The taxing for solar panel projects is currently under review in the General Assembly.

They will do weekly inspections to get the landscaping started.

The south portion of the property will be farmed. The area between the solar panels and the road may not be farmed.

The panels rotate east to west. The coating is anti-glare with the objection to absorb as much sunlight as possible.

The reasons that the project is its current size are because of the capacity of Ameren's system and State regulations.

Mr. Wormley asked why the panels were placed on the northern portion of the property. They wanted to avoid the wetlands and avoid extending the driveway and electricity lines.

Mr. Wormley disagreed with the statement that the project will not negatively impact property values. He argued that the southern part of the property cannot be used for anything but farming for the duration of the solar panel lease. Ms. Blum stated the studies examined the property values of adjacent parcels.

Ms. Wilson asked about guarantees for decommissioning and the incentive for Borrego to remove the solar panels and restore property to agricultural condition. Mr. Hardt stated that the lease requires removal of the solar panel related equipment. No bond or monetary holdbacks were included in the lease. Salvage value exists.

Ms. Wilson asked about the noise level in rain and general noise. A noise diagram was presented. The noise at one hundred feet (100') from the transformer is thirty-five (35) dBA. The noise level reduces the further away from the transformer. The transformer is fifty-five to sixty-five (55-65) dBA at the transformer. The transformer does not run at night.

No impact on birds exists.

Most of the provisions of the proposed solar panel ordinance were incorporated in the special use permit conditions.

Borrego will be involved in the maintenance of the solar panels.

The whole site will be weed eaten a few times a year.

The posts are rated for one hundred thirty-four (134) mile per hour winds.

Maintenance includes mowing and inspections.

Cliff Fox, Village Administrator of the Village of Newark, requested a copy of the landscaping plan. The Petitioner is not planning to move the solar panels further south at this time. The Village wanted the panels moved south to prevent an eyesore.

Tom Bromeland, Newark Road, expressed his opposition to the proposal. He was concerned about the environmental impact of broken panels. Runoff from the subject property drains onto his property. He expressed concerns about glare and he would like to see a different type of fencing other than chain-link. He would like to see the panels moved further south because of noise concerns and aesthetics. He argued that land values will be impacted and that the County will not benefit from the project.

The components of the solar panels do not have a hazardous substance inside them.

A solid fence would create a different wind load inside the solar panel project. The posts would almost certainly need concrete casings.

The suggestion was made to plant arborvitae every six to eight feet (6'-8').

Discussion of the LaSalle project in Streator occurred, focusing on the visibility of the project from roads and nearby property. This project is much larger than the one (1) proposed outside Newark.

Cell phone and television reception will not be impacted.

Mr. Nelson made a motion, seconded by Ms. Zubko, to recommend approval of the special use permit with the conditions proposed by Staff, the addition of a condition that damaged drain tile be repaired and/or rerouted, and the suggestion that arborvitae be planted on the north side of the property and/or the installation of taller shrubs during installation.



No – Ashton and Wormley (2)

Absent – Casey and Shaw (2)

The motion passed. This proposal will go to the Zoning Board of Appeals on June 4<sup>th</sup>.

Mr. Wormley voted no because he believed the property values of the subject property will be impacted.

Chairman Ashton voted no because he thought their plans to farm on the sides were unrealistic and taking into consideration the comments of the neighbor.

#### **CITIZENS TO BE HEARD/ PUBLIC COMMENT**

None

#### **NEW BUSINESS**

None

#### **OLD BUSINESS**

##### **Consideration and Action on Amendments to Petition 18-04 Regarding Amending the Future Land Use Map for Property Near Route 47 in Lisbon Township-Commission Could Vote to Schedule a Public Hearing on the Petition**

Mr. Asselmeier noted the change made to the proposal; references to the Prairie Parkway are in past tense.

Mr. Nelson made a motion, seconded by Mr. Bledsoe to schedule a public hearing on the proposed changes to the Land Resource Management Plan for June 27, 2018, at 7:00 p.m. in the County Board Room at 111 W. Fox Street in Yorkville.

Yes – Ashton, Bledsoe, Nelson, Rodriguez, Wilson, Wormley, and Zubko (7)

No – None (0)

Absent – Casey and Shaw (0)

The motion passed.

##### **Update on Petition 17-28 Pertaining to text Amendments to Outdoor Target Practice or Shooting Ranges (Not Including Private Shooting in Your Own Yard)**

Mr. Asselmeier stated that the Planning, Building and Zoning Committee is reviewing one (1) paragraph in the proposal. Upon completion of that review, the proposal will come back to the Planning Commission.

##### **Update on Petition 18-03 Pertaining to Removing the Requirements for the Zoning, Platting and Advisory Committee and the Kendall County Regional Planning Commission to Meet and Issue Recommendations on Proposed Map Amendments, Special Use Permits, Major Amendments to Special Use Permits, and Text Amendments on Matters Not Involving the Powers and Duties of the Zoning, Platting and Advisory Committee or the Kendall County Regional Planning Commission and Related Zoning Text Citation Amendments**

Mr. Asselmeier reported that the Planning, Building and Zoning Committee laid this proposal over until the September 2018 meeting.

##### **Request from the Kendall County Planning, Building and Zoning Committee for Comments Pertaining to Petition 18-07 Regarding Text Amendments Establishing Procedures for Renewing Special Use Permits**

Mr. Asselmeier reported that the Planning, Building and Zoning Committee instructed Staff to rewrite the proposal to allow the County Board to initiate amendments to and revocations of special use permits at any time

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and any reason.

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

Mr. Asselmeier reported that Petition 18-05 rezoning the Warpinski property on Walker Road from A-1 to R-1 was approved by the County Board.

**OTHER BUSINESS/ANNOUNCEMENTS**

None

**ADJOURNMENT**

Mr. Wormley made a motion, seconded by Ms. Zubko, to adjourn. With a voice vote of all ayes, the motion passed unanimously. The Kendall County Regional Plan Commission meeting adjourned at 10:11 p.m.

Respectfully submitted by,  
Matthew H. Asselmeier, AICP  
Senior Planner

Encs.

**KENDALL COUNTY REGIONAL  
PLANNING COMMISSION MEETING  
MAY 23, 2018**

[illegible]



**STANDARD AGRICULTURAL IMPACT MITIGATION AGREEMENT**  
**between**  
**and the**  
**ILLINOIS DEPARTMENT OF AGRICULTURE**  
**Pertaining to the Construction of a Commercial Solar Energy Facility**  
**in**  
**County, Illinois**

Pursuant to the Renewable Energy Facilities Agricultural Impact Mitigation Act (505 ILCS 147), the following standards and policies are required by the Illinois Department of Agriculture (IDOA) to help preserve the integrity of any Agricultural Land that is impacted by the Construction and Deconstruction of a Commercial Solar Energy Facility. They were developed with the cooperation of agricultural agencies, organizations, Landowners, Tenants, drainage contractors, and solar energy companies to comprise this Agricultural Impact Mitigation Agreement (AIMA).

, hereafter referred to as Commercial Solar Energy Facility Owner, or simply as Facility Owner, plans to develop and/or operate a enter size MW Commercial Solar Energy Facility in County [GPS Coordinates: , ], which will consist of up to acres that will be covered by solar facility related components, such as solar panel arrays, racking systems, access roads, an onsite underground collection system, inverters and transformers and any affiliated electric transmission lines. This AIMA is made and entered between the Facility Owner and the IDOA.

If Construction does not commence within four years after this AIMA has been fully executed, this AIMA shall be revised, with the Facility Owner's input, to reflect the IDOA's most current Solar Farm Construction and Deconstruction Standards and Policies. This AIMA, and any updated AIMA, shall be filed with the County Board by the Facility Owner prior to the commencement of Construction.

The below prescribed standards and policies are applicable to Construction and Deconstruction activities occurring partially or wholly on privately owned agricultural land.

**Conditions of the AIMA**

The mitigative actions specified in this AIMA shall be subject to the following conditions:

- A. All Construction or Deconstruction activities may be subject to County or other local requirements. However, the specifications outlined in this AIMA shall be the minimum standards applied to all Construction or Deconstruction activities. IDOA may utilize any legal means to enforce this AIMA.
- B. Except for Section 17. B. through F., all actions are subject to modification through negotiation by Landowners and the Facility Owner, provided such changes are negotiated in advance of any respective Construction or Deconstruction activities.
- C. The Facility Owner may negotiate with Landowners to carry out the actions that Landowners wish to perform themselves. In such instances, the Facility Owner shall offer Landowners the area commercial rate for their machinery and labor costs.

- D. All provisions of this AIMA shall apply to associated future Construction, maintenance, repairs, and Deconstruction of the Facility referenced by this AIMA.
- E. The Facility Owner shall keep the Landowners and Tenants informed of the Facility's Construction and Deconstruction status, and other factors that may have an impact upon their farming operations.
- F. The Facility Owner shall include a statement of its adherence to this AIMA in any environmental assessment and/or environmental impact statement.
- G. Execution of this AIMA shall be made a condition of any Conditional/Special Use Permit. Not less than 30 days prior to the commencement of Construction, a copy of this AIMA shall be provided by the Facility Owner to each Landowner that is party to an Underlying Agreement. In addition, this AIMA shall be incorporated into each Underlying Agreement.
- H. The Facility Owner shall implement all actions to the extent that they do not conflict with the requirements of any applicable federal, state and local rules and regulations and other permits and approvals that are obtained by the Facility Owner for the Facility.
- I. No later than 45 days prior to the Construction and/or Deconstruction of a Facility, the Facility Owner shall provide the Landowner(s) with a telephone number the Landowner can call to alert the Facility Owner should the Landowner(s) have questions or concerns with the work which is being done or has been carried out on his/her property.
- J. If there is a change in ownership of the Facility, the Facility Owner assuming ownership of the Facility shall provide written notice within 90 days of ownership transfer, to the Department, the County, and to Landowners of such change. The Financial Assurance requirements and the other terms of this AIMA shall apply to the new Facility Owner.
- K. The Facility Owner shall comply with all local, state and federal laws and regulations, specifically including the worker protection standards to protect workers from pesticide exposure.
- L. Within 30 days of execution of this AIMA, the Facility Owner shall provide the IDOA with a list of all Landowners that are party to an Underlying Agreement and known Tenants of said Landowner who may be affected by the Facility. As the list of Landowners and Tenants is updated, the Facility Owner shall notify the IDOA of any additions or deletions.
- M. If any provision of this AIMA is held to be unenforceable, no other provision shall be affected by that holding, and the remainder of the AIMA shall be interpreted as if it did not contain the unenforceable provision.

## Definitions

|             |  |
|-------------|--|
| Abandonment | When Deconstruction has not been completed within 12 months after the Commercial Solar Energy Facility reaches the end of its useful life. For purposes of this definition, a Commercial Solar Energy Facility shall be presumed to have reached the end of its useful life if the Commercial Solar Energy Facility Owner fails, for a period of 6 consecutive months, to pay the Landowner amounts owed in accordance with an Underlying Agreement. |
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| Aboveground Cable                                       | Electrical power lines installed above ground surface to be utilized for conveyance of power from the solar panels to the solar facility inverter and/or point of interconnection to utility grid or customer electric meter.  |
| Agricultural Impact Mitigation Agreement (AIMA)         | The Agreement between the Facility Owner and the Illinois Department of Agriculture (IDOA) described herein.   |
| Agricultural Land                                       | Land used for Cropland, hayland, pastureland, managed woodlands, truck gardens, farmsteads, commercial ag-related facilities, feedlots, livestock confinement systems, land on which farm buildings are located, and land in government conservation programs used for purposes as set forth above.  |
| Best Efforts  | Diligent, good faith, and commercially reasonable efforts to achieve a given objective or obligation.  |
| Commercial Operation Date                               | The calendar date of which the Facility Owner notifies the Landowner, County, and IDOA in writing that commercial operation of the facility has commenced. If the Facility Owner fails to provide such notifications, the Commercial Operation Date shall be the execution date of this AIMA plus 6 months.  |
| Commercial Solar Energy Facility (Facility)             | <p>A solar energy conversion facility equal to or greater than 500 kilowatts in total nameplate capacity, including a solar energy conversion facility seeking an extension of a permit to construct granted by a county or municipality before June 29, 2018.</p> <p>“Commercial solar energy facility” does not include a solar energy conversion facility: (1) for which a permit to construct has been issued before June 29, 2018; (2) that is located on land owned by the commercial solar energy facility owner; (3) that was constructed before June 29, 2018; or (4) that is located on the customer side of the customer’s electric meter and is primarily used to offset that customer’s electricity load and is limited in nameplate capacity to less than or equal to 2,000 kilowatts.</p> |
| Commercial Solar Energy Facility Owner (Facility Owner) | A person or entity that owns a commercial solar energy facility. A Commercial Solar Energy Facility Owner is not nor shall it be deemed to be a public utility as defined in the Public Utilities Act.   |
| County  | The County or Counties where the Commercial Solar Energy Facility is located.  |
| Construction  | The installation, preparation for installation and/or repair of a Facility.  |
| Cropland  | Land used for growing row crops, small grains or hay; includes land which was formerly used as cropland, but is currently enrolled in a government conservation program; also includes pastureland that is classified as Prime Farmland.   |



|   |   |
|---|---|
| Deconstruction                              | The removal of a Facility from the property of a Landowner and the restoration of that property as provided in the AIMA.  |
| Deconstruction Plan                         | <p>A plan prepared at the Facility Owner's expense by a Professional Engineer who is agreed upon by the County and the Facility Owner, that includes:</p> <ol style="list-style-type: none"><li>(1) the estimated Deconstruction cost, in current dollars at the time of filing, for the Facility, considering among other things:<ol style="list-style-type: none"><li>i. the number of solar panels, racking, and related facilities involved;</li><li>ii. the original Construction costs of the Facility;</li><li>iii. the size and capacity, in megawatts of the Facility;</li><li>iv. the salvage value of the facilities (if all interests in salvage value are subordinate to that of the Financial Assurance holder if abandonment occurs);</li><li>v. the Construction method and techniques for the Facility and for other similar facilities; and</li></ol></li><li>(2) a comprehensive detailed description of how the Facility Owner plans to pay for the Deconstruction of the Facility.</li></ol> |
| Department                                  | The Illinois Department of Agriculture (IDOA).  |
| Financial Assurance                         | A reclamation or surety bond or other commercially available financial assurance that is acceptable to the County, with the County or Landowner as beneficiary.   |
| Landowner                                   | Any person with an ownership interest in property that is used for agricultural purposes and that is party to an Underlying Agreement.  |
| Prime Farmland                              | Agricultural Land comprised of soils that are defined by the USDA Natural Resources Conservation Service (NRCS) as "Prime Farmland" (generally considered to be the most productive soils with the least input of nutrients and management).  |
| Professional Engineer                       | An engineer licensed to practice engineering in the State of Illinois.  |
| Soil and Water Conservation District (SWCD) | A unit of local government that provides technical and financial assistance to eligible Landowners for the conservation of soil and water resources.  |
| Tenant                                      | Any person, apart from the Facility Owner, lawfully residing or leasing/renting land that is subject to an Underlying Agreement.  |
| Topsoil                                     | The uppermost layer of the soil that has the darkest color or the highest content of organic matter; more specifically, it is defined as the "A" horizon.   |
| Underlying Agreement                        | The written agreement between the Facility Owner and the Landowner(s) including, but not limited to, an easement, option, lease, or license under the terms of which another person has   |

constructed, constructs, or intends to construct a Facility on the property of the Landowner.

**Underground Cable** Electrical power lines installed below the ground surface to be utilized for conveyance of power within a Facility.

**USDA Natural Resources Conservation Service (NRCS)** An agency of the United States Department of Agriculture that provides America's farmers with financial and technical assistance to aid with natural resources conservation.

## **Construction and Deconstruction Standards and Policies**

### **1. Support Structures**

- A. Only single pole support structures shall be used for the Construction and operation of the Facility on Agricultural Land. Other types of support structures, such as lattice towers or H-frames, may be used on nonagricultural land.
- B. Where a Facility's Aboveground Cable will be adjacent and parallel to highway and/or railroad right-of-way, but on privately owned property, the support structures shall be placed as close as reasonably practicable and allowable by the applicable County Engineer or other applicable authorities to the highway or railroad right-of-way. The only exceptions may be at jogs or weaves on the highway alignment or along highways or railroads where transmission and distribution lines are already present.
- C. When it is not possible to locate Aboveground Cable next to highway or railroad right-of-way, Best Efforts shall be expended to place all support poles in such a manner to minimize their placement on Cropland (i.e., longer than normal above ground spans shall be utilized when traversing Cropland).

### **2. Aboveground Facilities**

Locations for facilities shall be selected in a manner that is as unobtrusive as reasonably possible to ongoing agricultural activities occurring on the land that contains or is adjacent to the Facility.

### **3. Guy Wires and Anchors**

Best Efforts shall be made to place guy wires and their anchors, if used, out of Cropland, pastureland and hayland, placing them instead along existing utilization lines and on land other than Cropland. Where this is not feasible, Best Efforts shall be made to minimize guy wire impact on Cropland. All guy wires shall be shielded with highly visible guards.

### **4. Underground Cabling Depth**

- A. Underground electrical cables shall be buried with:
  - 1. a minimum of 5 feet of top cover where they cross Cropland.
  - 2. a minimum of 5 feet of top cover where they cross pastureland or other non-Cropland classified as Prime Farmland.
  - 3. a minimum of 3 feet of top cover where they cross pastureland and other Agricultural Land not classified as Prime Farmland.

4. a minimum of 3 feet of top cover where they cross wooded/brushy land.
- B. Provided that the Facility Owner removes the cables during Deconstruction, underground electric cables may be installed to a minimum depth of 18 inches:
  1. Within the fenced perimeter of the Facility; or
  2. When buried under an access road associated with the Facility provided that the location and depth of cabling is clearly marked at the surface.
- C. If Underground Cables within the fenced perimeter of the Facility are installed to a minimum depth of 5 feet, they may remain in place after Deconstruction.

## **5. Topsoil Removal and Replacement**

- A. Any excavation shall be performed in a manner to preserve topsoil. Best Efforts shall be made to store the topsoil near the excavation site in such a manner that it will not become intermixed with subsoil materials.
- B. Best Efforts shall be made to store all disturbed subsoil material near the excavation site and separate from the topsoil.
- C. When backfilling an excavation site, Best Efforts shall be used to ensure the stockpiled subsoil material will be placed back into the excavation site before replacing the topsoil.
- D. Refer to Section 7 for procedures pertaining to rock removal from the subsoil and topsoil.
- E. Refer to Section 8 for procedures pertaining to the repair of compaction and rutting of the topsoil.
- F. Best Efforts shall be performed to place the topsoil in a manner so that after settling occurs, the topsoil's original depth and contour will be restored as close as reasonably practicable. The same shall apply where excavations are made for road, stream, drainage ditch, or other crossings. In no instance shall the topsoil materials be used for any other purpose unless agreed to explicitly and in writing by the Landowner.
- G. Excess soil material resulting from solar facility excavation shall be removed from Landowner's property, unless otherwise agreed to by Landowner.

## **6. Rerouting and Permanent Repair of Agricultural Drainage Tiles**

The following standards and policies shall apply to underground drainage tile line(s) directly or indirectly affected by Construction and/or Deconstruction:

- A. Prior to Construction, the Facility Owner shall work with the Landowner to identify drainage tile lines traversing the property subject to the Underlying Agreement. All drainage tile lines identified in this manner shall be shown on the Construction and Deconstruction Plans.
- B. The location of all drainage tile lines located adjacent to or within the footprint of the Facility shall be recorded using Global Positioning Systems (GPS) technology. Within 30 days after Construction is complete, the Facility Owner shall provide the



Landowner, the IDOA, and the respective County Soil and Water Conservation District (SWCD) with “as built” drawings (strip maps) showing the location of all drainage tile lines by survey station encountered in the Construction of the Facility, including any tile line repair location(s), and any underground cable installed as part of the Facility.

**C. Maintaining Surrounding Area Subsurface Drainage**

If drainage tile lines traverse the site and are damaged in advance of Construction, during Construction, or during Deconstruction, the Facility Owner shall repair the lines or install new drainage tile line(s) of comparable quality and cost to the original(s), and of sufficient size and appropriate slope in locations that limit direct impact from the Facility. Any new line(s) may be located outside of, but adjacent to the perimeter of the Facility. Disrupted adjacent drainage tile lines shall be attached thereto to provide an adequate outlet for the disrupted adjacent tile lines.

**D. Re-establishing Subsurface Drainage Within Facility Footprint**

Following Deconstruction and using Best Efforts, if underground drainage tile lines were present within the footprint of the facility and were severed or otherwise damaged during original Construction, facility operation, and/or facility Deconstruction, the Facility Owner shall repair existing drainage tiles or install new drainage tile lines of comparable quality and cost to the original, within the footprint of the Facility with sufficient capacity to restore the underground drainage capacity that existed within the footprint of the Facility prior to Construction. Such installation shall be completed within 12 months after the end of the useful life of the Facility

- E. If there is any dispute between the Landowner and the Facility Owner on the method of permanent drainage tile line repair, the appropriate County SWCD’s opinion shall be considered by the Facility Owner and the Landowner.
- F. During Deconstruction, all additional permanent drainage tile line repairs beyond those included above in Section 6.D. must be made within 30 days of identification or notification of the damage, weather and soil conditions permitting. At other times, such repairs must be made at a time mutually agreed upon by the Facility Owner and the Landowner. If the Facility Owner and Landowner cannot agree upon a reasonable method to complete this restoration, the Facility Owner may implement the recommendations of the appropriate County SWCD and such implementation constitutes compliance with this provision.
- G. Following completion of the work required pursuant to this Section, the Facility Owner shall be responsible for correcting all drainage tile line repairs that fail due to Construction and/or Deconstruction for one year following the completion of Construction or Deconstruction, provided those repairs were made by the Facility Owner. The Facility Owner shall not be responsible for drainage tile repairs that the Facility Owner pays the Landowner to perform.

**7. Rock Removal**

With any excavations, the following rock removal procedures pertain only to rocks found in the uppermost 42 inches of soil, the common freeze zone in Illinois, which emerged or were brought to the site as a result of Construction and/or Deconstruction.

- A. Before replacing any topsoil, Best Efforts shall be taken to remove all rocks greater than 3 inches in any dimension from the surface of exposed subsoil which emerged or were brought to the site as a result of Construction and/or Deconstruction.
- B. If trenching, blasting, or boring operations are required through rocky terrain, precautions shall be taken to minimize the potential for oversized rocks to become interspersed in adjacent soil material.
- C. Rocks and soil containing rocks removed from the subsoil areas, topsoil, or from any excavations, shall be removed from the Landowner's premises or disposed of on the Landowner's premises at a location that is mutually acceptable to the Landowner and the Facility Owner.

#### **8. Repair of Compaction and Rutting**

- A. Unless the Landowner opts to do the restoration work on compaction and rutting, after the topsoil has been replaced post-Deconstruction, all areas within the boundaries of the Facility that were traversed by vehicles and Construction and/or Deconstruction equipment that exhibit compaction and rutting shall be restored by the Facility Owner. All prior Cropland shall be ripped at least 18 inches deep, and all pasture and woodland shall be ripped at least 12 inches deep or to the extent practicable. The existence of drainage tile lines or underground utilities may necessitate less ripping depth. The disturbed area shall then be disked.
- B. All ripping and disking shall be done at a time when the soil is dry enough for normal tillage operations to occur on Cropland adjacent to the Facility.
- C. The Facility Owner shall restore all rutted land to a condition as close as possible to its original condition.
- D. If there is any dispute between the Landowner and the Facility Owner as to what areas need to be ripped/disked or the depth at which compacted areas should be ripped/disked, the appropriate County SWCD's opinion shall be considered by the Facility Owner and the Landowner.

#### **9. Construction During Wet Weather**

Except as provided below, construction activities are not allowed on agricultural land during times when normal farming operations, such as plowing, disking, planting or harvesting, cannot take place due to excessively wet soils.

- A. Construction activities on prepared surfaces, surfaces where topsoil and subsoil have been removed, heavily compacted in preparation, or otherwise stabilized (e.g. through cement mixing) may occur at the discretion of the Facility Owner in wet weather conditions.
- B. Construction activities on unprepared surfaces shall be done only when work shall not result in rutting, creating a mixing of subsoil and topsoil. Determination as to the potential of subsoil and topsoil mixing shall be in consultation with the Landowner or Landowner's designee.

**10. Prevention of Soil Erosion**

- A. The Facility Owner shall work with Landowners to prevent excessive erosion on land that has been disturbed by Construction or Deconstruction of a Facility. Consultation with the appropriate County SWCD by the Facility Owner shall take place to determine the appropriate methods to be implemented to control erosion.
- B. If the Landowner and Facility Owner cannot agree upon a reasonable method to control erosion on the Landowner's property, the Facility Owner shall consider the recommendations of the appropriate County SWCD to resolve the disagreement.
- C. The Facility Owner may, with the consent of the Landowner, seed appropriate vegetation around all panels and other facility components to prevent erosion. The Facility Owner must utilize Best Efforts to ensure that all seed mixes will be as free of any noxious weed seeds as possible. The Facility Owner shall consult with the Landowner regarding appropriate varieties to seed.

**11. Repair of Damaged Soil Conservation Practices**

Consultation with the appropriate County SWCD by the Facility Owner shall be carried out to determine if there are soil conservation practices (such as terraces, grassed waterways, etc.) that will be damaged by the Construction and/or Deconstruction of the Facility. Those conservation practices shall be restored to their preconstruction condition as close as reasonably practicable following Deconstruction in accordance with USDA NRCS technical standards. All repair costs shall be the responsibility of the Facility Owner.

**12. Compensation for Damages to Private Property**

The Facility Owner shall reasonably compensate Landowners for damages caused by the Facility Owner. Damage to Agricultural Land shall be reimbursed to the Landowner as prescribed in the applicable Underlying Agreement.

**13. Clearing of Trees and Brush**

- A. If trees are to be removed for the Construction or Deconstruction of a Facility, the Facility Owner shall consult with the Landowner to determine if there are trees of commercial or other value to the Landowner.
- B. If there are trees of commercial or other value to the Landowner, the Facility Owner shall allow the Landowner the right to retain ownership of the trees to be removed and the disposition of the removed trees shall be negotiated prior to the commencement of land clearing.

**14. Access Roads**

- A. To the extent practicable, access roads shall be designed to not impede surface drainage and shall be built to minimize soil erosion on or near the access roads.
- B. Access roads may be left intact during Construction, operation or Deconstruction through mutual agreement of the Landowner and the Facility Owner unless otherwise restricted by federal, state, or local regulations.
- C. If the access roads are removed, Best Efforts shall be expended to assure that the land shall be restored to equivalent condition(s) as existed prior to their construction,



or as otherwise agreed to by the Facility Owner and the Landowner. All access roads that are removed shall be ripped to a depth of 18 inches. All ripping shall be performed consistent with Section 8.

**15. Weed/Vegetation Control**

- A. The Facility Owner shall provide for weed control in a manner that prevents the spread of weeds. Chemical control, if used, shall be done by an appropriately licensed pesticide applicator.
- B. The Facility Owner shall be responsible for the reimbursement of all reasonable costs incurred by owners of agricultural land where it has been determined by the appropriate state or county entity that weeds have spread from the Facility to their property. Reimbursement is contingent upon written notice to the Facility Owner. Facility Owner shall reimburse the property owner within 45 days after notice is received.
- C. The Facility Owner shall ensure that all vegetation growing within the perimeter of the Facility is properly and appropriately maintained. Maintenance may include, but not be limited to, mowing, trimming, chemical control, or the use of livestock as agreed to by the Landowner.
- D. The Deconstruction plans must include provisions for the removal of all weed control equipment used in the Facility, including weed-control fabrics or other ground covers.

**16. Indemnification of Landowners**

The Facility Owner shall indemnify all Landowners, their heirs, successors, legal representatives, and assigns from and against all claims, injuries, suits, damages, costs, losses, and reasonable expenses resulting from or arising out of the Commercial Solar Energy Facility, including Construction and Deconstruction thereof, and also including damage to such Facility or any of its appurtenances, except where claims, injuries, suits, damages, costs, losses, and expenses are caused by the negligence or intentional acts, or willful omissions of such Landowners, and/or the Landowners heirs, successors, legal representatives, and assigns.

**17. Deconstruction Plans and Financial Assurance of Commercial Solar Energy Facilities**

- A. Deconstruction of a Facility shall include the removal/disposition of all solar related equipment/facilities, including the following utilized for operation of the Facility and located on Landowner property:
  - 1. Solar panels, cells and modules;
  - 2. Solar panel mounts and racking, including any helical piles, ground screws, ballasts, or other anchoring systems;
  - 3. Solar panel foundations, if used (to depth of 5 feet);
  - 4. Transformers, inverters, energy storage facilities, or substations, including all components and foundations; however, Underground Cables at a depth of 5 feet or greater may be left in place;
  - 5. Overhead collection system components;
  - 6. Operations/maintenance buildings, spare parts buildings and substation/switching gear buildings unless otherwise agreed to by the Landowner;

7. Access Road(s) unless Landowner requests in writing that the access road is to remain;
  8. Operation/maintenance yard/staging area unless otherwise agreed to by the Landowner; and
  9. Debris and litter generated by Deconstruction and Deconstruction crews.
- B. The Facility Owner shall, at its expense, complete Deconstruction of a Facility within twelve (12) months after the end of the useful life of the Facility.
- C. During the County permit process, or if none, then prior to the commencement of construction, the Facility Owner shall file with the County a Deconstruction Plan. The Facility Owner shall file an updated Deconstruction Plan with the County on or before the end of the tenth year of commercial operation.
- D. The Facility Owner shall provide the County with Financial Assurance to cover the estimated costs of Deconstruction of the Facility. Provision of this Financial Assurance shall be phased in over the first 11 years of the Project's operation as follows:
1. On or before the first anniversary of the Commercial Operation Date, the Facility Owner shall provide the County with Financial Assurance to cover ten (10) percent of the estimated costs of Deconstruction of the Facility as determined in the Deconstruction Plan.
  2. On or before the sixth anniversary of the Commercial Operation Date, the Facility Owner shall provide the County with Financial Assurance to cover fifty (50) percent of the estimated costs of Deconstruction of the Facility as determined in the Deconstruction Plan.
  3. On or before the eleventh anniversary of the Commercial Operation Date, the Facility Owner shall provide the County with Financial Assurance to cover one hundred (100) percent of the estimated costs of Deconstruction of the Facility as determined in the updated Deconstruction Plan provided during the tenth year of commercial operation.
- The Financial Assurance shall not release the surety from liability until the replacement Financial Assurance is in place. The estimated cost of Deconstruction shall not take into account any salvage value of the Facility unless the County agrees in writing that all interests in the salvage value are subordinate to that of the County if Abandonment occurs.
- E. The County may, but is not required to, reevaluate the estimated costs of Deconstruction of any Facility after the tenth anniversary, and every five years thereafter, of the Commercial Operation Date. Based on any reevaluation, the County may require changes in the level of Financial Assurance used to calculate the phased Financial Assurance levels described in Section 17.D. required from the Facility Owner. If the County is unable to its satisfaction to perform the investigations necessary to approve the Deconstruction Plan filed by the Facility Owner, then the County may select a separate Professional Engineer independent of the Facility Owner to conduct any necessary investigations. The Facility Owner shall be responsible for the cost of any such investigations.
- F. Upon Abandonment, the County may take all appropriate actions for Deconstruction including drawing upon the Financial Assurance.

### Concurrence of the Parties to this AIMA

The Illinois Department of Agriculture and \_\_\_\_\_ concur that this AIMA is the complete AIMA governing the mitigation of agricultural impacts that may result from the Construction and Deconstruction of the solar farm project in \_\_\_\_\_ County within the State of Illinois.

The effective date of this AIMA commences on the date of execution.

**STATE OF ILLINOIS  
DEPARTMENT OF AGRICULTURE**

**FACILITY OWNER  
a name of state limited liability  
company**

\_\_\_\_\_  
By Raymond Poe, Director

\_\_\_\_\_  
By \_\_\_\_\_, Title

\_\_\_\_\_  
By Craig J. Sondgeroth, General Counsel

801 E. Sangamon Avenue, 62702  
State Fairgrounds, POB 19281  
Springfield, IL 62794-9281

\_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_, 20\_\_\_\_