

KENDALL COUNTY
PLANNING, BUILDING & ZONING COMMITTEE MEETING
111 West Fox Street • Room 209 and 210 • Yorkville, IL • 60560
(630) 553-4141 Fax (630) 553-4179
AGENDA

Monday, July 10, 2017 – 6:30 p.m.

CALL TO ORDER:

ROLL CALL: Lynn Cullick, Bob Davidson (Chair), Scott Gryder, Judy Gilmour and Matt Kellogg (Vice Chair)

APPROVAL OF AGENDA:

APPROVAL OF MINUTES: Approval of Minutes from the June 12, 2017 Meeting (Pages 3-9)

EXPENDITURE REPORT: Review of Expenditures from the Prior Month (Pages 10-12)

PUBLIC COMMENT:

PETITIONS:

None

NEW BUSINESS:

1. Request for Guidance Regarding 55 ILCS 5/5-12014 (c) Pertaining to Objections by Townships on Map Amendments and Text Amendments (Page 13)
2. Request for Guidance Regarding Gaming Machines in Gas Stations

OLD BUSINESS:

1. 9111 Ashley Road Buffering Issue (Pages 14-19)
2. Hideaway Lakes Campground Discussion (Pages 20-39)
3. Amendments to Outdoor Shooting Range Regulations (Pages 40-45)
4. Noxious Weed Related Procedures (Pages 46-47)
5. Village of Millbrook Related Items (Pages 48-49)
 - a. Approval to Suspend Planning, Building, Zoning, Subdivision and Stormwater Inspections and Reviews within the Village of Millbrook
 - b. Approval of an Amended Intergovernmental Agreement Between the Village of Millbrook and Kendall County

UPDATE FOR HISTORIC PRESERVATION COMMISSION:

None

REVIEW PERMIT REPORT: (Page 50)

REVIEW REVENUE REPORT: (Page 54)

CORRESPONDENCE:

1. June 20, 2017 Letter from Daniel J. Kramer RE: Delaney Public Hearing Shooting Range Petition 16-14 (Pages 55-56)
2. June 27, 2017 Email from Robert Velazquez RE: Petition Withdrawal Email (Page 57)
3. Correspondence Related to Banquet Facility at 1996 Johnson Road (Pages 58-61)
4. Correspondence Related to Alleged Zoning Violation at 14207 Church Road (Pages 62-110)

PUBLIC COMMENT:

COMMENTS FROM THE PRESS:

EXECUTIVE SESSION:

ADJOURNMENT:

If special accommodations or arrangements are needed to attend this County meeting, please contact the Administration Office at 630-553-4171, a minimum of 24-hours prior to the meeting time.

KENDALL COUNTY PLANNING, BUILDING & ZONING COMMITTEE

Kendall County Office Building

Rooms 209 & 210

111 W. Fox Street, Yorkville, Illinois

6:30 p.m.

Meeting Minutes of June 12, 2017 – Unofficial until approved

CALL TO ORDER

The meeting was called to order by Vice Chairman Matt Kellogg at 6:34 p.m.

ROLL CALL

Committee Members Present: Lynn Cullick, Judy Gilmour, Scott Gryder, and Matt Kellogg (Vice Chairman)

Committee Members Absent: Bob Davidson (Chairman)

Also Present: Matt Asselmeier (Senior Planner), Scott Koeppel (Interim Acting Director of Planning, Building and Zoning), Robert Velazquez (Representing Semper Fi, Inc.), Dan Kramer (Representing Robert Delaney and Massimo Bianchini), Todd Milliron, Gregg Ingemunson (Representing the owner of Bristol Tap), Cheryl Bullock, Dale Johnson, Dave Tremain, Donna Krahn, Robert Walker (Bristol Township Supervisor), Roger Arntzen, Christine Springer, Lori Haff-DeLancy, Rick Hoover, Dale Johnson, Cheryl Belot, Jim Menard (Representing landowner surrounding 1996 Cannonball Trail), Janice Smith, Donna Krahn, Doug Harms, Mike Duncan Aaron Rybski, Lauren Belleville and Joe Phillips

APPROVAL OF AGENDA

Motion by Member Gilmour, seconded by Member Gryder, to approve the agenda as presented. With a voice vote of four ayes, the motion carried.

Chairman Bob Davidson arrived at this time (6:35 p.m.)

APPROVAL OF MINUTES

Motion by Member Cullick, seconded by Member Kellogg, to approve the minutes from the May 8, 2017 meeting. Mr. Asselmeier stated the renewal of a special use permit to have a billboard at U.S. 34 and Hafenrichter is nearly finished; Staff is waiting on a document showing the location of billboard on the property and the application fee. Mr. Asselmeier also stated that the owner of the banquet facility at 9111 Ashley Road agreed to attend the July Committee meeting. With a voice vote of five ayes, the motion carried.

EXPENDITURE REPORT

Committee reviewed the claims report. Motion by Member Cullick, seconded by Member Kellogg to approve the claims report. With a voice vote of five ayes, the motion carried.

PUBLIC COMMENT

Todd Milliron, Yorkville, expressed concerns regarding the Delaney petition's request for a six (6) month layover. He believed that if the petitioner was not ready, then the petitioner should reapply. Mr. Milliron also expressed concerns regarding the Semper Fi petition. He believed that petition requires restrictions and oversight.

Gregg Ingemunson, representing the owner of the Bristol Tap, expressed concerns that neighbors were not aware of the special use hearing. He does not believe that odor could be controlled. No restrictions were placed on other landscape waste composting facilities regarding odor.

Robert Walker, Bristol Township Supervisor, expressed concerns that neighbors were unaware of the petition. Mr. Asselmeier stated that the notice was published in the Kendall County Record on May 4th. The petitioner sent notices to neighbors within five hundred feet (500'). The notification sign was placed at the petitioner's property on May 15th.

Christine Springer, a Realtor from Yorkville and Bristol resident, stated concerns regarding the impact of odors on property values.

Lori Haff-Delancy, a Realtor and Bristol resident, expressed concerns regarding the impact of odors on property values. She also expressed concerns regarding truck traffic in the area.

Rick Hoover, Royal Oaks Drive, asked who would cleanup the property if the landscape waste composting facility goes out of business.

Dale Johnson, South Street, believed that approving this proposal would be shortsighted. The odor could negatively impact Bristol Tap and water park. He would like to see a cleanup bond adjusted for inflation and not be in today's dollars.

Roger Arntzen, Bristol, asked for an environmental study. He expressed concerns about pollution in Blackberry Creek and groundwater. Mr. Arntzen discussed issues with smoke and odors an inconvenience law.

Cheryl Belot, Bristol, expressed concerns about noise. She also asked if vibrations would occur.

Jim Menard, representing the landowner surrounding 1996 Cannonball Trail, requested that the one-eighth (1/8) mile requirement for starting closure of the facility be included in the restrictions.

Janice Smith, Bristol, expressed concerns about not receiving notification. He was also concerned about odors and truck traffic.

Donna Krahn, Bristol, attended the Regional Planning Commission meeting. She asked about the petitioner's method for checking his material and what was the legal recourse of the neighbors if problems arise.

Doug Harms, Royal Oaks Drive, expressed concerns about odors. He believed that this use should be in a more agricultural area and the impact of the proposed use on property values.

Mike Duncan, Bristol, stated that he supports entrepreneurs. He did not believe that an exception should be given in this case because of resale value of neighboring properties. Mr. Duncan also expressed concerns regarding non-point source pollution related to the proposed

use and the impact of this pollution on wells and the knowledge of the Committee on this issue. In his opinion, there are better locations for this business in Kendall County.

Robert Velazquez, 1996 Cannonball Trail, thanked everyone for expressing their concerns. He wanted to create an environmentally friendly way to use the waste from his landscaping business. The material will be eighty percent (80%) mulch and twenty percent (20%) compost. Mr. Velazquez's operation will only use approximately two (2) acres for the proposed business. He plans to live at the property. Truck traffic will be small. He will be selective of which entities he allows to dump at the property. Mr. Velazquez will hold a bond for cleanup as required by the Illinois Environmental Protection Agency.

Todd Milliron added that Kendall County had a bad experience with businesses using windrows, particularly the Hamman property.

PETITIONS

16-14 Robert Delaney (Petitioner Requests a Layover for a Period of Six Month)

Request: Special Use Permit to Operate an Outdoor Shooting Range

Location: 16502 Church Road, Lisbon Township

Mr. Asselmeier stated that the petitioner desires a layover of the petition for six (6) months in order to examine whether or not the costs involved allow for the continuation of the project. The Committee is waiting on the petitioner to submit a lead management plan. The hours of operation also need to be finalized.

Member Kellogg expressed concerns that commercial shooting activities were occurring on the property based on online advertisement. The petitioner's attorney, Dan Kramer, stated the petitioner is still evaluating lead retrieval methods and applicable costs.

Member Gryder asked if the petitioner was operating a business at the property. Mr. Kramer stated that the petitioner is not operating a business at the property; his friends and family shoot at the property.

Discussion occurred regarding setting a layover period. Mr. Kramer expressed concerns about securing financing for the lead remediation system in thirty (30) days.

The Committee requested clarification on the difference between "customers" and "guests" as they relate to the easement to reach the subject property.

Motion by Member Cullick, seconded by Member Gryder, to layover the petition until the July 2017 PBZ meeting.

With a voice vote of five ayes, the motion carried.

17-09 Semper Fi Land, Inc. (Robert Velazquez)

Request: Special Use Permit to Operate a Landscape Waste Composting Facility

Location: 1996 Cannonball Trail (PIN: 02-15-101-003), Bristol Township

Mr. Asselmeier summarized the petition, stated the findings of fact, and read the thirty-one (31) proposed restrictions. The proposed site plan shows trees to the south and east of the operations and not along the entire south property line or southwest property line.

Mr. Velazquez stated that his company would not produce twenty-six thousand (26,000) cubic yards of waste annually. Some semis would deliver waste to the property. Mr. Velazquez said that he would turn over the product once or twice a year.

Member Davidson expressed concerns over how long it takes for water samples to go to environmental health. He also would like to see water sampling more frequently than once per year.

Member Kellogg asked if the petitioner would use any staining or coloring. Mr. Velazquez said that mulch will be natural.

Member Gilmour asked who else would bring materials to the property. Mr. Velazquez stated that other landscape companies would be allowed to bring materials, they would be a select few. Mr. Velazquez anticipates five-ten (5-10) trucks per week, including smaller trucks. Mr. Velazquez also explained how tub grinders work; he would not operate the tub grinder daily.

Member Gilmour expressed concerns regarding the Illinois Environmental Protection Agency to timely enforce applicable regulations. Aaron Rybski, Kendall County Health Department, explained their procedures for investigating complaints. Mr. Rybski felt confident that the restrictions related to the Health Department were appropriate.

Discussion occurred regarding the planting of trees as a buffer.

Member Kellogg asked about the requirement of the business to close within three (3) years if a new home is constructed and occupied for a period of sixty (60) days. Mr. Asselmeier stated that Yorkville got that requirement from the State law. Yorkville did not want to initiate closure if a model home was constructed and not occupied.

Member Kellogg asked where did the twenty-six thousand (26,000) cubic yards figure originated. Mr. Velazquez based the figure on the amount of material gathered and the time it takes to make compost. Mr. Velazquez agreed that a lower amount could be used.

Member Gilmour asked where the water and soil sample results were recorded. Mr. Rybski explained where the results were kept and the procedure for addressing concerns if water and soil sample came back with issues.

Member Kellogg thanked the petitioner for applying and going through the process himself without assistance.

Motion by Member Gryder, seconded by Member Kellogg, to send the proposal to the County Board.

Ayes: Davidson (1)

Nays: Cullick, Gilmour, Gryder and Kellogg (4)

Absent: None (0)

The motion failed.

The Committee requested a legal opinion regarding whether or not the PBZ Committee can kill an application.

The Committee recessed from 8:31 p.m. to 8:35 p.m.

NEW BUSINESS

Hideaway Lakes Campground Discussion

Member Gilmour reported that the Law, Justice & Legislation Committee requested that the special use permit be revoked due to the criminal activity at the property.

Member Davidson asked Mr. Kramer to take a copy of the list of Sheriff's Department concerns to Mr. Tanner and have Mr. Tanner attend the July meeting.

Lauren Belleville, from the Kendall County Health Department, discussed the Health Department's concerns with the property. The Health Department will have a list of alleged violations at the July PBZ meeting.

Discussion of Possible Amendment to Stormwater Ordinance Related to Plano Stormwater Concerns Relate to Foli Park and MTH Parking Lot Project and Kendall County Forest Preserve District Trail in Millbrook South Forest Preserve

Member Kellogg left at this time (8:50 p.m.).

Mr. Asselmeier read his memo regarding the Plano stormwater concerns and the concerns of MTH regarding their parking lot. Dave Tremain discussed his parking lot issue. Mr. Asselmeier will work with Mr. Tremain to see if the issue can be addressed.

Approval of Resolution Granting a Three (3) Year Extension to the Recording of the Final Plat of Subdivision for Camelot Farm (Petition 08-18)

Motion by Member Gryder, seconded by Member Gilmour, to recommend approval of the resolution granting a three year extension to the recording of the Final Plat of Subdivision for Camelot Farm.

With a voice vote of four ayes, the motion carried.

The proposal will be forwarded to the County Board for their June 20th meeting.

Approval of Annual Facility Inspection Report for NPDES Permit for Stormwater Discharges from Separate Storm Sewer System (MS4)

Member Cullick left at this time (9:00 p.m.)

Motion by Member Gryder, seconded by Member Gilmour, to recommend approval of the annual facility inspection report for NPDES Permit for stormwater discharges from Separate Storm Sewer System (MS4).

With a voice vote of three ayes, the motion carried.

The proposal will be forwarded to the County Board for their June 20th meeting.

Approval to Transfer 2003 Inspection Vehicle from Planning, Building and Zoning Department to Facilities Management Department

Motion by Member Gryder, seconded by Member Gilmour, to recommend approval of the transfer of the 2003 inspection vehicle from Planning, Building and Zoning Department to Facilities Management Department.

With a voice vote of three ayes, the motion carried.

The proposal will be forwarded to the County Board for their June 20th meeting.

Six Month PBZ Financial Report Review

The Committee reviewed the six month financial report and expressed no concerns.

Comparison of Enforcement Procedures and Fines for Ordinances under PBZ Jurisdiction

The Committee reviewed Mr. Asselmeier's memo on the subject. The Committee requested that Staff handle the ordinances one at a time.

Request by Ad-Hoc Zoning Ordinance Committee for PBZ Acting Interim Director to Send a Letter to the United City of Yorkville RE: Differences between the Future Land Use Maps of Yorkville and Kendall County

The consensus of the Committee was that PBZ Acting Interim Director send a letter to the United City of Yorkville RE: Differences between the future land use maps of Yorkville and Kendall County when he gets an opportunity

OLD BUSINESS

Amendments Regarding Outdoor Shooting Range Regulations

Mr. Asselmeier provided a proposal to amend the outdoor shooting range regulations; the proposed regulations include archery regulations.

Member Davidson requested that the proposal be forwarded to the rest of the County Board for their suggestions and that all ideas should be brought back to the PBZ Committee for further review.

Approval of Amended Intergovernmental Agreement Between the Village of Millbrook and Kendall County

Mr. Asselmeier informed the Committee that the Village of Millbrook would like to amend Section 6 of the proposed Intergovernmental Agreement. They would like the Village's auto liability and general liability insurance to be secondary coverage. The Village of Plattville approved the agreement at their May meeting. The Committee had the consensus that the Village of Millbrook's auto liability and general liability should be primary insurance coverage. Staff was directed to inform the Village of Millbrook of the Committee's opinion.

UPDATE FOR HISTORIC PRESERVATION COMMISSION

The Historic Preservation Commission will have a booth at PrairieFest on the Saturday of the event. The Historic Preservation Commission has not had any quorum issues.

REVIEW PERMIT REPORT

The Committee reviewed the permit report.

REVIEW REVENUE REPORT

Committee reviewed the revenue report.

CORRESPONDENCE

Letter from Illinois Department of Agriculture Regarding Noxious Weed Law

Mr. Asselmeier read a memo regarding the Illinois Department of Agriculture's letter regarding the Noxious Weed Law. The Committee requested to contact the township road commissioners to see how they are handling noxious weed complaints.

Churchill Club Stormwater Issue

Mr. Asselmeier read a memo regarding the Churchill Club Stormwater Issue. Staff is working with the Village of Oswego to develop a response to the issue.

PUBLIC COMMENT

Joe Phillips, Whitewillow Road, thanked the Committee for bringing the Delaney matter to a head. He stated classes were held on the property and a Groupon exists for classes at the property.

COMMENTS FROM THE PRESS

None

EXECUTIVE SESSION

None

ADJOURNMENT

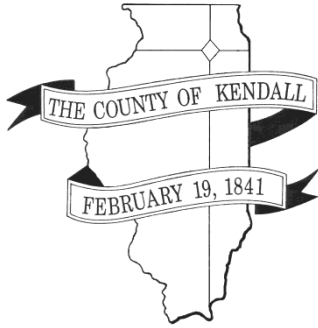
Member Gryder motioned to adjourn, seconded by Member Gilmour. With a voice vote of three ayes, Chairman Davidson adjourned the meeting at 9:35 p.m.

Minutes prepared by Matthew H. Asselmeier, AICP, Senior Planner

frmPrtClaim	Kendall County	Claims Listing				06/05/17	10:41:33 AM	Page 001
Vendor#	Name	Invoice #	Description	Date	Budget #	Account Description	Dist Amount	
BUILDING AND ZONING								
1 012018	AT & T MOBILITY	287251783045X	CELL PHONE BILL - BR	06/05/17	01020026207	CELLULAR PHONE	74.42 74.42*	
2 110531	KENDALL CO HIGHWAY DEPT	MAY 2017	13.1 GAL GAS - TRUCK	06/05/17	01020026217	VEHICLE MAINT/REPAIRS	24.89 24.89*	
3 261005	RANDY ERICKSON	MAY 2017	10 INSPECTIONS - MAY	06/05/17	01020026361	PLUMBING INSPECTIONS	1,400.00 1,400.00*	
4 110545	KENDALL COUNTY RECORDER	819	2 RECORDINGS - MISC	06/05/17	01020026370	RECORDING EXPENSE	136.00 136.00*	
						Total BUILDING AND ZONING	1,635.31*	
ENGINEERING/CONSULTING ESCROW ACCT								
5 230933	WBK ENGINEERING, LLC	17749	JOLIET PARK DISTRICT	06/05/17	59020000039	GROVE ROAD PARK SITE SP 1	298.89 298.89*	
						Total ENGINEERING/CONSULTING ESCROW	298.89*	
						GRAND TOTAL	1,934.20**	

frmPrctClaim		Kendall County		Claims Listing		06/08/17	10:54:52 AM	Page 001
Vendor#	Name	Invoice #	Description	Date	Budget #	Account Description	Dist Amount	
CAPITAL IMPROVEMENT FUND - EXPENSE								
1 130939	MILES CHEVROLET INC.	2017 TRUCK	PBZ 2017 TRUCK	06/08/17	04020006650	EXPENSES	22,669.00	
							22,669.00*	
						Total CAPITAL IMPROVEMENT FUND - EX	22,669.00*	
						GRAND TOTAL	22,669.00**	

frmPrtClaim	Kendall County	Supplemental Claims Listing			06/19/17	2:01:36 PM	Page 001
Vendor#	Name	Invoice #	Description	Date	Budget #	Account Description	Dist Amount
BUILDING AND ZONING							
1 012290	AUTOMOTIVE SPECIALTIES INC	22241	2008 FORD F150 BRAKE	06/19/17	01020026217	VEHICLE MAINT/REPAIRS	499.61 499.61*
2 230933	WBK ENGINEERING, LLC	17912	4/30 - 5/27/17 REVIE	06/19/17	01020026363	CONSULTANTS	94.50 94.50*
3 030800	CHICAGO TRIBUNE	003297891	ZBA MEETING PUBLICAT	06/19/17	01020026381	ZONING BOARD OF APPEALS	226.55 226.55*
4 230545	WALTER WERDERICH	JUNE 5, 2017	JUNE 5, 2017 HEARING	06/19/17	01020026382	HEARING OFFICER	350.00 350.00*
Total BUILDING AND ZONING							1,170.66*
ENGINEERING/CONSULTING ESCROW ACCT							
5 230933	WBK ENGINEERING, LLC	17914	PROF SVC 4/30 - 5/27	06/19/17	59020000037	STOR-MOR 16-20	189.00 189.00*
6 230933	WBK ENGINEERING, LLC	17913	PROF SVC 4/30 - 5/27	06/19/17	59020000046	FOX METRO WATER REC DIST	1,464.69 1,464.69*
7 230933	WBK ENGINEERING, LLC	17915	PROF SVC 4/30 - 5/27	06/19/17	59020000052	SEMPER FI PET 17-09	756.00 756.00*
Total ENGINEERING/CONSULTING ESCROW							2,409.69*
GRAND TOTAL							3,580.35**



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 316

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: PBZ Committee
From: Matthew H. Asselmeier, AICP, Senior Planner
Date: June 29, 2017
Re: Request for Guidance Regarding 55 ILCS 5/5-12014 (c) Pertaining to Objections by Townships on Map Amendments and Text Amendments

While researching procedures for text amendments to the Zoning Ordinance, Staff found the following section in the Counties Code:

“55 ILCS 5/5-12014

(c) If a township located within a county with a population of less than 600,000 has a plan commission and the plan commission objects to a text amendment or a map amendment affecting an unincorporated area of the township, then the township board of trustees may submit its written objections to the county board within 30 days after the hearing before the board of appeals, in which case the county board may not adopt the text amendment or the map amendment affecting an unincorporated area of the township except by the favorable vote of at least three-fourths of all the members of the county board.”

Historically, a map amendment or text amendment appears on the PBZ Committee agenda at the next meeting following a Zoning Board of Appeals hearing. Then, the matter proceeds to the County Board. The County Board meets between 15 and 22 days after the Zoning Board of Appeals hearing. On most items, the township submits comments prior to the Zoning Board of Appeals hearing, but, occasionally a township will be silent on a proposal.

Staff requests direction as to whether the PBZ Committee would like map and text amendment proposals placed on their agenda immediately after the Zoning Board of Appeals hearing or waiting until closer to the 30 day point on matters where townships either filed objections or did not file comments on proposals.

MHA

Matt Asselmeier

From: Vicki [REDACTED]
Sent: Thursday, May 25, 2017 8:42 AM
To: Matt Asselmeier
Cc: Scott Koeppel; KC Board
Subject: Re: Ashley Farm - 9111 Ashley Rd, Yorkville

Dear Mr. Asselmeier,

So, as luck would have it for the Walkers, not for the home owner that has lived across the street for the past 27 years, someone forgot to copy verbatim the township's wording regarding the purpose for the berm . . . how convenient. The approved berm is possibly a foot tall and a few feet long. What would a berm of this size actually do? Why would the county even add the condition for a berm that does nothing?

As for the newly planted pine trees, it will take years (10 plus) to provide any real screening and negligible noise buffer. The Christmas tree I put up in my home every year is roughly the same size as those just planted.

Also, just to be clear, you are asking the nearby property owners to police Ashley Farm. By the time a call is placed and the Sheriff's department arrives, levels of noise can change and/or guests that recklessly leave will be long gone. Perhaps the Sheriff's department could establish a presence by driving by the venue during typical operating hours (weekend evenings), thus deterring some of the noise and in this instance neanderthal behavior. In addition, maybe the last few feet of the egress, of the south drive, could be paved to alleviate the gravel burnouts.

Vicki Schnabel

-----Original Message-----

From: Matt Asselmeier <masselmeier@co.kendall.il.us>
To: Vicki <[REDACTED]>
Cc: Scott Koeppel <skoeppele@co.kendall.il.us>
Sent: Fri, May 19, 2017 9:13 am
Subject: RE: Ashley Farm - 9111 Ashley Rd, Yorkville

Dear Vicki Schnabel:

I am sorry to hear about the issues regarding the banquet facility at 9111 Ashley Road.

Unfortunately, the berm was not defined in detail in the ordinance adopting the special use permit; the ordinance stated that a berm shall be constructed on Ashley Road. The ordinance does not state the height or width of the berm. The ordinance also does not state the purpose of the berm.

Last Wednesday, knowing that an event was planned at the facility, I informed the Sheriff's Department that an event would occur and asked the Sheriff's Department to let me know if they received any calls related to the event. On May 15th, I received an email from the Sheriff's Department stating that no calls were received related to the event. Accordingly, your email is the first correspondence I received stating a noise concern arose from this event.

As I become aware of the dates of events at 9111 Ashley Road, I will inform the Sheriff's Department and ask them to let me know if they receive any calls arising from the events. I request that if you see or hear anything that disturbs your peace to contact the Sheriff's Department immediately.

If I can be of additional assistance, 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: Vicki [mailto:vw@ashleyfarm.com]
Sent: Thursday, May 18, 2017 9:17 AM
To: Brian Holdiman; Matt Asselmeier
Cc: KC Board
Subject: Ashley Farm - 9111 Ashley Rd, Yorkville

Dear Mr. Holdiman and Mr. Asselmeier,

Last Saturday night (5-13-17) Ashley Farm held the 1st wedding of 2017. Last June the Kendall Township board voted to approve this banquet facility with a few conditions that I have copied verbatim, below:

Kendall Township (6.21.16)

Voted 3-2 to recommend approval with the following conditions:

- Evergreen trees be planted north of the buildings to provide screening to the property across the street and to serve as a buffer to prevent noise from leaving the property
- A berm be constructed along Ashley Road to add additional screening and noise prevention onto surrounding properties
- Adequate lighting be considered
- Strict enforcement of the hours of operation

To date there is no berm across the street from our home. Ron Walker agreed to these conditions back in June 2016, however there is still no berm to provide screening and noise prevention for my family, our home, and our neighborhood. As you may or may not know, we have an eleven month old baby girl and the noise from the music on Saturday night did not fare well with her. She had a tough night sleeping, which made for a difficult Sunday for all of us. When can we expect the berm to be built? When can we expect some relief? Adding to the evening noise level, between 10:30 – 11:15 pm, were the 5 cars which proceeded to leave Ashley Farm by sending gravel flying when exiting the south gravel drive, squealing tires, and honking horns as they drove northbound in front of our home. I hardly believe this would be appropriate, acceptable behavior in Whitetail Ridge. This is not acceptable for my family. This was a quiet neighborhood!!!!

Vicki Schnabel
[REDACTED]

Matt Asselmeier

From: Michael Peters
Sent: Sunday, May 21, 2017 1:14 PM
To: Matt Asselmeier
Cc: Dwight Baird; Jason Langston
Subject: FW: Events at Ashley Farm

Matt,

We did not receive any noise complaints from the event on the 20th. We did receive a complaint that they were releasing balloons that have fire. These turned out to be biodegradable LED balloons. The report number is 2017-1601, if this is something you would like to view, please send a request to Lisa Bowen and she will get it to you once it has been typed up.

Sincerely,

Commander Michael Peters

Kendall County Sheriff's Office
1102 Cornell Lane
Yorkville IL 60560
630-553-7500 x 1106
630-553-0327 fax

From: Matt Asselmeier
Sent: Friday, May 19, 2017 2:09 PM
To: Dwight Baird
Cc: Scott Koeppel; Robert Davidson
Subject: FW: Events at Ashley Farm

Sheriff Baird:

I sent the following email to Deputy Commander Langston and received a message that he is out of the office.

Last year, the County Board awarded a special use permit for a banquet facility at 9111 Ashley Road. The Board placed several restrictions, including a restriction related to noise level, on the special use permit.

In the following message to Deputy Commander Langston, I included a listing of dates when events will occur at the property; there is an event (a wedding and reception) scheduled for tomorrow, May 20th. Could you let me know if the Sheriff's Department receives any noise complaints from this event?

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: Friday, May 19, 2017 2:00 PM

To: Jason Langston

Cc: Scott Koeppel; Brian Holdiman; Robert Davidson

Subject: FW: Events at Ashley Farm

Deputy Commander Langston:

Below please find the dates of events at 9111 Ashley Road for this year; this is their current calendar of events and is subject to change.

As you can see, there is another event this weekend. Please let me know Monday if the Sheriff's Department receives any noise complaints regarding this event.

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: Ashley Johnson [mailto:

Sent: Friday, May 19, 2017 1:45 PM

To: Matt Asselmeier

Subject: Events at Ashley Farm

Matt,

Here are dates that we currently have booked at Ashley Farm:

- May 13th, 20th, 27th and 28th
- June 3rd, 10th, 17th and 24th
- July 1st, 7th, and 23rd
- August 5th, 6th and 26th
- September 2nd, 9th, 10th, 16th, 17th, 22nd, 23rd, 30th
- October 1st, 6th, 7th, 13th, 14th, 20th, 21st, 27th, 28th
- November 4th

Ashley Johnson

Event Sales Coordinator

Whitetail Ridge Golf Club and Ashley Farm

Phone: 630.882.8988

Fax: 630.882.8379



Matt Asselmeier

From: Michael Peters
Sent: Tuesday, May 30, 2017 3:05 PM
To: Matt Asselmeier; Dwight Baird
Cc: Jason Langston; Robert Davidson; Scott Koeppel
Subject: RE: 9111 Ashley Road Request

Matt,

We did not have any calls on Ashley Road over the weekend.

Mike P.

Commander Michael Peters

Kendall County Sheriff's Office
1102 Cornell Lane
Yorkville IL 60560
630-553-7500 x 1106
630-553-0327 fax

From: Matt Asselmeier
Sent: Tuesday, May 30, 2017 3:00 PM
To: Dwight Baird
Cc: Jason Langston; Michael Peters; Robert Davidson; Scott Koeppel
Subject: RE: 9111 Ashley Road Request

Sheriff Baird:

Did the Sheriff's Department receive any noise complaints from any events at 9111 Ashley Road during the Memorial Day weekend?

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

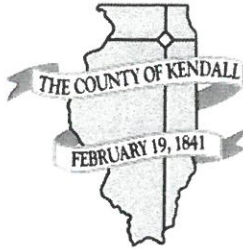
From: Matt Asselmeier
Sent: Friday, May 26, 2017 3:20 PM
To: Dwight Baird
Cc: Jason Langston; Michael Peters; Robert Davidson; Scott Koeppel
Subject: 9111 Ashley Road Request

Sheriff Baird:

There are events scheduled at the banquet center at 9111 Ashley Road tomorrow (May 27th) and Sunday (May 28th). Please let me know if the Sheriff's Department receives any noise complaints arising from these two event.

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



COUNTY OF KENDALL, ILLILNOIS
COUNTY BOARD

KENDALL COUNTY OFFICE BUILDING
111 WEST FOX STREET, SUITE 316
YORKVILLE, ILLINOIS 60560
630.553.4171

COPY

June 15, 2017

Bob Davidson, Chair
Planning, Building and Zoning Committee

Bob,

After discussion during our meeting on Monday, June 12, 2017, the Law, Justice and Legislation Committee is formally requesting the Kendall County Board Planning, Building and Zoning Committee consider revoking the Special Use Permit for Hideaway Lakes Campground based on Public Safety concerns.

Please feel free to contact me with any questions.

Regards,

Matthew Prochaska
Law, Justice, and Legislation Committee Chair

Cc: Scott Gryder, County Board Chair
Dwight Baird, Sheriff
Scott Koeppel, Acting County Administrator
Matt Asselmeier, Senior Planner

SUMMARY OF FINDINGS

FOR HIDEAWAY LAKES CAMP GROUND

Hideaway Lakes Camp Grounds

- Since the 15th of December 2015 until the 4th of August 2016, **145 calls for service** for the Sheriff's Office have occurred. From these calls, **53 reports have been taken** and 39 of those reports, and or in house records have indicated that an individual or individuals have permanent residence at the campground.
- Overview of types of call:
 - Several residential burglaries and burglaries
 - Numerous domestic violence issues and domestic batteries
 - Several possessions of controlled substances
 - Several ambulance assists/overdoses
 - Disorderly conduct
 - Warrant services
 - A criminal sexual assault
 - Contacts with registered sex offenders who reside and/or work for the campgrounds
 - Sex offender registration issues
 - Several lower level offenses including criminal damage to property, neighborhood trouble, disturbances, civil assists and animal complaints, etc.
- Additional concerns:
 - Ongoing issues with the septic and several complaints from residence related to these septic issues
 - From observations it has been noted there are unsafe conditions such as an uncovered man hole with no protection around it in July during the busy season
 - Owner Thomas Tanner has turned off power to campers for being late on their monthly rent
 - The Sheriff's Office has received an influx of desk reports from Hideaway Lakes residents. Residents have stated to deputies that Thomas Tanner has told them not to contact the Sheriff's Office for issues, and they are in fear of losing their residence if they do contact the police
 - Thomas Tanner has also openly stated he does not want Sheriff's Deputies within the campground as he feels it is bad for business
 - Several concerts from radio station Q101 have been hosted on the campground over the past several years (possible special use permit violation)
 - On 7/30/16 there was a jello-wrestling event/concert held at the campground that attracted approximately 1700 people, tickets were sold at \$25 each

Yogi Bear Campground (comparable property in Kendall County)

- Since the 15th of December 2015 until the 4th of August 2016, **20 calls for service** for the Sheriff's Office have occurred. From these calls, **3 reports have been taken**.
- Overview of types of calls:
 - 2 domestic battery
 - 1 citizen assist

Polish National Association (PNA) (comparable property in Kendall County)

- Since the 15th of December 2015 until the 4th of August 2016, **11 calls for service** for the Sheriff's Office have occurred. From these calls, **1 report has been taken**.
- Overview of types of call:
 - 1 suspended drivers license arrest

Oswego Fire Department issues and concerns:

- Keeping identified access points accessible – (back entrance /exit blocked off at times, several internal “streets” often purposely blocked with dropped trees)
- Identification of lots that are visible & identifiable from the “street” (as of June 8, 2016 Mr. Tanner had agreed to start installing signage indicating “lot ranges” at the roadside – don’t know if that has yet begun)
- Electrical wiring and non-compliant use of extension cords in the office & pavilion buildings (Office area has had most of these rectified as of 6/8/16, still working on pavilion building)
- Complaint Exit signage and locking mechanisms in pavilion
- Complaint storage of cylinders and LP in/around pavilion and office
- Continued work on removing abandoned vehicles/RVs/campers from the premises
- *Oswego Fire Department’s operational concerns include:*
 - “Campers” calling 911 and not having any idea where they are except at Hide Away Lakes
 - Learning via social media by mere chance of “Raves” or large concert weekends happening at the location – and even that isn’t as much of a problem except for historically these ‘events’ have a habit of resulting in EMS issues out there as well
 - Not having first responders be met by campground “staff” to assist in determining location of emergency – especially in the evening/night
 - None of these issues should be new to Mr. Tanner as there has been some ongoing dialogue with him for a number of years now. Things get better, and then things start to slip again.

Illinois Secretary of State (SOS)

- SOS provided information of registered vehicles for 8045 Van Emmon Road the Hide Away Lakes Camp Grounds.
 - **Approximately 77 vehicles** have been registered to Hide Away Lakes that are not registered to the owner Thomas Tanner.

ORDINANCE
AMENDING KENDALL COUNTY ZONING ORDINANCE
AS AMENDED
71-19

A1-SU

Amended by
Ord. 84-01

WHEREAS, Marion P. McCully and Judd McCully, Alice P. Gossard, Donald I. Gossard, Mildred P. Costello, Thomas E. Costello; Ruth Pierce Costello, William D. Costello; Andrew Pierce, Jr., Carol M. Pierce; and Rollin R. English; did petition the Zoning Board of Appeals of Kendall County for a public hearing in the manner required by law and the ordinances of Kendall County, Illinois for a proposed amendment to the Kendall County Zoning Ordinance adopted May 10, 1960, and

WHEREAS, said Zoning Board of Appeals did thereupon publish notice of a hearing on said proposed amendment to said Zoning Ordinance as provided by the Statutes of the State of Illinois, and did then hold a public hearing on said proposed amendment on the 2nd day of November, A.D. 1971 on the site described in the petition and at the conclusion of said hearing said Zoning Board of Appeals voted in favor of recommending to the Board of Supervisors of Kendall County, Illinois that the petition be granted and the zoning maps and ordinance be amended in the manner required by law; and

WHEREAS, Supervisor Myron Wormley, did move that the findings of the Zoning Board of Appeals be accepted and that the property described in said petition be granted a change in classification from "M-1" and "R-2" to "Special Use" for profit under Agriculture and upon second by Ernest Zeiter roll call was taken as follows:

The following voted Aye: Charles Sleezer, Ernest Zeiter, Charles Whitfield, John Stewart, Robert Hacker, Keith Nichols, Harold Christian, Myron Wormley, Russell Naden.

The following voted Naye: Howard Shoger; James Mann.

Board →

June 12th → Report
with Committee Board →

except Lead

Bad Legal

03-41-401.002
which is part of
83-24 A1-SU
+
84-01 A1-SU

(strip)
03-42-226-009
(Kendall County)

pt 0342-226-008

03-41-276-001
which is part of
83-24 A1-SU

190

NOW THEREFORE, BE IT ORDAINED by the Board of Supervisors of Kendall County, Illinois that the following described property be and it is hereby rezoned from "M-1" and "R-2" to "Special Use" for profit under Agriculture and that the County Clerk be and she is hereby ordered and directed to change the zoning map, to show the change in zoning classification:

PARCEL I

That part of the Southwest Quarter of Section 26 and part of Section 27, part of the Northeast quarter of Section 34 and part of Northwest quarter of Section 35, all in Township 37 North, Range 7 East of the Third Principal Meridian, described as follows: Commencing at the Northeast corner of Section 34; thence South along the Section line 5.12 chains to the Westerly line of the right of way of Ottawa Oswego and Fox River Valley Railroad for the point of beginning; thence Southwesterly along said right of way line 6.18 chains; thence North 58° 30' West along the Northerly line of premises conveyed to John D. Engelbrecht and wife by deed recorded in book 66, Page 119 a distance of 1109 feet; thence North 2° 19' East 419.4 feet; thence South 75° 14' West 613.7 feet to the Northeasterly bank of the Fox River; thence generally Northerly along the bank of Fox River to a point in a line drawn parallel with and 13 chains West of the East line of Section 27; thence South along said parallel line to a point in the South line of the Northeastquarter of the Southeast quarter of said Section 27; thence East along said South line to the East line of Section 27; thence South along the Section line 4.81 chains; thence East parallel with the North line of the Southwest quarter of the Southwest quarter of Section 26 aforesaid, 12.51 chains to the West line of the right of way of the Ottawa Oswego and Fox River Valley Railroad;

thence Southwesterly along the said right of way line to the point of beginning (except that part of the Northeast quarter of Section 27, described as follows: Commencing at a point 385 feet West and 227.41 feet North of the Northeast corner of the Southeast quarter of said Section; thence North 289.37 feet to a point on the Southeast bank of the Fox River; thence South 81° West along said bank 431.32 feet; thence South 221.89 feet; thence East 426 feet to the point of beginning,) In the Township of Oswego, Kendall County, Illinois;

PARCEL II

That part of the Southwest quarter of the Southwest quarter of Section 26, Township 37 North, Range 7 East of the Third Principal Meridian, described as follows: Beginning at the Northwest corner of said Southwest quarter of the Southwest quarter; thence East along the North line of said quarter 280 feet 3.36 inches; thence South parallel with the West line of said quarter 317.47 feet; thence Northwesterly to the point of beginning, in the Township of Oswego, Kendall County, Illinois.

PARCEL III

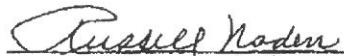
That part of the Northeast quarter of Section 27, Township 37 North, Range 7 East of the Third Principal Meridian, described as follows: Commencing at the Southeast corner of said Northeast quarter; thence West along the South line of said Northeast quarter 858 feet; thence North parallel with the East line of said Northeast quarter 227.41 feet for the point of beginning; thence continuing North parallel with said East line 289.37 feet to the bank of Fox River; thence South 81° West along said bank 431.32 feet; thence South 221.89 feet; thence East 426 feet to the point of beginning in the Township of Oswego, Kendall County, Illinois.

BE IT FURTHER ORDAINED that the above "Special Use" classification shall be expressly made subject to the following conditions:

1. That the foregoing "Special Use" shall be subject to further review of the Zoning Board of Appeals and the Board of Supervisors upon notice directed to the owners of the premises herein described and a proper publication as required by law not less than fifteen days prior to date of hearing.
2. Board of Supervisors agreed to grant "Special Use Permit" for recreation area for profit with satisfactory ingress and egress of a 70 foot entrance over the Wayne Morganegg property.

PASSED:

this 9th day of November, 1971


Chairman, Board of Supervisors,
Kendall County, Illinois

ATTEST:


County Clerk

KENDALL COUNTY
RECREATIONAL VEHICLE PARK
AND CAMPGROUND REGULATIONS

1.00 PURPOSE

This ordinance is designed to:

- 1.01 Protect and maintain productive agricultural lands;
- 1.02 Protect and maintain the future development of agricultural operations by protecting existing agricultural operations from incompatible uses;
- 1.03 Prevent excessive increases in public service costs by directing proposed campgrounds to areas served by or adjacent to public service facilities;
- 1.04 Protect the County's high quality recreational resource areas including wooded areas, natural watercourses, ponds, wetlands, unique topographic features, and slopes exceeding 10%, and,
- 1.05 Insure that Recreational Vehicle Parks and Campgrounds maintain the high quality of the County's recreational resource areas.

2.00 DEVELOPMENT APPLICATION AND SITE PLAN REQUIREMENTS

2.01 All applications for a permit to operate a recreational vehicle park or campground shall contain the following:

- a. Name, address and telephone number of applicant.
- b. Percentage of interest of the applicant and/or owners in the proposed campground.
- c. Name and address of all persons holding an interest or having an interest in the proposed campground.
- d. Location, address and legal description of the entire proposed campground.
- e. Existing zoning of subject property and all adjacent properties.
- f. Complete engineering plans and specifications of the proposed campground showing:
 1. The area and dimensions of the entire tract of land;
 2. The number, location and size of all lots intended for use by recreational vehicles or tents;
 3. The number, location and size of all unimproved, partially improved and fully improved lots;
 4. The location, right-of-way and surfaced roadway width and surfacing materials of roadways and walkways;
 5. The location of proposed interior vehicular and pedestrian circulation patterns;
 6. The location of service buildings, sanitary stations and any other existing or proposed structures;
 7. The location of water and sewer lines;
 8. Plans and specifications of all buildings constructed or to be constructed within the campground;
 9. Plans and specifications of the water supply, refuse and sewage disposal facilities, pet exercise and sanitation areas;

10. The location and details of lighting and electrical systems;
11. The location of fire hydrants, if provided;
12. Location of all drainage easements to comply with County drainage plans.
13. Quantity and point or area of departure of storm water runoff prior to and subsequent to construction of the proposed RV park.
14. Erosion control and landscaping plans;
15. Kendall County ASCS soils report;
16. The calendar months of the year during which the applicant will operate the proposed campground.

Where a campground development is proposed for construction in a series of stages, a master plan for the development of the entire tract of land shall be submitted along with the detailed plans and specifications for the initial stage, as well as any subsequent stages.

2.02 Every application for the construction, operation, maintenance and occupancy for a campground shall be accompanied with plans and specifications, fully setting out the trailer spaces, the position of each RV, motor vehicle parking spaces, the driveway giving access thereto and a plan of landscaping. Before any permit is issued for a campground and the use thereof, the plans and specifications shall first be approved by the Kendall County Building and Zoning Department and the Kendall County Health Department, taking into account all the provisions as set out herein, as well as such special conditions as may be imposed by the Kendall County Board or its specified subcommittee, and provided further that said plans and specifications are in accordance with State regulations governing campgrounds.

2.03 After completing the necessary zoning requirements and when upon review of the application, the Building and Zoning Department has determined that the proposed plan meets all requirements of this Ordinance, a permit shall be issued.

3.00 CRITERIA TO BE USED IN EVALUATING RECREATIONAL VEHICLE PARKS

- 3.01 Compatibility with nearby agricultural and other land uses;
- a. The park or campground must be screened from nearby agricultural and other land uses by a vegetative buffer other than multiflora rose or honeysuckle. The width of the buffer should vary in proportion to the maximum campground or park population up to a maximum of 300 feet.
 - b. The periphery of the park or campground, except at designated access roads, must be completely enclosed and maintained by a fence which will not permit people or farm animals to pass through it;
 - c. The park or campground must maintain litter control and refuse collection so as to prevent litter or refuse from blowing onto or otherwise being deposited on nearby lands;
 - d. Traffic from the park or campground must not seriously impair the movement of or cause hazard to agricultural and vehicular traffic.
- 3.02 Maintaining and protecting high quality recreational resource areas;
- a. All lands classified as floodplains shall remain in permanent open space;
 - b. No more than 20% of any forest shall be cleared or developed and the remaining 80% shall be retained in permanent open space;
 - c. All ponds, wetlands, and watercourses shall be left in permanent open space and no dredging, filling, or diversion of water shall be permitted;

- d. Storm water runoff shall be limited to the rate which would occur under natural conditions;
- e. All ponds, wetlands, and watercourses are to be protected from erosion and sedimentation in accordance with the Kendall County Soil and Erosion ordinance;
- f. Areas with slopes greater than 15% are to be retained in permanent open space;
- g. Scenic views from public highways or adjoining lands must be maintained.

3.03 Insuring high quality recreational vehicle parks or campgrounds.

- a. The park or campground should provide separate circulation systems for vehicles and pedestrians;
- b. Access to the park must be safe and convenient;
- c. To insure adequate open space and protection of resource areas, lots within the park or campground should be clustered;
- d. Internal roads, except one main collector road, should be one way and no wider than 18';
- e. Collector roads should be no wider than 24';
- f. Recreation facilities within the park should be in proportion to the maximum park population;
- g. Recreational space within the park should be in proportion to the maximum park population and may include up to 60% of the park or campground;
- h. Water supply and waste disposal facilities shall be designed, constructed and maintained in accordance with Health Department regulations.
- i. The storage, collection and disposal of refuse shall be performed as to minimize accidents, fire hazards, air pollution, odors, insects, rodents or other nuisance conditions;
- j. No parking is permitted on interior roads;
- k. All outdoor cooking facilities shall be located, constructed, and maintained to minimize fire hazard and smoke nuisance;
- l. All accessory uses should be limited to park residents;
- m. There shall be no indication of retail accessory uses visible from any public road or street;
- n. Lots in the park or campground must be at least 1500 square feet;
- o. Trailers and accessory structures must be separated from one another by at least 10 feet in all directions;
- p. Off street parking is to be provided at the rate of 2.25 parking spaces per lot.

3.04 Prevent excessive increases in Public Service Costs.

- a. Traffic generated by the maximum park or campground population must not exceed capacities of the local traffic network or cause public funds to be used for traffic safety or control improvements;
- b. Demands produced by the park or campground for fire or police service must not cause additional public funds to be used to maintain current service levels;
- c. Demands for public water or sanitary waste disposal must not overburden current facilities;
- d. No recreational vehicle or trailer shall be used as a permanent place of abode. Continuous occupancy beyond three months is considered to be permanent.

4.00 PENALTIES

Any person who violates any provision of this Ordinance shall upon conviction be punished by a fine of not less than \$200 nor more than \$500; each day's failure of compliance with any such provision shall constitute a separate violation.

5.00 INSPECTION OF RECREATIONAL VEHICLE PARK OR CAMPGROUND

5.01 The Building and Zoning Department and the Health Department are hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Ordinance, but in no case shall such inspection take place less than once per year.

5.02 The Zoning Department and the Health Department shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this Ordinance.

5.03 The Zoning Department and the Health Department shall have the power to inspect the register containing a record of all campers and picnickers of the park.

5.04 It shall be the duty of the park management to give the Zoning Department and the Health Department free access to all lots and other areas at reasonable times for the purpose of inspection.

5.05 It shall be the duty of every camper or picnicker in the park to give the owner thereof or his agent or employee access to any part of such recreational vehicle park at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this Ordinance and to facilitate inspections.

6.00 DEFINITIONS

ACCESSORY BUILDINGS. Those buildings which house facilities or services relating to recreational uses at the park or campground.

CAMPER. Any person or persons occupying a recreational vehicle and/or tent for recreational purposes.

COLLECTOR STREETS. Any park street which extends from a park entrance street and intersects with three or more other streets or any street which intersects with five or more other streets or any street which extends for more than 1200 feet.

DAILY USER. Any person or persons using the park for recreational purposes on a daily basis.

GROUP CAMPING. The assembly of not more than 30 recreational vehicles and/or tents when registered as a group in advance with the park management. Normally, these groups are youth, scouting and clubs in an approved designated area for the purpose of recreational camping.

HEALTH AUTHORITY. The Kendall County Health Department or the Illinois Department of Public Health.

LOT. A parcel of land designated on the official plot plan for the placement of a single recreational vehicle or tent and for the exclusive use of its occupants.

MINOR STREETS. Any park street which is not a collector street.

Kendall County Recreational Vehicle Park and Campground Regulations

RECREATIONAL AREA. Area which is set aside for non-camping use. Recreational areas may include space for service buildings and/or accessory buildings as well as natural open space, children's playgrounds and other recreational facilities.

RECREATIONAL VEHICLE (RV). A vehicular portable structure designed as a temporary dwelling for travel, recreational or vacation uses, and to be used without a permanent foundation.

RECREATIONAL VEHICLE PARK OR CAMPGROUND. A contiguous parcel of land which has been developed for the non-permanent placement of recreational vehicles and/or tents. Recreational Vehicle Parks may not be operated in whole or in part for the lease or rent of such vehicles by the park owner(s) or operator(s), nor can any such vehicle be inhabited for purposes of permanent year-round dwelling units.

SANITARY STATION. Facility used for removing and disposing of wastes from RV holding tanks.

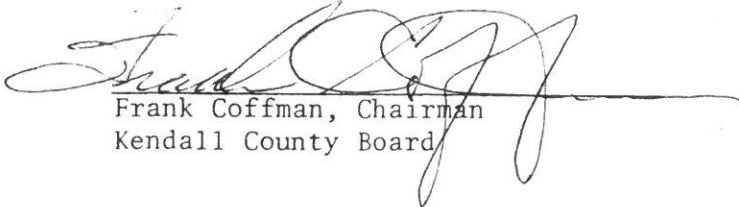
SERVICE BUILDINGS. Those required in all parks or campground, including those which house sanitary facilities, shelters.

TENT. Collapsible shelter of canvas or other material stretched and sustained by poles fixed in the ground and used for a temporary outdoor camping shelter.

PASSED THIS 14th day of
June, 1983.

ATTEST:


Jean P. Brady, Clerk


Frank Coffman, Chairman
Kendall County Board

HIDE-A-WAY LAKES CAMPGROUND

I INTRODUCTION

- A. An amendment to the County Ordinance No. 71-19 originally approved on 11/9/71.

In order to promote the public health, safety, comfort and general welfare of those mostly affected by the Hide-A-Way Campground and the people of Kendall County, the following rules and regulations are made a part of the ordinance granting the special use for the campground. Any changes or amendments will be by a public hearing before the Zoning Board of Appeals and approved by the County Board.

B. Definitions

Camper - Any person or persons occupying a recreational vehicle and/or tent for recreational purposes.

Recreational Vehicle (R.V.) - A portable structure designed as a temporary dwelling for travel, recreation or vacation uses, and to be used without a permanent foundation.

Lot - A parcel of land designated on the official plot plan for the placement of a single R.V. or tent and the exclusive use of its occupants or for the use of 4 picnickers or less.

Fully Improved Lot shall mean with individual sewer, water and electric.

Partially Improved Lot shall mean individual water and electric.

Unimproved Lot shall mean no dedicated individual service. These are designated in a larger area outlined on the official map with the maximum number of lots shown within the bounded area.

Hide-A-Way Lakes Campground and owners (H.L.C.).

Picnickers - Any person or persons using the park for recreational purposes on a daily basis.

mil call
↑
(II) GENERAL REQUIREMENTS

- No portion
(Register Now)
x B. H.L.C. manager shall maintain a register containing the names, make of car and license plate number of all campers and picnickers. Such register shall be available to any authorized person inspecting H.L.C.
x C. No R.V. shall be used as a permanent place of abode, dwelling or business for indefinite periods of time. Continuous occupancy extending beyond four months in any twelve month period shall be presumed to be permanent occupancy.
sketches
→
→

Hide-A-Way Lakes

X D. Any action toward removal of wheels of a R.V. except for temporary purposes of repair or to attach the trailer to the lot for stabilizing purposes is hereby prohibited.

E. H.L.C. shall enforce their own rules and regulations and observe a quiet time from 11:00 p.m. to 7:00 a.m. At no time shall loud noises or music exceed the State E.P.A. rules and regulations.

Does the
notice
signs

copy of rules
& regulations for
campground.

F. Owner shall adopt and enforce regulations prohibiting camper's and pic-nicker's pets from running at large committing a nuisance or otherwise disturb other campers or residents in Kendall County. *Reesh*

III FLOOD PLAIN - FOX RIVER AND MORGAN CREEK

The official plot plan shall delineate the flood plain boundaries as designated by Federal and State agencies.

- A. Creek crossing shall be designed and maintained as to not impede the flow of storm water that would cause property damage to R.V.'s or adjoining property owners.
- B. It shall be the responsibility of the owner of H.L.C. to obtain permission, prior to registration, from any owner of a R.V. or other camping equipment to relocate said R.V. or equipment when the owner of H.L.C. has determined a possible flood may cause damage to the R.V. or other camping equipment.

IV PARK SIZE AND CAMPSITES

The January 1981 Kendall County Assessment map shows the gross acreage of H.L.C. to be 150.61. The special use is hereby granted to H.L.C. exclusively, any deletions of any property from H.L.C. shall be considered a reduction in the boundary of the special use and said use shall not be extended or transferred to any other owner(s) than H.L.C. or their heirs or assigns.

X A. The total number of lots is limited to no more than 1,150 and shall be distributed as follows:

- A 500 fully improved (sewer, water and electric)
B 400 partially improved (water and electric)
C 250 unimproved

These lots may be eventually automatically upgraded to fully improved lots following that evidence has been shown to the County Board Committee the existing 500 fully improved lots have been brought into compliance with County, State and Federal sewage disposal and water regulations.

B. A minimum 50 foot setback shall be maintained from the property line abutting a residentially used property not including the boundary of the Fox River. It shall be the responsibility of H.L.C. to provide, as needed, as much screening or fencing necessary to discourage trespassing by campers and visitors on said property line abutting a residentially used property.

ask
mrg hly

X C.

Adequate screening and buffering as determined by mutual agreement between H.L.C. and the County Board Committee shall be provided on the Fox River to reduce the view of the R.V. from the residential properties on the opposite bank of the Fox River.

Hide-A-Way Lakes

- X D. The owner shall provide as part of the special use a current map showing the locations of the fully improved and partially improved lots. Areas, also, shall be shown indicating boundaries and density used for other camping facilities. *anytime* *ask*

V ACCESSORY USES AND UTILITIES

- A. The H.L.C. may provide a store, game room and open pavillion for the use of campers and picnickers only.

none B. Individual camper telephone or mail service shall be prohibited. *Mail box*
ask

- C. One storage building not to exceed 8' X 10' shall be permitted on a lot except for existing storage units prior to April 14, 1981. The building shall not be permanently attached to the ground.

VI OTHER GOVERNMENTAL AGENCIES

- A. Units of Federal, State and local governments having rules, regulations and restrictions shall be in full force. Failure on H.L.C. to abide by their regulations will constitute a violation of the special use.

All ordinances applicable -

- broken vehicles

- junk & debris

Vendor for Food Service.

expansion for rec facility & pool

Pt 02-27.

03-41-401-002 ✓

03-40-300-015

ORDINANCE 84-1

AMENDING KENDALL COUNTY ZONING ORDINANCE AS AMENDED

WHEREAS, Hide-A-Way Lakes Campground did petition the Zoning Board of Appeals of Kendall County for a public hearing in the manner required by law and the ordinances of Kendall County, Illinois for a proposed amendment to the Kendall County Zoning Ordinance adopted January 16, 1940; and

WHEREAS, said Zoning Board of Appeals did thereupon publish notice of a hearing on said proposed amendment to said Zoning Ordinance as provided by the Statutes of the State of Illinois, and did then hold a public hearing on said proposed amendment on the 16th day of November, 1983, A.D., on the site described in the petition and at the conclusion of said hearing said Zoning Board of Appeals voted in favor of recommending to the County Board of Kendall County, Illinois that the petition be granted and the Zoning maps and ordinance be amended in the manner required by law; and

NOW THEREFORE, BE IT ORDAINED by the County Board of Kendall County, Illinois that the following described property has an existing A1SU, Agriculture Special Use for a campground, and is hereby granted an expansion of said special use for a recreational facility and swimming pool:

PARCEL 1: That part of the Southwest Quarter of Section 26 and part of Section 27, part of the Northeast quarter of Section 34 and part of Northwest quarter of Section 35, all in Township 37 North, Range 7 East of the Third Principal Meridian, described as follows: Commencing at the Northeast corner of Section 34; thence South along the section line 5.12 chains to the Westerly line of the right of way of Ottawa Oswego and Fox River Valley Railroad for the point of beginning; thence Southwesterly along said right of way line 6.18 chains; thence North 58°30' West along the Northerly line of premises conveyed to John D. Engelbrecht and wife by deed recorded in Book 66, Page 119 a distance of 1109 feet; thence North 2°19' East 419.4'; thence South 75°14' West 613.7' to the Northeasterly bank of the Fox River; thence generally Northerly along the bank of Fox River to a point in a line drawn parallel with and 13 chains West of the East in the South line of the Northeast quarter of the Southeast quarter of said Section 27; thence East along said South line to the East line of Section 27; thence South along the Section line 4.81 chains;

thence East parallel with the North line of the Southwest quarter of the Southwest quarter of Section 26 aforesaid, 12.51 chains to the West line of the right of way of the Ottawa Oswego and Fox River Valley railroad; thence Southwesterly along the said right of way line to the point beginning (except that part of the Northeast quarter of Section 27) described as follows:


Commencing at a point 385 feet West and 227.41 feet North of the Northeast corner of the Southeast quarter of said Section; thence North 289.37 feet to a point on the Southeast bank of the Fox River; thence South 81° West along said bank 431.32 feet; thence South 221.89 feet; thence East 426 feet to the point of beginning; in the Township of Oswego, Kendall County, Illinois;

PARCEL II: That part of the Southwest quarter of the Southwest quarter of Section 26, Township 37 North, Range 7 East of the Third Principal Meridian, described as follows: Beginning at the Northwest corner of said Southwest quarter of the Southwest quarter; thence East along the North line of said quarter quarter 280 feet 3.36 inches; thence South parallel with the West line of said quarter quarter 317.46 feet; thence Northwesterly to the point of beginning, in the Township of Oswego, Kendall County, Illinois.

PARCEL III: That part of the Northeast quarter of Section 27, Township 37 North, Range 7 East of the Third Principal Meridian, described as follows: Commencing at the Southeast corner of said Northeast quarter; thence West along the South line of said Northeast quarter 858 feet; thence North parallel with the East line of said Northeast quarter 227.41 feet for the point of beginning; thence continuing North parallel with said East line 289.37 feet to the bank of Fox River; thence South 81° West along said bank 431.32 feet; thence South 221.89 feet; thence East 426 feet to the point of beginning, in the Township of Oswego, Kendall County, Illinois.

BE IT FURTHER ORDAINED that the above special use classification shall be expressly made subject to the following conditions:


Conditions to Hide-A-Way Lakes Expansion

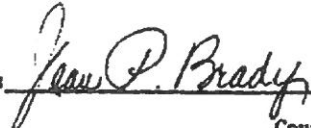
- 
1. Complete by May 1984, the planting of 100 upright Juniper trees between the RV's and the Fox River for all lots along the River bank. The trees at planting time will be 6 to 7 feet in height and shall be

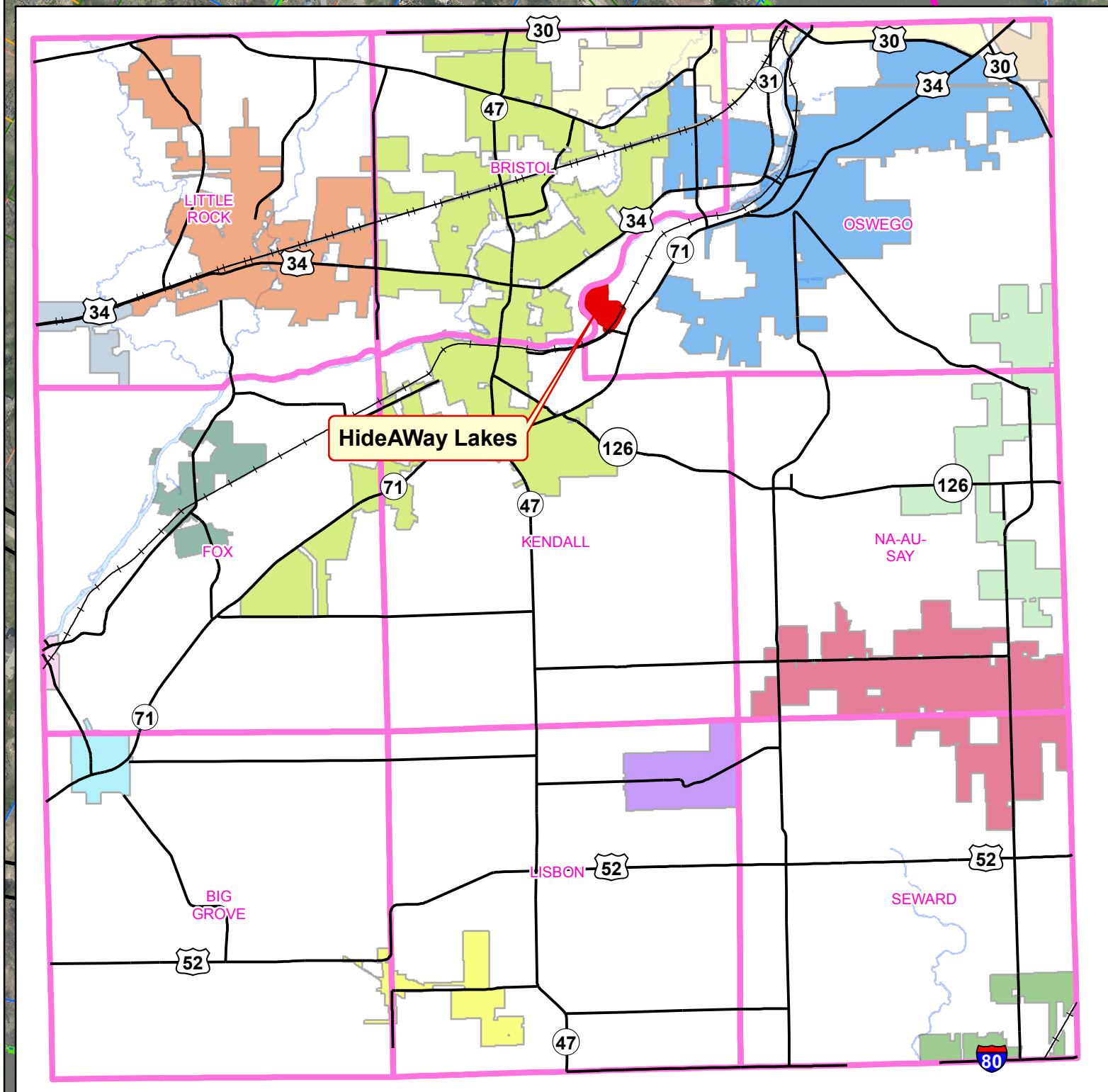
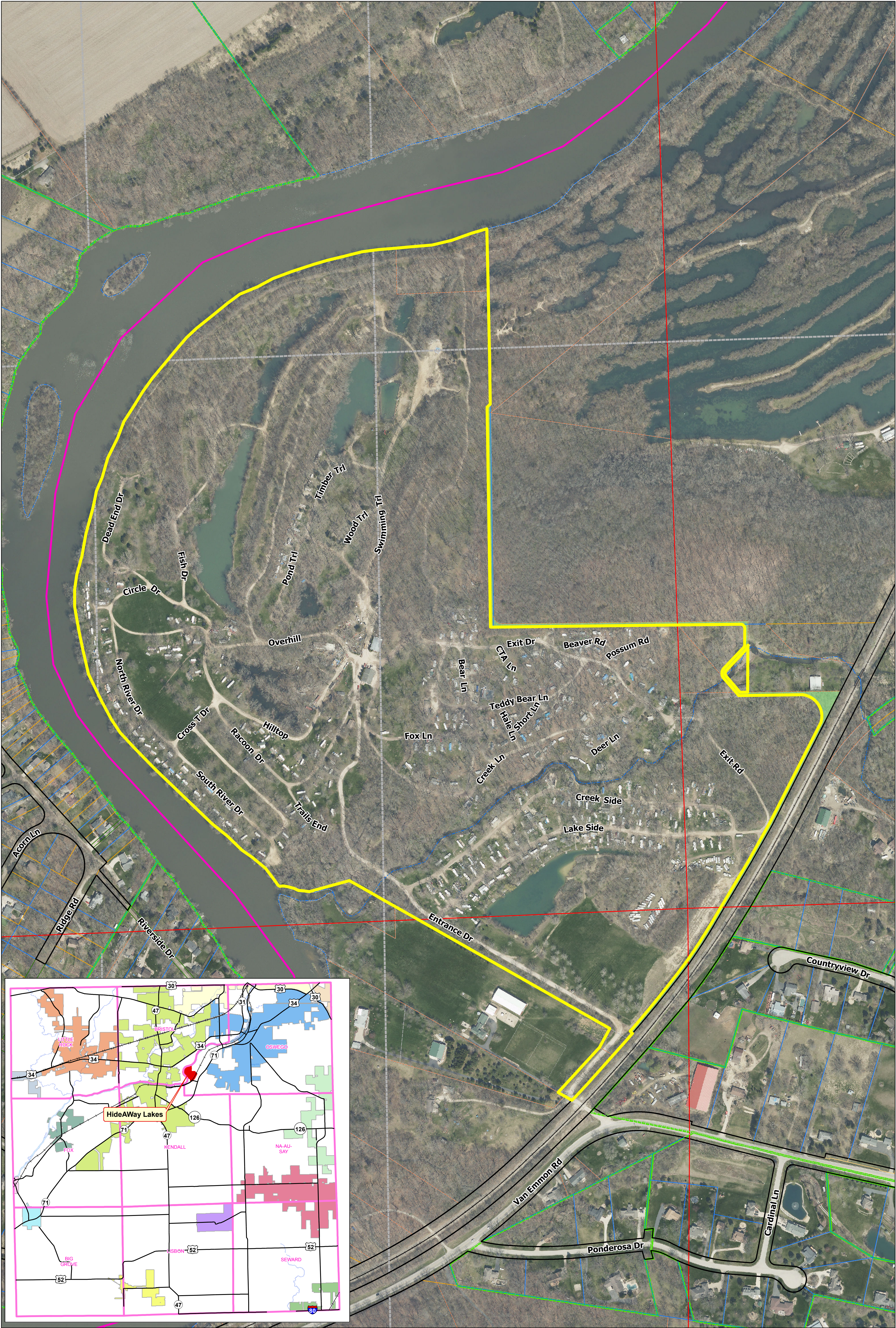
planted in accordance to the site plan marked as CB Exhibit 1.

- 2. Start in March 1984, to work on Club House project provided documentation be received, the tree plantings been committed.
- ○ 3. Complete by October 1984, all septic system updates according to States standards. Such approval of system update shall be received before an occupancy permit is issued on Club House.
4. The Club House Rules are as follows:
- a. The Club House will be mainly for the use of adults. Children and teenagers will be allowed to use it only for controlled activities with adults present to supervise such activities.
 - b. The Club House will be for the use of seasonal and membership campers. Daily campers may use it only when some special planned activity is scheduled, in which they may be included. The daily campers may be charged extra for the activity.
 - c. The Club House will not be available to the general non-camping public - its use will be limited to the campers camping at Hide-A-Way Lakes.

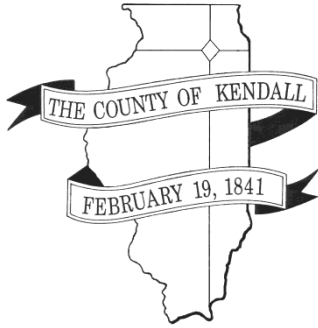
PASSED THIS 10TH day of January, 1984.


Chairman, County Board of
Kendall County, Illinois

ATTEST: 
County Clerk



 <p>Kendall County GIS 111 West Fox Street - Room 309 Yorkville, Illinois 60560-1498 630.553.4030</p> <p>Aerial: Spring 2016</p>	<p>Hide-A-Way Lakes 8045 Van Emmon Rd Yorkville IL 60560 Bristol Twp. Kendall County Illinois</p>	 <p>0 280 560 840 Feet</p> <p>1 inch = 200 feet</p> <p><small>This work is provided as is, without warranty of any kind, either expressed or implied. The provider disclaims any liability for damages or losses of any kind, including but not limited to, direct, indirect, or consequential damages, arising from the use of this work. The provider also disclaims any liability for the accuracy or completeness of the information contained herein. The provider is not responsible for any errors or omissions in this work. The provider is not responsible for any damages or losses of any kind, including but not limited to, direct, indirect, or consequential damages, arising from the use of this work. The provider also disclaims any liability for the accuracy or completeness of the information contained herein. The provider is not responsible for any errors or omissions in this work.</small></p>
---	---	---



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 316

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: County Board
From: Matthew H. Asselmeier, AICP, Senior Planner
Date: June 14, 2017
Re: Outdoor Shooting Range Regulations

Following the May 8th PBZ Committee meeting, Staff prepared the following draft amendments to the Kendall County Zoning Ordinance for outdoor target practice and shooting ranges. This proposal combines the existing regulations with the regulations from neighboring counties.

At the June 12th PBZ Committee meeting, the Committee requested Staff to send the draft to other County Board members for input. If you would like to submit comments or suggestions on this draft, please send them to me at masselmeier@co.kendall.il.us by the close of business on **July 3rd**. The PBZ Committee will discuss this proposal and any comments received from County Board members at the July 10th PBZ Committee meeting.

If you have any questions, please let me know.

MHA

In addition to the outdoor shooting range regulations, Staff also suggests that the definitions of “recreational areas” and “outdoor commercial sporting activities” be examined if the Committee wishes to include regulations for archery ranges in the amendment.

No Amendment to 3.02 (Definitions)

RECREATIONAL AREAS. Parks and open space devoted primarily to the pursuit of outdoor recreational activities such as golf courses, fishing lakes, playgrounds, trails and nature preserves; does not include outdoor commercial sporting activities. (Permitted Use in RPD 1, 2 and 3).

Amendment to 7.01.D.32 (Special Uses in A-1)

Outdoor Commercial Sporting Activities including but not limited to swimming facilities and motocross sports. Appropriate regulations for lighting noise and hours of operation shall be included in the conditions. Outdoor commercial sporting activities shall exclude outdoor target practice **(including archery ranges not located on property owned by the Kendall County Forest Preserve District)**, athletic fields with lights, paintball facilities and riding stables; including but not limited to polo clubs, and similar uses. (This is a special use only in A-1).

Amendment to 7.01.D.33 (Special Uses in A-1) and 10.03.B.4 (Special Uses in M-3)

Outdoor Target Practice or Shooting (not including private shooting in your own yard) and **Archery Ranges not located on property owned by the Kendall County Forest Preserve District** with the following conditions:

- a. **Range layout** ~~R~~requires conformity with **National Rifle Association** standards with regard to layout and dimensions. ~~;~~ ~~provide appropriate berming based on surrounding land use and type(s) of firearms to be used. Such as berming shall generally be consistent with standards established in the NRA Source Book.~~ The petitioner shall submit a site capacity calculation and a detailed site plan showing the layout and design of the proposed shooting range, including all required setbacks and landscaping and the existing and proposed structures, their floor areas and impervious surfaces. The scale of the site plan shall be no greater than one inch equals one hundred feet (1"=100').
- b. Ranges designed for the use of handguns and rifles shall provide berms at least twenty feet (20') high and six feet (6') thick at the top, made of soft earth or other material that is unlikely to cause ricochets, and containing no large rocks. Berms shall be located as follows:
 1. Shotgun ranges – No berming required.
 2. Ranges for handguns and rifles not more powerful than .22 long rifle and archery ranges
 - a. Backstop at least one hundred fifty feet (150') from the firing line.
 - b. Lateral not closer than thirty feet (30') from the firing line.
 3. Ranges for rifles more or equal power than a .22 long rifle
 - a. Backstop at least three hundred feet (300') from the firing line.
 - b. Lateral not closer than thirty feet (30') from the firing line.
 4. All required berms shall be constructed prior to the commencement of operations and shall be maintained for the duration of the special use permit.
- c. Ranges shall be located on a site where an uninhabited downrange safety area is available. The required length of the safety area shall be as follows:
 1. Shotgun ranges – one thousand five hundred feet (1500'), provided that shot size is limited to #4 or smaller.
 2. Ranges for handguns and rifles not more powerful than .22 long rifle and archery ranges – seven thousand feet (7,000').
 3. Ranges for rifles more or equal power than a .22 long rifle – thirteen thousand five hundred feet (13,500').
 4. The downrange safety area requirement for handgun, rifle and archery ranges may be waived by the County Board if the firing line

is provided with overhead baffling meeting the standards of the National Rifle Association.

5. The safety area shall conform to National Rifle Association standards for the shape and width. The safety area shall have signs posted at intervals stated in the special use permit warning of the potential danger from stray bullets.
- d. Requires minimum parcel size of **5 forty (40) acres for firearms and twenty (20) acres for an archery range, depending on the venue.**
- e. The range, including the safety area, must be under the control of the operator of the range, by ownership or lease.
- f. The petitioner shall submit a detailed written narrative describing the proposed use. This narrative shall, at minimum, describe the type of range (i.e. public, private, or government), the type(s) of firearms and targets expected to be used and the proposed days and hours of operation.
- g. Must have a sign that lists allowed firearm types, rules of operation; hearing and vision protection required.
- h. **At least one (1) State recognized, nationally recognized or National Rifle Association Certified range supervisor must be present at all times when firing is taking place. The supervisor shall be certified for the type of shooting being supervised and shall know and enforce all range rules.**
- i. **At least one (1) Range flag flown, a sign or red light lit at all times that firing is taking place. If a range flag is used, the flagpole shall be at least eighteen feet (18') high and the flag shall be bright red forty inches (40") long and twenty inches (20") inches wide at the pole and six inches (6") wide at the free end.**
- j. **~~Hours and days of operation as specified in the Special Use Permit to be determined by the County Board~~ No firearm shall be discharged or arrow shot prior to 9:00 am any day of the week. No firearm shall be discharged or arrow shot after 6:00 pm Mondays through Fridays, 5:00 pm on Saturdays and 3:00 pm on Sundays.**
- k. Access must be controlled by a lockable gate. **The range proper shall be 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.**
- l. Hazardous waste plan addressing lead management required **at the time of application for a special use permit. Any changes to the hazardous waste**

plan addressing lead management shall be promptly forwarded to the Kendall County Planning, Building and Zoning Department.

- m. No discharge of lead shot into wetland.
- n. Must be at least one thousand feet (1,000') from existing dwellings and property lines of schools, daycares, places of worship and airstrips.
- o. No alcohol allowed.
- p. No projectiles shall leave the boundaries of the site.
- q. The range shall provide restroom facilities to employees and patrons.**
- r. Everyone on the firing line is required to wear hearing protection and safety glasses.**
- s. The outdoor target practice or shooting range allowed by this special use permit shall provide the Kendall County Planning, Building and Zoning Department proof of accident and liability insurance prior to the commencement of operations; sufficient accident and liability insurance for outdoor target practice or shooting ranges must be maintained during the duration of the special use permit.**
- t. All applicable Federal, State and County rules and regulations shall be adhered to.
- u. Must meet all requirements of the Kendall County Health Department.
- v. Water and drainage plans must be approved by the Kendall County Planning, Building and Zoning Office.
- w. Signage is permitted but must meet the Sign Ordinance regulations of Section 12 of the Zoning Ordinance.
- x. Lighting shall meet the standards of Section 11.02.F.12.d of the Zoning Ordinance. (Where non-residential sites are adjacent to residential sites (existing or future residential areas as shown on the officially adopted version of the Land Resource Management Plan (LRMP)), the light level at the property line produced by the non-residential lighting shall not exceed 0.2 foot-candles. The lighting shall be designed to avoid casting direct light or glare onto the adjacent residential property. Acceptable means to prevent glare or direct light onto the residential property include pole/luminary-mounted shields and dense vegetation. On abutting nonresidential properties (existing or future nonresidential as shown on the officially adopted version of on the

Land Resource Management Plan (LRMP)), or public streets the maximum illumination at the property line shall be five (5.0) foot-candles. Where residential is across a street, the maximum illumination at the use's boundary shall be two (2.0) foot-candles.

Higher maintained foot-candle levels may be appropriate for certain uses such as illuminated ball fields, auto dealerships, or gas stations. In such instances, information will be reviewed during Site Plan review. The Zoning Administrator may approve higher light levels for specific uses during the review process without the need for a variation. The Zoning Administrator may refer such instances to the Planning, Building, and Zoning Committee of the County Board. Such decisions made by the Zoning Administrator may be appealed to the Planning, Building, and Zoning Committee of the County Board. (Amended 7/19/2011))

- y. Must adhere to the Performance standards of Section 10.01.F of the Zoning Ordinance (Not more than sixty percent (60%) of the area of the lot may be covered by buildings or structures, including accessory buildings).

Restrictions regarding noise and a road classification requirement may also be necessary.

Matt Asselmeier

From: Michael Peters
Sent: Wednesday, June 28, 2017 9:57 PM
To: Matt Asselmeier
Cc: Dwight Baird
Subject: Gun Range

Matt,

You asked for the Sheriff's Office input on the proposed ordinance. We have noted the following points for you to consider:

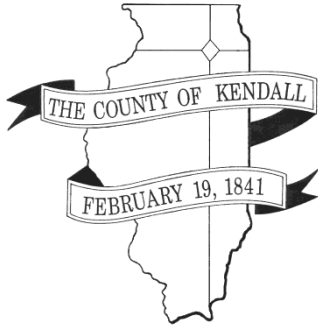
- A. The current ranges in the county such as; Barber-Green, the Knollwood Gun Club, our current KCSO range and future range, would not meet these guidelines. For example our range does not have baffling or the required length of safety as described in section C. Assuming those are being grandfathered in and if you intend for them to adhere to the ordinance in the future if they changed hands, you may want to clarify that.
- B. in section E. it mentions a safety area, this is not defined and was not located in the NRA (2012 edition) source book. This may need to be clarified in the ordinance, especially since it mandates that the "safety area" must be under the control of the operator of the range, buy ownership or lease. The implication here is that if the range is designed for a rifle of equal power or more than a .22, the safety length required would be about 2.55 miles down range. So, if the area under control must be under the control of the owner or lessee, and the "safety area" did not fan out to be wider than the impact (target) berm: it would seem that they would need to be in control of 1.5 acres minimum for the range proper and a 1 acre wide by 64.68 length rectangle of uninhabited land in a direct line behind the berm (4,500 yard/2.557 miles).
- C. This proposal mentions that "Outdoor Target Practice or Shooting (not including private shooting in your own yard) and Archery Ranges not located on property owned by the Kendall County Forest Preserve District with the following conditions:" Though the conditions do not seem to apply to the State park, an exemption for their activities may want to be included.

Since this is a draft and you may also be defining "recreational areas", "outdoor commercial sporting activities" and deciding if you wanted to include archery ranges in this amendment, we are more than willing to review any revisions, if you would like us to.

Please feel free to contact me if you have any questions or want further clarification regarding this assessment.

Commander Michael Peters

Kendall County Sheriff's Office
1102 Cornell Lane
Yorkville IL 60560
630-553-7500 x 1106
630-553-0327 fax



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 316

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: PBZ Committee
From: Matthew H. Asselmeier, AICP, Senior Planner
Date: July 5, 2017
Re: Letter from Illinois Department of Agriculture Regarding Noxious Weed Law

The Kendall County Board received the attached letter from the Illinois Department of Agriculture regarding non-compliance with the Illinois Noxious Weed Law.

At the June 12th PBZ Committee, the Committee requested that Staff research the methods used by the townships on noxious weed matters. Below please find this information:

Big Grove	Mow ROWs; Nothing Related to Private Property; No List of Noxious Weeds
Bristol	Mow ROWs; Send Letter to Private Property Owners
Fox	Same as Big Grove; Thistle Commissioner is Vacant
Kendall	Same as Big Grove; Thistle Commissioner is Vacant
Lisbon	Never had a Complaint; Unsure about Thistle Commissioner
Little Rock	Never had a Complaint; Unsure about Procedure in the Event of Complaint
Na-Au-Say	Investigate Cases; Send 10 Day Notice; Cut, Bill and Lien; Highway Commissioner is Weed Commissioner
Oswego	Send Letter (Nothing Beyond Letter); Weed Commissioner Works out of Supervisor's Office
Seward	No Procedure

According to Kendall Township Road Commissioner Doug Westphal, a procedure for handling noxious weeds is listed in the Township Officials Handbook. However, townships do not necessarily follow this procedure.

If you have any questions, please let me know.

MHA

ENC: May 5 Letter from Illinois Department of Agriculture

Bureau of Environmental Programs

State Fairgrounds • P.O. Box 19281 • Springfield, IL 62794-9281 • 217/785-2427 (voice) • Fax 217/524-4882 • 866/287-2999 (TTY/TDD)
Pesticide Misuse Hotline 1-800-641-3934 (voice)

May 5, 2017

Kendall County Board
Scott Gryder
111 W Fox St
Yorkville, IL 60560

Pursuant to 505 ILCS 100/4, the Director of the Illinois Department of Agriculture is issuing this Notice of Noncompliance with regard to certain requirements of the Illinois Noxious Weed Law. Links to the aforementioned statute and associated regulations are shown below. Under their provisions, the governing body of each county is designated as a *Control Authority* and is to do the following:

- 1) establish a coordinated program for control and eradication of noxious weeds within the county;
- 2) conduct an examination of all land under its jurisdiction for compliance with the Act;
- 3) compile data on infested areas and areas eradicated;
- 4) advise persons responsible for controlling and eradicating noxious weeds of the best and most practical methods of noxious weed control and eradication;
- 5) investigate or aid in the investigation and prosecution of violations of the Act;
- 6) publish notices for control and eradication of noxious weeds as set forth in the Act and rules and as prescribed by the Director; and
- 7) cooperate with Federal, State, and local authorities in carrying out the provisions of the Act and its rules.

Control Authorities may employ one or more *weed control superintendents* who must be certified by the Director of the Illinois Department of Agriculture to carry out many of the various activities authorized in the Act including the examination of lands under the *Control Authority's* jurisdiction, the investigation of complaints, the issuance of control notices, the creation and submittal prior to December of each year of an annual report, and the creation and submittal on or before the first day of November of each year of a comprehensive work plan for the next calendar year.

Please take a few minutes and review the statute and associated regulations, the status of your current noxious weed control program, and whether improvements might be made to improve its effectiveness.

The statute and associate regulations can be found by following the links as indicated:

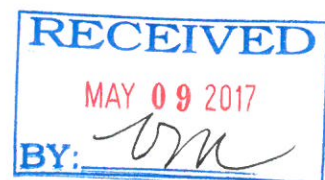
Statute – <http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1693&ChapterID=40>
Rule – <http://ilga.gov/commission/jcar/admincode/008/00800220sections.html>

If you have any questions or comments, please feel free to contact us at the Department of Agriculture at your convenience.

Sincerely,



Warren D. Goetsch, P.E.
Deputy Director and Acting Bureau Chief, Environmental Programs



Matt Asselmeier

From: Jackie Lemmerhirt-Kowalski [REDACTED]
Sent: Tuesday, June 20, 2017 9:53 AM
To: Matt Asselmeier
Subject: RE: Village of Millbrook IGA

Matt – I have been discussing this insurance issue in the IGA with IML who is our insurance carrier and they will not agree to name the county as an additional insured and in paragraph 6 they will not allow the Village's liability coverage to be primary for the county's negligence. This is the exact same issue we had while negotiating our IGA with the Township. "Additional Insured" is the most misunderstood issue when it comes to insurance. In reality, the "county" itself provides minimal services to us directly. Any work is usually road resurfacing which I work with Fran on and is done by a third party and we have a separate IGA specifically for that project. Other road maintenance for us is provided for by the township.

I have a board meeting on the 27th and I will discuss this issue with the board. I think maybe I need to come in and have a meeting with the necessary parties so we can work this out.

Thank you,
Jackie

Jackie Kowalski
Litigation Paralegal
Borla, North & Associates, P.C.
[REDACTED]

"Like" us on Facebook 

From: Matt Asselmeier [mailto:masselmeier@co.kendall.il.us]
Sent: Tuesday, June 13, 2017 8:20 AM
To: Jackie Lemmerhirt-Kowalski [REDACTED]
Cc: Scott Koeppel <skoeppel@co.kendall.il.us>
Subject: RE: Village of Millbrook IGA

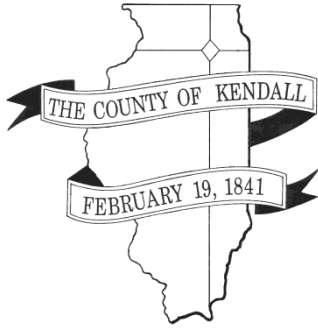
Jackie:

The PBZ Committee turned down the Village of Millbrook's request regarding auto and general liability coverage; they would like the Village to provide primary coverage.

Please advise as to how you would like to proceed.

Thanks,

Matthew H. Asselmeier, AICP
Senior Planner
Kendall County Planning, Building & Zoning
111 West Fox Street
Yorkville, IL 60560-1498



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 316

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: PBZ Committee
From: Matthew H. Asselmeier, AICP, Senior Planner
Date: June 5, 2017
Re: Proposed Intergovernmental Agreements Between Kendall County and the Villages of
Plattville and Millbrook

At their meeting on April 25th, the Millbrook Village Board approved the proposed Intergovernmental Agreement regarding PBZ services with the Village. The Village Board approved one amendment to the proposal as shown below:

6) That the Village of Millbrook shall secure, pay for and maintain throughout the period during which services are provided under this Agreement, auto liability and general liability insurance with minimum limits of coverage equal to or greater than those limits maintained by the Village on the date of the execution of this agreement attached hereto as Ex. B and incorporated herein by reference. The Village's auto liability and general liability coverage shall be **primary secondary** coverage in circumstances of alleged or proved errors or negligence by the County or the County's employees, arising out of the County's performance or alleged failure to perform its obligations pursuant to this Agreement. The Village's coverage shall name the County of Kendall as an additional insured, with its members, representatives, officers, agents and employees. A certificate of insurance evidencing the required coverage and the appropriate additional insurer's endorsement shall be furnished to the County upon execution of this Agreement. Such insurance shall be modifiable or cancelable only upon written notice by registered mail, mailed to the County at least ninety (90) days in advance of such modification or cancellation. The Village shall furnish a copy of its insurance policies for examination by the County at any time upon demand of the County.

The Village of Plattville reviewed the proposal at their meeting on May 15th and approved the proposal without any changes.

Staff requests guidance on how to proceed.

MHA

**Permit Summary by Category
Kendall County**

Permit Category	Count	Estimated Cost	Permit Fees	Land Cash
House	2	\$750,000	\$1,900	\$0
Garage	4	\$93,950	\$1,146	\$0
Accessory Buildings	1	\$0	\$50	\$0
Additions	1	\$0	\$0	\$0
Remodeling	3	\$242,000	\$1,438	\$0
Swimming Pools	5	\$103,492	\$600	\$0
Decks	4	\$16,700	\$600	\$0
Demolitions	1	\$0	\$0	\$0
Driveway	1	\$2,500	\$200	\$0
	22	\$1,208,642	\$5,934	\$0

Permit Summary by Category by Month

Kendall County

Permit Category	Total	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
House	14	1	2	2	3	4	2	0	0	0	0	0	0
Garage	8	0	0	1	1	2	4	0	0	0	0	0	0
Accessory Buildings	28	0	8	4	4	11	1	0	0	0	0	0	0
Additions	6	0	0	1	2	2	1	0	0	0	0	0	0
Remodeling	10	0	2	1	1	3	3	0	0	0	0	0	0
Barns/Farm Buildings	3	0	2	0	1	0	0	0	0	0	0	0	0
Signs	1	1	0	0	0	0	0	0	0	0	0	0	0
Other	1	0	0	0	0	1	0	0	0	0	0	0	0
Swimming Pools	13	0	0	5	1	2	5	0	0	0	0	0	0
Decks	12	1	0	0	3	4	4	0	0	0	0	0	0
Demolitions	4	1	1	0	0	1	1	0	0	0	0	0	0
Electrical Upgrades	2	0	1	1	0	0	0	0	0	0	0	0	0
Change in Occupancy	1	0	0	0	0	1	0	0	0	0	0	0	0
Driveway	4	0	0	1	1	1	1	0	0	0	0	0	0
Fire Restoration	3	1	0	1	1	0	0	0	0	0	0	0	0
Patio	1	0	0	1	0	0	0	0	0	0	0	0	0
Wind Turbine	1	0	1	0	0	0	0	0	0	0	0	0	0
Generator	1	0	0	0	1	0	0	0	0	0	0	0	0
	113	5	17	18	19	32	22	0	0	0	0	0	0

Permit Approval Date Report **Kendall County**

Issue Date	Permit ID	Permit Category	Parcel Number Owner Name	Property Address	Subdivision	Contractor Name
6/29/2017	012017101	01 House	0607402002 MCCUE BUILDERS INC	7620 FAIRWAY DR YORKVILLE, IL 60560-	WHITETAIL RIDGE	Same
6/28/2017	022017123	02 Garage	0304476015 GAMBOA ALEJANDRO	79 SHEFFIELD RD MONTGOMERY, IL 60538-	BOULDER HILL UNIT 22	DANLEY'S GARAGE WORLD
6/9/2017	022017111	02 Garage	0332352003 MERSMAN RYAN D & JENIFER L	4862 RESERVATION RD OSWEGO, IL 60543-	ARROWHEAD HILLS	
6/26/2017	022017045	02 Garage	0234151010 JOHNSON GREGORY J & SHELLEY	66 QUINSEY RD YORKVILLE, IL 60560-	QUINSEY SUB	
6/20/2017	022017121	02 Garage	0235227011 WAYDA JEFFERY & SUSAN	283 FARM CT YORKVILLE, IL 60560-	FARM COLONY	
6/7/2017	022017108	02 Garage	0402226006 SVOBODA JAROMIR & JODI A	6147 POLO CLUB DR YORKVILLE, IL 60560-	THE WOODS OF SILVER SPRINGS PHASE 3	Self
6/1/2017	032017095	03 Accessory Buildings	0905400018 QUIROZ, TEOFILO	4080 VAN DYKE ROAD MINOOKA, IL		SELF
6/16/2017	032017113	03 Accessory Buildings	0909100002 GUZMAN RAMIRO A JR	13039 MCKANNA ROAD MINOOKA, IL 60447		SELF
6/1/2017	032017096	03 Accessory Buildings	0905400018 QUIROZ, TEOFILO	4080 VAN DYKE ROAD MINOOKA, IL 60447		SELF
6/8/2017	042017109	04 Additions	0904100002 CRESCENTI JEAN	12070 MCKANNA RD MINOOKA, IL 60447-		
6/13/2017	042017098	04 Additions	0226101006 LAMANNA, ANDREW & SIWAK, PAULINA	58 KINGMOOR LN YORKVILLE, IL 60560-	KING MOOR ON THE FOX	Artisan Enterprises, Inc.

Permit Approval Date Report **Kendall County**

Issue Date	Permit ID	Permit Category	Parcel Number Owner Name	Property Address	Subdivision	Contractor Name
6/20/2017	052017120	05 Remodeling	0402225006 FRANKINO MICHAEL & JULIE	6070 POLO CLUB DR YORKVILLE, IL 60560-	THE WOODS OF SILVER SPRINGS PHASE 3	SELF
6/9/2017	052017110	05 Remodeling	0606127012 LUCKSINGER CYNTHIA & LUCKSINGER HAILEY	45 SETTLERS LN OSWEGO, IL 60543-	HATTNER SUB	Stature Custom Homes
6/14/2017	052017107	05 Remodeling	0602176004 PFLEDERER KURT A & DANAL	120 OSWEGO PLAINS DR OSWEGO, IL 60543-	ERICKSONS RESUB	SELF
6/14/2017	122017106	12 Swimming Pools	0235385002 STARK STEVEN & AMY	7557 MADELINE DR YORKVILLE, IL 60560-	FIELDS OF FARM COLONY UNIT 3	AMERICAN SALE
6/28/2017	122017125	12 Swimming Pools	0236102003 HENCZEL DAVID C DECL OF TRUST & DANIEL A ADEZA DENISE	385 COUNTRY RD YORKVILLE, IL 60560-	FARM COLONY	Naperville Pool Construction
6/19/2017	122017116	12 Swimming Pools	0606127005 BRODY-PAUL JENNIFER L & PAUL	27 SETTLERS LN OSWEGO, IL 60543-	HATTNER SUB	PARADISE POOLS & SPAS
6/16/2017	132017117	13 Decks	0304154017 RODRIGUEZ AARON & NORALINA	12 ROULOCK RD MONTGOMERY, IL 60538-	BOULDER HILL UNIT 29	
6/14/2017	132017115	13 Decks	0221301014 WARD JAMES J & BETH A	3531 B ROUTE 47 YORKVILLE, IL 60560-		
6/19/2017	132017114	13 Decks	0508376016 FEDANZO-DUDLEY AARON & MARYBETH	43 RONHILL RD YORKVILLE, IL 60560-	RONHILL ESTATES	
6/19/2017	132017112	13 Decks	0413278002 SCHROEDER TERRY L & DEENA R	18 COTSWOLD DR YORKVILLE, IL 60560-		Owner
6/21/2017	182017124	18 Driveway	0305454007 ROBLES JUAN L PENA & BELTRAN MARIA DEL ROSARIO VASQUEZ	32 CIRCLE DR MONTGOMERY, IL 60538-	BOULDER HILL UNIT 7	Concretos Vasquez, Inc.

PLANNING BUILDING & ZONING RECEIPTS 2017

DATE	BUILDING FEES	ZONING FEES	LAND-CASH	OFFSITE ROADWAY	MONTHLY FY 17	TOTAL FY17	MONTHLY FY 16	TOTAL FY16
December	\$2,119.28	\$925.00	\$0.00	\$0.00	\$3,044.28	\$3,044.28	\$3,516.58	\$3,516.58
January	\$1,977.24	\$100.00	\$1,814.10	\$0.00	\$3,791.34	\$6,835.62	\$7,881.78	\$11,398.36
February	\$3,151.44	\$1,425.00	\$6,413.08	\$0.00	\$10,989.52	\$17,825.14	\$6,108.07	\$17,506.43
March	\$4,667.84	\$25.00	\$2,438.05	\$1,000.00	\$8,130.89	\$25,956.03	\$17,363.99	\$34,870.42
April	\$6,501.42	\$105.00	\$992.51	\$0.00	\$7,598.93	\$33,554.96	\$13,956.06	\$48,826.48
May	\$9,337.28	\$845.00	\$5,904.03	\$0.00	\$16,086.31	\$49,641.27	\$4,876.24	\$53,702.72
June	\$8,830.71	\$375.00	\$4,969.27	\$0.00	\$14,174.98	\$63,816.25	\$22,581.26	\$76,283.98
July	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$9,472.64	\$85,756.62
August	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$10,083.93	\$95,840.55
September	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$8,846.29	\$104,686.84
October	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$23,856.91	\$128,543.75
November	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$20,553.25	\$149,097.00
TOTAL	\$36,585.21	\$3,800.00	\$22,531.04	\$1,000.00	\$63,816.25	\$63,816.25	\$149,097.00	

Law Offices
of
Daniel J. Kramer

Daniel J. Kramer

1107A S. Bridge Street
Yorkville, Illinois 60560
630-553-9500
Fax: 630-553-5764

Kelly A. Helland
D.J. Kramer

June 20, 2017

Matt Asselmeier
Kendall County
Via E-mail: Masselmeier@co.kendall.il.us

RE: Delaney Public Hearing Shooting Range Petition 16-14

Dear Mr. Asselmeier:

Please be advised that I have met with my client who has been reviewing with his participants the costs associated with developing the shooting range. Their initial presentation based upon the consultant for lead recovery they had prepared was a manageable number together with the development costs of the Special Use as a whole.

Under the Kendall County Ordinance there obviously is the ability of the County to control the Project with many conditions and the Staff recommendation that was prepared was agreeable with my client.

However as the Project has developed, and they have looked at alternative lead recovery methods the cost of installation of the same are extremely expensive. They are higher tech applications but to make the project financially sound it would require an intense use of the target practice range far beyond the expectations of my clients. Their primary goal was to develop a facility for family, friends, a professional group as far as safety training classes and to make the outdoor range available at no cost to local law enforcement agencies.

In order to install either of the higher tech lead recovery methods, as we have indicated would necessitate substantial fees to users including law enforcement agencies and require again a higher degree of usage than my clients had planned for the area.

We appreciate the due consideration given by Staff who worked very hard on the project as well as the various advisory governmental bodies that we have appeared in front of all the way up to the Kendall County Planning, Building, and Zoning Committee. We believe the County has a strong Ordinance that is currently in compliance with Illinois Case Law which has recently been decided regarding regulation of shooting ranges as a Special Use.

Therefore it is with regret that the Petitioner does withdraw the Petition and we thank the County in its entirety for working with us on the Project.

Very truly yours,

Daniel J. Kramer

Daniel J. Kramer
Attorney at Law

DJK:cth

Matt Asselmeier

From: Robert Velazquez [REDACTED]
Sent: Tuesday, June 27, 2017 11:00 AM
To: Matt Asselmeier
Subject: Re: Petition Withdrawal Email

Matt,

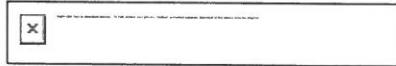
Semper Fi Land Services would like to withdrawal our permit application for the Special use " composting facility" located at 1996 cannonball trail.

We will continue to operate under our current "landscape operation" special use.
if you have any question please contact me.

Thank you



Robert R. Velazquez
PRESIDENT



VOSB CVE MBE DBE SBE

M: [REDACTED]
P: [REDACTED]
E: [REDACTED]
W: semperfi.land

From: Matt Asselmeier <masselmeier@co.kendall.il.us>
Sent: Tuesday, June 27, 2017 8:26 AM
To: Robert Velazquez
Subject: Petition Withdrawal Email

Robert:

Per our discussion last Friday, please send an email withdrawing your petition for a special use permit at 1996 Cannonball Trail as soon as possible.

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

LAW OFFICES
OF

Daniel J. Kramer

1107A SOUTH BRIDGE STREET
YORKVILLE, ILLINOIS 60560
(630) 553-9500
Fax: (630) 553-5764

DANIEL J. KRAMER

**KELLY A. KRAMER
D.J. KRAMER**

July 5, 2017

Matt Asselmeier

Via Email: masselmeier@co.kendall.it.us

RE: Peter Pasteris Wedding Venue

Dear Matt:

Thank you for your Email of July 3, 2017. I did personally speak with Peter this morning on July 5, 2017.

As I mentioned he has been very pro-active in doing his decibel meter readings at the property line and has consistently been way under 50 decibels even when music or DJ's are announcing the wedding party.

His most recent wedding function, he took the time to drive down to what we believe is the complaining neighbor who is approximately 1½ mile away from the wedding venue site. He had a courteous discussion with the Gentleman and they agreed to disagree.

The objector indicated to Peter that he believed the wedding venue was totally within its legal and Special Use limits. While discussing the matter with the Gentlemen, Peter indicated that on two brief occasions he could hear muffled sound but could not make out any of the music and again checked his decibel reading to find it was way below the legal level.

The complainant expressed to Peter that he simply did not like the Special Use, and did not like having any sound whatsoever even though there were several semi's from Route 126 passing in the vicinity, that were much louder than any other noises that could be heard surrounding. The Complainant also indicated to Peter that he liked to fish late at night and wished to have silence when he was fishing.

Unfortunately it looks like nothing Peter can do will make the Complainant happy, but we do believe the Wedding Venue is totally in compliance with the Special Use and legal conditions. Again thank you for your vigilance and keeping us advised.

Very truly yours,

Daniel J. Kramer

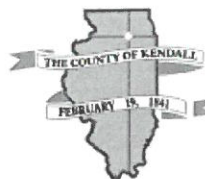
Daniel J. Kramer,
Attorney at Law

DJK/rg
cc: Peter Pasteris



Kendall County Sheriff's Office

Detail



Print Date/Time: 07/03/2017 11:47
Login ID: kmiller
Case Number: 2017-00002020

KENDALL COUNTY SHERIFF'S OFFICE
ORI Number: IL0470000

Case Details:

Case Number: 2017-00002020 Incident Type: 9005 - ASSIST GOVERNMENT AGENCY
Location: 1998 JOHNSON RD Occured From: 06/24/2017 21:19
OSWEGO, IL 60543 Occured Thru: 06/24/2017 21:57
Reported Date: 06/24/2017 21:19 Saturday
Reporting Officer ID: SS070901-STRICKER Status: 1 - OPEN Status Date: 06/29/2017

Offenses

No.	Group/ORI	Crime Code	Statute	Description	Counts
-----	-----------	------------	---------	-------------	--------

Subjects

Type	No.	Name	Address	Phone	Race	Sex	DOB/Age
COMPLAINANT	1	BARONE, THOMAS MICHAEL	1585 JOHNSON RD OSWEGO, IL 60543		WHITE	MALE	64

Subject # 1-COMPLAINANT

Primary: No
Name: BARONE, THOMAS MICHAEL Race: WHITE Sex: MALE DOB: [REDACTED]
Address: 1585 JOHNSON RD Height: 5ft 7 in Weight: 126.0 lbs.
OSWEGO IL 60543 Eyes: BROWN Hair: BROWN Age: 64
Primary Phone: [REDACTED] DVL #: [REDACTED] State: IL
Resident Status: RESIDENT

Arrests

Arrest No.	Name	Address	Date/Time	Type	Age
------------	------	---------	-----------	------	-----

Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
------	------	------	------	-------	-------------	---------	----------

Vehicles

No.	Role	Vehicle Type	Year	Make	Model	Color	License Plate	State
-----	------	--------------	------	------	-------	-------	---------------	-------



Kendall County Sheriff's Office Detail



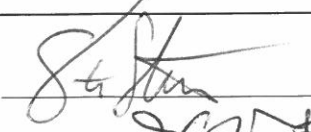

Print Date/Time: 07/03/2017 11:47
Login ID: kmiller
Case Number: 2017-00002020

KENDALL COUNTY SHERIFF'S OFFICE
ORI Number: IL0470000

KENDALL COUNTY SHERIFF'S OFFICE
CASE 2017-2020 NARRATIVE
DEPUTY S. STRICKER #65
JUNE 25, 2017

On 06/24/2017 at approximately 2132 hours I, Deputy Stricker #65, was dispatched to 1998 Johnson Road on a report of a loud party. KenCom advised complainant was at 1585 Johnson Road and wanted to speak to a deputy regarding the weddings that are occurring every weekend at that address. Upon arrival I stopped prior at 1998 Johnson Road. In front of the driveway I deployed my Ex Tech sound level meter #4, with a serial #130803381. I recorded a reading of between 53-54 decibels. The music did not appear to be very loud. I could hear someone speaking also on a microphone within the large tent on the property.

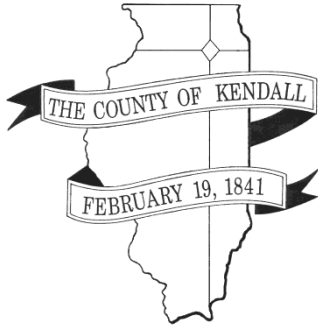
I relocated to 1585 Johnson Road and spoke to Thomas M. Barone, male, white, DOB [REDACTED]. Mr. Barone stated that he called tonight because he could hear the music and the speaking on the microphone and stated that he's becoming irritated that his neighbors are having weddings three nights a week – Friday, Saturday, and Sunday, and that he found it to be inconsiderate of his neighbors. This is not an infrequent event, and it's now become a frequent event every weekend. He asked me if I could hear the music from his residence and if it sounded loud to him and I advised no it did not sound loud to me, however I could tell that he didn't like the noise in the distance. I did advise I would take a report number and that there is an investigation through building and zoning about the permitting of venues for a wedding and other large events at Kendall County at this time. Per Sergeant Jasnosz, on this residence we are taking a report and forwarding information to Building and Zoning regarding what was just discussed. After leaving Mr. Barone's residence, from his closest location to the offending property I again deployed the Ex Tech sound meter and recorded a level of approximately 53 decibels. Nothing further at this time.

Submitted by:		Date: 070317	Time: 1800
Approved by:	 #57	Date: 070317	Time: 1928hrs.

KCSO

COPY

TO: KENDALL COUNTY PLANNING,
BUILDING & ZONING



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 316

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: PBZ Committee
From: Matthew H. Asselmeier, AICP, Senior Planner
Date: July 6, 2017
Re: Alleged Zoning Violation at 14207 Church Road

On June 18, 2017, the County Board received a complaint regarding shooting classes occurring on Church Road. Upon further investigation, 14207 Church Road was determined to be the location of the alleged shooting classes referenced in the complaint. On June 23, 2017, Staff mailed the owner of the property the enclosed letter explaining the situation and providing options for them to come into compliance with the Kendall County Zoning Ordinance. A similar letter was sent to the property owner in September 2014 and they ceased operations following that letter.

In addition to the complaint and letter to the property owner, Staff included pictures of the property and class registration information.

The owner responded on July 3, 2017 and said they are not having classes and will contact the company holding the classes to have their address removed from the website.

If you have any questions, please let me know.

MHA

ENCS: 6-18-17 Email of Complaint
Three Pictures
GroupOn
Two Classes Information
6-23-17 Letter to Property Owner

Matt Asselmeier

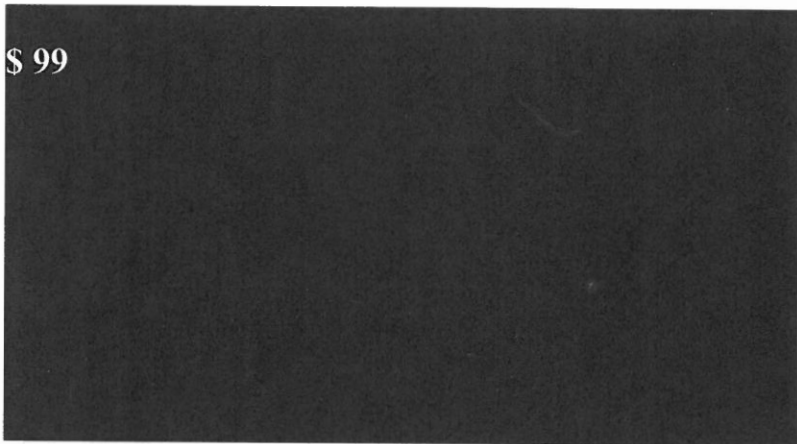
From: [REDACTED]
Sent: Sunday, June 18, 2017 10:58 PM
To: Robert Davidson; Lynn Cullick; Judy Gilmour; Matt Kellogg; Scott R. Gryder; Audra Hendrix; Elizabeth Flowers; John Purcell; Matthew G. Prochaska; Tony Giles; KC Board; Scott Koeppel
Cc: Matt Asselmeier
Subject: Kendall County Special Use #16-14 (Delaney Gun Range)

Ladies and Gentlemen,

Thank You for the opportunity to speak about Special Use #16-14 at the June 12th meeting of the PBZ committee.

We spoke of a previous Groupon advertisement which offered classes that were being conducted at the site, here is a link for you to see this ad for yourselves.

[\\$99 for Gun-Range Outing with Six Firearms and Training from Contego Defense Group \(\\$200 Value\)](#)



\$ 99



\$99 for Gun-Range Outing with Six Firearms and Training from Contego Defens...

Students have the opportunity to handle submachine guns, sniper rifles, pistols, and shotguns at different stations

There are also ads posted online for ongoing classes being conducted at the site on a website called Eventbrite.

On the Saturday of Memorial Day weekend the Contego Defense Group conducted yet another class at Delaney's property. On this day the neighboring farmer James Berg was planting the field immediately downrange of the gunrange. Shooting was within 1000' of the farm equipment passing by. This created an unsafe situation and complete lack of common sense by the range operators.

James Berg placed a call to Robert Delaney who was not personally at the site but was aware of the class being conducted.

These classes are held without the proper approvals for Special Use, yet they continue to occur.

Here are additional classes being scheduled for future dates on the Eventbrite site. Please read through the advertisement information, this class being July 29th at 9AM...

Pistol Gunfight Principles - Class I: Shoot & Move I



Pistol Gunfight Principles - Class I: Shoot & Move I

Our Pistol Gunfight Principles - Class I: Shoot & Move I will teach skills and techniques that prepare you t...

And this class being July 29th at 2PM...

Elemental Skills Clinic - Class I: Draw Technique



Elemental Skills Clinic - Class I: Draw Technique

Our Elemental Skills Clinics are designed to develop specific aspects of marksmanship to help elevate your overa...

This is a threat to public safety for residents and passers-by of this property with radical shooting transpiring at any given time. This also impairs the enjoyment of neighboring residents and agricultural land uses of farming or livestock. Police reports have been filed regarding shooting in the past.

Delaney's Attorney Dan Kramer spoke in the meeting the he has no knowledge of this and his canned response is "I don't pay attention to Facebook", this is a flat out lie as he has been well aware of the illegal activity all along. None of the ads are on Facebook, they're being advertised online and in local gun stores.

This is a critical situation and the madness needs to stop. I ask the County "What is going to happen when some rookie gun owner comes out to learn and shoots himself or a bystander?" Is the County partially liable knowing the shooting operations have been going on? I'm sure Mr Delaney does not have the proper insurance policies in place to cover a potential claim of this nature.

I appreciate any feedback you may be willing to provide and welcome you to my residence if you ever wish to view the gunrange from my perspective.

Thank You,

[Cart](#) [Sell](#) [Help](#) [Sign In](#) [Sign Up](#)
 Search Groupon

 Chicago
[Home](#)[Local](#)[Goods](#)[Getaways](#)[Clearance](#)[Coupons](#)[Top Deals](#)**25% OFF RESTAURANTS**
 Use Code **WELCOME**
on Your First Groupon

 Valid on 1 unit per transaction, max 1 Local deal per customer. New customers only. Max discount \$25. Ends 5/30. Exclusions apply. Full details: [gr/pn/promofaq](#)

Other Deals That Might Interest You


Up to 95% off Online SQL Database Course
SkillSuccess

40+ bought

~~\$199~~ **\$10**
Up to 95% off Accounting Online-Courses...
Excel with Business

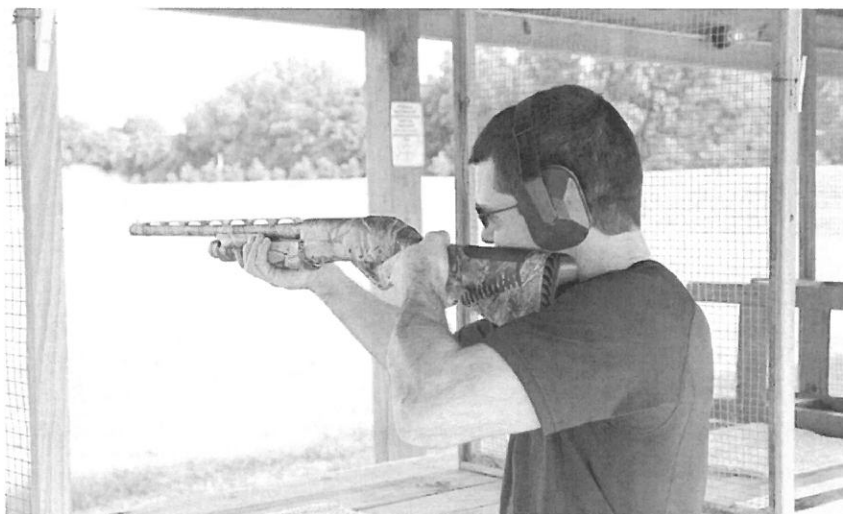
10+ bought

~~\$1,049~~ **\$49**
Up to 90% off Online Coding Courses for...
Code Is Cool

250+ bought

~~\$180~~ **\$25**
[Local](#) > [Personal Services](#) > [Classes](#) > [Skills & Hobbies](#)
\$99 for Gun-Range Outing with Six Firearms and Training from Contego Defense Group (\$200 Value)

Minooka ★★★★★ 16 Ratings


Training and range time with six different firearms

 Discount 50%
Over 120 bought

\$200
Not yet available

[See similar deals](#)
[Give as a Gift](#)
Easy Returns & Exchanges!

 Buy with peace of mind! [Learn More](#)

Up to 50% Off

 ★★★★★
16 Ratings

SHARE THIS DEAL

[Email](#) [Facebook](#) [Twitter](#) [Pinterest](#) [Like 213](#)
What You'll Get**The Deal**

- \$99 for training and range time with six different firearms (\$200 value)

Registration begins 15 minutes prior to class time, after which students experience a safety briefing and training on firing 10 rounds each with two pistols, 10 rounds each with two submachine guns, 5 rounds with a shotgun, and 3 rounds with a sniper rifle at the range. Those who wish to do so can purchase

another round of shooting with one of the firearms for an additional fee (\$20). See the class schedule [here](#).

The Fine Print

Promotional value expires 90 days after purchase. Amount paid never expires. Limit 1 per person, may buy 1 additional as a gift. Limit 1 per visit. Appointment required; subject to availability. 24hr cancellation notice required. Must sign waiver. **No photographs may be taken on site.** Merchant is solely responsible to purchasers for the care and quality of the advertised goods and services.

About Contego Defense Group

The Range

Contego Defense Group trains out of Article II Gun Range in Lombard as well as a private range in Villa Park and Joliet.

The Rentals

- Pistols such as a 9 mm. Glock
- Submachine guns such as an MP5 SD
- Shotguns such as a Remington 870

At a Glance

Contego Defense Group's staff consists of military veterans, who train others in a variety of firearms. They lead classes in the use and handling of rifles, pistols, and shotguns, covering techniques ranging from rapid reloading to proper target acquisition. When not helping students hone their aims, the instructors also train in hand-to-hand combat for self-defense.

Contego Defense Group

Company Website

Customer Reviews

★★★★★ 16 Ratings

It was a great first experience!

Joey M. · January 30, 2015 · Verified

Wear sunscreen! Best guy gift EVER!

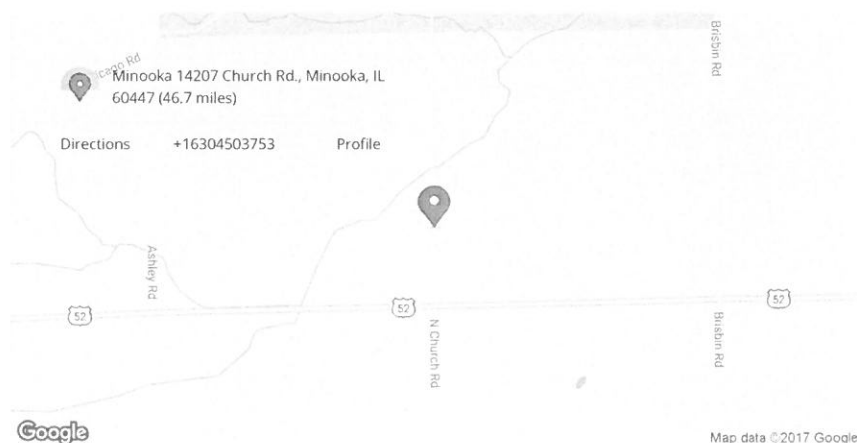
Tammy B. · August 31, 2014 · Verified

Great experience. David and Jay are both excellent instructors. Great fun.

Sean F. · August 11, 2014 · Verified

[See all reviews »](#)

Contego Defense Group 1 Location



Q&A

[Ask a Question](#)
New Deals [View All](#)

Up to 19% off The Rolling Sto...
Exhibitionism - The Rolling Stones

Navy Pier: Festival Hall B
990+ bought

~~\$31~~ **\$25**



LifeProof Nuud WaterProof
iPhone 6 Case

330+ bought

~~\$89.99~~ **\$41.99**



Up to 17% off BYOB Lazy Rive...
Midwest Adventures BYOB Lazy Rive...

Charter Loading Zone

~~\$94.91~~ **\$79**



25% Cash Back at House of W...
House of Wings

House of Wings

Free to Claim
Cash Back

In and Around Minooka

MINOOKA

Classes
Activities
Tickets & Events

CREST HILL

Activities
Classes
Tickets & Events

MORRIS

Classes
Activities
Tickets & Events

NEW LENOX

Tickets & Events
Classes
Tours

PLAINFIELD

Nightlife
Classes
Sightseeing

YORKVILLE

Nightlife
Tickets & Events
Classes

Company

About Groupon
Jobs
Blog
Press
Investor Relations
Management Team
In Your Community

Work with Groupon

Join the Groupon Marketplace
Run a Groupon Deal
Learn About Groupon Merchant
Affiliate Program

More

Customer Support
Refund Policies
FAQ
Coupons
Gift Cards
Gift Shop
Students

Follow Us



Get the Groupon
Mobile App >

Incredible Deals on Local Experiences

Discover fun activities and huge discounts in your [city](#) with Groupon. Check out great deals on [things to do](#) from [kids activities](#) to [nightlife](#); try out new [restaurants](#), [spas](#), [massages](#) and [hair salons](#) near you, or plan a [trip away from home](#).

GROUPON Guide for [Food & Drink](#), [Arts & Leisure](#), and [Style & Beauty](#)

© 2017 Groupon, Inc. All Rights Reserved. [Terms of Use](#) [Privacy Statement](#) [Licenses](#) [Responsible Disclosure](#)

Grow Your Business by
Working with Groupon >

Eventbrite

BROWSE E

LEARN
MORE
▼

HELP
▼

≡

SIGN
UP

LOG
IN

CREATE
EVENT

Elemental Skills Clinic - Class I: Draw Technique
Sat, July 29, 2017, 2:00 PM – 4:00 PM CDT

\$50



DATE AND TIME

Sat, July 29, 2017

2:00 PM – 4:00 PM CDT

[Add to Calendar](#)



LOCATION

CDG Range

14207 Church Rd

Minooka, IL 60447

[View Map](#)



FRIENDS WHO ARE GOING



[Connect to Facebook](#)



DESCRIPTION

Our Elemental Skills Clinics are designed to develop specific aspects of marksmanship to help elevate your overall shooting skills. The draw clinic will focus on techniques that will help you with maximizing the efficiency of your movements to be able to pull your weapon out quicker than your threat--because the person who can shoot faster and more accurately will win the fight. Drills and discussions will include different draw techniques and considerations, different carrying positions and holsters, and accurate shots placed quickly. A holster, magazine pouch, and at least 2 magazines will be required.

Round count: Please bring at least 150 rounds.

For more info contact us at 630.450.3753 or info@contegodefensegroup.com



TAGS

Things To Do In Minooka, IL

Class

Hobbies



SHARE WITH FRIENDS

DATE AND TIME

Sat, July 29, 2017

2:00 PM – 4:00 PM CDT

[Add to Calendar](#)

LOCATION

CDG Range

14207 Church Rd

Minooka, IL 60447

[View Map](#)

FRIENDS WHO ARE GOING



[Connect to Facebook](#)



Contego Defense Group

Organizer of Elemental Skills Clinic - Class I: Draw Technique

[Website](#)

Contego Defense Group consists of veterans of the armed forces that believe in sharing their enthusiasm for responsible firearm training for self-defense, competition, or for anyone who wants to learn.

PROFILE

CONTACT

More Events From This Organizer



SAT, JUL 29 9:00 AM

Illinois Conceal Carry License Class

TBD - Chicagoland Area

\$125 - \$225

#Hobbies #Class



SAT, JUL 29 9:00 AM

Pistol Gunfight Principles - Class I: Shoot & Move I

Fantastic Firearms & Ammo, Minooka

\$150

#Hobbies #Class



[VIEW MAP](#)

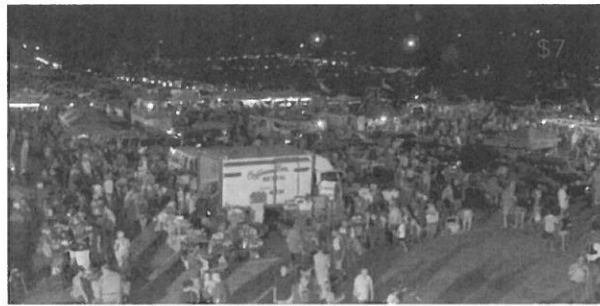
Other Events You May Like



SAT, SEP 9 8:00 AM
The Zombie Shoot - 2017

Aurora Sportsmen's Club, Waterman

#Hobbies #Attraction



SAT, AUG 19 3:00 PM
Wheaton All Night Flea Market

DuPage County Fairgrounds, Wheaton

#Hobbies #Expo



SOUL
Dis
Intuitively a

SUN, .
SoulC

Bliss M

#Hob

Use Eventbrite

How it Works

Pricing

Event Blog

Plan Events

Online Registration

Sell Event Tickets

Event Management Software

[Find Events](#)

[Browse Minooka Events](#)

[Get the Eventbrite App](#)

[Connect With Us](#)

[Report This Event](#)

[Help Center](#)

[Terms](#)

[Privacy](#)

[Community Guidelines](#)



© 2017 Eventbrite

Eventbrite

BROWSE E

LEARN
MORE



HELP
▼



SIGN
UP

LOG
IN

CREATE
EVENT

Pistol Gunfight Principles - Class I: Shoot & Move I

Sat, July 29, 2017, 9:00 AM – 1:00 PM CDT

\$150



DATE AND TIME

Sat, July 29, 2017

9:00 AM – 1:00 PM CDT

[Add to Calendar](#)



LOCATION

Fantastic Firearms & Ammo

14207 Church Rd

Minooka, IL 60447

[View Map](#)



FRIENDS WHO ARE GOING



[Connect to Facebook](#)

**DESCRIPTION**

Our Pistol Gunfight Principles - Class I: Shoot & Move I will teach skills and techniques that prepare you to handle your weapon accurately and proficiently for real world scenarios where every moment and movement counts. The entire four-hour class consists of live fire drills conducted on our private outdoor range where effective weapon handling is the ultimate lesson for this course. Tactical drills will be focused on efficient movement and use of cover, engaging while on the move, transitioning shooting positions, and close quarter engagements. The class culminates in a timed competition course engaging multiple targets at several angles and cover points.

Round count: please bring at least 250 rounds.

For more info contact us at 630.450.3753 or
info@contegodefensegroup.com

**TAGS**[Things To Do In Minooka, IL](#)[Class](#)[Hobbies](#)**SHARE WITH FRIENDS**

DATE AND TIME

Sat, July 29, 2017

9:00 AM – 1:00 PM CDT

[Add to Calendar](#)

LOCATION

Fantastic Firearms & Ammo

14207 Church Rd

Minooka, IL 60447

[View Map](#)

FRIENDS WHO ARE GOING



[Connect to Facebook](#)



Contego Defense Group

Organizer of Pistol Gunfight Principles - Class I: Shoot & Move I

[Website](#)

Contego Defense Group consists of veterans of the armed forces that believe in sharing their enthusiasm for responsible firearm training for self-defense, competition, or for anyone who wants to learn.

[PROFILE](#)

[CONTACT](#)

More Events From This Organizer



\$125 - \$225

SAT, JUL 29 9:00 AM

Illinois Conceal Carry License Class

TBD - Chicagoland Area

[#Hobbies](#) [#Class](#)



\$50

SAT, JUL 29 2:00 PM

Elemental Skills Clinic - Class I: Draw Technique

CDG Range, Minooka

[#Hobbies](#) [#Class](#)



[VIEW MAP](#)

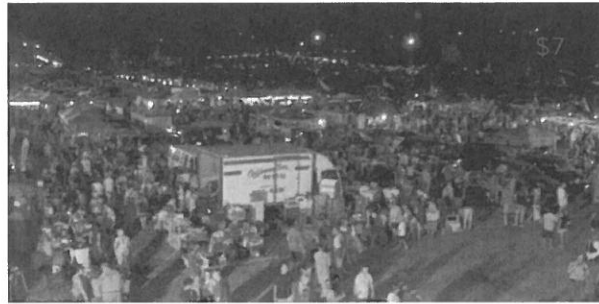
Other Events You May Like



SAT, SEP 9 8:00 AM
The Zombie Shoot - 2017

Aurora Sportsmen's Club, Waterman

#Hobbies #Attraction



SAT, AUG 19 3:00 PM
Wheaton All Night Flea Market

DuPage County Fairgrounds, Wheaton

#Hobbies #Expo



SOUL
Disc
Intuitively a

SUN, .
SoulC

Bliss M

#Hobt

Use Eventbrite

How it Works

Pricing

Event Blog

Plan Events

Online Registration

Sell Event Tickets

Event Management Software

[Find Events](#)

[Browse Minooka Events](#)

[Get the Eventbrite App](#)

[Connect With Us](#)

[Report This Event](#)

[Help Center](#)

[Terms](#)

[Privacy](#)

[Community Guidelines](#)



© 2017 Eventbrite



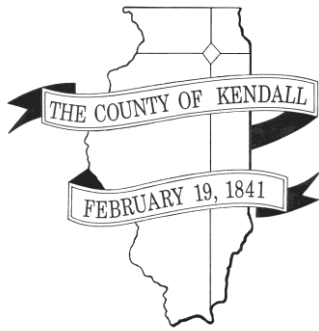
06/22/2017 09:33



06/22/2017 09:34



06/22/2017 09:34



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

VIOLATION

June 23, 2017

Thomas & Donna McDonald
14207 Church Road
Minooka, IL 60447

Dear Property Owners,

According to the records of the Kendall County Tax Assessor's Office, you are the owner of property located on the west side of Church Road commonly known as 14207 Church Road, Minooka, IL (P.I.N. #: 08-14-200-003). It has come to our attention that the above referenced property, which is in unincorporated Kendall County and zoned A-1 (Agricultural District), is being used in a manner not permitted in that zoning district. It has come to the Planning, Building and Zoning Department's attention this property is being used to hold conceal carry classes and used as a gun range.

Both Indoor and Outdoor Target Practice are special uses in the A-1 district. **Please consider this your thirty (30) day warning to initiate compliance with the Ordinance.** Compliance, in this case, consists of (a) ceasing operations of target practice & classes (including cancelling the pistol gunfight principles class and elemental skills clinic scheduled for July 29, 2017); or (b) filing an application for a special use permit with the County. **An application for an A-1 Special Use is included with this letter.** If this property is not being used for this type of business, please provide something in writing by the **July 23, 2017** deadline. Below is the special use category in the A-1 Agricultural District:

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.

Outdoor Target Practice or Shooting (not including private shooting in your own yard) with the following conditions:

- a. Requires conformity with NRA standards; provide appropriate berming based on surrounding land use and type(s) of firearms to be used. Such as berming shall generally be consistent with standards established in the NRA Source Book.
- b. Requires minimum parcel size of 5 acres, depending on the venue.
- c. Must have a sign that lists allowed firearm types, rules of operation; hearing and vision protection required.
- d. State recognized, nationally recognized or NRA Certified range supervisor must be present.
- e. Range flag flown, a sign or red light lit at all times that firing is taking place.
- f. Hours and days of operation as specified in the Special Use Permit to be determined by the County Board.
- g. Access must be controlled by a lockable gate.
- h. Hazardous waste plan addressing lead management required.
- i. No discharge of lead shot into wetland.
- j. Must be at least 1,000' from existing dwellings and property lines of schools, daycares, places of worship and airstrips.
- k. No alcohol allowed.
- l. No projectiles shall leave the boundaries of the site.
- m. All applicable Federal, State and County rules and regulations shall be adhered to.
- n. Must meet all requirements of the Kendall County Health Department
- o. Water and drainage plans must be approved by the Kendall County Planning, Building and Zoning Office.
- p. Signage is permitted but must meet the Sign Ordinance regulations of Section 12 of the Zoning Ordinance.
- q. Lighting shall meet the standards of Section 11.02.F.12.d of the Zoning Ordinance.
- r. Must adhere to the Performance standards of Section 10.01.F of the Zoning Ordinance

Thank you in advance for your cooperation in this matter. If you have any questions, feel free to contact our office at 630-553-4139.

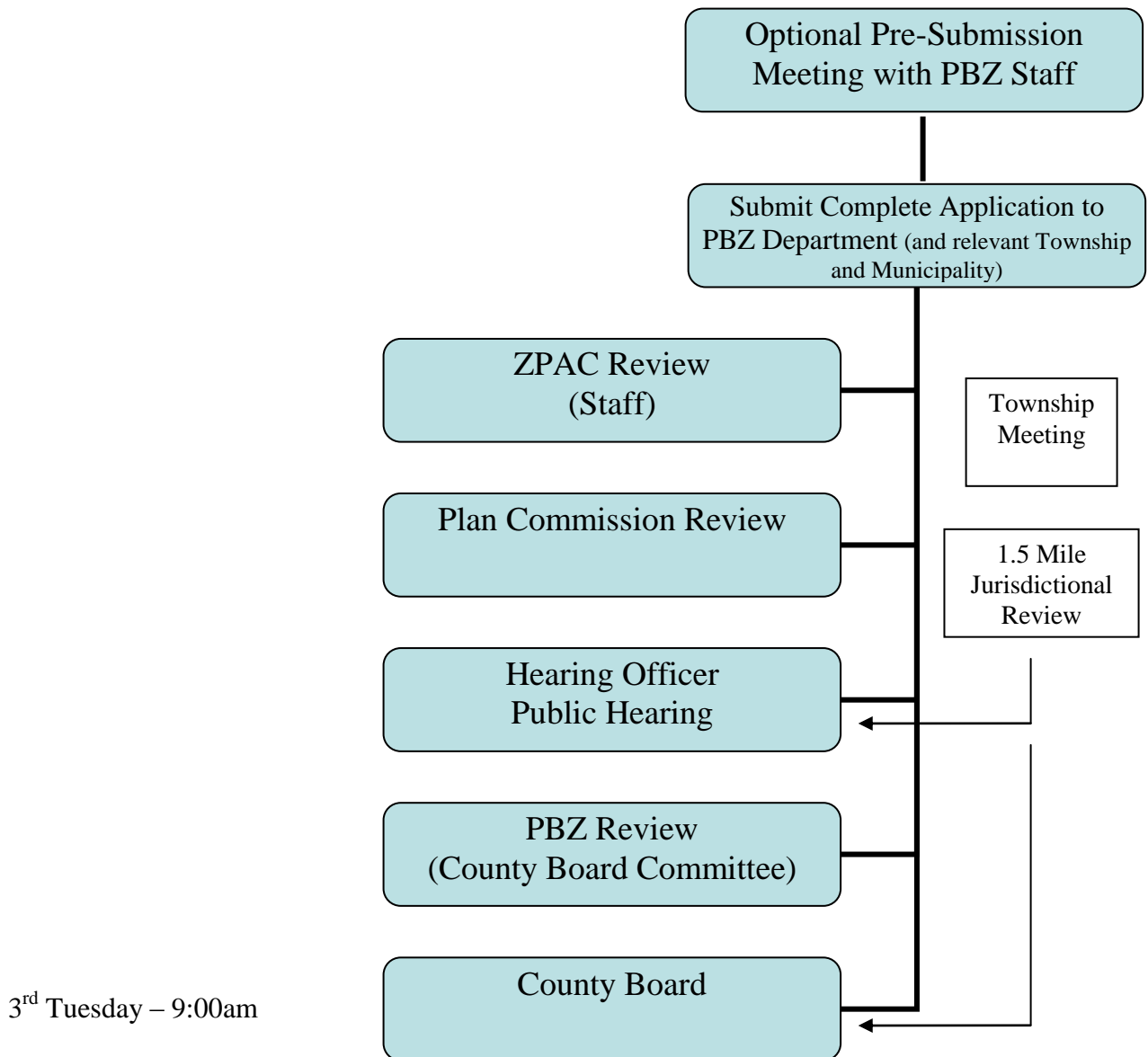
Sincerely,

THE COUNTY OF KENDALL

Matthew H. Asselmeier, AICP
 Senior Planner
 Kendall County Planning, Building and Zoning Department

Attachment:
 Special Use Application

Kendall County Special Use Process



Notes:

1. Timeline assumes application submittal is complete, and no major changes are requested during the review process.
2. The Plan Commission, Hearing Officer, and County Board may continue or table an item if it is determined that additional time or information is needed for review. Such actions will extend the review process.
3. Major amendments to an approved Special Use would also follow this process.
4. Hearing Officer has typically conducted meetings on the same day as the ZBA meeting.

KENDALL COUNTY TIMETABLE 2017

for TEXT AMENDMENTS, RPD's (Residential Planned Developments), SPECIAL USES MAJOR AMENDMENTS TO A SPECIAL USE

Application Deadline	ZPAC	COMBINED KCRPC, HEARING OFFICER & ZBA PUBLICATIONS**		Deadline to submit proof of publication to PBZ Dept.***	KCRPC	SU Hearing Officer/ ZBA	PBZ	CB
By 4:30 p.m.	(9:00 A.M.)	BEGIN	END		(7:00 P.M.)	(7:00 P.M.)	(6:30 P.M.)	(9:00 A.M.)
12/20/16	01/03/17	12/31/16	01/10/17	01/18/17	01/25/17	01/30/17	02/14/17	02/21/17
01/24/17	02/07/17	01/28/17	02/07/17	02/15/17	02/22/17	02/27/17	03/13/17	03/21/17
02/21/17	03/07/17	02/25/17	03/07/17	03/15/17	03/22/17	04/03/17	04/10/17	04/18/17
03/21/17	04/04/17	04/01/17	04/11/17	04/19/17	04/26/17	05/01/17	05/08/17	05/16/17
04/18/17	05/02/17	04/29/17	05/09/17	05/17/17	05/24/17	06/05/17	06/12/17	06/20/17
05/23/17	06/06/17	06/03/17	06/13/17	06/21/17	06/28/17	07/03/17	07/10/17	07/18/17
06/27/17	07/11/17	07/01/17	07/11/17	07/19/17	07/26/17	07/31/17	08/07/17	08/15/17
07/18/17	08/01/17	07/29/17	08/08/17	08/16/17	08/23/17	08/28/17	09/11/17	09/19/17
08/22/17	09/05/17	09/02/17	09/12/17	09/20/17	09/27/17	10/02/17	10/10/17	10/17/17
09/19/17	10/03/17	09/30/17	10/10/17	10/18/17	10/25/17	10/30/17	11/13/17	11/21/17
10/24/17	11/07/17	11/04/17	11/14/17	11/22/17	11/29/17	12/04/17	12/11/17	12/19/17
11/21/17	12/05/17	12/30/17	01/09/18	01/17/18	01/24/18	01/29/18	02/12/18	02/20/18
12/19/17	01/02/18	12/30/17	01/09/18	01/17/18	01/24/18	01/29/18	02/12/18	02/20/18
01/23/18	02/06/18	02/03/18	02/13/18	02/21/18	2/28/2018	3/5/218	03/12/18	03/20/18

**** Petitioners must adhere to KCRPC & ZBA publication timeframe as listed. All notifications must be given to property owners and published in the newspaper no earlier than the "begin" date listed and no later than the "end" date listed for the appropriate KCRPC & ZBA meeting. Notices submitted to the paper for publication must also include the legal description of the property that is the subject of the hearing. The "Kendall County Record" and "Beacon News" are the preferred papers for publication of notices. The "Beacon News" is published daily. The Kendall County Record is a weekly publication issued each Thursday. Notices sent to the "Record" for publication must be submitted no later than 5:00 PM on the Friday before the week in which the notice must be published to be included in the Thursday printing. For further information regarding the cost and deadlines related to each paper, contact the "Kendall County Record" at (630) 553-7034 (legals@kendallcountyrecord.com) or the "Beacon News" at (630) 978-8310 hit option 5 (legals@stmedianetwork.com)**

***** Proof of notification must be submitted to the Planning, Building & Zoning Department prior to the KCRPC meeting. The deadline for is specified above.**

PROCEDURE FOR SPECIAL USE PETITIONS

ZPAC

The Zoning and Platting Advisory Committee is held for the purpose of inviting the various county departments and some outside agencies to review and comment on a petition. A copy of the petition (including the application, staff report and attachments) is sent a week before the meeting to departments such as: Health and Human Services, County Highway, WBK (County engineering consultant), the Soil and Water Conservation District, Forest Preserve, and the Sheriff. The petitioner and Township supervisors will also receive a copy.

The petitioner (or a designated representative) should plan to attend the meeting. A staff member of the Planning, Building and Zoning Department will present the staff report. The petitioner will then be asked to speak about their petition in addition to answering questions raised by ZPAC. If all issues and concerns are met satisfactorily, staff will indicate that the petition will move forward in the process, to the next KCRPC meeting. However, if issues are not adequately addressed, the petition will be continued to the next ZPAC meeting or tabled until additional information is provided.

KCRPC

The role of the Regional Planning Commission is to hold meetings on issues pertaining to county planning. Such issues include review of zoning amendments, new subdivision plats to ensure conformance with subdivision regulations, and aspects relating to conformance with the County's Land Resource Management Plan. The Commission is comprised of 10 appointed members who each represent one of the townships in the County, plus there is one "at large" member. A week before the meeting all KCRPC members receive a copy of the petition to review and prepare for the meeting. The petitioner also receives a copy. (The petition includes ZPAC comments.)

It is the policy of the KCRPC to hear petitions that have been heard by the township and/or municipal planning commissions and boards (when applicable). If the Planning, Building and Zoning Department has not received information from the township and/or municipality regarding the petition, the KCRPC will decide whether or not to table it until such information is submitted.

The petitioner (or a designated representative) must attend the Kendall County Regional Planning Commission meeting. First a staff member of the Planning, Building and Zoning Department will present the staff report. Then the petitioner will be asked to speak about their petition and answer questions raised by the KCRPC. Persons present who wish to speak on the petition may also have an opportunity to voice support or opposition, at the discretion of the KCRPC Chair. After discussing all issues and concerns, the KCRPC will vote to recommend approval or denial of the petition and move it forward to the next SUHO (Special use Hearing Officer) meeting. If the Regional Planning Commission believes more information is needed or that all issues have not been adequately addressed, they may move to continue the petition to the next KCRPC meeting or table it until additional information is provided.

PROPER NOTIFICATION MUST BE GIVEN PRIOR TO THE PLAN COMMISSION MEETING (SEE CHECKLIST AND REQUEST A HEARING TIMETABLE). PROOF OF BOTH NOTIFICATION AND OF PUBLICATION MUST BE SUBMITTED TO THE PLANNING, BUILDING AND ZONING DEPARTMENT PRIOR TO THE PLAN COMMISSION MEETING.

SPECIAL USE HEARING OFFICER:

See attachment

PROPER NOTIFICATION MUST BE GIVEN PRIOR TO THE PUBLIC HEARING (SEE CHECKLIST AND REQUEST A HEARING TIMETABLE). PROOF OF BOTH NOTIFICATION AND OF PUBLICATION MUST BE SUBMITTED TO THE PLANNING, BUILDING AND ZONING DEPARTMENT PRIOR TO THE PUBLIC HEARING.

PBZ

The Planning, Building and Zoning Committee is comprised of five members of the elected County Board. Their primary function is to hear petitions before they approach the entire County Board and to make recommendations to the County Board. This Committee is intended to help expedite the work of the County Board by giving petitioners and other interested parties a final opportunity to be heard. The PBZ also performs other functions such as reviewing the Planning, Building and Zoning Department functions. A week before the meeting all PBZ members receive a copy of the petition to review and prepare for the meeting. The petitioner also receives a copy. (The petition includes ZPAC, KCRPC, and ZBA comments.)

Similar to the previous meetings, the petitioner (or a designated representative) must attend the PBZ meeting. First, a staff member of the Planning, Building and Zoning Department will present the staff report. Then the petitioner will be asked to speak about their petition and answer questions raised by the PBZ. Persons present who wish to speak on the petition have an opportunity to voice support or opposition once the petitioner has spoken. After hearing and discussing all issues and concerns, the Planning, Building and Zoning Committee will vote to recommend approval or denial of the petition and move it forward to the next County Board meeting. If the PBZ believes more information is needed or that all issues have not been adequately addressed, they may vote to continue the petition to the next PBZ meeting or table it until additional information is provided.

County Board

The County Board is comprised of ten elected officials, who represent the citizens of Kendall County. These members represent all the County Board Districts; the Board appoints one of these members as the Chair. This body makes the final decision to grant approval or denial of a petition for a Special Use Permit. The PB&Z may instruct you whether or not you need to attend this meeting.

The Chair of the PB&Z presents the ordinance and attachments to the County Board. The County Board then holds a final vote to approve or deny the petition.

Special Use Hearing Officer

**Guidelines Regarding the Scheduling and Conduct for
Special Use Hearings**

Schedule: The Special Use Hearings will be held the same evening as the regularly scheduled ZBA meeting.

Time: Hearings for will start at **7:00PM** unless otherwise scheduled earlier.

Location: Kendall County Board Room unless otherwise specified.

Fees: The minimum **\$350.00 fee** must be supplied prior to scheduling the hearing.

=====

COUNTY STAFF RESPONSIBILITIES

PBZ Staff will coordinate with the petitioner and Hearing Officer in scheduling cases to be heard, will collect the base fee of \$350.00 prior to finalizing the agenda, and will prepare the agenda for the meeting.

PBZ Staff will prepare their normal staff report and submit it to the hearing officer and petitioner one week prior to the meeting. This report will include a preliminary finding of fact for consideration by the hearing officer as well as recommendations on conditions to be included for approval of a special use permit.

At the hearing, PBZ staff will provide a 10-15 minute presentation regarding the petition and will offer their position on the petition and summarize any recommendations and findings. Other interested County staff may also attend to provide additional testimony and will be available for cross-examination by the petitioner's legal representation. When required due to the nature of the case, a representative of the Kendall County States Attorney's Office may attend to represent the County in conducting cross-examination.

Staff may also cross-examine or ask follow-up questions as necessary of the petitioner, the petitioner's legal representation, and other experts.

PETITIONER RESPONSIBILITIES

The petitioner(s) shall be available to provide input and information regarding the requested special use. Please be prepared to present your rationale for how the specific request qualifies and meets the findings of fact. Experts may be available for cross examination by staff, the hearing officer, attorneys, or to respond to questions raised by the public.

MEMBERS OF THE PUBLIC WHO WISH TO SPEAK

If members of the public wish to speak, they shall be invited to be sworn in to provide testimony regarding issues of concern or support and to ask questions concerning information presented. Participants should be encouraged to raise issues, questions or provide information that is new or not previously raised or presented by other speakers. If their issues were addressed by other members of the public, they should be encouraged to state that they concur with the issues raised by previous speakers.

GENERAL PROCEDURES

All attendees who wish to provide testimony shall be sworn in. This includes staff, attorneys, experts and any members of the public who wish to provide testimony.

All attorneys representing either a petitioner or individuals or groups opposed to a request shall be identified and acknowledged at the beginning of the proceedings.

An audio recording of the proceedings will be kept and filed with the case materials and shall be retained for a period of one year from the date of the hearing after which the recording may be discarded. A general summary of the proceedings shall be prepared following the hearing, a copy of which shall be included in the permanent case file. If the petitioner so desires, they may provide a court reporter at their own expense to prepare a transcript of the meeting. A copy of the transcript will be supplied by the petitioner to the county for inclusion as part of the permanent case record.

Any additional exhibits, photographs, video tapes or similar materials submitted in addition to materials received prior to the hearing, shall be copied and included as supporting documentation for inclusion in the case file.

The hearing officer shall provide PBZ staff with an accounting of the hours spent in reviewing the materials, conducting the hearing and rendering a decision. A copy of said accounting shall be forwarded to the petitioner with a request for payment of any charges owed above and beyond the initial \$350.00 hearing fee.

CONTINUANCES

A continuance may be granted at the discretion of the Hearing Officer in one or more of the following circumstances:

- a) The length of the hearing and the amount of testimony presented requires that the meeting be continued to another day in order to complete the process.
- b) The petitioner supplies just cause to the hearing officer that the hearing cannot proceed (death in family, illness, defective notice, etc.).
- c) A request for additional information that cannot be supplied the night of the hearing.
- d) When the Hearing Officer determines there is "good cause" for postponement (i. e. adverse weather conditions, etc.)

If a continuance is granted, the date, time, and location at which the hearing will be continued shall be announced to all individuals present prior to adjourning the meeting. Every effort shall be made to re-convene the hearing within one to two weeks of its originally scheduled date.



DEPARTMENT OF PLANNING, BUILDING & ZONING

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

APPLICATION

PROJECT NAME _____ FILE #: _____

NAME OF APPLICANT		
CURRENT LANDOWNER/NAME(s)		
SITE INFORMATION ACRES	SITE ADDRESS OR LOCATION	ASSESSOR'S ID NUMBER (PIN)
EXISTING LAND USE	CURRENT ZONING	LAND CLASSIFICATION ON LRMP
REQUESTED ACTION (Check All That Apply): <input checked="" type="checkbox"/> SPECIAL USE <input type="checkbox"/> MAP AMENDMENT (Rezone to _____) <input type="checkbox"/> VARIANCE <input type="checkbox"/> ADMINISTRATIVE VARIANCE <input type="checkbox"/> A-1 CONDITIONAL USE for: _____ <input type="checkbox"/> SITE PLAN REVIEW <input type="checkbox"/> TEXT AMENDMENT <input type="checkbox"/> RPD (<input type="checkbox"/> Concept; <input type="checkbox"/> Preliminary; <input type="checkbox"/> Final) <input type="checkbox"/> ADMINISTRATIVE APPEAL <input type="checkbox"/> PRELIMINARY PLAT <input type="checkbox"/> FINAL PLAT <input type="checkbox"/> OTHER PLAT (Vacation, Dedication, etc.) <input type="checkbox"/> AMENDMENT TO A SPECIAL USE (<input type="checkbox"/> Major; <input type="checkbox"/> Minor)		
¹PRIMARY CONTACT	PRIMARY CONTACT MAILING ADDRESS	PRIMARY CONTACT EMAIL
PRIMARY CONTACT PHONE #	PRIMARY CONTACT FAX #	PRIMARY CONTACT OTHER #(Cell, etc.)
²ENGINEER CONTACT	ENGINEER MAILING ADDRESS	ENGINEER EMAIL
ENGINEER PHONE #	ENGINEER FAX #	ENGINEER OTHER # (Cell, etc.)
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.		
SIGNATURE OF APPLICANT		DATE

FEE PAID:\$ _____
CHECK #: _____

¹Primary Contact will receive all correspondence from County

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



DEPARTMENT OF PLANNING, BUILDING & ZONING
111 West Fox Street • Yorkville, IL • 60560
(630) 553-4141 Fax (630) 553-4179
SPECIAL USE APPLICATION CHECKLIST

- _____ Completed Application Form
 - _____ Application Fee
 - _____ Detailed description of proposed use including business plan (hours of operation, number of employees, etc.)
 - _____ Legal Description of Property Involved (submitted either on CD or email to PBZ Dept.)
 - _____ Proof of Ownership (Deed or Title Insurance Policy)
 - _____ A Beneficiary Disclosure Statement for Property, if held in trust
 - _____ Proof of Application to Soil and Water Conservation District for Natural Resource Inventory
 - _____ Endangered Special Consultation Report if Zoned A-1 (<http://dnrecocat.state.il.us/ecopublic/>)
 - _____ Special Use Findings of Fact (To be completed by petitioner)
 - _____ Engineering Consultants Fee Deposit Form (if engineering review is needed)
 - _____ **15 Copies of a Plat of Survey less than five years old depicting the following items*:**
 - _____ Title
 - _____ Scale of Drawing
 - _____ "North Arrow" showing north at top of the drawing
 - _____ Location Map
 - _____ Date of drawing (as well as dates of any and all revisions)
 - _____ Names of Developer/Owner
 - _____ Names of Designer/Surveyor
 - _____ All existing structures on the property and all structures on adjacent properties within 100' of property line
 - _____ Utilities on the property and adjacent properties
 - _____ Existing easements (location, width and purpose)
 - _____ Existing streets and other rights-of-way
 - _____ Topography at 1 or 2 foot contours
 - _____ Wooded areas (if present)
 - _____ Natural drainage to, from and on the property
 - _____ Base Flood Elevation (if present on the property)
 - _____ Wetlands (if present on the property)
 - _____ Present zoning classification and PIN on subject property and all adjacent properties on plat or separate plan
- *if submitting copies of 11"x17" or smaller, one additional 24"x36" copy is requested for display purposes.

_____ Copy of the Plat of Survey must be submitted in PDF format on CD or emailed to PBZ Dept.

- _____ **15** Copies of a Site Plan for the property involved depicting the following*:
- _____ Title/Project name
 - _____ Scale of Drawing
 - _____ "North Arrow" showing north at top of the drawing
 - _____ Location and dimensions of all proposed structures (including square footage, seating capacity, etc.)
 - _____ Proposed parking including stall dimensions as well as width of circulation aisles, driveways
 - _____ Location of proposed signage (If applicable)
 - _____ Location and details of proposed fencing (If applicable)
 - _____ Location and details of proposed screening of proposed refuse area (if applicable)
- _____ Copy of the proposed Site Plan must be submitted in PDF format on CD or emailed to PBZ Dept.

_____ Site data including the following:

- _____ Total Acres
- _____ Number of proposed parking stalls
- _____ Number of required parking stalls
- _____ Number of proposed handicap parking stalls
- _____ Number of required handicap parking stalls

(*if submitting copies of 11"x17" or smaller, one additional 24"x36" copy is requested for display purposes.)

- _____ **2** Copies of a Photometric Plan (if proposed parking exceeds 30 stalls) including fixture details and pole mounting heights
- _____ **3** Copies of a Landscape Plan including existing and proposed vegetation
- _____ Phasing Plan (if applicable)
- _____ Building Elevations showing all four sides indicating height, building materials, and colors
- _____ Any other information requested by the Planning, Building and Zoning Department (i.e. Traffic Studies, Tree Surveys, Wetland Delineation, Pedestrian Circulation Plan, etc.)

THE FOLLOWING ITEMS MUST BE SUBMITTED PRIOR TO THE REGIONAL PLAN COMMISSION MEETING AND THE SPECIAL USE HEARING:

- _____ Copy of Letter of Notification(staff will help put together)
- _____ Proof of publication 15 to 30 days before the public hearing
- _____ Proof of notification to recipients (i.e. green/white receipts)
- _____ List of notice recipients
(Within 500' excluding existing road R.O.W. if property is zoned as A-1 Agricultural, surrounding properties if existing zoning is other than A-1)

NOTE: PRIOR TO BEING PLACED ON THE REGIONAL PLAN COMMISSION AGENDA, THE PETITION MUST BE HEARD AND DISCUSSED BY THE AFFECTED TOWNSHIP AND MUNICIPALITY AT THEIR RESPECTIVE BOARD MEETINGS.



DEPARTMENT OF PLANNING, BUILDING & ZONING

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

ZONING APPLICATION FEES

MAP AMENDMENTS

Any amount of acreage \$500.00

SPECIAL USE PERMITS, PLANNED UNIT DEVELOPMENTS/ RESIDENTIAL PLANNED DEVELOPMENTS AND MAJOR AMENDMENTS TO SPECIAL USES

The following fees include a processing fee, a fee for recording the special use in the recorder's office for 10 pages and a cost for a Hearing Officer at a rate of \$350.00 for the first hour and \$100.00 for each additional hour shall be imposed on ALL Special Uses

All acreage zoned as A-1 \$1,155

All Other Zoning Districts

0.0-5.00 acres \$1,155

5.01-10.00 acres \$1,905

10.01-50.00 acres \$2,255 + \$50/acre or part thereof over 10 acres

50.01-100.00 acres \$4,755 + \$35/acre or part thereof over 50 acres

100.01-500.00 acres \$6,505 + \$20/acre or part thereof over 100 acres

500.01+ \$14,505 + \$15/acre or part thereof over 500 acres

MINOR AMENDMENT TO SPECIAL USE *(includes a processing fee and a fee for recording the minor amendment to the special use in the recorder's office)*

Any amount of acreage \$150.00

VARIANCE *(includes a processing fee and a fee for recording the variance in the recorder's office)*

As part of Special Use \$100

Not part of Special Use \$425 for first Variance Request of petition and \$50 for each additional request to be included in the same petition

ADMINISTRATIVE VARIANCE *(includes a processing fee and a fee for recording the minor amendment to the special use in the recorder's office)*

Any amount of acreage \$150.00

PRELIMINARY PLAT

Residential \$1,000.00 + \$50.00/acre or part of an acre

Other \$1,000.00 + \$100.00/acre or part of an acre

FINAL PLAT

All Final Plats \$50.00/acre or part of an acre (\$500.00 minimum)

OTHER PLAT (Vacation, Dedication, etc.)

All Other Plat Actions \$50.00/acre or part of an acre (\$500.00 minimum)

ADMINISTRATIVE APPEAL \$1,000.00¹

TEXT AMENDMENT \$500.00

SITE PLAN REVIEW \$375.00

A-1 CONDITIONAL USE \$100.00

No waiver and no refund shall be made for any fee paid pursuant to this Ordinance without the approval of the Planning Building and Zoning Committee of the County Board

All fees for actions or activities by Kendall County or the Kendall County Forest Preserve District are hereby waived and all fees for non-profit organizations shall be charged half of the normal fees for zoning petitions; provided they show proof of non-profit status and that the permit be used only by the organizations itself*

¹In the event that ruling by the Zoning Board of Appeals favors the appealing party, the submitted fee for an administrative appeal shall be refunded to the applicant.

ZONING FEES ESTABLISHED BY KENDALL COUNTY ORDINANCE EFFECTIVE 9/18/12

KENDALL COUNTY
DISCLOSURE OF BENEFICIARIES FORM

1. Applicant _____
Address _____
City _____ State _____ Zip _____
2. Nature of Benefit Sought _____
3. Nature of Applicant: (Please check one)
____ Natural Person (a)
____ Corporation (b)
____ Land Trust/Trustee(c)
____ Trust/Trustee (d)
____ Partnership (e)
____ Joint Venture (f)
4. If applicant is an entity other than described in Section 3, briefly state the nature and characteristics of the applicant:
5. If your answer to Section 3 you have checked letter b, c, d, e, or f, identify by name and address each person or entity who is a 5% shareholder in case of a corporation, a beneficiary in the case of a trust or land trust, a joint venture in the case of a joint venture, or who otherwise has proprietary interest, interest in profits and losses or right to control such entity:
- | NAME | ADDRESS | INTEREST |
|-------|---------|----------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
6. Name, address, and capacity of person making this disclosure on behalf of the applicant:
- _____

VERIFICATION

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

Subscribed and sworn to before me this _____ day of _____, A.D. _____

(seal)

Notary Public



**Kendall County Soil & Water
Conservation District**

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



www.kendallswcd.org

NATURAL RESOURCE INFORMATION (NRI) REPORT APPLICATION

Petitioner: _____ **Contact Person:** _____
Address: _____
City, State, Zip: _____
Phone Number: () _____ () _____
Email: _____

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

Site Location & Proposed Use

Township Name _____ Township _____ N, Range _____ E, Section(s) _____
Parcel Index Number(s) _____
Project or Subdivision Name _____ Number of Acres _____
Current Use of Site _____ Proposed Use _____
Proposed Number of Lots _____ Proposed Number of Structures _____
Proposed Water Supply _____ Proposed type of Wastewater Treatment _____
Proposed type of Storm Water Management _____

Type of Request

Change in Zoning from _____ to _____
Variance (Please describe fully on separate page)
Special Use Permit (Please describe fully on separate page)
Name of County or Municipality the request is being filed with: _____

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

Plat of Survey/Site Plan – showing location, legal description and property measurements

Concept Plan - showing the locations of proposed lots, buildings, roads, stormwater detention, open areas, etc.

If available: topography map, field tile map, copy of soil boring and/or wetland studies

NRI fee (Please make checks payable to Kendall County SWCD)

The NRI fees, as of July 1, 2010, are as follows:

Full Report: \$375.00 for five acres and under, plus \$18.00 per acre for each additional acre or any fraction thereof over five.

Executive Summary Report: \$300.00 (KCSWCD staff will determine when a summary or full report will be necessary.)

Fee for first five acres and under	\$ 375.00
_____ Additional Acres at \$18.00 each	\$ _____
Total NRI Fee	\$ _____

NOTE: Applications are due by the 1st of each month to be on that month's SWCD Board Meeting Agenda. Once a completed application is submitted, please allow 30 days for inspection, evaluation and processing of this report.

I (We) understand the filing of this application allows the authorized representative of the Kendall County Soil and Water Conservation District (SWCD) to visit and conduct an evaluation of the site described above. The completed NRI report expiration date will be 3 years after the date reported.

Petitioner or Authorized Agent

Date

This report will be issued on a nondiscriminatory basis without regard to race, color, religion, national origin, age, sex, handicap or marital status.

FOR OFFICE USE ONLY

NRI# _____ Date initially rec'd _____ Date all rec'd _____ Board Meeting _____
Fee Due \$ _____ Fee Paid \$ _____ Check # _____ Over/Under Payment _____ Refund Due _____

Welcome to **EcoCAT** - the **E**cological **C**ompliance **A**ssessment **T**ool

IMPORTANT INFORMATION FOR FIRST TIME USERS

- You must use Microsoft's **Internet Explorer** browser. The MapTool will not work with other browsers (FireFox, Safari, Opera, Netscape, etc.).
- Your screen resolution must be set at **1024 x 768** or higher, and your browser window must be maximized. If not, you will not be able to use the MapTool.
- EcoCAT data entry must be completed within 20 minutes. If not, the information you have entered will be lost.
- You must complete all questions that are marked with an asterisk.
- To enter your project, you must have the County, Township, Range, and Section of its proposed location.
- EcoCAT generates a public record that is subject to disclosure under the Freedom of Information Act.
- If bookmarking this site, please bookmark THIS page, using this url: <http://dnrecocat.state.il.us/ecopublic/>
- If you have questions or comments, send an e-mail to DNR.EcoCAT@illinois.gov

EcoCAT was developed to help state agencies, units of local government, and the public (as project proponents) initiate natural resource reviews for:

- [Illinois Endangered Species Protection Act](#) [520 ILCS 10/11(b)] and [Illinois Natural Areas Preservation Act](#) [525 ILCS 30/17] as set forth in procedures under [Title 17 Ill. Admin. Code Part 1075](#).
- [Interagency Wetland Policy Act of 1989](#) [20 ILCS 830] as set forth in procedures under [Title 17 Ill. Admin. Code Part 1090](#) when state agencies provide funding (including federal pass-through funding) or technical assistance.

These laws require state agencies and units of local governments to consider the potential adverse effects of proposed actions on Illinois endangered and threatened species and sites listed on the Illinois Natural Areas Inventory.

EcoCAT can also accept Information Requests for natural resource reviews that do not trigger government consultation. An information request **DOES NOT** fulfill the requirements of Part 1075 or 1090.

How EcoCAT Works

EcoCAT uses databases, Geographic Information System mapping, and a set of programmed decision rules to determine if your proposed action may be in the vicinity of protected natural resources. You receive a natural resource review report that either:

- Terminates consultation if no resources are in the vicinity; or
- Lists resources that may be in the vicinity and identifies the staff member who will review the action. After review, staff will either:
 - Terminate consultation because adverse effects are unlikely,
 - Request additional information, or
 - Recommend methods to minimize potential adverse effects.

A species may appear on the resource list more than once when it occurs in several locations **within the project's vicinity**. Also, many INAI Sites are Nature Preserves, Land and Water Reserves, or Natural Heritage Landmarks. The sites may overlap, but the legal protections of each designation differ. Apart from Natural Areas, the boundaries of the other designations are based on property ownership and may extend beyond the location of the natural resources.

Keep in mind that "in the vicinity" does not necessarily mean "in the footprint" or that a resource will be adversely affected by the action. However, the potential is there and will be evaluated further. By the same token, because the resource buffers are very general, IDNR may evaluate resources located farther away if the proposed action or the life history requirements of a species warrant doing so.

The actual distribution of endangered and threatened species can never be known with certainty. Because some species are migratory, require very large territories, or are highly mobile, a natural resource review showing no protected resources does not guarantee that no T & E species are in the vicinity of a project. An EcoCAT review reflects the information existing in the Database at the time of this inquiry, and should not be regarded as a final statement on the site being considered, nor should it be a substitute for detailed site surveys or field surveys required **for environmental assessments**. If any protected resources are encountered during a project's implementation, compliance with applicable statutes and regulations is required.

How to Use EcoCAT

Information that must be completed in EcoCAT is indicated with a red asterisk (*).

EcoCAT first asks a series of **General Information** questions. How you answer the questions ensures that your project receives the appropriate environmental review and is assigned to the correct staff member. If you do not answer all of the questions, the program will not allow you to proceed to the mapping tool. The questions, with explanations, are provided below.

Q1. Why are you submitting the project to EcoCAT?

- To initiate consultation with IDNR (*Title 17 Ill. Admin. Code Part 1075*) to determine potential impacts to Illinois Natural Area Inventory sites or state-listed threatened or endangered species.
- To obtain information on Illinois T&E species or INAI sites for **project planning**.
- To obtain information on Illinois T&E species or INAI sites for **federal agency** actions (including NEPA compliance).

If you select the 1st option you are fulfilling the consultation requirements of the Illinois Endangered Species Protection Act and the Illinois Natural Areas Preservation Act.

If you select the 2nd option, you are only requesting information, not consultation. The submittal **is considered an 'information request.'** The EcoCAT report will **state** whether or not state-protected resources may be in the vicinity and will list any that are. The project will not be assigned for review.

The 3rd option should only be selected by federal agencies that are required to seek comments from state fish & wildlife agencies before authorizing, funding, or performing a federal action. EcoCAT processes most of these submittals as information requests, not as consultations. Only submittals for FERC and USEDA will be assigned to staff if resources are flagged.

If you select the 2nd or 3rd option, you will skip questions 2 and 3 on the General Information page and proceed directly to the Applicant Information page.

Q2. Indicate the government unit and type of action that has prompted consultation.

- **LOCAL GOVERNMENT**
 - Authorization (a unit of local government must issue a permit or other authorization)
 - Funding (a unit of local government will provide a grant, loan, or other direct support)
 - Performance (a unit of local government is performing the action, such as construction)
- **STATE AGENCY**
 - Authorization (a state agency must issue a permit or other authorization)
 - Funding (a state agency will provide a grant, loan, or other direct support)
 - Performance (a state agency is performing the action, such as construction)

Only one jurisdictional agency or government can be selected, even though multiple units of government may be involved. Note that consultation with IDNR is **NOT** an authorization. Select "IDNR" **ONLY** if IDNR is the agency issuing a permit, providing funding, or performing the proposed action.

If you choose **Local Government** you will be asked to identify the government, e.g. the City of Champaign, and to enter a local government contact name, address and phone number. There is also a box to check if the local government is a county highway or local roads department.

If you select **State Agency**, there will be a drop-down box for you to identify which agency and, if applicable, which bureau. You will also be asked to enter an agency contact name, address and phone number.

Information about the unit of government and the type of action required from that government ensures that the project receives the applicable review and is assigned to the appropriate staff.

Q3. Will state technical assistance or funding (including federal funding through a state agency) support the project?

- Yes
- No
- Don't Know

If you choose "Yes" or "Don't know," the project will be reviewed for wetland impacts to comply with the Interagency Wetland Policy Act of 1989 (IWPA). You will not receive technical assistance or funding without this review. Note: compliance with Sections 401 and 404 of the federal Clean Water Act does not assure compliance with the IWPA.

After you answer the three general information questions, you will move to the section on **Applicant Information**. First, you need to indicate the applicant category to which you belong:

- Non-governmental/Individual
- Local Government
- State Agency
- Federal Agency

The individual or organization submitting the project to EcoCAT is considered the Applicant. Required information includes applicant (your company, agency, etc.), and applicant address. Phone and fax numbers for the applicant are optional.

After you have submitted a project to EcoCAT for the first time, you can click the Lookup button to automatically fill in the applicant address. However, you must enter the applicant name exactly the same way each time. For example, if you previously entered "ABC Engineering Company", remember to enter the company name in an identical manner each time. If you enter "ABC Eng. Co." or "ABC Engineers" a new entry will be made and you will have to enter the address again.

The same is true for Contact Person. The first time you enter a project you will select:

- o Add New Contact

Required information includes your name, phone number and e-mail address. Any communication from IDNR (such as requests for additional information or correspondence terminating consultation) will be directed to the Contact Person at the address listed for the Applicant or the phone number listed for the Contact Person. For subsequent submittals you can choose:

- o Select Existing Contact

Click your name and the information you previously entered will automatically be entered in the form.

The section on **Project Information** asks you to provide a project name, a brief description of the project, and the project address. You can also enter a non-IDNR project number here (this number will display on the EcoCAT report along with the IDNR project number). This section also asks you to indicate if the project has been submitted to IDNR previously. If it has, you should enter that IDNR project number so staff can refer to the previous consultation.

Next is **Project Location**. First you select the County where the project will be located, then the **Section, Township, and Range** of the site – commonly referred to as "TRS". (The correct Meridian will come up automatically when you click the Meridian button.) You can find the TRS - also known as the Public Land Survey System (PLSS) information - on standard legal property descriptions, on USGS topographical maps, and in plat books.

You only need to enter one section number even if the project location lies in several sections. **Once you have entered the TRS, click on "Go to Map Tool."** When a map of the general location of the project appears, you can either zoom in or out to find the exact location of your project (instructions are on-screen). **If the map doesn't appear or is very narrow, check your screen resolution.** It must be set at 1024 x 768 or higher.

Click "Draw" to begin outlining the area of your project. If the project lies in more than one section, all the sections included in the polygon will be recorded automatically and listed on the EcoCAT report. When the project is correctly outlined, click "Submit."

EcoCAT will return a report for the project that lists any resources found in the area. If no resources are in the vicinity and you have requested consultation, the report will terminate consultation and you have completed the process. If the project was submitted for consultation and protected natural resources are identified in the area, EcoCAT will assign the project to IDNR staff for further review. In either instance, make sure you have a copy of the report. To do this,

click the **"Print Report"** button on the left side of the screen. An Acrobat dialog box will appear from which you can print and/or save the report. If the dialog box does not open, turn off all pop-up blockers or enable popups for **"dnrecocat.state.il.us"**.

Once you have a copy of your report, you can either click the **"Exit EcoCAT"** button or, if you have another project to submit, you can click the **"Enter Another Project"** button and start the process again without having to re-enter Applicant Information.

How do I submit a large, linear project?

A project area up to five miles (eight kilometers) can be submitted through EcoCAT. If your project is longer than five miles, you should break it up into five-mile segments and submit them as multiple projects. When you are in the mapping tool click the "zoom out" button at the top and then click the map until you are at the map scale needed to encompass the project area. Then click the EcoCAT button and draw a polygon around the project area.

How do I submit a project with multiple sites?

If the proposed action is similar at each site and the sites are within one-half mile, a single polygon can be drawn around the entire area and EcoCAT will treat it as one project. The results should not differ drastically from individually considering each site. If the proposed actions vary from site to site or if the sites are located a long distance from each other, you must submit multiple consultation requests.

Can I submit an action that requires a Clean Air Act permit?

New Source Review and Prevention of Significant Deterioration actions should still be submitted to the Department on an Agency Action Report. However, we encourage those seeking a permit for a major emission source to submit an Information Request during project planning.

What if more than one level of government or more than one agency is involved in a project?

A submission to EcoCAT can indicate only one jurisdictional Agency or Government. However, because every Agency or Government has unique powers and authorities, each unit of government which will authorize, fund, or perform a proposed action has a legal obligation to consult the Department under Part 1075. Therefore an EcoCAT submission should be made for each Agency or Local Government involved in the action when EcoCAT indicates a protected natural resource exists in the vicinity.

When multiple agencies or governments are involved, they have the option, under Part 1075, of designating one of themselves to act as the "lead agency" for purposes of consultation. Even if no "lead agency" is designated, once the Department becomes aware multiple agencies or governments are involved the Department will attempt to coordinate the resulting consultations.

If EcoCAT indicates no protected resources are known in the vicinity, a copy of the EcoCAT report may be accepted by Agencies or Governments as an indication the consultation requirement has been satisfied; however, each Agency or Government may choose to consult directly.

What is "federal agency coordination?"

Many federal agencies are required to seek the comments and opinions of state fish & wildlife agencies before authorizing, funding, or performing a federal action. EcoCAT can provide

information on state-listed endangered or threatened species, wetlands, and Natural Areas. The reviews provided by the U.S. Fish and Wildlife Service are based on historic ranges of species, and are limited to federally listed T&E species.

Who has to consult under the Illinois Endangered Species Protection Act and the Illinois Natural Areas Preservation Act?

State agencies or units of local government must consult the Department about proposed actions that they will authorize, fund or perform. Private parties do not have to consult, but they are liable for prohibited taking of state-listed plants or animals or for adversely modifying a Nature Preserve or a Land & Water Reserve.

Home rule governments may delegate this responsibility, through duly enacted ordinances, to the parties seeking authorization or funding of the action.

Who MAY consult?

Developers, consultants, planners, and others frequently consult regarding tentative projects to determine the presence or absence of natural resource issues. The Department encourages such consultation as most effective, most economical, and least disruptive.

What actions require consultation?

Any action that will change existing environmental conditions, i.e. anything that disturbs the land, water, or air. Examples include:

- construction
- discharge of pollutants or application of chemicals into the air, water, or land
- dredging any naturally occurring materials
- re-zoning from a non-urban classification to an urban classification (e.g. from agricultural to residential) or a change from one urban classification to another on land not used in its entirety for the original classification
- subdivision and other development plans
- infrastructure alterations (utilities, roads, sewers)
- land management
- alteration, removal, excavation or plowing of non-farmed, non-cultivated areas
- altering existing topography
- annexations
- parks, stream, or lake modifications

What actions are exempt from consultation?

Unless it is evident that they could directly or indirectly affect an endangered or threatened species or a Natural Area, the following actions are exempt from consultation:

- mowing within maintained highway rights-of-way
- routine resurfacing and application of oil and gravel to existing roads
- maintenance or repair of existing structures
- actions under a Department-approved management plan undertaken to maintain or improve natural ecosystem conditions or to re-establish pre-settlement vegetation conditions (such as prescribed burns, spot application of herbicides or brush clearing)

- maintenance of existing lawns, yards, and ornamental plantings
- routine cultivation of agricultural lands
- change of zoning requests for land currently zoned, developed, and used in its entirety for commercial, industrial, or residential purposes

How is consultation enforced?

The consultation requirement may be enforced through a writ of mandamus, which may be sought by any "affected" person from the circuit court with jurisdiction.

What are the consequences of NOT consulting?

- destruction of irreplaceable natural resources
- negative public relations and potential civil litigation
- injunctive action, civil penalties, seizure of property, or criminal prosecution

How does IDNR evaluate proposed actions that are in the vicinity of protected resources?

Based on the nature of the proposed action and the nature of the protected resource, staff will assess the character of the potential adverse impacts and whether an adverse impact is likely. For listed species, the assessment is based on the life requirements of the species. The assessment for Natural Areas and Nature Preserves is much broader, based on potential impacts to natural communities and the unique features of the Site or Preserve.

How Can I Make Consultation Effective?

- Plan proactively.
- Coordinate planning and development with other municipalities and governments.
- Know the natural resource issues in your area.
- Modernize zoning and subdivision ordinances to enable your government to impose natural resource protection measures.
- Incorporate resource protection measures into formal and enforceable agreements, permits, contracts, etc.
- Enforce ordinances, regulations, permit terms, and contract provisions.
- Educate officials, developers, consultants, and the general public about natural resources and laws protecting them.

What does consultation NOT do?

- It does not result in permits of any kind. Permits must be obtained from the respective regulatory agency.
- It does not satisfy the requirements of the federal Endangered Species Protection Act of 1972 and implementing regulations.
- It cannot prohibit or prevent a proposed action.
- It does not preempt, override, reduce or interfere with the powers of local governments or State agencies.
- It does not address impacts to natural resources which do not enjoy protected status, except to the extent they entail cumulative indirect adverse effects to protected resources.
- It cannot protect or conserve listed species, Natural Areas, or Nature Preserves without the active participation and cooperation of agency and local officials.

Please fill out the following findings of fact to the best of your capabilities. §13.08.J of the Zoning Ordinance outlines findings that the Hearing Officer shall consider in rendering a decision, but is not required to make an affirmative finding on all items in order to grant a **special use**. They are as follows:

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

That the special use will not be substantially injurious to the use and enjoyment of other properties in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole.

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

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Hearing Officer.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies.



DEPARTMENT OF PLANNING, BUILDING & ZONING

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

ENGINEERING CONSULTANT FEES

I, _____ understand that Kendall County uses the services of a
Applicant Name
consultant for engineering reviews and inspections and that I will be responsible for
payment of services on _____ project. I authorize the consulting
Project Name
services to proceed.

IF THIS IS **NOT** PART OF A BUILDING PERMIT APPLICATION, PLEASE CHECK THE BOX AND
COMPLETE THIS SECTION:

I hereby submit a deposit of _____ payable to the **Kendall County Treasurer**
\$ Amount

to be used by Kendall County to reimburse consultant for charges invoiced for work
done in the review, approval and inspection of the proposed improvements.

I understand that if the deposit is depleted that I may be required to replenish the deposit
to have work proceed.

I further understand that Kendall County will not issue a Building Permit or a Certificate of
Occupancy as the case may be until I provide payment or proof of payment for the
engineering services.

Signature of Applicant: _____ Date: _____

PUBLIC NOTICE
KENDALL COUNTY
****KENDALL COUNTY REGIONAL PLANNING COMMISSION****
****KENDALL COUNTY SPECIAL USE HEARING OFFICER****

Notice is hereby given that the Kendall County Regional Planning Commission will hold a public meeting on _____ at 7:00 p.m. and the Special use Hearing Officer will hold a public hearing on _____ at 7:00 p.m. at the Kendall County Office Building, Room 209 & 210 at 111 West Fox Street, Yorkville, IL. The purpose of this meeting and hearing is to consider comments and make a determination regarding Petition # _____.
(Day, Date, Year) (Application #)

(Name(s) of Applicant)
is/are seeking to _____.
(Description of request.)

The property is located at _____, and
(Address or physical location.)

is legally described in Exhibit "A" attached. **(ATTACH LEGAL DESCRIPTION**

ON SEPARATE PAGE) Petition # _____ and related documents may be
(Application #)

reviewed at the Planning, Building and Zoning Department, Room 203, 111 West Fox Street, Yorkville, IL 60560 or via the internet at <http://www.co.kendall.il.us/zoning/meetings.htm>. Questions can be directed to the same department. Telephone (630) 553-4141. Fax (630) 553-4179. All interested persons may attend and be heard. Written comments should be directed to the Department but shall only be entered as part of the record at the discretion of the Kendall County Regional Planning Commission and/or the Special Use Hearing Officer.

Name(s) of Applicant