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**KENDALL COUNTY  
ZONING BOARD OF APPEALS  
PUBLIC HEARING/MEETING**

111 West Fox Street • Rooms 209 and 210 • Yorkville, IL • 60560  
(630) 553-4141 Fax (630) 553-4179

**AGENDA**

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October 30, 2023 – 7:00 p.m.

**CALL TO ORDER – ZONING BOARD OF APPEALS**

ROLL CALL for the Zoning Board of Appeals: Randy Mohr (Chair); Scott Cherry, Cliff Fox, Tom LeCuyer, Jillian Prodehl, Dick Thompson, and Dick Whitfield

MINUTES: Approval of Minutes from the October 2, 2023, Zoning Board of Appeals Hearing/Meeting (Pages 2-7)

**PETITIONS:**

1. **Petition 23 – 26 – Jeffery D. Milroy on Behalf of Milroy Farms, LLC (Pages 8-162)**

Request: Renew a Special Use Permit for a Composting Facility

PIN: 02-08-100-006

Location: 1270 E. Beecher Road, Bristol in Bristol Township

Purpose: Petitioner Wishes to Renew Special Use Permit for Composting Facility; Property is Zoned A-1 with a Special Use Permit

**NEW BUSINESS/ OLD BUSINESS**

None

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

None

**PUBLIC COMMENT:**

**ADJOURN ZONING BOARD OF APPEALS-** Next hearing/meeting on December 18, 2023

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.

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

**CALL TO ORDER**

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

**ROLL CALL:**

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

Members Absent: Scott Cherry

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

Others Present: Jeff Milroy and Jesse Sexton

**MINUTES:**

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

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

**PETITIONS**

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

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

Request: Renew a Special Use Permit for a Composting Facility

PIN: 02-08-100-006

Location: 1270 E. Beecher Road, Bristol in Bristol Township

Purpose: Petitioner Wishes to Renew Special Use Permit for Composting Facility; Property is Zoned A-1 with a Special Use Permit

Mr. Asselmeier provided an update from the August hearing.

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

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

No comments have been received regarding stormwater review.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

a proposal to the County Board with incomplete information.

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

The proposed building would be used for storage.

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

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

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

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

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

The next hearing is October 30, 2023.

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

The votes were as follows:

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

Nays (0): None

Abstain (0): None

Absent (1): Cherry

The motion passed.

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



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

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

**NEW BUSINESS/OLD BUSINESS**

**Approval of Fiscal Year 2023-2024 Meeting Calendar**

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

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

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

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

**PUBLIC COMMENTS**

None

**ADJOURNMENT OF THE ZONING BOARD OF APPEALS**

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

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

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

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

Respectfully submitted by,  
Wanda A. Rolf  
Administrative Assistant


**Exhibits**

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



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

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

NAME	ADDRESS	SIGNATURE
Millie Fay		

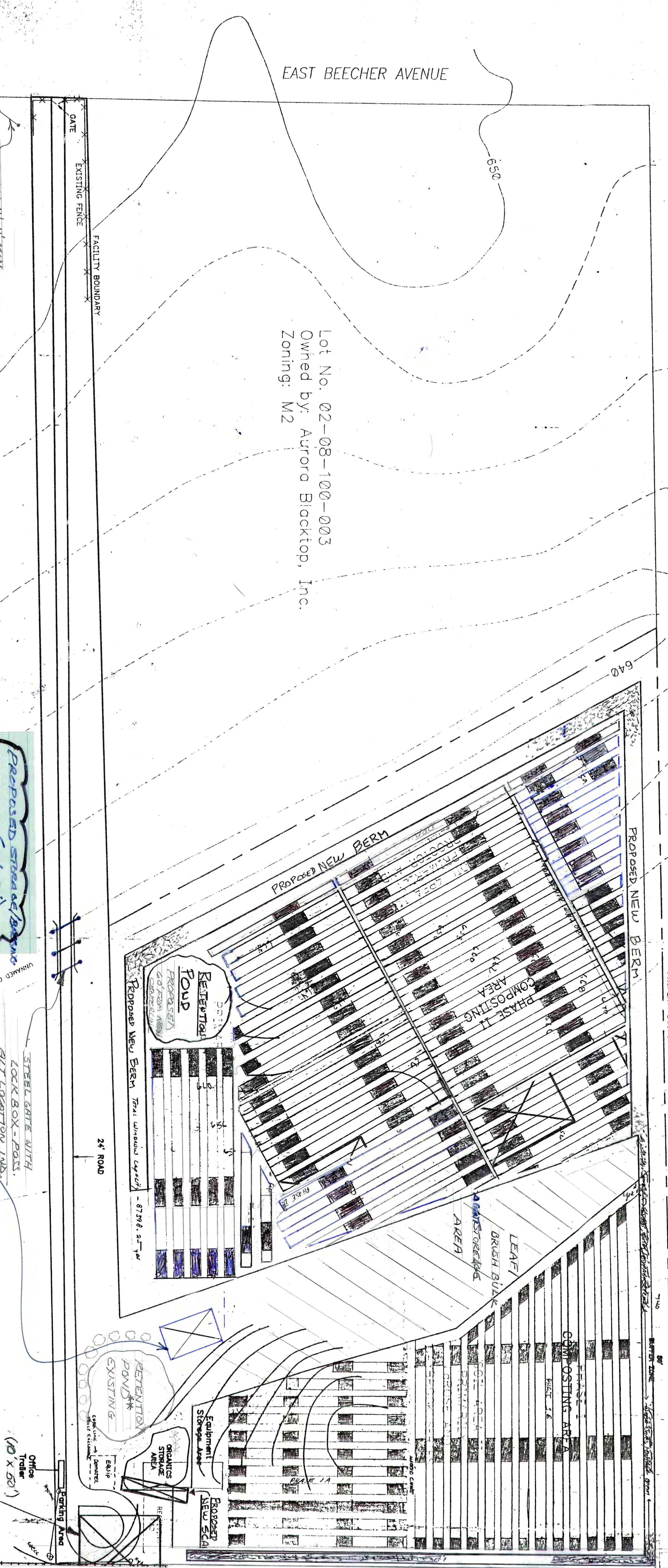


Lot No. 02-05-300-004  
Owned by: Aurora Blacktop, Inc.  
Zoning: A1

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

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

Lot No. 02-08-200-001  
Owned by: Mr. Richard Unnesser  
Zoning: A1

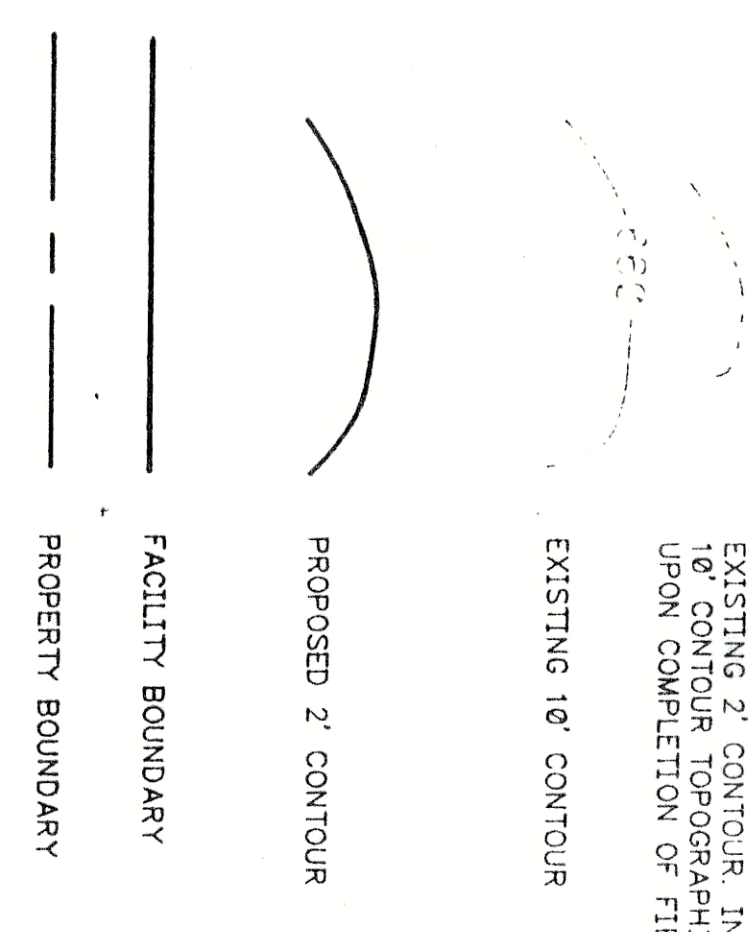


Lot No. 02-08-100-007  
Owned by: Kone County Bank & Trust  
Trust No. 583  
Zoning: A1-SU

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

Proposed "Value Added"  
Storage Area

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



MAX WINDOW WITH 12' SECTION II - RELOCATED TO ITS ENTIRETY FROM AREA EAST OF JOCKVILLE IS BOUNDARY, ALL WINDOW RISERS ACCOUNTED FOR.

WEST FIELD RIDGE BERM AISLE INCLUDES DRAINAGE SWALES IN AISLE.

AREA BETWEEN EAST AND WEST FIELDS IS MULTIPURPOSE USE SUCH AS LEAF STORAGE, ADDITIONAL WINDOWS (TO CULMINATION LINE), CURE FINE STORAGE AND EQUIPMENT STORAGE. MAY ALSO BE USED FOR PADDED PRODUCT STORAGE OR BULKING AREA.

PROPOSED STORAGE/BERM BUILDING (60'x80') BY 24' TALL MAX. FINAL CONSTRUCTION AND EXACT LOCATION TBD.

WEST FIELD: ELEVATIONS HAVE INCREASED DUE TO PROPOSED COMPOST APPLICATIONS AND EXHAUSTION OF TRESS ALONG ACCESS ROAD. TREES ARE BEING GRABBED TO APPROXIMATELY 12% SLURF THAT EXTERIOR FLOOR AND TO MATCH TERRAIN AS CLOSELY AS POSSIBLE.

PAD SIZE SCHEDULE:  
RECEIVING PAD - 50'x150'  
SCALE PAD - 60'x150'  
PROCESSING PAD - 75'x150'  
DUMPSTER PAD - 50'x75'  
FACILITY AREA - 100'x150'  
TOTAL 510,000

PAVING: ORIGINAL DRAINAGE POUNDS LOCATION AND APPROXIMATE SITE SHOWN ON REF. DWG. 6173 INTER. SLOPE 2% LABELED FIGURE 3.

LANDSCAPING BUFFER: REPROPOSED BERM EAST JOCKVILLE BOUNDARY TO BE PLANTED 6" SEEDLING EVERY 40'

MILROY FARMS COMPOST FACILITY 2023 PLAN  
REVISION 10/2/23

WESTON

DESIGN

DESIGN

DESIGN

SITE LAYOUT AND ZONING PLAN

1





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**DEPARTMENT OF PLANNING, BUILDING & ZONING**

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

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**Petition 23-26****Jefferey D. Milroy on Behalf of Milroy Farms, LLC****A-1 Special Use Permit for Composting of Landscape and Food Waste****UPDATE FROM OCTOBER 2<sup>ND</sup> HEARING**

At the October 2, 2023, hearing, the Board voted to continue the hearing until October 30, 2023, in order to give the Petitioner time to obtain accurate topographic information, proposed site layout, and proposed building location. The site plan that the Petitioner presented at the October 2<sup>nd</sup> hearing is included as Attachment 13.

Following the October 2<sup>nd</sup> hearing, several emails were exchanged between the Petitioner and Staff. Included in this correspondence, on October 24, 2023, the Petitioner instructed Staff to send the revised site plan that was submitted at the August 28<sup>th</sup> hearing (Attachment 4A) to WBK Engineering for stormwater review. WBK Engineering plans to complete their review and submit comments prior to the October 30<sup>th</sup> hearing; this information will be distributed at the hearing.

On October 25, 2023, the Petitioner submitted a phase-in plan, which is included as Attachment 17. As noted at the bottom of the phase-in plan, this information will be provided to the Petitioner's engineer and WBK Engineering. Due to the late submittal of information, WBK Engineering may not have an opportunity to review this information.

Also, the Petitioner stated in their emails that an EPA violation had occurred at the property. The Kendall County Solid Waste Coordinator elaborated on the violation. The emails with the Petitioner are included as Attachment 14 and the email with the Kendall County Solid Waste Coordinator is included as Attachment 15.

The minutes of the August 28, 2023, hearing were added as Attachment 16.

Before issuing a recommendation, Staff would like to see a revised site plan with the information outlined in the phase-in plan included and review comments from WBK Engineering.

**UPDATE FROM AUGUST HEARING**

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

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

No comments have been received regarding stormwater review.

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

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

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

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

**INTRODUCTION**

On March 19, 2014, through Ordinance 2014-04, the County Board granted a special use permit, with conditions

for the operation of a composting facility at the subject property. Ordinance 2014-04 required the property owner to submit a renewal prior to July 1, 2023, or the special use permit would expire on December 1, 2023. The property owner submitted the required renewal on June 30, 2023.

The subject property has operated as a composting facility since 1993.

The Petitioners are requesting the special use permit for the approximately thirty-nine point eight-seven (39.87) acres located in the unincorporated area. They are not renewing the special use permit for operations inside the United City of Yorkville. This reduces operations from approximately fifty-eight (58) acres.

The Host Community Agreement also expires in 2023. The Planning, Building and Zoning Committee met on July 10, 2023, to discuss renewing the agreement. They requested additional information regarding the amount of and types of materials coming into and out of the property. The Petitioner answered those questions at the Planning, Building and Zoning Committee meeting on August 7, 2023, and the proposed Host Community Agreement was forwarded to the State's Attorney's Office for review. The proposed Host Community Agreement is included as Attachment 12.

Green Organics is no longer associated with the property.

The application materials are included as Attachment 1. Ordinance 2014-04 is included as Attachment 2. The plat of survey is included as Attachment 3. The business plan, including the original submitted site plan and landscaping plan, is included as Attachment 4. The decommissioning plan is included as Attachment 5.

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

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

## **SITE INFORMATION**

PETITIONERS: Jefferey D. Milroy on Behalf of Milroy Farms, LLC

ADDRESS: 1270 E. Beecher Road, Bristol

LOCATION: East Side of E. Beecher Road Approximately 0.5 Miles South of Galena Road on the East Side of the Road



Approved Special Use in 2014



Proposed Special Use Area

Township: Bristol

PARCEL: 02-08-100-006

LOT SIZE: 40 +/- Acres

EXISTING LAND USE: Agricultural/Composting Facility

ZONING: A-1 with a Special Use Permit

LRMP:	Future Land Use	Suburban Residential (Max. 1.00 DU/Acre) and Mixed Use Business Along Beecher Road (County) Estate/Conservation Residential (Yorkville)
	Roads	E. Beecher is a Local Road maintained by Bristol Township.
	Trails	There is a proposed trail on E. Beecher Road.
	Floodplain/Wetlands	There are no floodplains on the property. There is a wetland on the extreme northwest corner of the property.

REQUESTED ACTIONS: Special Use Permit for a Composting Facility

APPLICABLE REGULATIONS: Section 7:01.D – A-1 Special Uses  
Section 13:08 – Special Use Procedures

#### SURROUNDING LAND USE

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within ½ Mile
North	Agricultural	A-1 (County)	Suburban Residential (County) Estate/Conservation Residential (Yorkville)	A-1 (County) R-3 Planned Unit Development (Yorkville)
South	Agricultural	A-1 SU and M-2 (County)	Suburban Residential and Mixed Use	A-1 SU and M-2 (County)

			Business (County) Estate/Conservation Residential (Yorkville)	
East	Agricultural	R-2 Planned Unit Development and R-2, R-4, B-3 Planned Unit Development (Yorkville)	Urban Area (County) Estate/Conservation Residential (Yorkville)	Various Residential Planned Unit Developments (Yorkville)
West	Manufacturing	M-2 and M-3 SU (County)	Suburban Residential and Mixed Use Business (County)  Estate/Conservation Residential (Yorkville)	A-1, A-1 SU, M-1, M-2, and M-3 SU (County)

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

## PHYSICAL DATA

### ENDANGERED SPECIES REPORT

EcoCAT Report was submitted on June 22, 2023. The Mottled Sculpin and Rusty Patch Bumble Bee were in the vicinity. The Illinois Department of Natural Resources recommended that work that disturbs the ground or removes flowering plants be done between October 1<sup>st</sup> and April 1<sup>st</sup>. If work occurred outside of the dates listed, a Rusty Patch Bumble Bee survey should be conducted by a qualified biologist, with the results forwarded to the Illinois Department of Natural Resources. The consultation also noted that coordination with the United States Fish and Wildlife Service may be necessary. The consultation also contained suggestions for lighting. The consultation was closed if the recommendations related to the Rusty Patch Bumble Bee were implemented, see Attachment 1, Pages 19-25.

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

### NATURAL RESOURCES INVENTORY

The NRI Application was submitted on June 20, 2023. The LESA score was 175, indicating a low level of protection, see Attachment 1, Pages 12-18.

## ACTION SUMMARY

### BRISTOL TOWNSHIP

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

### UNITED CITY OF YORKVILLE

Prior to formal application submittal, Staff contacted Yorkville regarding potential comments on the application. Yorkville requested the following items:

1. A thirty foot (30') wide buffer with a berm at least three feet (3') in height and consisting of two (2) shade trees, five (5) evergreen trees, and three (3) ornamental trees per one hundred (100) linear feet of buffer; they favored a minimum fifteen (15') foot wide buffer.
2. Odor control regulations including using an ASTM certified portable olfactometer, notification by the County to the property owner/business operator within two (2) business days of findings, and a

requirement that the property owner/business operator respond within five (5) business days of receiving the notice with corrective action steps. Yorkville's performance standards related to odor were submitted to the County.

3. A condition that the property owner/business operator submit a written response within seven (7) days of receiving a complaint for a non-odor violation outlining steps taken to correct the issue of the complaint.
4. The submission of a detailed decommissioning plan.
5. A requirement that notification of operation management changes and contact information be updated annually with the County.

Staff has concerns regarding the requested procedure of enforcement because the requested method presently contradicts the County's current voluntary compliance policy and the regular procedures for handling alleged violations in the Zoning Ordinance. Also, the County does not presently own an olfactometer. Lastly, the Illinois Environmental Protection Agency has rules regarding complaints.

Yorkville's email and Staff's response were included as Attachment 6.

The Petitioner was agreeable to certain landscaping, the submission of a decommissioning plan, the request regarding change of management and updated contact information.

Petition information was sent to the United City of Yorkville on July 19, 2023.

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

#### **BRISTOL-KENDALL FIRE PROTECTION DISTRICT**

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

#### **ZPAC**

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

#### **RPC**

The Kendall County Regional Planning Commission reviewed the proposal at their meeting on August 23, 2023. Discussion occurred regarding the tipping fee; this fee is set in the host agreement. Discussion occurred related to bonding and the decommissioning plan. The bonding figure and the decommissioning plan must be approved by the State. Discussion occurred related to odors; few



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

#### **ZBA**

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

#### **GENERAL INFORMATION**

Per Section 7:01.D.20 of the Kendall County Zoning Ordinance, composting businesses can be special uses on A-1 zoned property subject to the following conditions:

1. The facility shall meet all Illinois Environmental Protection Agency requirements as identified in Title 35, Subtitle G, Chapter 1, Subchapter 1, Part 830, Standards for compost facilities.
2. Operational personnel shall be present on site during all hours which the facility is open for the receipt of landscape waste.
3. The hours during which landscape waste may be received shall be 7:00am to 4:00pm Monday through Friday and 7:00am to 12:00 noon Saturday. Processing operations shall cease after each day's receipts have been processed and placed in windrows, not to exceed three (3) additional hours.
4. The decibel levels at the property line shall not exceed Illinois Pollution Control Board standards.
5. A locked gate shall restrict vehicle access during closed hours except that a "lock-box" shall allow access to emergency vehicles.
6. Water samples shall be taken by an independent testing service and analyzed by an independent laboratory. The locations, methods and frequency of sampling and testing shall be approved by the Kendall County Environmental Health Department Director. The test results shall be sent to the Environmental Health Department within forty-five (45) days of sampling.
7. Soil samples shall be taken by an independent testing service and analyzed by an independent laboratory. The locations, methods and frequency of sampling and testing shall be approved by the Kendall County Environmental Health Department Director. The test results shall be sent to the Environmental Health Department within forty-five (45) days of sampling.
8. Authorized Kendall County personnel shall be allowed on site during business hours for inspection and testing.

9. The facility operator shall send up-to-date copies of the State permit and related documents including Operational Plan, Surface Water Management Plan, Pest Control Plan, Site Drawing, and an Annual Report to the County Solid Waste Coordinator.
10. Truck weights shall be limited to seventy-three thousand, two hundred eighty (73,280) pounds.
11. The operator shall provide weight receipts to Kendall County.
12. Off-site debris and trash generated by the site must be cleaned-up daily on surrounding properties with the owner's permission.
13. Other conditions as appropriate for the particular facility.

The Petitioner is agreeable to conditions 1-12.

### **BUSINESS OPERATIONS**

When the special use permit was originally granted in the 1990s, they were originally allowed to process one hundred fifty thousand (150,000) cubic yards of source separated landscape materials. This number was increased to one hundred seventy-five thousand (175,000) cubic yards in 2014.

Starting in 2010, the facility was allowed to accept food scraps.

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

The revised site plan (Attachment 4A) shows thirty-four (34) windrows. No information was provided regarding driving aisles. Windrows might extend to the cultivation line. Final elevations will change for composting surface depending on excavated materials used for the pond.

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

Both site plans show one (1) final cure storage area, one (1) grinding and blending concrete pad, and one (1) receiving pad. No information was provided regarding the dimensions of these areas.

As noted previously, the hours when landscape waste can be received are between 7:00 a.m. and 4:00 p.m. on Mondays through Fridays and 7:00 a.m. until Noon on Saturdays. Processing operations may continue for a maximum three (3) additional hours.

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

No information was provided regarding the number of employees at the property.

The use has been at the property since 1993.

There have not been any founded complaints against the property in recent years.

### **BUILDINGS AND BUILDING CODES**

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

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

## **ENVIRONMENTAL HEALTH**

The property is served by a well and septic. The well is located at the southeast corner of the property.

The Petitioner is agreeable to the requirements related to water samples and soil samples, inspection and testing, and submitting copies of the State permit, operational plan, surface water management plan, pest control plan, site drawings, annual report, and decommissioning plan. The Petitioner is also agreeable to providing weight receipts to Kendall County.

The Solid Waste Coordinator shall maintain a log of complaints received on the facility.

Sampling schedules are noted in the business plan (Attachment 4, Page 6).

Though not shown on the site plan, a dumpster is located on the property. The business plan (Attachment 4, Page 2) notes a requirement to clean-up offsite debris and trash daily on surrounding properties.

NICOR possesses an easement north of the existing driveway.

Overhead utilities run from E. Beecher Road to the office trailer.

## **STORMWATER**

The property drains to the south and west.

One (1) existing detention basin is shown on the site plan north of parking area. The original site plan also shows one (1) proposed detention basin southwest of the western windrows. One twenty-five foot (25') wide drainage swale is shown west of the western windrows. No information was provided regarding the dimensions of the detention basins or the depth of the drainage swale. The revised site plan shows a much larger water reuse and detention pond.

The Petitioners submitted an application for a stormwater management permit based on the original site plan. WBK submitted comments in a letter dated July 15, 2023, included as Attachment 7. The Petitioner did not respond to WBK's comments. The revised site plan (Attachment 4A) was sent to WBK on August 24, 2023 and instructions were given on October 25, 2023, for WBK to start reviewing the revised site plan. To date, no comments were received.

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

## **ACCESS**

Per the site plan (Attachment 4, Page 3), the subject property has an asphalt drive to E. Beecher Road.

The Petitioner is agreeable to the truck weight restriction contained in the Kendall County Zoning Ordinance.

## **PARKING AND INTERNAL TRAFFIC CIRCULATION**

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

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

## **LIGHTING**

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

## **SIGNAGE**

According to the business plan (Attachment 4, Page 4), one (1) existing sign is located on the property. The sign is not illuminated. The information on the sign is required per Illinois Environmental Protection Agency rules.

One (1) additional no trespassing sign is located on the interior gate.

## **SECURITY**

According to the original site plan (Attachment 4, Page 3), there is a fence along the western and northern sides of the property. There is also a fifteen foot (15') wide buffer between the eastern property line and the berm. The business plan (Attachment 4, Pages 1 and 5) references a locked gate. The gate is locked during closed hours, but a lock box is available for emergency response vehicles.

## **LANDSCAPING**

Per the revised site plan (Attachment 4A), one (1) fifteen foot (15') wide berm is shown near the eastern property line. A twenty-five foot (25') wide berm is shown near the western and northern property lines. Per the business plan (Attachment 4, Page 2), the eastern berm will be three feet (3') in height. Landscaping consisting of pines, fir, and/or shade trees will be planted at spacing not to exceed forty feet (40') apart. Seedling will be a minimum of six inches (6") in height and will be planted within one (1) year of the issuance of the special use permit. The business plan also references maintaining the existing plantings on the berm and ditch and existing landscaping. No information was provided regarding plantings on the western or northern berms or the composition of the existing landscaping and plantings on the property.

## **NOISE CONTROL**

Per the business plan (Attachment 4, Page 1), noise levels cannot exceed Illinois Pollution Control Board standards.

## **ODORS**

The business plan (Attachment 4, Page 2) references odor control strategies generally. Illinois Environmental Protection Agency rules requires operators of composting facilities to prepare an odor minimization plan. Staff has requested a copy of this plan.

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

## **RELATION TO OTHER SPECIAL USES**

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

## **FINDINGS OF FACT**

The proposed Findings of Fact based on the site plan submitted for the August 28, 2023, hearing, not including the phase-in plan, were as follows:

*The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. The operation is controlled by the Illinois EPA and inspected regularly by the Health Department and they have not found anything to endanger the public health, safety, morals, comfort, or general welfare.*

*The special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use makes adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. The operation has been open since 1993 with some minor debris issues a long time ago and since then there have been no complaints or issues. Reasonable restrictions may be placed in the special use permit to address hours of operation, dust, and odor control measures. No evidence has been provided suggesting that property values have declined in*

**the area since the facility commenced operations.**

*Adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. The special use will not be adding any new utilities or roadways to the property. They will use the current access point onto Beecher Road which has a gate which will be closed unless the operation is open. State law and the Kendall County Zoning Ordinance require a Surface Water Management Plan.*

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

*The special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. This operation existed before the Land Resource Management Plan existed and the plan calls for the area to be residential which it could be when/if this operation ever ceases to exist.*

## **RECOMMENDATION**

The other general conditions and restrictions would be as follows:

1. The facility shall comply with the conditions as they are listed in the applicable sections of the Kendall County Zoning Ordinance related to the composting of landscape waste and food waste, subject to the following:
  - a. The facility shall meet all Illinois Environmental Protection Agency requirements as identified in the applicable sections of the Kendall County Zoning Ordinance.
  - b. Operational personnel shall be present on site during all hours which the facility is open for the receipt of landscape waste.
  - c. The hours during which landscape waste may be received shall be 7:00 a.m. to 4:00 p.m. on Monday through Fridays and 7:00 a.m. to Noon on Saturdays. Processing operations shall cease after each day's receipts have been processed and placed in windrows, not to exceed three (3) additional hours.
  - d. The decibel levels at the property line shall not exceed Illinois Pollution Control Board standards.
  - e. Water samples shall be taken by an independent testing service and analyzed by an independent laboratory. The locations, methods and frequency of sampling and testing shall be approved by the Kendall County Environmental Health Department Director. The test results shall be sent to the Environmental Health Department within forty-five (45) days of sampling.
  - f. Soil samples shall be taken by an independent testing service and analyzed by an independent laboratory. The locations, methods and frequency of sampling and testing shall be approved by the Kendall County Environmental Health Department Director. The test results shall be sent to the Environmental Health Department within forty-five (45) days of sampling.
  - g. Authorized Kendall County personnel shall be allowed on site during business hours for inspection and testing.
  - h. The facility operator shall send up-to-date copies of the State permit and related documents including Operational Plan, Surface Water Management Plan, Pest Control Plan, Site Drawing, and an Annual Report to the County Solid Waste Coordinator.
  - i. Truck weights shall be limited to seventy-three thousand, two hundred eighty (73,280) pounds.
  - j. The operator shall provide weight receipts to Kendall County.

- k. Off-site debris and trash generated by the site must be cleaned-up on a daily basis on surrounding properties with the owner's permission.
  - l. Implement strategies to manage potential odor issues such as maintaining proper carbon to-nitrogen ratios, maintaining moisture levels, and sufficient turning of compost piles to enhance decomposition.
  - m. Install water spraying systems or dust suppression equipment at critical points of dust generation. Regularly monitor moisture content and use sprinkler systems or misters to dampen the compost as needed.
2. The facility will be permitted to take in one hundred seventy-five thousand (175,000) cubic yards of source-separated landscape materials (i.e. brush, leaves, tree trimmings, grass **and food waste**). **(Amended after ZPAC)**
  3. The site shall be developed substantially in accordance with the site plan (Attachment 4A) provided that the parking stalls conform to the requirements of the Kendall County Zoning Ordinance and the owners of the business allowed by the special use permit may erect one (1) building a maximum of sixty foot by eighty foot (60'X80') in size with a maximum height of twenty-four feet (24') on the property, and the site plan shall be kept on file as "Exhibit A" attached hereto. **(Amended at RPC)**
  4. A fifteen foot (15') buffer and a berm will be provided between the composting area and the United City of Yorkville's boundary to the east. The berm will be at least fifteen feet (15') wide and three feet (3') high. A twenty-five foot (25') wide berm at least three feet (3') in height will be provided near the western and northern property lines. The buffer landscaping will be composed primarily of pine, fir, and/or shade trees planted at spacing not to exceed forty feet (40') apart. Seedlings will be a minimum of six inches (6") in height. Specimen seedlings will be planted and the berm will be constructed within one (1) year of issuance of the special use permit ordinance. The Kendall County Planning, Building and Zoning Committee may grant an extension to the deadline to install the berms and landscaping. **(Amended at RPC and after ZBA)**
  5. The facility operator shall maintain existing plantings on the berm and ditch.
  6. The facility operator shall maintain the security gate, signage, and landscaping as indicated on "Exhibit B" (Attachment 4, Pages 4 and 5) attached hereto. The locked gate shall restrict vehicle access during closed hours except that a "lock-box" shall allow access to emergency vehicles.
  7. The facility operator shall maintain a sampling schedule as shown on "Exhibit C" (Attachment 4, Page 6) attached hereto dated March 11, 2008.
  8. The County Solid Waste Coordinator shall maintain a log of complaints received on the facility. **The phone number of the County Solid Waste Coordinator shall be added to a sign on the property that is visible from the street. (Amended at ZBA)**
  9. This special use Ordinance shall expire on December 1, 2033, and the petition for renewal shall be made prior to July 1, 2033.
  10. If any Illinois Environmental Protection Agency (IEPA) violations or citations are received by the site operator/manager and/or parcel owner/manager they need to be submitted to the County Solid Waste Coordinator within thirty (30) days.
  11. The operator of the business allowed by the special use permit shall follow the Decommissioning Plan (Attachment 5) as described in Exhibit D. The operator shall assume all of the responsibilities assigned to Green Organics in the plan. The Decommissioning Plan shall be kept on file in the site trailer office per EPA requirements and will be accessible to the Kendall County Health Inspector. The operator of the business allowed by the special use permit shall update the Kendall County Health Department within thirty (30) days of changes to the Decommissioning Plan.

12. The operator of the business allowed by the special use permit shall notify the Kendall County Planning, Building and Zoning Department within thirty (30) days of changes in operation manager. In addition, the operator of the business allowed by this special use permit shall provide contact information of the management operator annually by July 1<sup>st</sup>.
13. The operator of the business allowed by the special use permit shall ensure a host community agreement is in existence with the County prior to operations.
14. Ordinance 2014-04 and all previous special use permits and amendments to special use permits related to the operation of composting facility on the subject property are hereby repealed in their entireties.
15. ~~None of the vehicles or equipment parked or stored on the subject property related to the business allowed by the special use permit shall be considered agricultural vehicles or agricultural equipment.~~  
**(Deleted at ZPAC)**
16. All of the vehicles and equipment stored on the subject property related to the business allowed by the special use permit shall be maintained in good condition with no deflated tires and shall be licensed if required by law.
17. Any structures constructed, installed, or used related to the business allowed by this special use permit on the property shall not be considered for agricultural purposes and must secure applicable building permits.
18. At least one (1) water truck shall be onsite for dust control purposes. **(Added after ZPAC)**
19. The operator of the business allowed by this special use permit shall track wind direction and speed daily and add amendments to the composting materials if windrows are turned with winds blowing towards populated areas. **(Added after ZPAC)**
20. The owners and operators of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
21. The property owner and operator of the business allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of business.
22. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permit.
23. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
24. This special use permit shall be treated as a covenant running with the land and are binding on the successors, heirs, and assigns as to the same special use conducted on the property.

#### **ATTACHMENTS**

1. Application Materials (Including Petitioner's Findings of Fact, NRI Application, and EcoCat)
2. Ordinance 2014-04
3. Plat of Survey
4. Business Plan (Including Original Site Plan)
- 4A. Revised Site Plan Submitted August 17, 2023
5. Decommission Plan
6. Pre-Application Emails with United City of Yorkville
7. July 15, 2023, WBK Comment Letter
8. August 1, 2023, ZPAC Meeting Minutes
9. IDNR Approved Site Plan
10. August 10, 2023, Yorkville Memo
11. August 23, 2023, Kendall County Regional Planning Commission Meeting Minutes
12. September 5, 2023, Community Host Agreement
13. Site Plan Submitted at October 2, 2023, Hearing

14. October Email Correspondence with Petitioner
15. October Email Correspondence with Kendall County Solid Waste Coordinator.
16. August 28, 2023, Kendall County Zoning Board of Appeals Minutes




**DEPARTMENT OF PLANNING, BUILDING & ZONING**

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

**APPLICATION**
**PROJECT NAME** Milroy Farms LLC **FILE #:** \_\_\_\_\_

Kendall Composting Permit

<b>NAME OF APPLICANT (Including First, Middle Initial, and Last Name)</b> Jefferey D. Milroy		
<b>CURRENT LANDOWNER/NAME(s)</b> Milroy Farms LLC		
<b>SITE INFORMATION</b> ACRES 39.8752	<b>SITE ADDRESS OR LOCATION</b> 1270 E. Beecher Road, Bristol Township, IL	<b>ASSESSOR'S ID NUMBER (PIN)</b> 02-08-100-006
<b>EXISTING LAND USE</b> Composting Special Use	<b>CURRENT ZONING</b> A1 Special Use	<b>LAND CLASSIFICATION ON LRMP</b> East side is mixed business and west side is rural estate residential
<b>REQUESTED ACTION (Check All That Apply):</b>		
<input checked="" type="checkbox"/> <b>SPECIAL USE</b> <input type="checkbox"/> <b>MAP AMENDMENT (Rezoned to _____)</b> <input type="checkbox"/> <b>VARIANCE</b>		
<input type="checkbox"/> <b>ADMINISTRATIVE VARIANCE</b> <input type="checkbox"/> <b>A-1 CONDITIONAL USE for: _____</b> <input type="checkbox"/> <b>SITE PLAN REVIEW</b>		
<input type="checkbox"/> <b>TEXT AMENDMENT</b> <input type="checkbox"/> <b>RPD ( <input type="checkbox"/> Concept; <input type="checkbox"/> Preliminary; <input type="checkbox"/> Final )</b> <input type="checkbox"/> <b>ADMINISTRATIVE APPEAL</b>		
<input type="checkbox"/> <b>PRELIMINARY PLAT</b> <input type="checkbox"/> <b>FINAL PLAT</b> <input type="checkbox"/> <b>OTHER PLAT (Vacation, Dedication, etc.)</b>		
<input checked="" type="checkbox"/> <b>AMENDMENT TO A SPECIAL USE ( <input checked="" type="checkbox"/> Major; <input type="checkbox"/> Minor )</b>		
<b>PRIMARY CONTACT</b> Jefferey Milroy	<b>PRIMARY CONTACT MAILING ADDRESS</b> [REDACTED]	<b>PRIMARY CONTACT EMAIL</b> [REDACTED]
<b>PRIMARY CONTACT PHONE #</b> [REDACTED]	<b>PRIMARY CONTACT FAX #</b> [REDACTED]	<b>PRIMARY CONTACT OTHER # (Cell, etc.)</b> [REDACTED]
<b>ENGINEER CONTACT</b> Jefferey Milroy	<b>ENGINEER MAILING ADDRESS</b> [REDACTED]	<b>ENGINEER EMAIL</b> [REDACTED]
<b>ENGINEER PHONE #</b> [REDACTED]	<b>ENGINEER FAX #</b> [REDACTED]	<b>ENGINEER OTHER # (Cell, etc.)</b> [REDACTED]
I UNDERSTAND THAT BY SIGNING THIS FORM, THAT THE PROPERTY IN QUESTION MAY BE VISITED BY COUNTY STAFF & BOARD/ COMMISSION MEMBERS THROUGHOUT THE PETITION PROCESS AND THAT THE PRIMARY CONTACT LISTED ABOVE WILL BE SUBJECT TO ALL CORRESPONDANCE ISSUED BY THE COUNTY.		
I CERTIFY THAT THE INFORMATION AND EXHIBITS SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I AM TO FILE THIS APPLICATION AND ACT ON BEHALF OF THE ABOVE SIGNATURES. <b>THE APPLICANT ATTESTS THAT THEY ARE FREE OF DEBT OR CURRENT ON ALL DEBTS OWED TO KENDALL COUNTY AS OF THE DATE OF THE APPLICATION.</b>		
<b>SIGNATURE OF APPLICANT</b> [REDACTED SIGNATURE]		<b>DATE</b> <u>6/29/2023</u>

**FEE PAID:\$** \_\_\_\_\_

**CHECK #:** \_\_\_\_\_

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

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

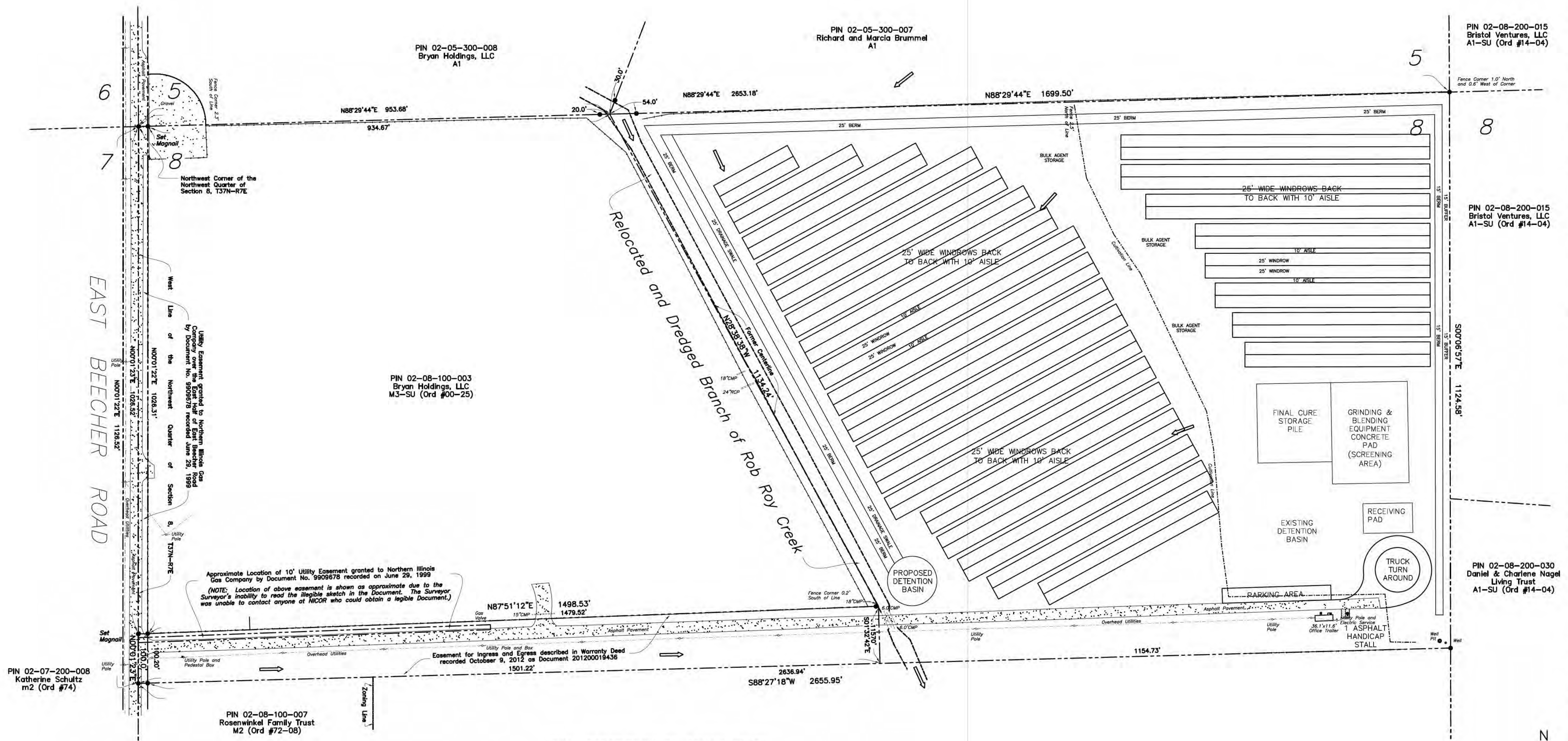
 Date Stamp Here If  
 Checklist Is Complete

## **Detailed Description Of Proposed Use Business Plan**

1. The facility shall comply with the conditions as they are listed in the applicable sections of the Kendall County Zoning Ordinance: Composting of landscape waste and food waste, subject to the following:
  - a. The facility shall meet all Illinois Environmental Protection Agency requirements as identified in the applicable sections of the Kendall County Zoning Ordinance.
  - b. Operational personnel shall be present on site during all hours which the facility is open for the receipt of landscape waste.
  - c. The hours during which landscape waste may be received shall be 7:00am to 4:00pm Monday through Friday and 7:00am to 12:00 noon Saturday. Processing operations shall cease after each day's receipts have been processed and placed in windrows, not to exceed three (3) additional hours.
  - d. The decibel levels at the property line shall not exceed Illinois Pollution Control Board standards.
  - e. A locked gate shall restrict vehicle access during closed hours except that a "lock-box" shall allow access to emergency vehicles.
  - f. Water samples shall be taken by an independent testing service and analyzed by an independent laboratory. The locations, methods and frequency of sampling and testing shall be approved by the Kendall County Environmental Health Department Director. The test results shall be sent to the Environmental Health Department within forty-five (45) days of sampling.
  - g. Soil samples shall be taken by an independent testing service and analyzed by an independent laboratory. The locations, methods and frequency of sampling and testing shall be approved by the Kendall County Environmental Health Department Director. The test results shall be sent to the Environmental Health Department within forty-five (45) days of sampling.
  - h. Authorized Kendall County personnel shall be allowed on site during business hours for inspection and testing.
  - i. The facility operator shall send up-to-date copies of the State permit and related documents including Operational Plan, Surface water management Plan, Pest Control Plan, Site Drawing, and an Annual Report to the County Solid Waste Coordinator.
  - j. Truck weights shall be limited to 73,280 pounds.
  - k. The operator shall provide weight receipts to Kendall County.

- l. Off-site debris and trash generated by the site must be cleaned-up on a daily basis on surrounding properties with the owner's permission.
  - m. Other conditions as appropriate for the particular facility. (*Amended 6/26/2023*)
  - n. Decommissioning plan shall be kept on file in the site trailer office per EPA requirements and will be accessible to the Kendall County Health Inspector.
  - o. Implement strategies to manage potential odor issues such as maintaining proper carbon-to-nitrogen ratios, maintaining moisture levels, and sufficient turning of compost piles to enhance decomposition.
  - p. Install water spraying systems or dust suppression equipment at critical points of dust generation. Regularly monitor moisture content and use sprinkler systems or misters to dampen the compost as needed.
  - q. A 15' buffer and a berm will be provided between the composting area and the Village of Yorkville. This berm will be at least 15' wide by 3' high. The buffer landscaping will be composed primarily of pine, fir, and/or shade trees planted at spacing not to exceed 40' apart. Seedlings will have a minimum of 6" in height. Specimen seedlings will be planted and the berm will be constructed within one year of issuance of the Composting Ordinance.
- 2. The facility will be permitted to take in 175,000 cubic yards of source-separated landscape materials (i.e. brush, leaves, tree trimmings and grass).
  - 3. The site plan shall be kept on file as "Exhibit A" attached hereto.
  - 4. The facility operator shall maintain existing plantings on the berm and ditch.
  - 5. The facility operator shall maintain the security gate and landscaping as indicated on "Exhibit B" attached hereto.
  - 6. The facility operator shall maintain a sampling schedule as shown on "Exhibit C" attached hereto dated March 11, 2008.
  - 7. The County Solid Waste Coordinator shall maintain a log of complaints received on the facility.
  - 8. This special use Ordinance shall expire on December 1, 2033 and the petition for renewal shall be made prior to July 1, 2033.
  - 9. If any Illinois Environmental Protection Agency (IEPA) violations or citations are received by the site operator/manager and/or parcel owner/manager they need to be submitted to the County Solid Waste Coordinator within 30 days.





**DEVELOPER:**

Jeff Milroy  
Milroy Farms, LLC

**PROPERTY LOCATION:**

PIN: 02-08-100-006  
1270 East Beecher Road  
Yorkville, Illinois 60560

**AREA OF ZONING TRACT:**

39.8752 Acres

**PRESENT ZONING:**

A-1 SU

**PROPOSED ZONING:**

A-1 SU

**LEGAL DESCRIPTION OF ZONING TRACT:**

That part of the Northwest Quarter of Section 8, Township 37 North, Range 7 East of the Third Principal Meridian, being described as follows: Commencing at the Northwest Corner of said Quarter Section; thence North 88°29'44" East along the North Line of said Northwest Quarter, 953.68 feet to a point in the center line of a branch of Rob Roy Creek for the point of beginning; thence continuing North 88°29'44" East along said North Line, 1699.50 feet to the Northeast Corner of said Northwest Quarter; thence, South 00°06'57" East along the East Line of said Northwest Quarter, 1124.58 feet; thence South 88°27'18" West, 2655.95 feet to a point on the West Line of said Northwest Quarter that is 1126.52 feet Southerly of the Northwest Corner of said Northwest Quarter; thence North 00°01'23" East along said West Line, 100.0 feet; thence North 87°51'12" East, 1498.53 feet to a point in the center line of a branch of Rob Roy Creek; thence North 28°38'38" West along said center line, 1134.24 feet to the point of beginning in Bristol Township, Kendall County, Illinois and containing 39.8752 acres.

**FLOODPLAIN STATEMENT:**

The Subject property is located in Zone X (areas of minimal flood hazard determined to be outside the 0.2% annual chance floodplain) as shown on FEMA Flood Insurance Rate Map Panel No. 17093C0036G with an effective date of February 4, 2009.

**WETLANDS STATEMENT:**

The National Wetlands Inventory Map depicts Riverine wetlands (R2UBHx) in the relocated and dredged branch of Rob Roy Creek.







MIDWEST  
MATERIAL  
MANAGEMENT  
(847) 426-6354  
- COMPOST FACILITY -  
OPERATING HOURS: BY APPOINTMENT ONLY  
MATERIALS ACCEPTED: LANDSCAPE WASTE  
"COMRI CERTIFIED" COMPOST AVAILABLE  
COMPLAINTS CONCERNING THIS FACILITY CAN BE  
MADE TO: STEVE BERGUND: 847-426-6354 OR  
BUREAU OF LAND, ILINCS ENVIRONMENTAL PROTECTION  
AGENCY SPRINGFIELD, ILLINOIS: 217-524-3300  
MAILING ADDRESS: 2014 N. STATE ST. HAMPSHIRE, IL 60140







March 11, 2008

Mr. Joseph Mazza  
[REDACTED]



Dear Mr. Mazza:

You requested confirmation of the sampling schedule that is used by Analytical Chemistry & Environmental Services, Inc. (AC&E Services, Inc.) at your compost facility in Bristol, Illinois.

The compost is tested according to 35 Illinois Administration Code (IAC) Section 830.507(a) for each 5000 tons shipped.

The well at the site is tested once per year in May in accordance with your current permit. The soil is tested once per year in September. Two composite soil samples are taken; one in the detention pond at the west side of the facility and one taken at the end of the windrows at the south end of the property. The testing is performed in accordance with your current permit.

I hope this answers your questions concerning your current testing requirements. If any further help is needed, do not hesitate to contact us.

Regards,

[REDACTED]  
Terese M. Laciak  
President

EXHIBIT C

TML/cab

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

## **Legal Description of Milroy Farms LLC Parcel Parcel 02-08-100-006**

That part of the Northwest Quarter of Section 8, Township 37 North, Range 7 East of the Third Principal Meridian, being described as follows: Commencing at the Northwest Corner of said Quarter Section; thence north  $88^{\circ} 29' 44''$  East along the North Line of said Northwest Quarter, 953.68 feet to a point in the center line of a branch of Rob Roy Creek for the point of beginning; thence continuing North  $88^{\circ} 29' 44''$  East along said North Line, 1699.50 feet to the Northeast Corner of said Northwest Quarter; thence South  $00^{\circ} 06' 57''$  East along the East Line of said Northwest Quarter, 1124.58 feet; thence South  $88^{\circ} 27' 18''$  West, 2655.95 feet to a point on the West line of said Northwest Quarter; that is 1126.52 feet Southerly of the Northwest Corner of said Northwest Quarter; thence North  $00^{\circ} 01' 23''$  East along said West line, 100.0 feet; thence North  $87^{\circ} 51' 12''$  East, 1498.53 feet to a point in the center line of a branch of Rob Roy Creek; thence North  $28^{\circ} 38' 38''$  West along said center line, 1134.24 feet to the point of beginning in Bristol Township, Kendall County, Illinois.



① ~~XXXXXXXXXXXXXXXXXXXX~~

\_\_\_\_\_

RECORDED: 9/19/2012 12:29 PM  
WD: 916.75 RHSP5 FEE: 10.00  
PAGES: 4

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GRANTEE:  
MILROY FARMS, LLC, Jeff Milroy

\_\_\_\_\_

By:

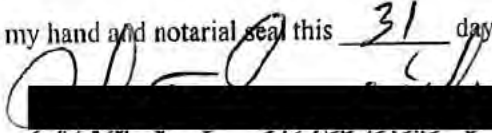
Mail To:  
Continuation Title Business, LLC  
[Redacted] [Redacted] [Redacted] [Redacted]

7012-7040JE

STATE OF ILLINOIS )  
 ) SS  
COUNTY OF KANE )

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

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

  
[Redacted]  
Notary Public



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



# 0000017846	REAL ESTATE TRANSFER TAX
	0057850
	FP 103035

COUNTY OF KENDALL  
REAL ESTATE TRANSFER TAX  
\$ 289.25 *lw*

# KENDALL COUNTY DISCLOSURE OF BENEFICIARIES FORM

1. Applicant Milroy Farms LLC  
 Address [REDACTED]  
 City [REDACTED] State [REDACTED] Zip [REDACTED]
2. Nature of Benefit Sought Special Use Permit
3. Nature of Applicant: (Please check one)
  - ☐ Natural Person (a)
  - ☐ Corporation (b)
  - ☐ Land Trust/Trustee(c)
  - ☐ Trust/Trustee (d)
  - ☒ Partnership (e)
  - ☐ Joint Venture (f)
4. If applicant is an entity other than described in Section 3, briefly state the nature and characteristics of the applicant:

5. If your answer to Section 3 you have checked letter b, c, d, e, or f, identify by name and address each person or entity who is a 5% shareholder in case of a corporation, a beneficiary in the case of a trust or land trust, a joint venture in the case of a joint venture, or who otherwise has proprietary interest, interest in profits and losses or right to control such entity:

NAME	ADDRESS	INTEREST
Jefferey D Milroy	[REDACTED]	50%
Lilianna D Milroy	[REDACTED]	50%

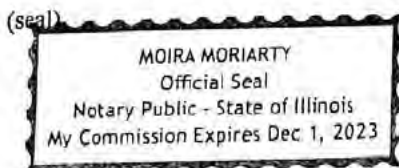
6. Name, address, and capacity of person making this disclosure on behalf of the applicant:

Jefferey Milroy, Manager, [REDACTED]

## VERIFICATION

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

Subscribed and sworn to before me this 20 day of June, A.D. 2023



RECEIVED  
6/21/23

**Kendall County Soil & Water  
Conservation District**

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



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

### NATURAL RESOURCE INFORMATION (NRI) REPORT APPLICATION

**Petitioner:** Milroy Farms LLC

**Contact Person:** Jefferey Milroy

**Address:**

**City, State:**

**Phone Number:**

**Email:**

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

#### Site Location & Proposed Use

Township Name Bristol Township Township T37 N, Range R7E E, Section(s) 8

Parcel Index Number(s) 02-08-100-006

Project or Subdivision Name Milroy Farms Composting Permit Number of Acres 39.87

Current Use of Site A-1 Special Use Proposed Use A-1 Special Use

Proposed Number of Lots N/A Proposed Number of Structures N/A

Proposed Water Supply Well (existing) Proposed type of Wastewater Treatment N/A

Proposed type of Storm Water Management Retention Pond (existing)

#### Type of Request

☐ Change in Zoning from \_\_\_\_\_ to \_\_\_\_\_

☐ Variance (Please describe fully on separate page)

☒ Special Use Permit (Please describe fully on separate page)

Name of County or Municipality the request is being filed with: Kendall County, IL

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

☒ **Plat of Survey/Site Plan** - showing location, legal description and property measurements

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

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

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

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

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

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

Fee for first five acres and under \$ 375.00

Additional Acres at \$18.00 each \$ \_\_\_\_\_

**Total NRI Fee** \$ 75.00

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

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

[Signature]  
Petitioner or Authorized Agent

June 20, 2023

Date

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

#### FOR OFFICE USE ONLY

NRI# 2307 Date initially rec'd 6/21/23 Date all rec'd \_\_\_\_\_ Board Meeting \_\_\_\_\_

Fee Due \$ 75.00 Fee Paid \$ \_\_\_\_\_ Check # \_\_\_\_\_ Over/Under Payment \_\_\_\_\_ Refund Due \_\_\_\_\_





July 13, 2023

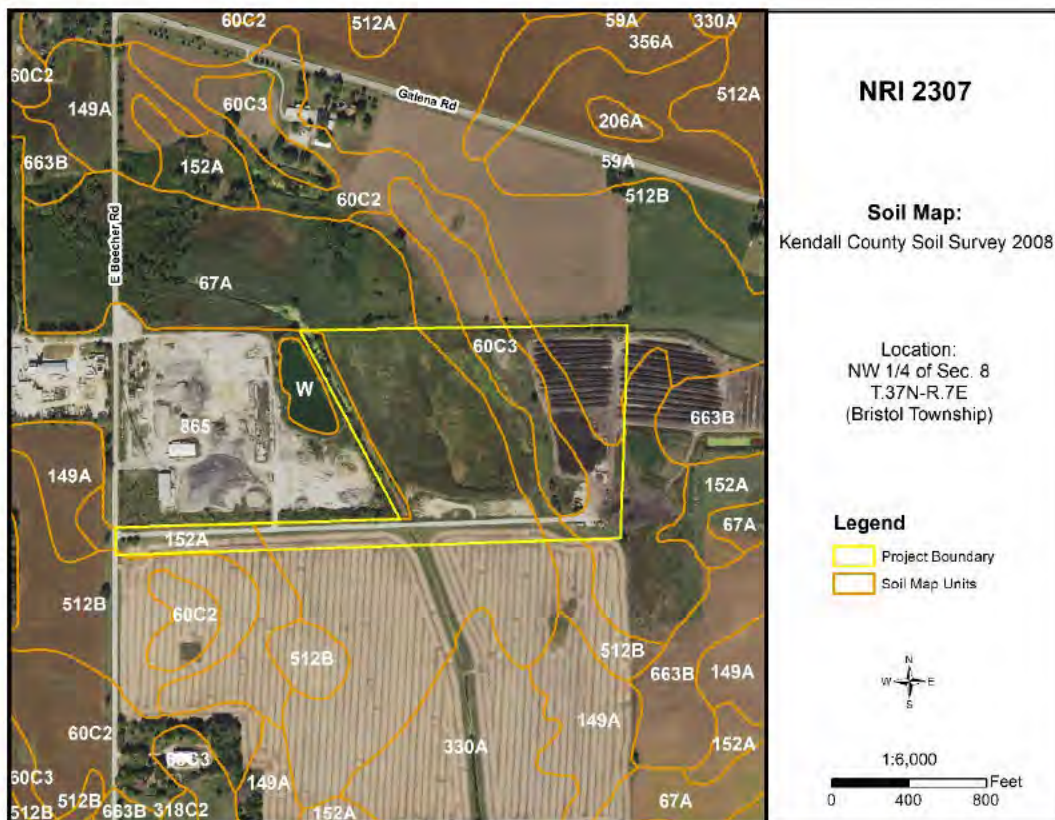
Jefferey Milroy

Dear Mr. Milroy,

The Kendall County Soil & Water Conservation District (SWCD) received a Natural Resources Information Report (NRI) Application for a special use permit renewal petition on parcel 02-08-100-006 filed with Kendall County. The site is an existing EPA composting facility that accepts yard and food waste from the surrounding area. The petitioner is proposing an approximate 17-acre expansion of the composting operation on the western half of the parcel with the addition of a future detention basin. The project site is located at 207 E Beecher Rd, Bristol, IL 60512 in the northwest quarter of Section 8, Township 37N (Bristol Township), Range 7E of the 3<sup>rd</sup> Principal Meridian. The site is zoned A1-SU Agricultural Special Use. After reviewing the application and supporting documents, it was determined that a *full NRI Report is not necessary at this time* for the proposed project.

The Kendall County SWCD has reviewed the 39.87-acre project site and would like to note the following natural resource considerations:

- The site currently contains an existing 17-acre composting area, detention basin, truck turn-around, and parking area. According to the property owner, the site is tile drained.



- The 2008 Soil Survey for Kendall County as maintained by the United States Department of Agriculture – Natural Resource Conservation Service (USDA-NRCS) contains soil maps and descriptions for soil types throughout the county. The exhibit above shows the soil map, and the table below shows the soil map units that are present within the project site. Please note this information does not replace the need for site specific soil testing.

Soil Map Unit	Acreage	Percent of Parcel
60C2 La Rose silt loam, 5-10% slopes, eroded	5.1	12.9%
60C3 La Rose clay loam, 5-10% slopes, severely eroded	4.7	11.8%
67A Harpster silty clay loam, 0-2% slopes	18.5	46.4%
152A Drummer silty clay loam, 0-2% slopes	2.3	5.7%
512B Danabrook silt loam, 2-5% slopes	7.8	19.5%
865 Pits, gravel	1.5	3.8%

- Soil survey interpretations are predictions of soil behavior for specified land uses and specified management practices. These interpretative ratings help engineers, planners, and others to understand how soil properties influence behavior when used for nonagricultural uses. They are based on the soil properties that directly influence the specified use of the soil. Each soil map unit has limitations for a variety of land uses. The table below shows the soil limitations for uses including food-processing waste, farm and garden composting, and shallow excavations. It is important to remember that soils do not function independently of each other. The behavior of a soil depends upon the physical properties of adjacent soil types, the presence of artificial drainage, soil compaction, and its position in the local landscape.

Soil Type	Food-Processing Waste	Farm & Garden Composting Facility	Shallow Excavations
60C2 & 60C3	<u>Very Limited:</u> Dense layer; Slow water movement; Depth to saturated zone	<u>Somewhat Limited:</u> Slope; Low strength; Wetness; Low precipitation; Extreme soil temperatures	<u>Very Limited:</u> Depth to saturated zone; Dusty; Unstable excavation walls
67A	<u>Very Limited:</u> Ponding; Depth to saturated zone; Leaching	<u>Very Limited:</u> Low strength; Wetness; Ponding; Low precipitation; Seepage	<u>Very Limited:</u> Ponding; Depth to saturated zone; Dusty; Unstable excavation walls
152A	<u>Very Limited:</u> Ponding; Depth to saturated zone; Leaching; Slow water movement	<u>Very Limited:</u> Low strength; Wetness; Ponding; Low precipitation	<u>Very Limited:</u> Ponding; Depth to saturated zone; Dusty; Unstable excavation walls; Too clayey
512B	<u>Somewhat Limited:</u> Depth to saturated zone; Slow water movement	<u>Somewhat Limited:</u> Low strength; Wetness; Slope; Extreme soil temperatures; Low precipitation	<u>Somewhat Limited:</u> Depth to saturated zone; Dusty; Unstable excavation walls
865	N/A	N/A	N/A

- The information provided in the table below provides further detail regarding the following:
  - Drainage Class: Refers to the frequency and duration of wet periods under similar conditions to those under which the soil formed.
  - Hydrologic Soil Groups: Soils have been classified into four (A, B, C, D) hydrologic groups based on runoff characteristics due to rainfall. If a soil is assigned to a dual hydrologic group (A/D, B/D or C/D), the first letter is for drained areas and the second letter is for undrained areas. Group A soils have a high infiltration rate, low runoff potential and high rate of water transmission. Group B soils have a

moderate infiltration rate and rate of water transmission. Group C soils have a slow infiltration rate and rate of water transmission. Group D soils have a very slow infiltration rate, high runoff potential and a very slow rate of water transmission.

- Hydric Soils: A hydric soil is one that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part of the soil profile that supports the growth or regeneration of hydrophytic vegetation. Soils with hydric inclusions have map units dominantly made up of non-hydric soils that may have inclusions of hydric soils in the lower positions on the landscape. Of the soils found onsite, two are hydric (67A Harpster silty clay loam and 152A Drummer silty clay loam) and three are non-hydric (60C2 La Rose silt loam, 60C3 La Rose clay loam, and 512B Danabrook silt loam).
- Prime Farmland: Prime farmland is land that has the best combination of physical and chemical characteristics for agricultural production. Prime farmland soils are an important resource to Kendall County and some of the most productive soils in the United States occur locally. Of the soils found onsite, three are designated as prime farmland (67A Harpster silty clay loam, 152A Drummer silty clay loam, and 512B Danabrook silt loam). Two of the soils are designated as farmland of statewide importance (60C2 La Rose silt loam and 60C3 La Rose clay loam), and one is designated as non-prime farmland (865 Pits, gravel).

Map Unit	Drainage Class	Hydrologic Group	Hydric Designation	Prime Farmland
60C2 & 60C3	Moderately Well Drained	C	Non-Hydric	Farmland of Statewide Importance
67A	Poorly Drained	B/D	Hydric	Prime Farmland if Drained
152A	Poorly Drained	B/D	Hydric	Prime Farmland if Drained
512B	Moderately Well Drained	C	Non-Hydric	Prime Farmland
865	N/A	N/A	N/A	Not Prime Farmland

- The information provided in the table below provides further detail regarding soil water features:
  - Surface Runoff: Surface runoff refers to the loss of water from an area by flow over the land surface. Surface runoff classes are based upon slope, climate and vegetative cover and indicates relative runoff for very specific conditions (it is assumed that the surface of the soil is bare and that the retention of surface water resulting from irregularities in the ground surface is minimal).
  - Water Table: Water table refers to a saturated zone in the soil and the data indicates, by month, depth to the top (upper limit) and base (lower limit) of the saturated zone in most years. These estimates are based upon observations of the water table at selected sites and on evidence of a saturated zone (grayish colors or mottles (redoximorphic features)) in the soil. Note: A saturated zone that lasts for less than a month is not considered a water table.
  - Ponding: Ponding is standing water in a closed depression. Unless a drainage system is installed, the water is removed only by percolation, transpiration, or evaporation. Duration indicated as brief means ponding typically occurs for a period of 2-7 days. Frequency indicated as non means ponding is not possible and frequent means that it occurs, on average, more than once in 2 years (chance of ponding is more than 50% in any year).
  - Flooding: Flooding is temporary inundation of an area caused by overflowing stream, runoff from adjacent slopes, or tides. Water standing for short periods after rainfall or snowmelt is not considered flooding. Water standing in swamps and marshes is considered ponding rather than flooding.



Map Unit	Surface Runoff	Water Table	Ponding	Flooding
60C2	High	<u>February – April</u> Upper Limit: 2.0'-3.5' Lower Limit: 2.2'-4.0'	<u>January – December</u> Frequency: None	<u>January – December</u> Frequency: None
60C3	Medium	<u>February – April</u> Upper Limit: 2.0'-3.5' Lower Limit: 2.2'-4.0'	<u>January – December</u> Frequency: None	<u>January – December</u> Frequency: None
67A	Negligible	<u>January – May</u> Upper Limit: 0.0'-1.0' Lower Limit: 6.0'	<u>January – May</u> Surface Depth: 0.0'-0.5' Duration: Brief (2-7 days) Frequency: Frequent	<u>January – December</u> Frequency: None
152A	Negligible	<u>January – May</u> Upper Limit: 0.0'-1.0' Lower Limit: 6.0'	<u>January – May</u> Surface Depth: 0.0'-0.5' Duration: Brief (2-7 days) Frequency: Frequent	<u>January – December</u> Frequency: None
512B	Low	<u>February – April</u> Upper Limit: 2.0'-3.5' Lower Limit: 3.0'-5.0'	<u>January – December</u> Frequency: None	<u>January – December</u> Frequency: None
865	N/A	N/A	N/A	N/A

- This site is located on slopes of approximately 0-10%. The site lies within the Fox River Watershed (Rob Roy Creek sub watershed).
- Based on an in-office review of the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map (FIRM) for Kendall County, Community Panel No. 17093C0030G (effective date February 4, 2009), it does not appear that this parcel is located within the 100-year floodplain. It is mapped as Zone X, an area of minimal flood hazard. Additionally, based upon review of the U.S. Fish & Wildlife Service's National Wetlands Inventory Map, a riverine waterway (tributary to Rob Roy Creek) is present along the western edge of the project site. To determine the presence of wetlands, a wetland delineation specialist, who is recognized by the U.S. Army Corps of Engineers, should determine the exact boundaries and value of the wetlands.
- If construction is to occur onsite, a soil erosion and sediment control plan should be prepared and implemented in accordance with both Kendall County and Illinois EPA requirements. The Illinois Urban Manual can be used as a reference for proper selection and implementation of onsite soil erosion and sediment control practices to ensure that soil is properly maintained onsite from project initiation to completion.
- The Land Evaluation Site Assessment (LESA) system, a land use planning tool, assists decision-makers in Kendall County in determining the suitability of a land use change and/or a zoning request. Specifically, the LESA system is designed to facilitate decision making by providing a rational process for assisting local officials in making farmland conversion decisions through the local land use process. It provides a technical framework to numerically rank land parcels based on local resource evaluation and site considerations. The LESA system was developed by the United States Department of Agriculture-Natural Resources Conservation Service (USDA-NRCS) and takes into consideration local conditions such as physical characteristics of the land, compatibility of surrounding land uses, and urban growth factors. The LESA system is a two-step procedure that includes Land Evaluation (LE) and Site Assessment (SA). The Land Evaluation is based on soils of a given area that are rated and placed in groups ranging from the best to worst suited for a stated agriculture use such as cropland and forestland. The best group is assigned a value of 100 and all other groups are assigned lower values (94, 87, 79, etc.). The Land Evaluation is based on data from the USDA Kendall County Soil Survey. The Site Assessment is numerically evaluated according to important factors that contribute to the quality of the site. Each factor



selected is assigned values in accordance with the local needs and objectives. The overall score is based on a 300-point rating scale.

#### Land Evaluation Computation

Soil Type	Value Group	Relative Value	Acres	Product (Relative Value x Acres)
60C2	5	82	5.1	418.2
60C3	6	69	4.7	324.3
67A	2	94	18.5	1,739.0
152A	1	100	2.3	230.0
512B	2	94	7.8	733.2
865	8	0	1.5	0.0
<b>Totals</b>			<b>39.9</b>	<b>3,444.7</b>
<b>LE Calculation</b>			(Product of relative value / Total Acres) $3,444.7 / 39.9 = 86.3$	
<b>LE Score</b>			<b>LE = 86</b>	

The Land Evaluation score for this site is 86 out of a possible 100 points, indicating that the soils are well-suited for agricultural uses since the Land Evaluation score is above 80.

#### Site Assessment Computation

<b>A.</b>	<b>Agricultural Land Uses</b>	<b>Points</b>
	1. Percentage of area in agricultural uses within 1.5 miles of site. (20-10-5-0)	10
	2. Current land use adjacent to site. (30-20-15-10-0)	15
	3. Percentage of site in agricultural production in any of the last 5 years. (20-15-10-5-0)	10
	4. Size of site. (30-15-10-0)	15
<b>B.</b>	<b>Compatibility / Impact on Uses</b>	
	1. Distance from city or village limits. (20-10-0)	0
	2. Consistency of proposed use with County Land Resource Management Concept Plan and/or municipal comprehensive land use plan. (20-10-0)	10
	3. Compatibility of agricultural and non-agricultural uses. (15-7-0)	0
<b>C.</b>	<b>Existence of Infrastructure</b>	
	1. Availability of public sewage system. (10-8-6-0)	8
	2. Availability of public water system. (10-8-6-0)	8
	3. Transportation systems. (15-7-0)	7
	4. Distance from fire protection service. (10-8-6-2-0)	6
	<b>Site Assessment Score:</b>	<b>89</b>

The Site Assessment score for this site is 89 out of a possible 200 points. The Land Evaluation value (86) is added to the Site Assessment value (89) to obtain a LESA Score of 175. The table below shows the level of protection for the proposed project site based on the LESA Score.

#### LESA Score Summary

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

The overall LESA Score for this site is 175 indicating a low level of protection for the proposed project site. Note: Selecting the project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County.

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

Sincerely,

A black rectangular box redacting the signature of Alyse Olson.

Alyse Olson  
Resource Conservationist

CC Jefferey Milroy, Milroy Farms LLC

Matt Asselmeier, Kendall County Planning, Building, & Zoning

Robert Walker, Bristol Township



Applicant: Jeff Milroy  
 Contact: Jeff Milroy  
 Address: [REDACTED]

IDNR Project Number: 2317303  
 Date: 06/22/2023  
 Alternate Number: 2317170

Project: Milroy Farms Composting  
 Address: 1270 East Beecher Road, Yorkville

Description: Special use permit renewal for operating a compost facility.

## Natural Resource Review Results

### Consultation for Endangered Species Protection and Natural Areas Preservation (Part 1075)

The Illinois Natural Heritage Database shows the following protected resources may be in the vicinity of the project location:

Mottled Sculpin (*Cottus bairdii*)

Rusty Patched Bumble Bee (*Bombus affinis*)

**An IDNR staff member will evaluate this information and contact you to request additional information or to terminate consultation if adverse effects are unlikely.**

#### Location

The applicant is responsible for the accuracy of the location submitted for the project.

County: Kendall

Township, Range, Section:

37N, 7E, 5

37N, 7E, 8



#### IL Department of Natural Resources Contact

Kyle Burkwald  
 217-785-5500  
 Division of Ecosystems & Environment

#### Government Jurisdiction

Kendall County  
 Matthew Asselmeier  
 111 West Fox Street  
 Yorkville, Illinois 60560

#### Disclaimer

The Illinois Natural Heritage Database cannot provide a conclusive statement on the presence, absence, or condition of natural resources in Illinois. This review reflects the information existing in the Database at the time of this inquiry, and should not be regarded as a final statement on the site being considered, nor should it be a substitute for detailed site surveys or field surveys required for environmental assessments. If additional protected resources are encountered during the project's implementation, compliance with applicable statutes and regulations is required.

## **Terms of Use**

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1. The IDNR EcoCAT website was developed so that units of local government, state agencies and the public could request information or begin natural resource consultations on-line for the Illinois Endangered Species Protection Act, Illinois Natural Areas Preservation Act, and Illinois Interagency Wetland Policy Act. EcoCAT uses databases, Geographic Information System mapping, and a set of programmed decision rules to determine if proposed actions are in the vicinity of protected natural resources. By indicating your agreement to the Terms of Use for this application, you warrant that you will not use this web site for any other purpose.

2. Unauthorized attempts to upload, download, or change information on this website are strictly prohibited and may be punishable under the Computer Fraud and Abuse Act of 1986 and/or the National Information Infrastructure Protection Act.

3. IDNR reserves the right to enhance, modify, alter, or suspend the website at any time without notice, or to terminate or restrict access.

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

IDNR Project Number: 2317303

**EcoCAT Receipt****Project Code** 2317303**APPLICANT****DATE**

Jeff Milroy

6/22/2023

Jeff Milroy  
[REDACTED]**DESCRIPTION****FEE****CONVENIENCE FEE****TOTAL PAID**

EcoCAT Consultation

\$ 125.00

\$ 2.81

\$ 127.81

**TOTAL PAID****\$ 127.81**

Illinois Department of Natural Resources  
 One Natural Resources Way  
 Springfield, IL 62702  
 217-785-5500  
[dnr.ecocat@illinois.gov](mailto:dnr.ecocat@illinois.gov)



Illinois  
Department of  
**Natural  
Resources**

JB Pritzker, Governor • Natalie Phelps Finnie, Director  
One Natural Resources Way • Springfield, Illinois 62702-1271  
[www.dnr.illinois.gov](http://www.dnr.illinois.gov)

June 23, 2023

Jeff Milroy  
Milroy Farms  
[REDACTED]  
[REDACTED]

**RE: Milroy Farms Composting  
Consultation Program  
EcoCAT Review #2317303  
Kendall County**

Dear Mr. Milroy:

The Department has received your submission for this project for the purposes of consultation pursuant to the *Illinois Endangered Species Protection Act* [520 ILCS 10/11], the *Illinois Natural Areas Preservation Act* [525 ILCS 30/17], and Title 17 *Illinois Administrative Code Part 1075*.

The proposed action consists of operating a compost facility in Yorkville, IL.

The Illinois Natural Heritage Database shows the following protected resources may be in the vicinity of the project location:

State Listed

**Mottled Sculpin** (*Cottus bairdii*)

State and Federally Listed

**Rusty Patched Bumblebee** (*Bombus affinis*)

Due to the project scope and proximity to protected resources the Department recommends the following actions be taken to avoid adversely impacting listed species in the vicinity of the project:

**Rusty Patched Bumblebee**

- 1) The Department recommends that work which disturbs the ground or may remove flowering plants be done between October 1 and April 1 to avoid potential impacts.
- 2) If these dates cannot be accommodated, the Department recommends a Rusty Patched Bumble Bee survey be performed by a qualified biologist.
  - a) Survey results and methods should be forwarded to the Department for review and concurrence.

Please note that due to the federal status of the Rusty Patched Bumblebee, and its potential occurrence in the project area, coordination with the U.S. Fish and Wildlife Service may be necessary and is separate from this consultation and Illinois State regulations.

Given the above recommendations are adopted the Department has determined that impacts to these protected resources are unlikely. The Department has determined impacts to other protected resources in the vicinity of the project location are also unlikely.

*In accordance with 17 Ill. Adm. Code 1075.40(h), please notify the Department of your decision regarding these recommendations.*

Consultation on the part of the Department is closed, unless the applicant desires additional information or advice related to this proposal. Consultation for Part 1075 is valid for two years unless new information becomes available which was not previously considered; the proposed action is modified; or additional species, essential habitat, or Natural Areas are identified in the vicinity. If the action has not been implemented within two years of the date of this letter, or any of the above listed conditions develop, a new consultation is necessary.

The natural resource review reflects the information existing in the Illinois Natural Heritage Database at the time of the project submittal and should not be regarded as a final statement on the project being considered, nor should it be a substitute for detailed site surveys or field surveys required for environmental assessments. If additional protected resources are unexpectedly encountered during the project's implementation, the applicant must comply with the applicable statutes and regulations.

This letter does not serve as permission to take any listed or endangered species. As a reminder, no take of an endangered species is permitted without an Incidental Take Authorization or the required permits. Anyone who takes a listed or endangered species without an Incidental Take Authorization or required permit may be subject to criminal and/or civil penalties pursuant to the *Illinois Endangered Species Act*, the *Fish and Aquatic Life Act*, the *Wildlife Code* and other applicable authority.

The Department also offers the following conservation measures be considered to help protect native wildlife and enhance natural areas in the project area:

If temporary or permanent lighting is required, the Department recommends the following lighting recommendation to minimize adverse effects to wildlife:

- All lighting should be fully shielded fixtures that emit no light upward.
- Only “warm-white” or filtered LEDs (CCT < 3,000 K; S/P ratio < 1.2) should be used to minimize blue emission.
- Only light the exact space with the amount (lumens) needed to meet facility safety requirement.
- If LEDs are to be used, avoid the temptation to over-light based on the higher luminous efficiency of LEDs.

If erosion control blanket is to be used, the Department also recommends that wildlife-friendly plastic-free blanket be used around wetlands and adjacent to natural areas, if not feasible to implement project wide, to prevent the entanglement of native wildlife.

Please contact me with any questions about this review.

Sincerely,

A black rectangular redaction box covering the signature of Kyle Burkwald.

Kyle Burkwald  
Impact Assessment Section  
Division of Real Estate Services and Consultation  
Office of Realty & Capital Planning  
Illinois Department of Natural Resources  
One Natural Resources Way  
Springfield, IL 62702  
Kyle.Burkwald@Illinois.gov  
Phone: (217) 785-4984



**Matt Asselmeier**

---

**From:** Burkwald, Kyle <Kyle.Burkwald@Illinois.gov>  
**Sent:** Friday, July 14, 2023 11:10 AM  
**To:** Matt Asselmeier  
**Cc:** Seth Wormley; Latreese Caldwell; Hayes, Bradley  
**Subject:** [External]RE: 1270 E Beecher, Bristol Township, Kendall County

---

CAUTION - This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

---

Matt,

Apologies for the delay, I recently accepted a new position within the Department and am no longer a part of the Impact Assessment section.

However, to answer your questions, the recommendations are not required to be adhered to by law, they are best recommendations to avoid a Take of the listed species. Failure to adhere though may result in an increased likelihood of a Take of an endangered species as defined in Part 1075 of the *Illinois Endangered Species Act*.

If you have any further questions or concerns please contact Brad Hayes.

Sincerely,  
Kyle Burkwald  
Illinois Department of Natural Resources  
Division of Forestry  
Mobile: (217) 299-7324  
Desk: (217) 785-4984

**From:** Matt Asselmeier <masselmeier@kendallcountyil.gov>  
**Sent:** Friday, July 14, 2023 10:48 AM  
**To:** Burkwald, Kyle <Kyle.Burkwald@Illinois.gov>  
**Cc:** Seth Wormley <swormley@kendallcountyil.gov>; Latreese Caldwell <LCaldwell@kendallcountyil.gov>  
**Subject:** [External] RE: 1270 E Beecher, Bristol Township, Kendall County

Kyle:

Did you have an opportunity to review this email?

Thanks,

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

Attachment 1, Page 26  
Please fill out the following findings of fact to the best of your capabilities. §13:08.J of the Zoning Ordinance outlines findings that the Zoning Board of Appeals shall consider in rendering a decision, but is not required to make an affirmative finding on all items in order to grant a **special use**. They are as follows:

*That the establishment, maintenance, and operation of the special use will not be detrimental to, or endanger, the public health, safety, morals, comfort, or general welfare.* An experienced operator, Jesse C. Sexton, will be managing operations and running the site.

The operation is permitted and controlled by the EPA and inspected by the health department and they have not found anything to endanger the public health, safety, morals, comfort or general welfare during Jesse C. Sexton's tenure.

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

The new management team of Jesse C. Sexton, William J. Coleman, Jefferey D Milroy, and Lilianna D. Milroy will incorporate as the new site operator. Jesse is well known to neighbors and local officials and ran the site without complaints regarding odors, debris, or dust. The site will be run orderly and squared away. No other operator will be assigned to this operation without approval of the management team.

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

The special use will not be adding any new utilities or roadways to the property. They will use the current access point onto Beecher Road which has a gate which will be closed unless the operation is open. Any new proposed detention basins will be provided under the Storm-water permit application.

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

The special use conforms to all applicable regulations of the A-1 Special use district.

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

This operation existed before the Land Resource Management Plan existed and the plan calls for the area to be residential which it could be when/if this operation ever ceases to exist.

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County of Kendall

Zoning Petition  
#13-26

ORDINANCE NUMBER 2014 - 04

GRANTING A MAJOR AMENDMENT TO A SPECIAL USE FOR  
**GREEN ORGANICS INC. AT 1270 EAST BEECHER ROAD**

WHEREAS, Green Organics, Inc., Milroy Farms LLC and Bristol Ventures LLC has filed a petition for a major amendment to their Special Use within the A-1 Agricultural Zoning District for a 58 acre property located on the east side of Beecher Road about 0.5 miles south of Galena Road, commonly known as 1270 E. Beecher Road, (PIN# 02-08-100-006, part of PIN# 02-08-200-015, part of PIN# 02-08-200-018, part of PIN# 02-08-200-019 and part of PIN# 02-08-200-022), in Bristol Township; and

WHEREAS, said petition is to amend their existing special use permit to continue operation of their regional compost facility at 1270 E. Beecher Road modifying the site plan to eliminate about 10.5 acres, add about 9.5 acres northeast in the City of Yorkville and seek new conditions on property; and

WHEREAS, said property is currently zoned A-1 Agricultural with an existing Special Use for operation for a landscape waste composting site; and

WHEREAS, the County Board of Kendall County, Illinois did grant the petitioner said request for as Ordinance 1993-19 on October 19, 1993; and

WHEREAS, the County Board of Kendall County, Illinois did grant the petitioner said request for a renewal as Ordinance 1997-13 on August 19, 1997; and

WHEREAS, the County Board of Kendall County, Illinois did grant the petitioner said request for a renewal as Ordinance 2000-18 on April 18, 2000; and

WHEREAS, the County Board of Kendall County, Illinois did grant the petitioner said request for a renewal as Ordinance 2008-17 on May 20, 2008; and

WHEREAS, the Zoning Administrator and/or deputies did grant the petitioner a minor amendment to the existing special use to allow the facility to begin accepting and processing food waste as Ordinance 10-25-11 on October 25, 2011; and

WHEREAS, said special uses will continue on the property; and

WHEREAS, said property is legally described as:

PARCEL 1

THAT PART OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 37 NORTH, RANGE 7  
EAST OF THE THIRD PRINCIPAL MERIDIAN, BEING DESCRIBED AS FOLLOWS:

State of Illinois  
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#13-26

COMMENCING AT THE NORTHWEST CORNER OF SAID QUARTER SECTION; THENCE NORTH 88 DEGREES 29 MINUTES 44 SECONDS EAST ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER 953.68 FEET TO A POINT IN THE CENTER LINE OF A BRANCH OF THE ROB ROY CREEK FOR THE POINT OF BEGINNING; THENCE CONTINUING NORTH 88 DEGREES 29 MINUTES 44 SECONDS EAST ALONG SAID NORTH LINE 1699.46 FEET TO THE NORTHEAST CORNER OF SAID QUARTER SECTION; THENCE SOUTH 0 DEGREES 07 MINUTES 06 SECONDS EAST ALONG THE EAST LINE OF SAID QUARTER SECTION 1124.58 FEET; THENCE SOUTH 88 DEGREES 27 MINUTES 18 SECONDS WEST 2655.97 FEET TO A POINT ON THE WEST LINE OF SAID QUARTER SECTION THAT IS 1126.52 FEET SOUTH OF THE NORTHWEST CORNER OF SAID SECTION; THENCE NORTH 0 DEGREES 01 MINUTES 23 SECONDS EAST ALONG SAID WEST LINE 100.00 FEET; THENCE NORTH 87 DEGREES 51 MINUTES 12 SECONDS EAST 1498.53 FEET TO A POINT IN THE CENTER OF SAID ROB ROY CREEK; THENCE NORTH 28 DEGREES 38 MINUTES 38 SECONDS WEST ALONG SAID CREEK, 1134.24 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF BRISTOL, KENDALL COUNTY, ILLINOIS  
PIN: 02-08-100-006

#### PARCEL 2

THAT PART OF THE NORTHEAST QUARTER OF SECTION 8 IN TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER; THENCE NORTH 87 DEGREES 36 MINUTES 31 SECONDS EAST, ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER, 187.01 FEET; THENCE SOUTH 61 DEGREES 46 MINUTES 39 SECONDS EAST, 332.00 FEET; THENCE SOUTH 71 DEGREES 34 MINUTES 14 SECONDS EAST, 463.00 FEET; THENCE SOUTH 45 DEGREES 09 MINUTES 49 SECONDS EAST, 58.00 FEET; THENCE SOUTH 00 DEGREES 33 MINUTES 15 SECONDS WEST, 356.00 FEET; THENCE SOUTH 89 DEGREES 48 MINUTES 46 SECONDS WEST, 541.26 FEET TO A POINT ON A LINE 400.00 FEET EAST OF, AND PARALLEL WITH, THE WEST LINE OF SAID NORTHEAST QUARTER; THENCE SOUTH 01 DEGREE 14 MINUTES 06 SECONDS EAST, ALONG SAID LINE, 171.42 FEET; THENCE ALONG THE SOUTH LINE OF A PARCEL OF LAND WITH PARCEL IDENTIFICATION NUMBER 02-08-200-015 FOR THE NEXT FOUR CALLS; SOUTH 83 DEGREES 45 MINUTES 54 SECONDS WEST, 130.42 FEET, MORE OR LESS; SOUTH 86 DEGREES 27 MINUTES 54 SECONDS WEST, 65.30 FEET; NORTH 08 DEGREES 04 MINUTES 41 SECONDS WEST, 23.88 FEET; NORTH 87 DEGREES 04 MINUTES 28 SECONDS WEST, 202.52 FEET, MORE OR LESS, TO A POINT 850.00 FEET SOUTHERLY OF THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER, AS MEASURED ALONG THE WEST LINE THEREOF; THENCE NORTH 01 DEGREE 14 MINUTES 06 SECONDS WEST, ALONG SAID WEST LINE, 850.00 FEET TO THE POINT OF BEGINNING, ALL IN KENDALL COUNTY, ILLINOIS, AND CONTAINING 13.72 ACRES, MORE OR LESS.

WHEREAS, all procedures required by the Kendall County Zoning Ordinance were followed including notice for public hearing, preparation of the findings of fact, and recommendation for approval by the Special Use Hearing Officer on December 9, 2013; and

WHEREAS, the findings of fact were approved as follows:

*That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. The operation is controlled by the EPA and inspected regularly by the Health Department and have not found anything to endanger the public health, safety, morals, comfort, or general welfare.*

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*That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. **The operation has been open since 1993 with some minor debris issues a long time ago and since then there have been no complaints or issues. The newer water park exists less than a mile away to the east and still there have been no complaints about affecting the area properties.***

*That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. **The special use will not be adding any new utilities, roadways or drainage to the property. They will use the current access point onto Beecher Road which has a gate which will be closed unless the operation is open.***

*That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Hearing Officer. **The special use conforms to all applicable regulations of the A-1 Special use district.***

*That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. **This operation existed before the Land Resource Management Plan existed and the plan calls for the area to be residential which it could be when/if this operation ever ceases to exist.***

WHEREAS, the Kendall County Board has considered the findings and recommendation of the Hearing Officer and finds that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance; and

WHEREAS, this special use shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns of the property owner as to the same special use conducted on the property; and

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby repeals Kendall County Ordinances #93-17, #97-13, #00-18, #08-17 and #10-28-11 in their entirety and hereby grants approval of a major amendment to their existing special use zoning permit to continue operation of their regional compost facility at 1270 E. Beecher Road modifying the site plan to eliminate about 10.5 acres, add about 9.5 acres northeast in the City of Yorkville subject to the following conditions:

1. The facility shall comply with the conditions listed in Section 7.01.D.15 (composting of landscape waste and food waste) of the Zoning Ordinance:
  - Composting of landscape waste and food waste, subject to the following:
    - a. The facility shall meet all Illinois Environmental Protection Agency requirements as identified in Title 35, Subtitle G, Chapter 1, Sub-chapter 1, Park 830, Standards for compost facilities.
    - b. Operational personnel shall be present on site during all hours which the facility is



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- open for the receipt of landscape waste.
- c. The hours during which landscape waste may be received shall be 7:00am to 4:00pm Monday through Friday and 7:00am to 12:00 noon Saturday. Processing operations shall cease after each day's receipts have been processed and placed in windrows, not to exceed three (3) additional hours.
- d. The decibel levels at the property line shall not exceed Illinois Pollution Control Board standards.
- e. A locked gate shall restrict vehicle access during closed hours except that a "lock-box" shall allow access to emergency vehicles.
- f. Water samples shall be taken by an independent testing service and analyzed by an independent laboratory. The locations, methods and frequency of sampling and testing shall be approved by the Kendall County Environmental Health Department Director. The test results shall be sent to the Environmental Health Department within forty-five (45) days of sampling.
- g. Soil samples shall be taken by an independent testing service and analyzed by an independent laboratory. The locations, methods and frequency of sampling and testing shall be approved by the Kendall County Environmental Health Department Director. The test results shall be sent to the Environmental Health Department within forty-five (45) days of sampling.
- h. Authorized Kendall County personnel shall be allowed on site during business hours for inspection and testing.
- i. The facility operator shall send up-to-date copies of the State permit and related documents including Operational Plan, Surface water management Plan, Pest Control Plan, Site Drawing, and an Annual Report to the County Solid Waste Coordinator.
- j. Truck weights shall be limited to 73,280 pounds.
- k. The operator shall provide weight receipts to Kendall County.
- l. Off-site debris and trash generated by the site must be cleaned-up on a daily basis on surrounding properties with the owner's permission.
- m. Other conditions as appropriate for the particular facility. *(Amended 6/20/2006)*
- 2. The facility will be permitted to take in 175,000 cubic yards of source-separated landscape materials (i.e. brush, leaves, tree trimmings and grass)
- 3. The site plan shall be kept on file as "Exhibit A" attached hereto
- 4. The facility operator shall maintain plantings on the berm and ditch.
- 5. The facility operator shall maintain the gate and landscaping as indicated on "Exhibit B" attached hereto
- 6. The facility operator shall maintain a sampling schedule as shown on "Exhibit C" attached hereto dated March 11, 2008.
- 7. The County Solid Waste Coordinator shall maintain a log of complaints received on the facility.
- 8. This special use Ordinance shall expire on December 1, 2023 and the petition for renewal shall be made prior to July 1, 2023.
- 9. If any Illinois Environmental Protection Agency (IEPA) violations or citations are

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received they need to be submitted to the County Solid Waste Coordinator within 30 days.

Failure to comply with the terms of this ordinance may be cited as a basis for amending or revoking this special use permit.

IN WITNESS OF, this ordinance has been enacted on March 19<sup>th</sup>, 2014.

Attest:



Debbie Gillette  
Kendall County Clerk



John Shaw  
Kendall County Board Chairman





Prepared: October 15, 2013

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

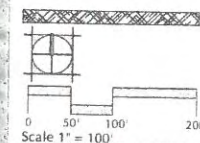
enon hill  
design & development, inc.

524 cheyenne trail  
carol stream, il 60188  
630.800.8362  
630.748.4701 fax

land planning  
landscape architecture  
land development

### Site Plan

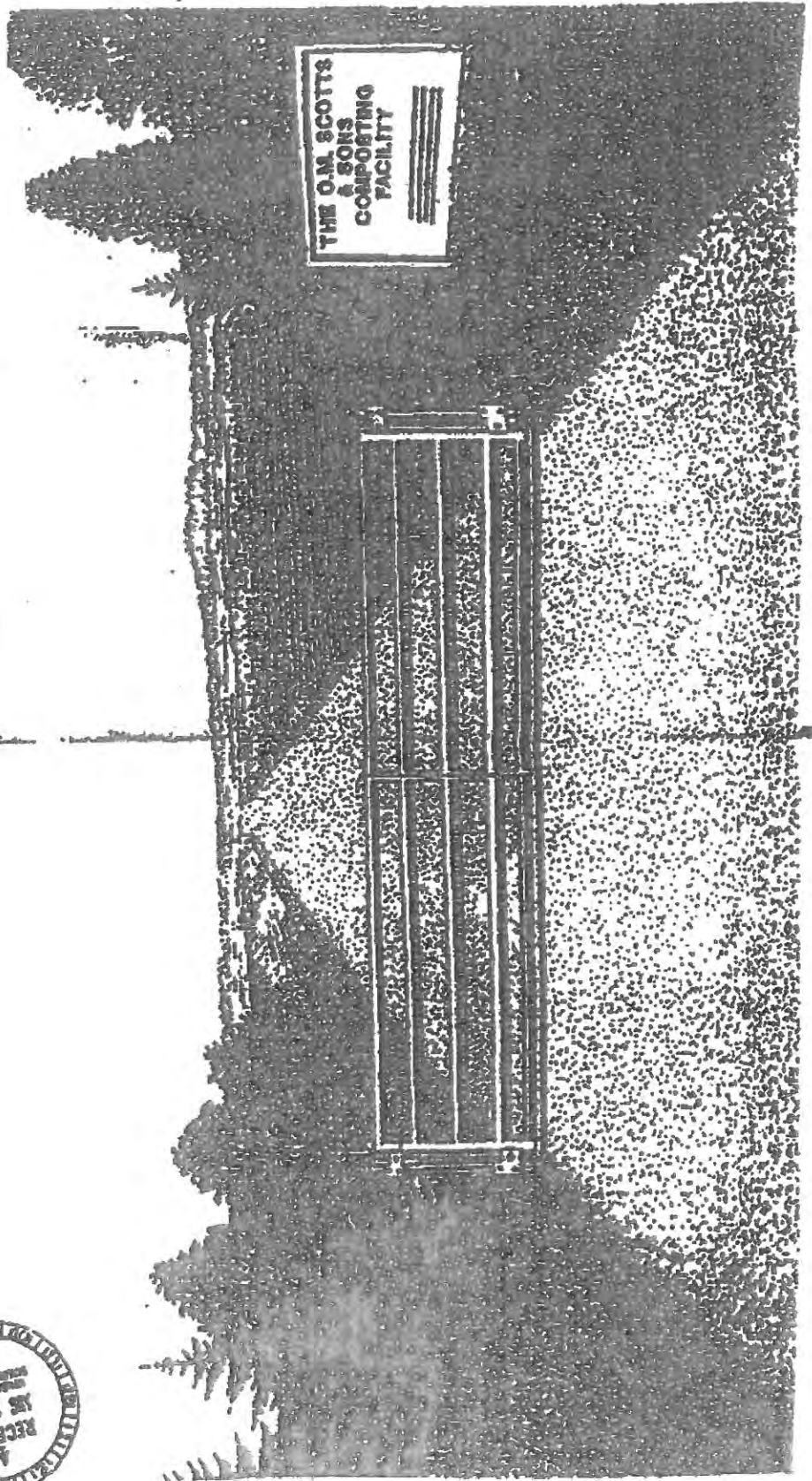
Sheet L-3



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EXHIBIT B



March 11, 2008

Mr. Joseph Mazza  
Green Organics  
290 Main Place  
Carol Stream, IL 60188



Dear Mr. Mazza:

You requested confirmation of the sampling schedule that is used by Analytical Chemistry & Environmental Services, Inc. (AC&E Services, Inc.) at your compost facility in Bristol, Illinois.

The compost is tested according to 35 Illinois Administration Code (IAC) Section 830.507(a) for each 5000 tons shipped.

The well at the site is tested once per year in May in accordance with your current permit. The soil is tested once per year in September. Two composite soil samples are taken; one in the detention pond at the west side of the facility and one taken at the end of the windrows at the south end of the property. The testing is performed in accordance with your current permit.

I hope this answers your questions concerning your current testing requirements. If any further help is needed, do not hesitate to contact us.

Regards,

  
Terese M. Laciak  
President

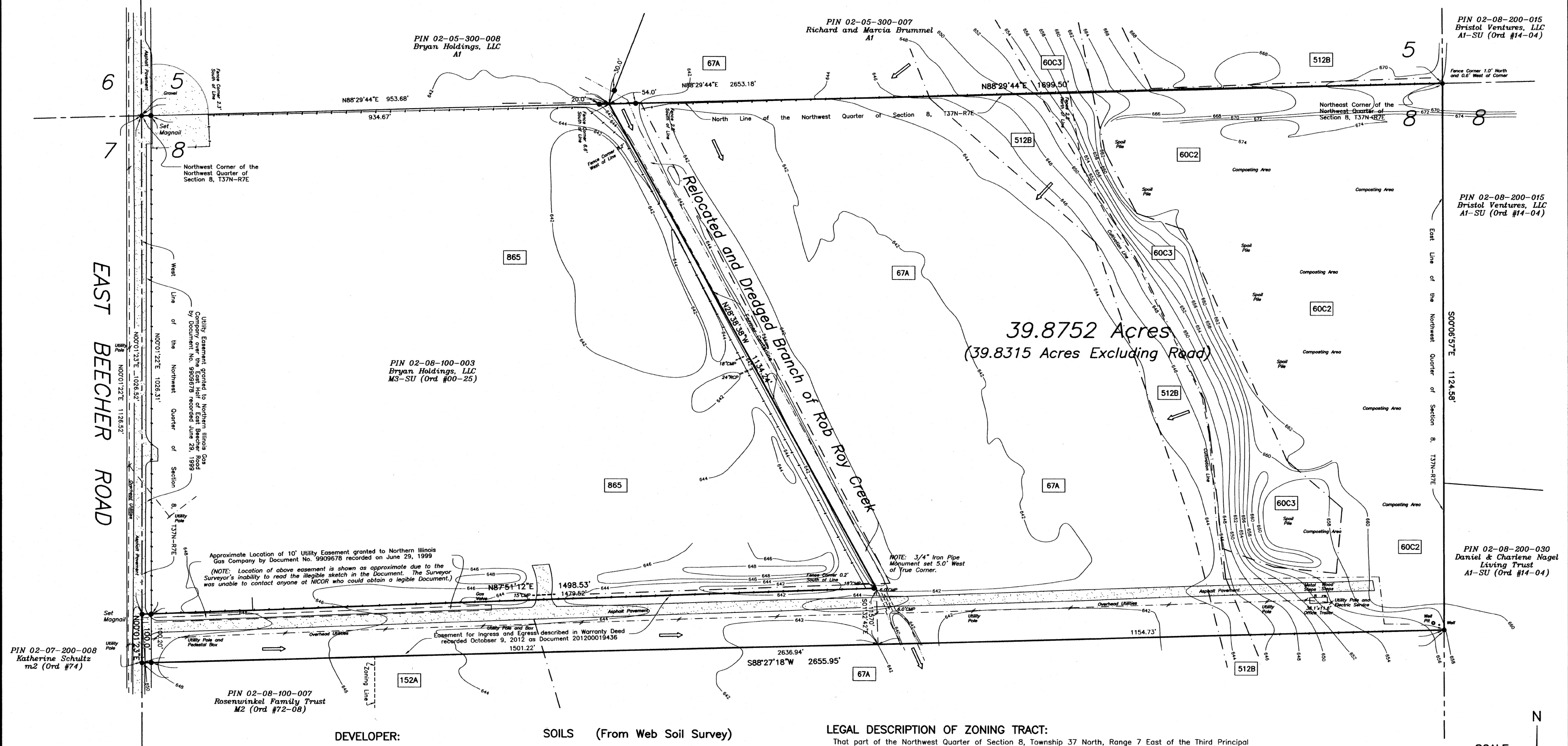
EXHIBIT C

TML/cab

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



# ZONING PLAT OF PART OF THE NORTHWEST QUARTER OF SECTION 8, T37N-R7E, 3rd PM BRISTOL TOWNSHIP KENDALL COUNTY ILLINOIS

**DEVELOPER:**

Jeff Milroy  
Milroy Farms, LLC

**PROPERTY LOCATION:**

PIN: 02-08-100-006  
1270 East Beecher Road  
Yorkville, Illinois 60560

**AREA OF ZONING TRACT:**

39.8752 Acres

**PRESENT ZONING:**

A-1 SU

**PROPOSED ZONING:**

A-1 SU

**SOILS (From Web Soil Survey)**

60C2	La Rose Silt Loam, 5-10% slopes, eroded
60C3	La Rose Silt Loam, 5-10% slopes, severely eroded
67A	Harpster Silty Clay Loam, 0-2% slopes
152A	Drummer Silty Clay Loam, 0-2% slopes
512B	Danabrook Silt Loam, 2-5% slopes
865	Gravel Pits

NOTE: Elevation contours taken from Kendall County GIS 2018 Contour Map.

**LEGAL DESCRIPTION OF ZONING TRACT:**

That part of the Northwest Quarter of Section 8, Township 37 North, Range 7 East of the Third Principal Meridian, being described as follows: Commencing at the Northwest Corner of said Quarter Section; thence North 88°29'44" East along the North Line of said Northwest Quarter, 953.68 feet to a point in the center line of a branch of Rob Roy Creek for the point of beginning; thence continuing North 88°29'44" East along said North Line, 1699.50 feet to the Northeast Corner of said Northwest Quarter; thence South 00°06'57" East along the East Line of said Northwest Quarter, 1124.58 feet; thence South 88°27'18" West, 2655.95 feet to a point on the West Line of said Northwest Quarter that is 1126.52 feet Southerly of the Northwest Corner of said Northwest Quarter; thence North 00°01'23" East along said West Line, 100.0 feet; thence North 87°51'12" East, 1498.53 feet to a point in the center line of a branch of Rob Roy Creek; thence North 28°38'38" West along said center line, 1134.24 feet to the point of beginning in Bristol Township, Kendall County, Illinois and containing 39.8752 acres.

**FLOODPLAIN STATEMENT:**

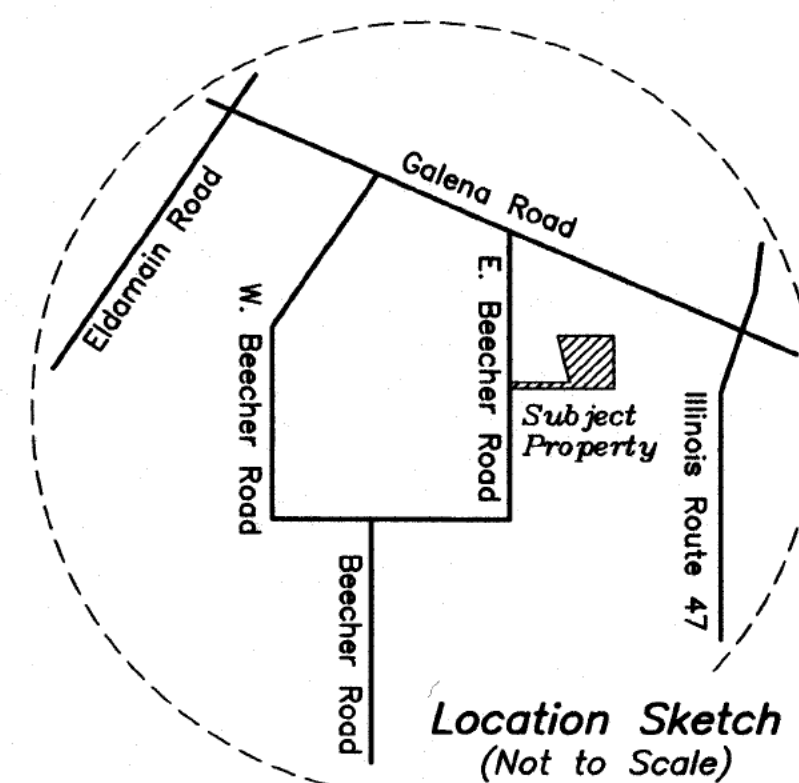
The Subject property is located in Zone X (areas of minimal flood hazard determined to be outside the 0.2% annual chance floodplain) as shown on FEMA Flood Insurance Rate Map Panel No. 17093C0036G with an effective date of February 4, 2009.

**WETLANDS STATEMENT:**

The National Wetlands Inventory Map depicts Riverine wetlands (R2UBHx) in the relocated and dredged branch of Rob Roy Creek.

SCALE  
1"=100'

- Indicates Iron Stake Found
- Indicates Iron Stake Set
- Indicates Line of Fence
- X Indicates Cross in Concrete
- - - Indicates Soils Boundary
- + 630.53 Indicates Spot Elevation
- 630 - Indicates Contour Elevation
- △14" Indicates Tree Location and Size
- Indicates Direction of Drainage



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

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

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

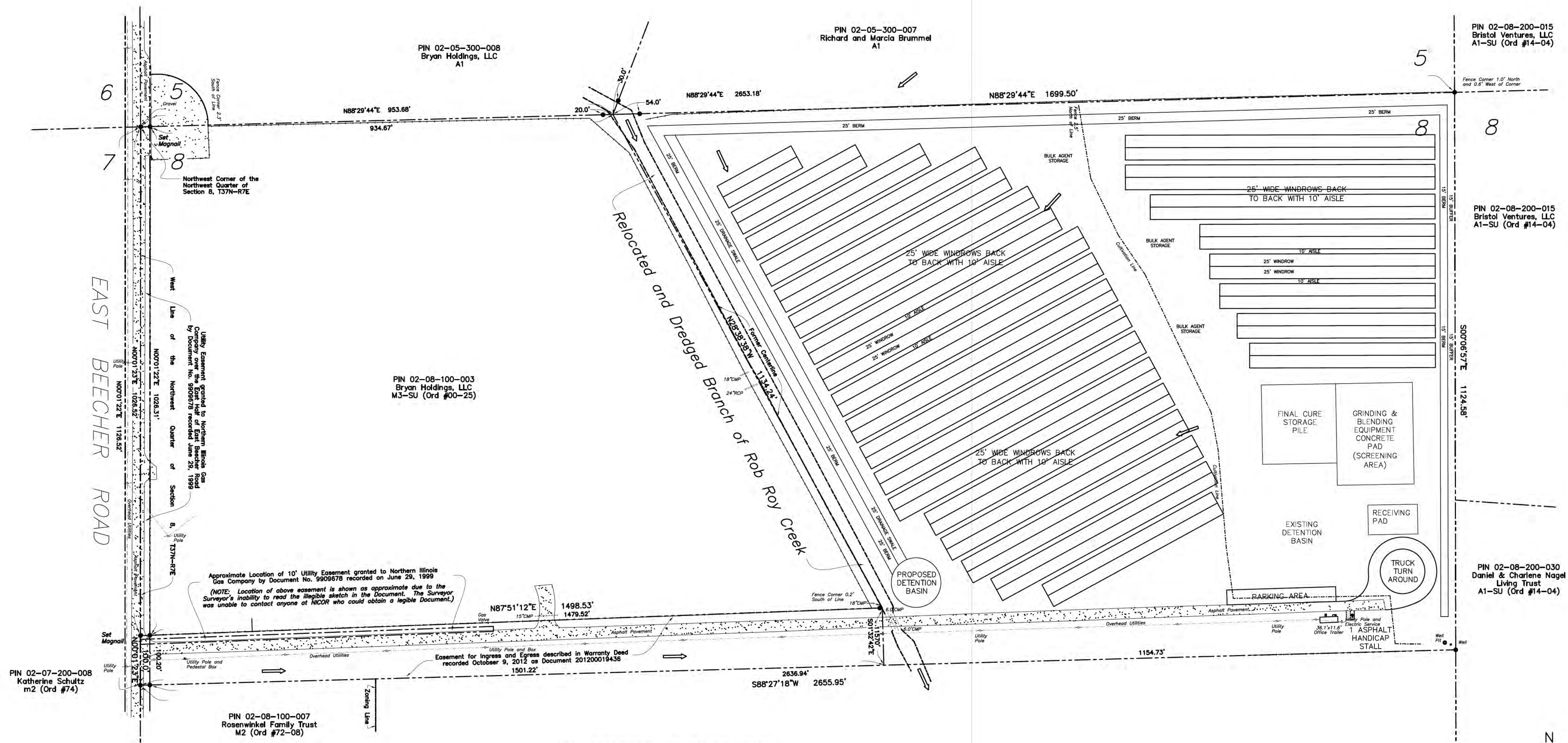
June 13, 2023

## **Detailed Description Of Proposed Use Business Plan**

1. The facility shall comply with the conditions as they are listed in the applicable sections of the Kendall County Zoning Ordinance: Composting of landscape waste and food waste, subject to the following:
  - a. The facility shall meet all Illinois Environmental Protection Agency requirements as identified in the applicable sections of the Kendall County Zoning Ordinance.
  - b. Operational personnel shall be present on site during all hours which the facility is open for the receipt of landscape waste.
  - c. The hours during which landscape waste may be received shall be 7:00am to 4:00pm Monday through Friday and 7:00am to 12:00 noon Saturday. Processing operations shall cease after each day's receipts have been processed and placed in windrows, not to exceed three (3) additional hours.
  - d. The decibel levels at the property line shall not exceed Illinois Pollution Control Board standards.
  - e. A locked gate shall restrict vehicle access during closed hours except that a "lock-box" shall allow access to emergency vehicles.
  - f. Water samples shall be taken by an independent testing service and analyzed by an independent laboratory. The locations, methods and frequency of sampling and testing shall be approved by the Kendall County Environmental Health Department Director. The test results shall be sent to the Environmental Health Department within forty-five (45) days of sampling.
  - g. Soil samples shall be taken by an independent testing service and analyzed by an independent laboratory. The locations, methods and frequency of sampling and testing shall be approved by the Kendall County Environmental Health Department Director. The test results shall be sent to the Environmental Health Department within forty-five (45) days of sampling.
  - h. Authorized Kendall County personnel shall be allowed on site during business hours for inspection and testing.
  - i. The facility operator shall send up-to-date copies of the State permit and related documents including Operational Plan, Surface water management Plan, Pest Control Plan, Site Drawing, and an Annual Report to the County Solid Waste Coordinator.
  - j. Truck weights shall be limited to 73,280 pounds.
  - k. The operator shall provide weight receipts to Kendall County.

- l. Off-site debris and trash generated by the site must be cleaned-up on a daily basis on surrounding properties with the owner's permission.
  - m. Other conditions as appropriate for the particular facility. (*Amended 6/26/2023*)
  - n. Decommissioning plan shall be kept on file in the site trailer office per EPA requirements and will be accessible to the Kendall County Health Inspector.
  - o. Implement strategies to manage potential odor issues such as maintaining proper carbon-to-nitrogen ratios, maintaining moisture levels, and sufficient turning of compost piles to enhance decomposition.
  - p. Install water spraying systems or dust suppression equipment at critical points of dust generation. Regularly monitor moisture content and use sprinkler systems or misters to dampen the compost as needed.
  - q. A 15' buffer and a berm will be provided between the composting area and the Village of Yorkville. This berm will be at least 15' wide by 3' high. The buffer landscaping will be composed primarily of pine, fir, and/or shade trees planted at spacing not to exceed 40' apart. Seedlings will have a minimum of 6" in height. Specimen seedlings will be planted and the berm will be constructed within one year of issuance of the Composting Ordinance.
2. The facility will be permitted to take in 175,000 cubic yards of source-separated landscape materials (i.e. brush, leaves, tree trimmings and grass).
3. The site plan shall be kept on file as "Exhibit A" attached hereto.
4. The facility operator shall maintain existing plantings on the berm and ditch.
5. The facility operator shall maintain the security gate and landscaping as indicated on "Exhibit B" attached hereto.
6. The facility operator shall maintain a sampling schedule as shown on "Exhibit C" attached hereto dated March 11, 2008.
7. The County Solid Waste Coordinator shall maintain a log of complaints received on the facility.
8. This special use Ordinance shall expire on December 1, 2033 and the petition for renewal shall be made prior to July 1, 2033.
9. If any Illinois Environmental Protection Agency (IEPA) violations or citations are received by the site operator/manager and/or parcel owner/manager they need to be submitted to the County Solid Waste Coordinator within 30 days.





Jeff Milroy

\_\_\_\_\_

PIN: 02-08-100-006

1270 East Beecher Road  
Yorkville, Illinois 60560

39.8752 Acres

A-1 SU

PROPOSED ZONING: A-1-SU

That part of the Northwest Quarter of Section 8, Towns

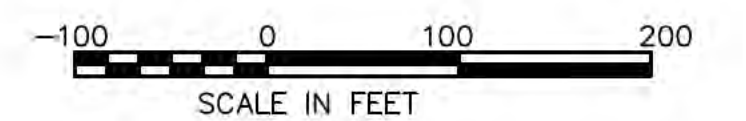
Meridian, being described as follows: Commencing at the Northwest Corner of said Quarter Section; thence North 88°29'44" East along the North Line of said Northwest Quarter, 953.68 feet to a point in the center of the North Line of said Quarter Section; thence North 88°29'44" East along the North Line of said Quarter Section, 142.12 feet to the Northeast Corner of said Northwest Quarter; thence South 00°06'57" East along the East Line of said Northwest Quarter, 1124.58 feet; thence South 88°27'18" West, 2655.95 feet to a point on the West Line of said Northwest Quarter; that is 1126.52 feet Southerly of the Northwest Corner of said Northwest Quarter; thence North 00°01'23" East along said West Line, 100.00 feet to the Northwest Corner of said Northwest Quarter; thence North 88°29'44" East along the North Line of said Northwest Quarter, 1124.58 feet to a point of beginning in Bristol Township, Kendall County, Illinois and containing 39.8752 acres.

The Subject property is located i

flood hazard determined to be outside the 0.2% annual chance floodplain) as shown on FEMA Flood Insurance Rate Map Panel No. 17093C0036G with an effective date of February 4, 2009.

The National Wetlands Inventory

(R2UBHx) in the relocated and dredged branch of Rob Roy Creek.







MIDWEST  
MATERIAL  
MANAGEMENT  
(847) 426-6354  
- COMPOST FACILITY -  
OPERATING HOURS: BY APPOINTMENT ONLY  
MATERIALS ACCEPTED: LANDSCAPE WASTE  
"COMRI CERTIFIED" COMPOST AVAILABLE  
COMPLAINTS CONCERNING THIS FACILITY CAN BE  
MADE TO: STEVE BERGLUND: 847-426-6354 OR  
BUREAU OF LAND, ILLINOIS ENVIRONMENTAL PROTECTION  
AGENCY, SPRINGFIELD, ILLINOIS: 217-524-3300  
MAILING ADDRESS: 219 N. STATE ST. HAMPSPERE, IL 60140







March 11, 2008

Mr. Joseph Mazza  
[REDACTED]



Dear Mr. Mazza:

You requested confirmation of the sampling schedule that is used by Analytical Chemistry & Environmental Services, Inc. (AC&E Services, Inc.) at your compost facility in Bristol, Illinois.

The compost is tested according to 35 Illinois Administration Code (IAC) Section 830.507(a) for each 5000 tons shipped.

The well at the site is tested once per year in May in accordance with your current permit. The soil is tested once per year in September. Two composite soil samples are taken; one in the detention pond at the west side of the facility and one taken at the end of the windrows at the south end of the property. The testing is performed in accordance with your current permit.

I hope this answers your questions concerning your current testing requirements. If any further help is needed, do not hesitate to contact us.

Regards,

[REDACTED]  
Terese M. Laciak  
President

EXHIBIT C

TML/cab

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





PROJECT No.  
13223C  
4 of 6



**Green Organics, Inc.  
Kendall County, Illinois  
Yard Debris Composting Facility  
Normal and Pre-Mature Closure Plan**

The information contained herein describes the procedures and activities to perform normal closure of the Green Organics yard debris composting facility located at 1270 E. Beecher Rd. in Bristol Illinois 60512. Both normal and pre-mature closures are limited by the amount of time needed for complete composting of material (item 1). Complete composting takes no less than three months. During this time, composted debris will be shipped and sold to customers as before. Thus, these figures are a maximum cost of closure and a pre-mature closure plan is not any different from a normal closure plan. The land would be used for the farming of food crops or seeded, as necessary. The description and cost for each procedure/activity is defined below:

Description	Quantity	Unit	Unit Cost	Cost	Time to Complete	Comments
Complete composting and removal of remaining material	43000	cy	\$0.65	\$28,000	3 months	Assume three months operation to complete compost. Assume 50% of material - sold from facility and 50% of material shipped to customer (i.e. pay for hauling)
Disposal of non-compostables	10	cy	\$30	\$300	1 day	Assumes one dumpster. Includes cost to haul and dispose at licensed landfill facility
Regrade and level composting pad for farming	23	acre	\$1,000	\$23,000	.5 months	Assumes regrading to original elevations
Seeding - Class 7 Seed	23	acre	\$300	\$7,000	.25 months	Includes seeding and erosion control
Return control of land to owners for farming	1	LS	\$1,000	\$1,000	.5 months	
<b>Total</b>				<b>\$60,000</b>	<b>4.25 months</b>	

Yard debris or cured compost that cannot be removed from the site will be prepared for incorporation into the soil at the site, and, incorporated into the soil in accordance with State of Illinois Regulations for application of yard waste for agricultural use. The incorporation rate will not exceed the amount specified for the grasses or crops planted on the site.

Grading and leveling of the soil will be performed in accordance with agricultural Best Management Practices (BMP) to minimize soil erosion and/or soil loss.

All structures, signs and equipment used in the composting operation and for closure of the site will be removed once closure has been completed. Green Organics will notify the Illinois EPA of the closure within ninety days of the beginning of closure activities, or sooner if required by law. Once closure had been completed, Green Organics will notify the Illinois EPA within five business days that the closure has been completed.



## Matt Asselmeier

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**From:** Krysti Barksdale-Noble <knoble@yorkville.il.us>  
**Sent:** Friday, June 9, 2023 9:57 AM  
**To:** Matt Asselmeier  
**Cc:** Latreese Caldwell; Seth Wormley; bolson@yorkville.il.us; Michelle Lagrotta; Peter Ratos  
**Subject:** RE: [External]RE: Green Organics Question

Good Morning Matt,

Thanks for the follow-up. Please see the responses to your questions below in green.

**From:** Matt Asselmeier <masselmeier@kendallcountyil.gov>  
**Sent:** Friday, June 9, 2023 8:28 AM  
**To:** Krysti Barksdale-Noble <knoble@yorkville.il.us>  
**Cc:** Latreese Caldwell <LCaldwell@kendallcountyil.gov>; Seth Wormley <swormley@kendallcountyil.gov>; Bart Olson <BOlson@yorkville.il.us>; Michelle Lagrotta <mlagrotta@gkwwlaw.com>  
**Subject:** RE: [External]RE: Green Organics Question

Krysti:

Here are my comments/questions/responses to your concerns:

1. Do you have any specific description of what you would like to see in the landscape buffer (i.e. types of vegetation, height of vegetation, replacement schedule, etc.)?  
Yes, ideally it would be a buffer similar to the City's transition yard between non-residential and residential which is a thirty foot (30') wide buffer yard with a berm at least three feet (3') in height and consisting of two (2) shade trees, five (5) evergreen trees and three (3) ornamental trees per one hundred (100) linear feet of buffer yard. I know 30 feet might not be possible, but somewhere in the realm of 15-30 feet.
2. If we require them to install vegetation, the County will likely give them a deadline to plant the required vegetation. The timing of the issuance of the special use permit and the amount of landscaping required to be installed will play a role in determining the length of the deadline.
3. The County does not have specific standards based on odor. The applicant would have to follow applicable IEPA and federal regulations. *Understood.*
4. Does Yorkville own an ASTM certified field olfactometer? Yes. Pete Ratos can provide you or Brian the specs. I would have to check to see if any County department owns such a device. *OK.*
5. IEPA regulations require the existence of an odor control plan. We could require that a dedicated odor control plan be submitted as part of a special use permit application. *Please do.*
6. While I am not opposed to having the notification and violation procedures that you propose, these are not the normal procedures that the County uses for violation notification/correction/enforcement. I do have concerns that someone could accuse the County of having different investigative and due process procedures for one type of special use permit compared with other special uses. *Understood, but we have received multiple complaints in the past and have a detailed procedure for notice and violation in place was helpful in gaining compliance. I would also say that each special use is different and the nature of the special use criteria warrant conditions made on a case-by-case basis.*
7. I am not opposed to having a detailed decommissioning plan with the items you requested for inclusion. *Great.*
8. I am not opposed to a requirement of notification of operation management change and contact information updated annually. We likely would set a deadline for notifying the County of changes and set an annual deadline (i.e. July 1<sup>st</sup>) of updating contact information. *Understood.*

9. In any conditions included in the special use permit, we likely will use the phrase "operators of the use allowed by the special use permit" rather than naming a specific entity like Green Organics or Midwest Materials. Understood.
10. Has anyone associate with the property contacted Yorkville regarding this special use permit renewal? No one has been in contact with me directly. The property owners and several of the consultants they appear to be working with were advised to contact Yorkville as part of their due diligence prior to submitting a special use permit application.
11. Does Yorkville have any desire to annex this property? Undetermined at this time. Would be a City Council policy decision. One of the conversations with the applicant indicated they were considering placing community solar panels on the property. Also, they indicated that the requested renewal of the special use permit might be 10 years. Interesting. In all likelihood, Yorkville will become home rule in the next 10 years and Yorkville might have greater regulatory power over this type of use as a home rule municipality compared to the powers granted to a non-home rule county.
12. Does Yorkville need any easements or right-of-way dedications as part of the special use permit? Undetermined. I will check with the City Engineer. When do you anticipate having a submittal?
13. Do you have any objections if I share the information in these emails with the prospective applicant? No, I do not.

Thanks,

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

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**From:** Krysti Barksdale-Noble <[knoble@yorkville.il.us](mailto:knoble@yorkville.il.us)>  
**Sent:** Thursday, June 8, 2023 5:41 PM  
**To:** Matt Asselmeier <[masselmeier@kendallcountyil.gov](mailto:masselmeier@kendallcountyil.gov)>  
**Cc:** Latreese Caldwell <[LCaldwell@kendallcountyil.gov](mailto:LCaldwell@kendallcountyil.gov)>; Seth Wormley <[swormley@kendallcountyil.gov](mailto:swormley@kendallcountyil.gov)>; [bolson@yorkville.il.us](mailto:bolson@yorkville.il.us); Michelle Lagrotta <[mlagrotta@gkwwlaw.com](mailto:mlagrotta@gkwwlaw.com)>  
**Subject:** RE: [External]RE: Green Organics Question

Hello Matt,

Thank you for the email. Yes, there are a few concerns the City has if the special use is renewed by the County. They are as follows:

1. Buffering from adjacent City parcels
  - a. The City is interested seeing landscape buffering along the eastern boundary of the County parcels to ensure future development on the City's side is screened as much as possible.
2. Does the County have performance standards regarding odors?
  - a. The City has strict performance standards and response time to complaints regarding odor and has specific language in the settlement agreement that we would like to see added as part of the County's special use conditions. They are:
    - i. Method of Odor Testing: The method used to perform any such odor testing will be by measuring and quantifying the odor in the ambient air in the area/location within the City of Yorkville that the complaint stems from using an ASTM certified portable odor detecting and measuring device known as a field olfactometer.
    - ii. Notification: No later than two (2) business days after performing any such odor testing, the County will send Green Organics and Midwest written notice of its findings including the

following information: the date and time the complaint was made; the area/location within the City of Yorkville that the complaint stems from; the outdoor temperature, wind condition, and ambient air reading from an ASTM certified field olfactometer device measured in said area/location on the date the complaint was made and as close to the time of the complaint as reasonably possible; and all such other information that is relevant to the complaint and the County's investigation of the same.

iii. Violation: In the event that the field olfactometer device measurement from any such odor testing exceeds that threshold set forth in the ASTM Standard of Practice E679-91, Green Organics and/or Midwest shall take steps to immediately correct the conditions that are causing the odor. Additionally, within five (5) business days of receiving written notice of the County's findings, Midwest shall send the County a written response, including a description of any steps taken by Green Organics and/or Midwest to correct the conditions complained of.

1. In the event that any County Ordinance violation or any such complaint received by the County is related to conditions other than odor, Green Organics and/or Midwest shall take steps to immediately correct any such conditions that are determined reasonably to be a violation of the City's ordinances.
2. Within seven (7) days of receiving any such complaint/potential County Ordinance violation, Midwest shall send the County a written response, including a description of any steps taken by Green Organics and/or Midwest to correct the conditions complained of.

b. City's Performance Standards for odor can be found here:

[https://library.municode.com/il/yorkville/codes/code\\_of\\_ordinances?nodeId=TIT10ZO\\_CH13MADI\\_ART\\_CPEST\\_10-13C-4OD](https://library.municode.com/il/yorkville/codes/code_of_ordinances?nodeId=TIT10ZO_CH13MADI_ART_CPEST_10-13C-4OD)

3. Require a detailed decommissioning plan (site plan, timing of decommissioning, restoration plans, etc.) because the plans the City has received for decommissioning are not detailed.
4. Notification of operation management change and contact information updated annually.

Hope this helps. Let me know if you need any clarification of the information provided herein.

Best Regards,

**Krysti J. Barksdale-Noble, AICP**  
(she/her)

Community Development Director  
United City of Yorkville



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Yorkville, Illinois 60560

☎ (630) 553-8573

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🌐 [www.yorkville.il.us](http://www.yorkville.il.us)

**From:** Matt Asselmeier <[masselmeier@kendallcountyl.gov](mailto:masselmeier@kendallcountyl.gov)>

**Sent:** Thursday, June 8, 2023 2:14 PM

**To:** Krysti Barksdale-Noble <[knoble@yorkville.il.us](mailto:knoble@yorkville.il.us)>

**Cc:** Latreese Caldwell <[LCaldwell@kendallcountyl.gov](mailto:LCaldwell@kendallcountyl.gov)>; Seth Wormley <[swormley@kendallcountyl.gov](mailto:swormley@kendallcountyl.gov)>; Bart Olson





July 15, 2023

Mr. Matt Asselmeier  
Kendall County Planning, Building, & Zoning  
111 West Fox Street  
Yorkville, IL 60560-1498

Subject: 1270 E Beecher Road  
WBK Project 19-102.BN

Dear Mr. Asselmeier:

We have received and reviewed the following information for the subject project:

- Stormwater Management Permit prepared by Jeff Milroy dated June 29, 2023 received July 6, 2023.
- Site Plan prepared by Tebrugge Engineering dated June 29, 2022, and received July 6, 2023.
- Plat of Survey prepared by Phillip D Young and Associates dated June 13, 2023 and received July 6, 2023.


The following comments require resolution prior to plan approval and our recommendation for issuance of a stormwater permit. Based on the information provided with this submittal these comments may not be comprehensive and should only be considered the initial review response to documents provided.

1. Provide a project narrative addressing drainage impacts and permit requirements.
2. Determine off-site flows tributary to the property and how they will be conveyed and facilitated by the project.
3. Significant drainage area is tributary to the north line of the project. Utilize streamstats to determine tributary area, design flow values for 100 year event and whether the flow is contained within the banks of the existing channel or result in overbank flooding. The limits of 100 year event conveyance is necessary to determine the adequacy of the proposed plan.
4. Provide a grading plan for the proposed swale drainage features noted on the plan.

5. Provide a cross section and design water surface elevations for proposed swales. Provide drainage calculations supporting the design of drainage swales.
6. Provide a landscape or restoration plan for the swales based on swale flow velocities.
7. Provide a grading and landscape plan for the screening berms denoted on the plan.
8. USACE determination of creek jurisdiction is necessary prior to County permit approval.
9. Depict the existing stormwater basin on the property and describe how the proposed project will impact the basin. Identify existing and proposed tributary areas.
10. Provide a grading plan for the proposed detention basin as well as a utility plan and outlet details. Provide hydrograph routing for the basin to determine adequacy of the design.
11. Define the surface for parking areas and other “pads” denoted on the plans. Provide dimensions for all parking, pads, truck access routes noted on the plan.
12. Clarify if the asphalt creek crossing is existing or proposed. Also clarify if drainage culverts are existing or proposed. Verify the ability of the roadway and culvert facilities to convey 100 year flows within banks or result in an overbank flooding condition.
13. Depict erosion control measures. Determine if an NPDES NOI is necessary.

The applicant's design professionals are responsible for performing and checking all design computations, dimensions, details, and specifications in accordance with all applicable codes and regulations, and obtaining all permits necessary to complete this work. In no way does this review relieve applicant's design professionals of their duties to comply with the law and any applicable codes and regulations, nor does it relieve the Contractors in any way from their sole responsibility for the quality and workmanship of the work and for strict compliance with the permitted plans and specifications. If you have any questions or comments, please contact us at (630) 443-7755.

Sincerely,

  
Greg Chismark PE  
WBK Engineering, LLC

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)  
August 1, 2023 – Unapproved Meeting Minutes**

PBZ Chairman Seth Wormley called the meeting to order at 9:01 a.m.

Present:

Matt Asselmeier – PBZ Department  
Meagan Briganti – GIS Department  
Fran Klaas – Highway Department  
Alyse Olson – Soil and Water Conservation District  
Aaron Rybski – Health Department  
Seth Wormley – PBZ Committee Chair

Absent:

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

Audience:

Karen Milroy, Jeff Milroy, and Marlin Hartman

**AGENDA**

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

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

**MINUTES**

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

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

**PETITIONS**

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

Mr. Asselmeier summarized the request.

On March 19, 2014, through Ordinance 2014-04, the County Board granted a special use permit, with conditions for the operation of a composting facility at the subject property. Ordinance 2014-04 required the property owner to submit a renewal prior to July 1, 2023, or the special use permit would expire on December 1, 2023. The property owner submitted the required renewal on June 30, 2023.

The subject property has operated as a composting facility since 1993.

The Petitioners are requesting the special use permit for the approximately thirty-nine point eight-seven (39.87) acres located in the unincorporated area. They are not renewing the special use permit for operations inside the United City of Yorkville. This reduces operations from approximately fifty-eight (58) acres.

The Host Community Agreement also expires in 2023. The Planning, Building and Zoning Committee met on July 10, 2023, to discuss renewing the agreement. They requested additional information regarding the amount of and types of materials coming into and out of the property.

Green Organics is no longer associated with the property.

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

The property is located at 1270 E. Beecher Road.

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

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



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

There is a proposed trail along E. Beecher Road.

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

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

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

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

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

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

EcoCAT Report was submitted on June 22, 2023. The Mottled Sculpin and Rusty Patch Bumble Bee were in the vicinity. The Illinois Department of Natural Resources recommended that work that disturbs the ground or removes flowering plants be done between October 1<sup>st</sup> and April 1<sup>st</sup>. If work occurred outside of the dates listed, a Rusty Patch Bumble Bee survey should be conducted by a qualified biologist, with the results forwarded to the Illinois Department of Natural Resources. The consultation also noted that coordination with the United States Fish and Wildlife Service may be necessary. The consultation also contained suggestions for lighting. The consultation was closed if the recommendations related to the Rusty Patch Bumble Bee were implemented.

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

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

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

Prior to formal application submittal, Staff contacted Yorkville regarding potential comments on the application. Yorkville requested the following items:

1. A thirty foot (30') wide buffer with a berm at least three feet (3') in height and consisting of two (2) shade trees, five (5) evergreen trees, and three (3) ornamental trees per one hundred (100) linear feet of buffer; they favored a minimum fifteen (15') foot wide buffer.
2. Odor control regulations including using an ASTM certified portable olfactometer, notification by the County to the property owner/business operator within two (2) business days of findings, and a requirement that the property owner/business operator respond within five (5) business days of receiving the notice with corrective action steps. Yorkville's performance standards related to odor were submitted to the County.
3. A condition that the property owner/business operator submit a written response within seven (7) days of receiving a complaint for a non-odor violation outlining steps taken to correct the issue of the complaint.
4. The submission of a detailed decommissioning plan.
5. A requirement that notification of operation management changes and contact information be updated annually with the County.

Staff has concerns regarding the requested procedure of enforcement because the requested method presently contradicts the County's current voluntary compliance policy and the regular procedures for handling alleged violations in the Zoning Ordinance. Also, the County does not presently own an olfactometer. Lastly, the Illinois Environmental Protection Agency has rules regarding complaints.

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

The Petitioner was agreeable to certain landscaping, the submission of a decommissioning plan, the request regarding change of management and updated contact information.

Petition information was sent to the United City of Yorkville on July 19, 2023.

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

Per Section 7:01.D.20 of the Kendall County Zoning Ordinance, composting businesses can be special uses on A-1 zoned property subject to the following conditions:

1. The facility shall meet all Illinois Environmental Protection Agency requirements as identified in Title 35, Subtitle G, Chapter 1, Subchapter 1, Part 830, Standards for compost facilities.
2. Operational personnel shall be present on site during all hours which the facility is open for the receipt of landscape waste.
3. The hours during which landscape waste may be received shall be 7:00am to 4:00pm Monday through Friday and 7:00am to 12:00 noon Saturday. Processing operations shall cease after each day's receipts have been processed and placed in windrows, not to exceed three (3) additional hours.
4. The decibel levels at the property line shall not exceed Illinois Pollution Control Board standards.
5. A locked gate shall restrict vehicle access during closed hours except that a "lock-box" shall allow access to emergency vehicles.
6. Water samples shall be taken by an independent testing service and analyzed by an independent laboratory. The locations, methods and frequency of sampling and testing shall be approved by the Kendall County Environmental Health Department Director. The test results shall be sent to the Environmental Health Department within forty-five (45) days of sampling.
7. Soil samples shall be taken by an independent testing service and analyzed by an independent laboratory. The locations, methods and frequency of sampling and testing shall be approved by the Kendall County Environmental Health Department Director. The test results shall be sent to the Environmental Health Department within forty-five (45) days of sampling.
8. Authorized Kendall County personnel shall be allowed on site during business hours for inspection and testing.
9. The facility operator shall send up-to-date copies of the State permit and related documents including Operational Plan, Surface water management Plan, Pest Control Plan, Site Drawing, and an Annual Report to the County Solid Waste Coordinator.
10. Truck weights shall be limited to seventy-three thousand, two hundred eighty (73,280) pounds.
11. The operator shall provide weight receipts to Kendall County.
12. Off-site debris and trash generated by the site must be cleaned-up daily on surrounding properties with the owner's permission.
13. Other conditions as appropriate for the particular facility.

The Petitioner is agreeable to conditions 1-12.

When the special use permit was originally granted in the 1990s, they were originally allowed to process one hundred fifty thousand (150,000) cubic yards of source separated landscape materials. This number was increased to one hundred seventy-five thousand (175,000) cubic yards in 2014.

Starting in 2010, the facility was allowed to accept food scraps.

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

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

The site plan shows one (1) final cure storage area, one (1) grinding and blending concrete pad, and one (1) receiving pad. No information was provided regarding the dimensions of these areas.

As noted previously, the hours when landscape waste can be received are between 7:00 a.m. and 4:00 p.m. on Mondays through Fridays and 7:00 a.m. until Noon on Saturdays. Processing operations may continue for a maximum three (3) additional hours.

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

No information was provided regarding the number of employees at the property.

The use has been at the property since 1993.

There have not been any founded complaints against the property in recent years.

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

The property is served by a well and septic. The well is located at the southeast corner of the property.

The Petitioner is agreeable to the requirements related to water samples and soil samples, inspection and testing, and submitting copies of the State permit, operational plan, surface water management plan, pest control plan, site drawings, annual report, and decommissioning plan. The Petitioner is also agreeable to providing weight receipts to Kendall County.

The Solid Waste Coordinator shall maintain a log of complaints received on the facility.

Sampling schedules are noted on in the business plan.

Though not shown on the site plan, a dumpster is located on the property. The business plan (Attachment 4, Page 2) notes a requirement to clean-up offsite debris and trash daily on surrounding properties.

NICOR possesses an easement north of the existing driveway.

Overhead utilities run from E. Beecher Road to the office trailer.

The property drains to the south and west.

One (1) existing detention basin is shown on the site plan north of parking area. The site plan also shows one (1) proposed detention basin southwest of the western windrows. One twenty-five foot (25') wide drainage swale is shown west of the western windrows. No information was provided regarding the dimensions of the detention basins or the depth of the drainage swale.

The Petitioners submitted an application for a stormwater management permit. WBK submitted comments in a letter dated July 15, 2023, which was provided. Staff was waiting for comments from the Petitioner regarding WBK's comments.

Per the site plan, the subject property has an asphalt drive to E. Beecher Road.

The Petitioner is agreeable to the truck weight restriction contained in the Kendall County Zoning Ordinance.

According to the site plan, one (1) parking area was shown north of the office trailer and one (1) handicapped accessible parking space was shown east of the office trailer. No information was provided regarding the total number of parking stalls.

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

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

According to the business plan, one (1) existing sign is located on the property. The sign is not illuminated. The information on the sign is required per Illinois Environmental Protection Agency rules.

One (1) additional no trespassing sign is located on the interior gate.

According to the site plan, there is a fence along the western and northern sides of the property. There is also a fifteen foot (15') wide buffer between the eastern property line and the berm. The business plan references a locked gate. The gate is locked during closed hours, but a lock box is available for emergency response vehicles.

Per the site plan, one (1) fifteen foot (15') wide berm is shown near the eastern property line. A twenty-five foot (25') wide berm is shown near the western and northern property lines. Per the business plan, the eastern berm will be three feet (3') in height. Landscaping consisting of pines, fir, and/or shade trees will be planted at spacing not to exceed forty feet (40') apart. Seedling will be a minimum of six inches (6") in height and will be planted within one (1) year of the issuance of the special use permit. The business plan also references maintaining the existing plantings on the berm and ditch and existing landscaping. No information was provided regarding plantings on the western or northern berms or the composition of the existing landscaping and plantings on the property.

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

The business plan references odor control strategies generally. Illinois Environmental Protection Agency rules requires operators of composting facilities to prepare an odor minimization plan. Staff has requested a copy of this plan.

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

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

Before preparing a Findings of Fact, Staff would like to review the stormwater information, pest control plan, and odor control plan and obtain comments from ZPAC members.

Staff would like additional information before issuing a recommendation. The general conditions and restrictions would be as follows:

1. The facility shall comply with the conditions as they are listed in the applicable sections of the Kendall County Zoning Ordinance related to the composting of landscape waste and food waste, subject to the following:
  - a. The facility shall meet all Illinois Environmental Protection Agency requirements as identified in the applicable sections of the Kendall County Zoning Ordinance.
  - b. Operational personnel shall be present on site during all hours which the facility is open for the receipt of landscape waste.
  - c. The hours during which landscape waste may be received shall be 7:00 a.m. to 4:00 p.m. on Monday through Fridays and 7:00 a.m. to Noon on Saturdays. Processing operations shall cease after each day's receipts have been processed and placed in windrows, not to exceed three (3) additional hours.
  - d. The decibel levels at the property line shall not exceed Illinois Pollution Control Board standards.
  - e. Water samples shall be taken by an independent testing service and analyzed by an independent laboratory. The locations, methods and frequency of sampling and testing shall be approved by the Kendall County Environmental Health Department Director. The test results shall be sent to the Environmental Health Department within forty-five (45) days of sampling.



- f. Soil samples shall be taken by an independent testing service and analyzed by an independent laboratory. The locations, methods and frequency of sampling and testing shall be approved by the Kendall County Environmental Health Department Director. The test results shall be sent to the Environmental Health Department within forty-five (45) days of sampling.
  - g. Authorized Kendall County personnel shall be allowed on site during business hours for inspection and testing.
  - h. The facility operator shall send up-to-date copies of the State permit and related documents including Operational Plan, Surface Water Management Plan, Pest Control Plan, Site Drawing, and an Annual Report to the County Solid Waste Coordinator.
  - i. Truck weights shall be limited to seventy-three thousand, two hundred eighty (73,280) pounds.
  - j. The operator shall provide weight receipts to Kendall County.
  - k. Off-site debris and trash generated by the site must be cleaned-up on a daily basis on surrounding properties with the owner's permission.
  - l. Implement strategies to manage potential odor issues such as maintaining proper carbon to-nitrogen ratios, maintaining moisture levels, and sufficient turning of compost piles to enhance decomposition.
  - m. Install water spraying systems or dust suppression equipment at critical points of dust generation. Regularly monitor moisture content and use sprinkler systems or misters to dampen the compost as needed.
- 2. The facility will be permitted to take in one hundred seventy-five thousand (175,000) cubic yards of source-separated landscape materials (i.e. brush, leaves, tree trimmings and grass). The Petitioner would like to take in food waste.
  - 3. The site shall be developed substantially in accordance with the site plan and the site plan shall be kept on file as "Exhibit A".
  - 4. As noted on the site plan, a fifteen foot (15') buffer and a berm will be provided between the composting area and the United City of Yorkville's boundary. The berm will be at least fifteen feet (15') wide and three feet (3') high. The buffer landscaping will be composed primarily of pine, fir, and/or shade trees planted at spacing not to exceed forty feet (40') apart. Seedlings will be a minimum of six inches (6") in height. Specimen seedlings will be planted and the berm will be constructed within one (1) year of issuance of the special use permit ordinance. The Kendall County Planning, Building and Zoning Committee may grant an extension to the deadline to install the berms and landscaping.
  - 5. The facility operator shall maintain existing plantings on the berm and ditch.
  - 6. The facility operator shall maintain the security gate, signage, and landscaping as indicated on "Exhibit B". The locked gate shall restrict vehicle access during closed hours except that a "lock-box" shall allow access to emergency vehicles.
  - 7. The facility operator shall maintain a sampling schedule as shown on "Exhibit C" dated March 11, 2008.
  - 8. The County Solid Waste Coordinator shall maintain a log of complaints received on the facility.
  - 9. This special use Ordinance shall expire on December 1, 2033, and the petition for renewal shall be made prior to July 1, 2033.
  - 10. If any Illinois Environmental Protection Agency (IEPA) violations or citations are received by the site operator/manager and/or parcel owner/manager they need to be submitted to the County Solid Waste Coordinator within thirty (30) days.
  - 11. The operator of the business allowed by the special use permit shall follow the Decommissioning Plan as described in Exhibit D. The operator shall assume all of the responsibilities assigned to Green Organics in the plan. The Decommissioning Plan shall be kept on file in the site trailer office per EPA requirements and will be accessible to

the Kendall County Health Inspector. The operator of the business allowed by the special use permit shall update the Kendall County Health Department within thirty (30) days of changes to the Decommissioning Plan.

12. The operator of the business allowed by the special use permit shall notify the Kendall County Planning, Building and Zoning Department within thirty (30) days of changes in operation manager. In addition, the operator of the business allowed by this special use permit shall provide contact information of the management operator annually by July 1<sup>st</sup>.
13. The operator of the business allowed by the special use permit shall ensure a host community agreement is in existence with the County prior to operations.
14. Ordinance 2014-04 and all previous special use permits and amendments to special use permits related to the operation of composting facility on the subject property are hereby repealed in their entirety.
15. None of the vehicles or equipment parked or stored on the subject property related to the business allowed by the special use permit shall be considered agricultural vehicles or agricultural equipment. The Petitioner was opposed to this condition.
16. All of the vehicles and equipment stored on the subject property related to the business allowed by the special use permit shall be maintained in good condition with no deflated tires and shall be licensed if required by law.
17. Any structures constructed, installed, or used related to the business allowed by this special use permit on the property shall not be considered for agricultural purposes and must secure applicable building permits.
18. The owners and operators of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
19. The property owner and operator of the business allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of business.
20. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permit.
21. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
22. This special use permit shall be treated as a covenant running with the land and are binding on the successors, heirs, and assigns as to the same special use conducted on the property.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Klaas favored the Petitioner tracking wind conditions.

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

The votes were follows:

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

The motion passed.

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

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

None

#### **OLD BUSINESS/NEW BUSINESS**

None

#### **CORRESPONDENCE**

None

#### **PUBLIC COMMENT**

The Committee reviewed the building evacuation plan.

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**ADJOURNMENT**

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

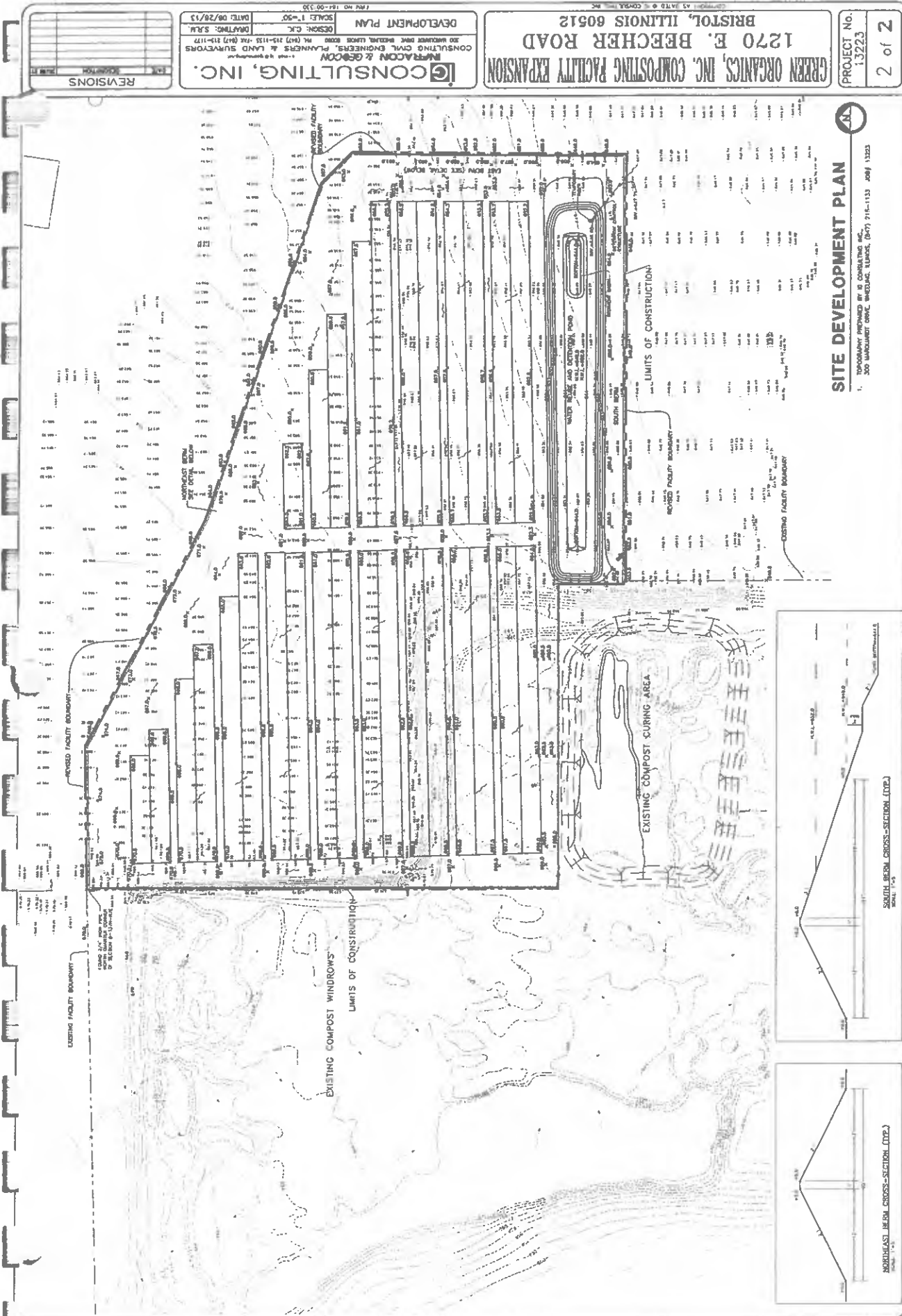
With a voice vote of six (6) ayes, the motion carried.

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

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









# Memorandum

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

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## **SUMMARY:**

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

## **STAFF COMMENTS**

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

## **PLANNING AND ZONING COMMISSION RECOMMENDATION:**

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

## **ATTACHMENTS**

1. PZC Memorandum
2. Application with Attachments



Attachment 11, Page 1  
**KENDALL COUNTY  
REGIONAL PLANNING COMMISSION**

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

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

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

**ROLL CALL**

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

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

Staff Present: Matthew H. Asselmeier, Director

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

**APPROVAL OF AGENDA**

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

**APPROVAL OF MINUTES**

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

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

**PETITION**

**Petition 23-26 Jeffery D. Milroy**

Mr. Asselmeier summarized the request.

On March 19, 2014, through Ordinance 2014-04, the County Board granted a special use permit, with conditions for the operation of a composting facility at the subject property. Ordinance 2014-04 required the property owner to submit a renewal prior to July 1, 2023, or the special use permit would expire on December 1, 2023. The property owner submitted the required renewal on June 30, 2023.

The subject property has operated as a composting facility since 1993.

The Petitioners are requesting the special use permit for the approximately thirty-nine point eight-seven (39.87) acres located in the unincorporated area. They are not renewing the special use permit for operations inside the United City of Yorkville. This reduces operations from approximately fifty-eight (58) acres.

The Host Community Agreement also expires in 2023. The Planning, Building and Zoning Committee met on July 10, 2023, to discuss renewing the agreement. They requested additional information regarding the amount of and types of materials coming into and out of the property. The Petitioner answered those questions at the Planning, Building and Zoning Committee meeting on August 7, 2023, and the proposed Host Community Agreement was forwarded to the State's Attorney's Office for review.

Green Organics is no longer associated with the property.

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

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

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

The property is located at 1270 E. Beecher Road.

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

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

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

There is a proposed trail along E. Beecher Road.

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

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

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

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

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

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

EcoCAT Report was submitted on June 22, 2023. The Mottled Sculpin and Rusty Patch Bumble Bee were in the vicinity. The Illinois Department of Natural Resources recommended that work that disturbs the ground or removes flowering plants be done between October 1<sup>st</sup> and April 1<sup>st</sup>. If work occurred outside of the dates listed, a Rusty Patch Bumble Bee survey should be conducted by a qualified biologist, with the results forwarded to the Illinois Department of Natural Resources. The consultation also noted that coordination with the United States Fish and Wildlife Service may be necessary. The consultation also contained suggestions for lighting. The consultation was closed if the recommendations related to the Rusty Patch Bumble Bee were implemented. The EcoCat Report was provided.

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

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

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



Prior to formal application submittal, Staff contacted Yorkville regarding potential comments on the application. Yorkville requested the following items:

1. A thirty foot (30') wide buffer with a berm at least three feet (3') in height and consisting of two (2) shade trees, five (5) evergreen trees, and three (3) ornamental trees per one hundred (100) linear feet of buffer; they favored a minimum fifteen (15') foot wide buffer.
2. Odor control regulations including using an ASTM certified portable olfactometer, notification by the County to the property owner/business operator within two (2) business days of findings, and a requirement that the property owner/business operator respond within five (5) business days of receiving the notice with corrective action steps. Yorkville's performance standards related to odor were submitted to the County.
3. A condition that the property owner/business operator submit a written response within seven (7) days of receiving a complaint for a non-odor violation outlining steps taken to correct the issue of the complaint.
4. The submission of a detailed decommissioning plan.
5. A requirement that notification of operation management changes and contact information be updated annually with the County.

Staff has concerns regarding the requested procedure of enforcement because the requested method presently contradicts the County's current voluntary compliance policy and the regular procedures for handling alleged violations in the Zoning Ordinance. Also, the County does not presently own an olfactometer. Lastly, the Illinois Environmental Protection Agency has rules regarding complaints.

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

The Petitioner was agreeable to certain landscaping, the submission of a decommissioning plan, the request regarding change of management and updated contact information.

Petition information was sent to the United City of Yorkville on July 19, 2023.

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

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

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

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

Per Section 7:01.D.20 of the Kendall County Zoning Ordinance, composting businesses can be special uses on A-1 zoned property subject to the following conditions:

1. The facility shall meet all Illinois Environmental Protection Agency requirements as identified in Title 35, Subtitle G, Chapter 1, Subchapter 1, Part 830, Standards for compost facilities.
2. Operational personnel shall be present on site during all hours which the facility is open for the receipt of landscape waste.
3. The hours during which landscape waste may be received shall be 7:00am to 4:00pm Monday through Friday and 7:00am to 12:00 noon Saturday. Processing operations shall cease after each day's receipts have been processed and placed in windrows, not to exceed three (3) additional hours.
4. The decibel levels at the property line shall not exceed Illinois Pollution Control Board standards.
5. A locked gate shall restrict vehicle access during closed hours except that a "lock-box" shall allow access to emergency vehicles.
6. Water samples shall be taken by an independent testing service and analyzed by an independent laboratory. The locations, methods and frequency of sampling and testing shall be approved by the Kendall County Environmental Health Department Director. The test results shall be sent to the Environmental Health Department within forty-five (45) days of sampling.
7. Soil samples shall be taken by an independent testing service and analyzed by an independent laboratory. The locations, methods and frequency of sampling and testing shall be approved by the Kendall County Environmental Health Department Director. The test results shall be sent to the Environmental Health Department within forty-five (45) days of sampling.
8. Authorized Kendall County personnel shall be allowed on site during business hours for inspection and testing.
9. The facility operator shall send up-to-date copies of the State permit and related documents including Operational Plan, Surface Water Management Plan, Pest Control Plan, Site Drawing, and an Annual Report to the County Solid Waste Coordinator.
10. Truck weights shall be limited to seventy-three thousand, two hundred eighty (73,280) pounds.
11. The operator shall provide weight receipts to Kendall County.



12. Off-site debris and trash generated by the site must be cleaned-up daily on surrounding properties with the owner's permission.

13. Other conditions as appropriate for the particular facility.

The Petitioner is agreeable to conditions 1-12.

When the special use permit was originally granted in the 1990s, they were originally allowed to process one hundred fifty thousand (150,000) cubic yards of source separated landscape materials. This number was increased to one hundred seventy-five thousand (175,000) cubic yards in 2014.

Starting in 2010, the facility was allowed to accept food scraps.

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

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

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

Both site plans show one (1) final cure storage area, one (1) grinding and blending concrete pad, and one (1) receiving pad. No information was provided regarding the dimensions of these areas.

As noted previously, the hours when landscape waste can be received are between 7:00 a.m. and 4:00 p.m. on Mondays through Fridays and 7:00 a.m. until Noon on Saturdays. Processing operations may continue for a maximum three (3) additional hours.

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

No information was provided regarding the number of employees at the property.

The use has been at the property since 1993.

There have not been any founded complaints against the property in recent years.

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

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

The property is served by a well and septic. The well is located at the southeast corner of the property.

The Petitioner is agreeable to the requirements related to water samples and soil samples, inspection and testing, and submitting copies of the State permit, operational plan, surface water management plan, pest control plan, KCRPC Meeting Minutes 8.23.23

site drawings, annual report, and decommissioning plan. The Petitioner is also agreeable to providing weight receipts to Kendall County.

The Solid Waste Coordinator shall maintain a log of complaints received on the facility.

Sampling schedules are noted on in the business plan.

Though not shown on the site plan, a dumpster is located on the property. The business plan notes a requirement to clean-up offsite debris and trash daily on surrounding properties.

NICOR possesses an easement north of the existing driveway.

Overhead utilities run from E. Beecher Road to the office trailer.

The property drains to the south and west.

One (1) existing detention basin is shown on the site plan north of parking area. The original site plan also shows one (1) proposed detention basin southwest of the western windrows. One twenty-five foot (25') wide drainage swale is shown west of the western windrows. No information was provided regarding the dimensions of the detention basins or the depth of the drainage swale. The revised site plan shows a much larger water reuse and detention pond.

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

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

Per the site plan, the subject property has an asphalt drive to E. Beecher Road.

The Petitioner is agreeable to the truck weight restriction contained in the Kendall County Zoning Ordinance.

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

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

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

According to the business plan, one (1) existing sign is located on the property. The sign is not illuminated. The information on the sign is required per Illinois Environmental Protection Agency rules.

One (1) additional no trespassing sign is located on the interior gate.

According to original the site plan, there is a fence along the western and northern sides of the property. There is also a fifteen foot (15') wide buffer between the eastern property line and the berm. The business plan

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

Per the original site plan, one (1) fifteen foot (15') wide berm is shown near the eastern property line. A twenty-five foot (25') wide berm is shown near the western and northern property lines. Per the business plan, the eastern berm will be three feet (3') in height. Landscaping consisting of pines, fir, and/or shade trees will be planted at spacing not to exceed forty feet (40') apart. Seedling will be a minimum of six inches (6") in height and will be planted within one (1) year of the issuance of the special use permit. The business plan also references maintaining the existing plantings on the berm and ditch and existing landscaping. No information was provided regarding plantings on the western or northern berms or the composition of the existing landscaping and plantings on the property.

No landscaping information was provided on the revised site plan.

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

The business plan references odor control strategies generally. Illinois Environmental Protection Agency rules requires operators of composting facilities to prepare an odor minimization plan. Staff has requested a copy of this plan.

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

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

The proposed Findings of Fact were as follows:

*The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. **The operation is controlled by the EPA and inspected regularly by the Health Department and have not found anything to endanger the public health, safety, morals, comfort, or general welfare.***

*The special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use makes adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. **The operation has been open since 1993 with some minor debris issues a long time ago and since then there have been no complaints or issues. Reasonable restrictions may be placed in the special use permit to address hours of operation, dust, and odor control measures. No evidence has been provided suggesting that property values have declined in the area since the facility commenced operations.***

*Adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. **The special use will not be adding any new utilities or roadways to the property. They will use the current access point onto Beecher Road which has a gate which will be closed***  
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**unless the operation is open. State law and the Kendall County Zoning Ordinance require a Surface Water Management Plan.**

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

*The special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. This operation existed before the Land Resource Management Plan existed and the plan calls for the area to be residential which it could be when/if this operation ever ceases to exist.*

Staff would like confirmation that the revised site plan will be the final version of the controlling site plan for the property. Staff would also like to see a phasing plan by which the old, State approved site plan is phased out and the new site plan is brought online. The general conditions and restrictions would be as follows:

1. The facility shall comply with the conditions as they are listed in the applicable sections of the Kendall County Zoning Ordinance related to the composting of landscape waste and food waste, subject to the following:
  - a. The facility shall meet all Illinois Environmental Protection Agency requirements as identified in the applicable sections of the Kendall County Zoning Ordinance.
  - b. Operational personnel shall be present on site during all hours which the facility is open for the receipt of landscape waste.
  - c. The hours during which landscape waste may be received shall be 7:00 a.m. to 4:00 p.m. on Monday through Fridays and 7:00 a.m. to Noon on Saturdays. Processing operations shall cease after each day's receipts have been processed and placed in windrows, not to exceed three (3) additional hours.
  - d. The decibel levels at the property line shall not exceed Illinois Pollution Control Board standards.
  - e. Water samples shall be taken by an independent testing service and analyzed by an independent laboratory. The locations, methods and frequency of sampling and testing shall be approved by the Kendall County Environmental Health Department Director. The test results shall be sent to the Environmental Health Department within forty-five (45) days of sampling.
  - f. Soil samples shall be taken by an independent testing service and analyzed by an independent laboratory. The locations, methods and frequency of sampling and testing shall be approved by the Kendall County Environmental Health Department Director. The test results shall be sent to the Environmental Health Department within forty-five (45) days of sampling.
  - g. Authorized Kendall County personnel shall be allowed on site during business hours for inspection and testing.
  - h. The facility operator shall send up-to-date copies of the State permit and related documents including Operational Plan, Surface Water Management Plan, Pest Control Plan, Site Drawing, and an Annual Report to the County Solid Waste Coordinator.
  - i. Truck weights shall be limited to seventy-three thousand, two hundred eighty (73,280) pounds.

- j. The operator shall provide weight receipts to Kendall County.
  - k. Off-site debris and trash generated by the site must be cleaned-up on a daily basis on surrounding properties with the owner's permission.
  - l. Implement strategies to manage potential odor issues such as maintaining proper carbon to-nitrogen ratios, maintaining moisture levels, and sufficient turning of compost piles to enhance decomposition.
  - m. Install water spraying systems or dust suppression equipment at critical points of dust generation. Regularly monitor moisture content and use sprinkler systems or misters to dampen the compost as needed.
- 2. The facility will be permitted to take in one hundred seventy-five thousand (175,000) cubic yards of source-separated landscape materials (i.e. brush, leaves, tree trimmings, grass and food waste). (Amended after ZPAC)
  - 3. The site shall be developed substantially in accordance with the site plan and the site plan shall be kept on file as "Exhibit A" attached hereto.
  - 4. As noted on the site plan, a fifteen foot (15') buffer and a berm will be provided between the composting area and the United City of Yorkville's boundary. The berm will be at least fifteen feet (15') wide and three feet (3') high. The buffer landscaping will be composed primarily of pine, fir, and/or shade trees planted at spacing not to exceed forty feet (40') apart. Seedlings will be a minimum of six inches (6") in height. Specimen seedlings will be planted and the berm will be constructed within one (1) year of issuance of the special use permit ordinance. The Kendall County Planning, Building and Zoning Committee may grant an extension to the deadline to install the berms and landscaping.
  - 5. The facility operator shall maintain existing plantings on the berm and ditch.
  - 6. The facility operator shall maintain the security gate, signage, and landscaping as indicated on "Exhibit B" attached hereto. The locked gate shall restrict vehicle access during closed hours except that a "lock-box" shall allow access to emergency vehicles.
  - 7. The facility operator shall maintain a sampling schedule as shown on "Exhibit C" attached hereto dated March 11, 2008.
  - 8. The County Solid Waste Coordinator shall maintain a log of complaints received on the facility.
  - 9. This special use Ordinance shall expire on December 1, 2033, and the petition for renewal shall be made prior to July 1, 2033.
  - 10. If any Illinois Environmental Protection Agency (IEPA) violations or citations are received by the site operator/manager and/or parcel owner/manager they need to be submitted to the County Solid Waste Coordinator within thirty (30) days.
  - 11. The operator of the business allowed by the special use permit shall follow the Decommissioning Plan as described in Exhibit D. The operator shall assume all of the responsibilities assigned to Green Organics in the plan. The Decommissioning Plan shall be kept on file in the site trailer office per EPA requirements and will be accessible to the Kendall County Health Inspector. The operator of the

business allowed by the special use permit shall update the Kendall County Health Department within thirty (30) days of changes to the Decommissioning Plan.

12. The operator of the business allowed by the special use permit shall notify the Kendall County Planning, Building and Zoning Department within thirty (30) days of changes in operation manager. In addition, the operator of the business allowed by this special use permit shall provide contact information of the management operator annually by July 1<sup>st</sup>.
13. The operator of the business allowed by the special use permit shall ensure a host community agreement is in existence with the County prior to operations.
14. Ordinance 2014-04 and all previous special use permits and amendments to special use permits related to the operation of composting facility on the subject property are hereby repealed in their entirety.
- ~~15. None of the vehicles or equipment parked or stored on the subject property related to the business allowed by the special use permit shall be considered agricultural vehicles or agricultural equipment. (Deleted at ZPAC)~~
16. All of the vehicles and equipment stored on the subject property related to the business allowed by the special use permit shall be maintained in good condition with no deflated tires and shall be licensed if required by law.
17. Any structures constructed, installed, or used related to the business allowed by this special use permit on the property shall not be considered for agricultural purposes and must secure applicable building permits.
18. At least one (1) water truck shall be onsite for dust control purposes. (Added after ZPAC)
19. The operator of the business allowed by this special use permit shall track wind direction and speed daily and add amendments to the composting materials if windrows are turned with winds blowing towards populated areas. (Added after ZPAC)
20. The owners and operators of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
21. The property owner and operator of the business allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of business.
22. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permit.
23. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
24. This special use permit shall be treated as a covenant running with the land and are binding on the successors, heirs, and assigns as to the same special use conducted on the property.

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



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

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

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

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

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

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

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

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

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

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

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

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

equipment near the Creek.

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

The new building would not be an agricultural exempt building.

The votes were as follows:

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

Nays (0): None

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

Abstain (0): None

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

#### **CITIZENS TO BE HEARD/PUBLIC COMMENT**

None

#### **NEW BUSINESS**

##### **Village of Plainfield Community Visioning Workshops**

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

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

Joliet has not been actively updating their Comprehensive Plan.

#### **OLD BUSINESS**

None

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

None

#### **OTHER BUSINESS/ANNOUNCEMENTS**

None

#### **ADJOURNMENT**

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

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

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

Encs.



**KENDALL COUNTY  
REGIONAL PLANNING COMMISSION  
AUGUST 23, 2023**

IF YOU WOULD LIKE TO BE CONTACTED ON FUTURE  
MEETINGS REGARDING THIS TOPIC, PLEASE PROVIDE YOUR  
ADDRESS OR EMAIL ADDRESS

NAME	ADDRESS (OPTIONAL)	EMAIL ADDRESS (OPTIONAL)
David N. Sgarbi		[REDACTED]





# Memorandum

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

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## **SUMMARY:**

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

## **STAFF COMMENTS**

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

## **PLANNING AND ZONING COMMISSION RECOMMENDATION:**

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

## **ATTACHMENTS**

1. PZC Memorandum
2. Application with Attachments

## **HOST COMMUNITY AGREEMENT**

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

### **RECITALS**

**WHEREAS**, the Company currently leases approximately 39.87 acres located on the east side of Beecher Road about 0.5 miles south of Galena Road, commonly known as 1270 E. Beecher Road (PIN #02-08-100-006,), in Bristol Township from Milroy Farms, LLC which property is more specifically described in the legal description set forth in Attachment A (the “Property”); and

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

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

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

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

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

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

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

#### **ARTICLE 1. GENERAL**

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

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



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

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

## **ARTICLE 2. DEFINITIONS**

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

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

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

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

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

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

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

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

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

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

### **ARTICLE 3. COMMITMENTS AND GUARANTEES**

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

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

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

#### **ARTICLE 4. OPERATIONS**

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

#### **ARTICLE 5. ENVIRONMENTAL PROTECTIONS**

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

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



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

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

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

## **ARTICLE 6. HOST COMMUNITY FEES AND BENEFITS**

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

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

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

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

#### **ARTICLE 7. REMEDIES**

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

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

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

#### **ARTICLE 8. MISCELLANEOUS**

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

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

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

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

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



Attention: Jeff Milroy

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

COUNTY OF KENDALL, ILLINOIS

MILROY FARMS, LLC

By: \_\_\_\_\_  
Matt Kellog  
Kendall County Board Chairman

By: \_\_\_\_\_  
Jeff Milroy  
President

## **Legal Description of Milroy Farms LLC Parcel**

### **Parcel 02-08-100-006**

That part of the Northwest Quarter of Section 8, Township 37 North, Range 7 East of the Third Principal Meridian, being described as follows: Commencing at the Northwest Corner of said Quarter Section; thence north  $88^{\circ} 29' 44''$  East along the North Line of said Northwest Quarter, 953.68 feet to a point in the center line of a branch of Rob Roy Creek for the point of beginning; thence continuing North  $88^{\circ} 29' 44''$  East along said North Line, 1699.50 feet to the Northeast Corner of said Northwest Quarter; thence South  $00^{\circ} 06' 57''$  East along the East Line of said Northwest Quarter, 1124.58 feet; thence South  $88^{\circ} 27' 18''$  West, 2655.95 feet to a point on the West line of said Northwest Quarter; that is 1126.52 feet Southerly of the Northwest Corner of said Northwest Quarter; thence North  $00^{\circ} 01' 23''$  East along said West line, 100.0 feet; thence North  $87^{\circ} 51' 12''$  East, 1498.53 feet to a point in the center line of a branch of Rob Roy Creek; thence North  $28^{\circ} 38' 38''$  West along said center line, 1134.24 feet to the point of beginning in Bristol Township, Kendall County, Illinois.



**ATTACHMENT B**

**HOST FEE SCHEDULE**

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

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

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



12  
10  
18  
10  
12

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

Lot No. 02-05-400-002  
Owned by: Mr. Richard Undesser  
Zoning: A1

Lot No. 02-08-200-001  
Owned by: Mr. Richard Undesser  
Zoning: A1

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

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

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

PROPOSED "VALUE ADDED"  
STORAGE AREA

WEST FIELD:  
ELEVATIONS HAVE  
INCREASED DUE TO PRIOR  
OPERATORS COMPOST  
APPLICATIONS AND  
EXCAVATION OF TOSOL ALONG  
ACCESS ROAD. TAILINGS  
ARE BEING GRADED TO  
APPROXIMATELY 1-2% SLOPE  
THAT EXISTED PRIOR AND TO  
MATCH TERRAIN AS CLOSELY  
AS POSSIBLE.

PAD SIZE SCHEDULE:

RECEIVING PAD	50'x15'
SCALE PAD	50'x15'
PROCESSING PAD	50'x50'
DUMPSTER PAD	50'x15'
PARKING AREA	NA
TOTAL	1,000

PONDS:  
ORIGINAL DRAINAGE  
POND LOCATION AND  
APPROXIMATE SIZE  
SHOWN ON REF. DWG.  
6/1/73 DATED 8/01/22  
LABELED FIGURE 3

LANDSCAPING BUFFER  
PROPOSED BERM EAST  
YORKVILLE BOUNDARY TO  
BE PLANTED 6" SEEDLING  
EVERY 40'

PROPOSED STORAGE/BUILDING  
(60'x50') BY  
24" TALL MAX. FINAL  
CONSTRUCTION AND EXACT  
LOCATION TBD.

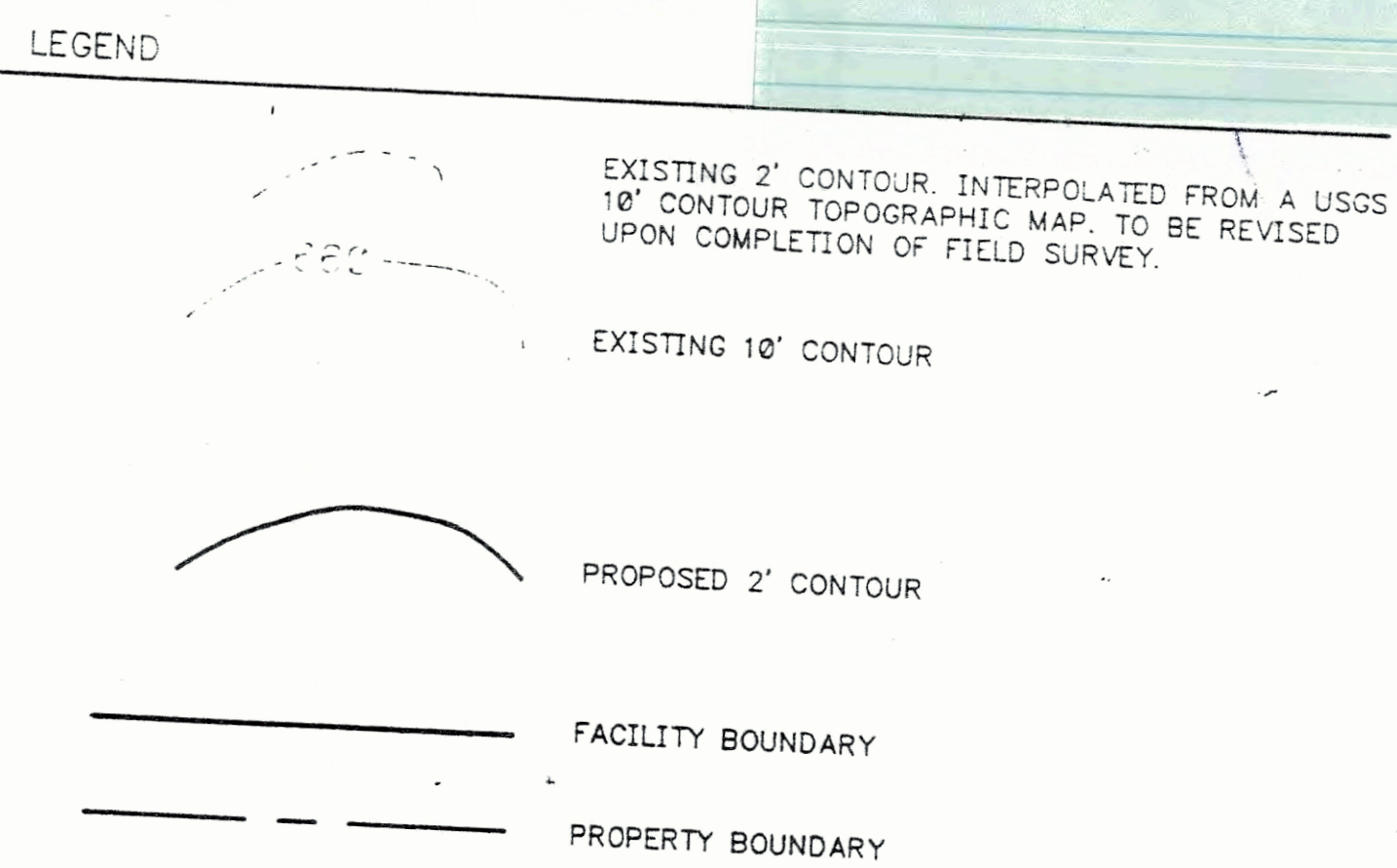
STEEL GATE WITH  
LOCK BOX - PASS.  
ALT LOCATION IND.

MAX WINDROW HT = 12'  
SECTION II - RELOCATED  
IN ITS ENTIRETY FROM  
AREA EAST OF YORKVILLE  
BOUNDARY. ALL WINDROWS AND  
AISLES ACCOUNTED FOR.

WEST FIELD PROPOSED  
BERM AISLE INCLUDES  
DRAINAGE SWALE IN  
AISLE.

AREA BETWEEN EAST AND  
WEST FIELD IS MULTIPURPOSE  
USE SUCH AS LEAF STORAGE,  
ADDITIONAL WINDROWS (TO  
CULTIVATION LINE); CURE PILE  
STORAGE AND EQUIPMENT  
STORAGE. MAY ALSO BE  
USED FOR BAGGED PRODUCT  
STORAGE OR BULKING AGENT.

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



MILROY FARMS COMPOST  
FACILITY 2023 PLAN  
REVISION 10/2/23

DEVELOPER: THE O.M. SCOTT & SONS COMPANY  
DESIGNER: ROY F. WESTON, INC.

WESTON  
MANAGED DESIGN CONSULTANTS

Three Madison Parkway  
Madison Hills, MI 48061  
313.251.1000

SITE LAYOUT AND ZONING PLAN

1=122	R.W.S.	10 JUL 93	61193	FIG. 1A
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## Matt Asselmeier

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**From:** Jeff Milroy <[REDACTED]>  
**Sent:** Tuesday, October 24, 2023 5:12 PM  
**To:** Matt Asselmeier  
**Cc:** Karen Elizabeth; liliana milroy; Christina Burns; Seth Wormley  
**Subject:** Re: [External]site plan and ref drawing for oct 2 meeting

Matt:

Yes, that is the site plan. If you think it advisory then I can wait with additional comments until the stormwater review. I discussed this with IG this morning and sent them my prior comments at their request (which same out a bit faded on your attached drawing). They may be adding the comments and preparing a site plan for all I know - they do not keep me posted as much as I would expect. That is why I did not provide their site plan drawing initially. I picked up their notice (a voice message) late in the day on June 30th that their drawing package was ready. Tebrugge was my backup and provided his drawing a day earlier. So I submitted his since we were on a tight schedule. I am not concerned if IG refuses to work with me going forward. I have a very well respected backup firm ready to go that I have looked into over the last month or so. They are up on the project details and I can simply turn over the IG drawings and calculations to them.

I am not concerned too much with the EPA shutting down my permit request. If they shut it down then I will likely simply close the compost operation on my parcel, have the county permit revoked and find another land use. The cure pile material on adjoining parcels would not be my concern in that case. Right now as an alternate use I am leaning toward returning to ag generally; or, perhaps a wetland mitigation bank on the lower field and a CC/DD facility on the upper east field to make use of the access road and utility lines. It may not fit with the golf course originally tagged by Ocean Atlantic for the adjoining PUD but that is not my problem. The westside lower bottom-land tillable field area was referred to as Rob Roy Slough back in the 1800s (prior to the creation of the ditch/creek and it can pretty easily be converted back by working with a credentialed wetland specialist and plugging field tile). I have a special interest in wetlands so that suits me fine.

Initially you had asked about my plans for the parcel - I think that covers it. Feel free to share it with any interested party in the county or Yorkville if you like. As you know by now I speak frankly and openly.

Thanks,

Jeff

On Tue, Oct 24, 2023 at 4:18 PM Matt Asselmeier <[masselmeier@kendallcountylil.gov](mailto:masselmeier@kendallcountylil.gov)> wrote:

Jeff:

Just so that I am clear, are the attached plans the ones that you would like used as the official site plans?

As I understand the situation, the County's stormwater engineer has not reviewed these documents. Would you like me to send him these documents for review? I can also find out how much the escrow replenishment would be.



If the attached are your official site plans, before you make any additional changes to the plans, I strongly suggest that you work with IG to incorporate ALL changes that you want into a revised set of plans rather than doing piecemeal changes on your own. Also, please keep in mind that the County's stormwater engineer MIGHT have comments which require the plans to be modified (including the parking stall modifications). For this reason, you might want to wait with making changes into the stormwater review is complete.

A couple of other items to keep in mind:

1. This property was not a party to the Rob Roy lawsuit. While it certainly could be party to a lawsuit in the future, at this moment the 60' easement does not apply.
2. As has been said on numerous occasions, you might get County approval, but not State approval of your site plan. In which case, you might need to go through the County approval process again, depending on the nature of changes needed for compliance with the State.

Based on the above, I strongly encourage you to work with IG (or a different professional engineer or land use attorney), if you believe changes are necessary to the site plan are necessary and avoid doing changes to the plan that cannot be backed up by a credentialed professional.

Please advise as to how you would like to proceed.

Thanks,

Matthew H. Asselmeier, AICP, CFM

Director

Kendall County Planning, Building & Zoning

111 West Fox Street

Yorkville, IL 60560-1498

PH: 630-553-4139

Fax: 630-553-4179

**From:** Jeff Milroy <[REDACTED]>  
**Sent:** Tuesday, October 24, 2023 3:13 PM  
**To:** Matt Asselmeier <masselmeier@kendallcountyil.gov>  
**Cc:** Karen Elizabeth <[REDACTED]>; liliana milroy <[REDACTED]>; Christina Burns <cburns@kendallcountyil.gov>; Seth Wormley <swormley@kendallcountyil.gov>  
**Subject:** Re: [External]site plan and ref drawing for oct 2 meeting

Matt,

We are moving forward with the IG drawing I added my comments to and provided as a site plan. I understand from IG your reviewing engineer may have looked it over but has not given it a full review.

Again, there are two concerns Bob Davidson raised at the meeting. (1) was the 60' easement issue. (2) was the dead pool depth (10' below established topo line grade being a problem with Rob Roy Creek adjoining).

The IG site plan drawing as it stands can be reviewed as I provided it. However, in light of Bob Davidsons information provided recently it might be desirable to consider the following:

- If the pond can have the dead pool removed from the design or reduced in area it will not affect stormwater detention as I understand it.
- I can add a note indicating "the deadpool depth, area, and location can be reduced if requested by the drainage district or if allowed by the reviewing engineer".
- I can also add a note indicating "the pond area or location may be reduced/changed to accommodate the requested 60' easement".
- There is an existing comment indicating "show windrows on the east field" (Phase 1 area). I would like to add a note clarifying this indicating the original weston drawing shows the total aisle and windrow number/length allowed for the site throughput capacity.

I can add these site plan update comments and provide the drawing by PDF tomorrow. Or if you think it best we can move forward with what you already have.

Please advise again what I need to do to replenish the county's reviewing engineer account.

Thanks,

Jeff Milroy

On Tue, Oct 24, 2023 at 7:56 AM Matt Asselmeier <[masselmeier@kendallcountyil.gov](mailto:masselmeier@kendallcountyil.gov)> wrote:

Karen:

The Zoning Board of Appeals hearing is that date and time.

Please keep in mind that the site plan submitted as the official site plan at the zoning hearing will be the official site plan of record for the property.

Thanks,

Matthew H. Asselmeier, AICP, CFM

Director

Kendall County Planning, Building & Zoning

111 West Fox Street

Yorkville, IL 60560-1498

PH: 630-553-4139

Fax: 630-553-4179

**From:** Karen Elizabeth <[REDACTED]>

**Sent:** Monday, October 23, 2023 9:27 PM

**To:** Jeff Milroy <[REDACTED]>; Matt Asselmeier <[masselmeier@kendallcountyil.gov](mailto:masselmeier@kendallcountyil.gov)>; liliana milroy <[REDACTED]>

**Subject:** Re: [External]site plan and ref drawing for oct 2 meeting

Hi Matt,



I hope all is well. My dad will be getting back to you tomorrow with his site plan direction. Is the upcoming October 30th Zoning Board of Appeals meeting at 7PM in the Kendall County 111 W Fox St building?

Kind regards,

Karen

On Fri, Oct 20, 2023 at 8:18 AM Matt Asselmeier <[masselmeier@kendallcountyil.gov](mailto:masselmeier@kendallcountyil.gov)> wrote:

Jeff:

I will place your request related to the cure pile on the draft agenda for the November 13<sup>th</sup> Planning, Building and Zoning Committee meeting.

As has been written on multiple occasions, the County only regulates land in the unincorporated area.

Please provide guidance regarding the site plan by the close of business on October 25, 2023. Please keep in mind that a site plan that has incomplete or inaccurate information could cause the Zoning Board of Appeals and Staff to recommend denial of the special use permit renewal.

Thanks,

Matthew H. Asselmeier, AICP, CFM

Director

Kendall County Planning, Building & Zoning

111 West Fox Street

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## Matt Asselmeier

---

**From:** Jeff Milroy <[REDACTED]>  
**Sent:** Thursday, October 19, 2023 6:37 PM  
**To:** Matt Asselmeier  
**Cc:** Karen Milroy; Seth Wormley; Christina Burns  
**Subject:** Re: [External]site plan and ref drawing for oct 2 meeting

Matt,

It is up to Kendall county staff; elected officers; and, ultimately voters to say if they want a regional compost facility increasing the quality and quantity of local organic farmers. My wife buys nothing but organic and is a CSA member of Angelic Organics farm. I suggest your board members contact a farmer like "Farmer John" from Angelic Organics and find out what they depend on for soil fertility. It is often omri rated compost in bulk - commercial fertilizer is not allowed by the USDA "final rule" for certified organic operations. The only alternative is ground minerals from quarried stone (which must be mined) or expensive "green manures" which are cover crops that are chopped and tilled into the soil early in the planting season. Even commercial farmers spread bulk compost to increase carbon levels and fertility.

I just need an answer to my request regarding the cure pile please. It will not move to my parcel by Nov 30 by others because Green Organics and Midwest are inactive and just waiting to hear I have the county permit - at which point I imagine they and their equipment will disappear shortly thereafter (as well as my lease payments). If they could sell off the compost at a profit they would be screening every day to meet demand and make money. They have removed only small loads of material to my knowledge perhaps two or three times since the permit application went in. I am waiting to hear I have an amenable county permit and host agreement before I move the material. Why would I move it if I can't process it eventually?

You said I could make a formal request regarding the cure pile and I did. If the county; Yorkville; or, the landowners want the material they can certainly have it - welcome to it in fact. It would save me about 500k+ in fuel, labor, and equipment depreciation / processing cost. There is no guarantee that Green Organics financial guarantees will cover its removal (as landfill daily cover or taken to another compost site). There is a reason why compost cure piles build up - only quality screened materials are valuable. Even then you have to have big buyers with confidence in your operator and operation to maintain consistent quality. Jesse Sexton was the main supplier to Scotts Co in Channahon and later to a growing cadre of organic farmers. Midwest later lost the contract when they took over a few years back. Scotts only buy omri rated compost from top notch suppliers with topnotch quality material. Lower tier and poorly regarded suppliers can hardly give it away. Once Scotts complained of glass debris in a load. Jesse had to demonstrate there were no bits of glass in his compost by spreading many tons of compost in a thin layer to dry out all along the access road. Satisfied that no visual glitter was present, Scotts looked elsewhere for the culprit supplier.

Perhaps you and the board members will find this information useful. I hope so but I really do need guidance regarding the cure pile.

Jeff

On Thu, Oct 19, 2023 at 3:24 PM Matt Asselmeier <[masselmeier@kendallcountyil.gov](mailto:masselmeier@kendallcountyil.gov)> wrote:

Jeff:

Below please find my comments:

1. While topography is a moving target on composting sites and other uses that require special use permits (i.e. landscaping businesses with outdoor storage of materials), it can be calculated based on the proposed location of windrows and the maximum height of piles of material. The special use permit and/or stormwater permit usually sets a maximum height of piles of materials. With that information, combined with the location of the materials on the site and the physical lay of the property, topographic, runoff, and surface water discharge information could be calculated.
2. Attachment 4A (see attached) was submitted for the August 28<sup>th</sup> Zoning Board of Appeals hearing. Had this site plan been approved, this would have been the official site plan for the project. This site plan could still be used as the official site plan of the project, if you intend to follow this site plan. The County's Stormwater Engineer could still evaluate this site plan, if this is how you want to develop the site.
3. Ordinance 2014-04, which was the adopted ordinance that renewed the special use permit previously, also had a controlling site plan included (see attached major amendment ordinance). If you believe the cure pile placement is compliant with the site plan attached to Ordinance 2014-04, then, as far as the County is concerned, you would be allowed to place the materials on the property until November 30, 2023, when the current special use permit and community host agreement expire. You would still need to follow the various other permits that you have (i.e. State and Federal).
4. As for giving notice for the need of topographic information, the special use permit application requires the submittal of topographic information. I believe you were aware of that requirement prior to original application submittal and you have provided this information on other submittal documents. Since March 19, 2014, you were also aware that the special use permit expired on December 1, 2023. In my opinion, I believe the County provided you ample notice of the requirements for special use permit renewal.
5. The County's regulations only apply on properties in the unincorporated area. The County cannot speak for Yorkville regarding what enforcement activities, if any, they intend to undertake on the properties adjacent to your property within Yorkville's municipal limits.

I would like to close by reinforcing point 2 above. You have submitted a site plan that meets the requirements for a special use application (Attachment 4A). This site plan has not been evaluated by the County's Stormwater Engineer, per your direction. It should also be noted that the site plan that you submitted with your original application was evaluated and comments were provided to you which are attached. If those comments were addressed, the site plan that you submitted with your original application could also be used. You have options available to you, but you need to provide the County with accurate information and direction for how you would like to develop the property.



If you have any questions, please let me know. We request guidance on the matter no later than close of business on October 25, 2023.

Thanks,

Matthew H. Asselmeier, AICP, CFM

Director

Kendall County Planning, Building & Zoning

111 West Fox Street

Yorkville, IL 60560-1498

PH: 630-553-4139

Fax: 630-553-4179

**From:** Jeff Milroy <[REDACTED]>  
**Sent:** Thursday, October 19, 2023 2:43 PM  
**To:** Matt Asselmeier <[masselmeier@kendallcountyil.gov](mailto:masselmeier@kendallcountyil.gov)>  
**Cc:** Karen Milroy <[REDACTED]>; Seth Wormley <[swormley@kendallcountyil.gov](mailto:swormley@kendallcountyil.gov)>; Christina Burns <[cburns@kendallcountyil.gov](mailto:cburns@kendallcountyil.gov)>  
**Subject:** Re: [External]site plan and ref drawing for oct 2 meeting

Matt,

Sorry for the confusion. Frankly, topography is a moving target on compost sites. First, since it will change topography yet again in a big way - I officially request the county allow movement of the cure pile between parcels without restriction; fee; or penalty of any kind. The market for compost dictates how long it will take to sell it off. Second, topography on the lower field has changed since the permit application was issued so that I could level the excavation piles left behind by the current composter. Green Organics advised that that excavation was witnessed by county personnel (although no one saw fit to let me know about it). The field's tailing piles had to be leveled in preparation for the next planting season. I can not reasonably be expected to allow a tillable farm field to remain dormant and unusable. I may not be a lawyer or an engineer but my experience is that the law supports what is reasonable.

A week ago I asked IG to topo the site and update the site plan. They are very busy apparently and have yet to call me back after several days. In order to make the 25th - I may have to add notes as before to indicate the 60' easement, etc. Although I can get the Weston CADD drawing it was based on - I will not use (but will add an IG drawing reference to account for placement and numbers of aisles and windrows) the site plan I provided prior to the last meeting. Since there is no guarantee of recognition/observance that compost sites act as a huge sponge / compost blanket and serve as a massive stormwater control benefit - I can only infer that engineers use a giant safety factor and factor in 100% compacted bare soil - essentially assuming no windrows to absorb moisture. Not realistic, but so be it.

By way of explaining the topo situation. As I discussed with you and Karen at the time of the permit application - it is my opinion Yorkville and the county interfered with the sale of my property for two years prior to your letter advising me of the permit application date. The county (or Yorkville) backing out of the agreement with the buyer just after I learned green organics was not pursuing a permit renewal is in my mind not kosher or reasonable. If the county expects a petitioner to provide up to the minute topo data then they should provide notice far earlier in the process. Requesting an upgraded topo in a few weeks time is not reasonable as architects and engineers are all overbooked and extremely busy after catching up on delayed project work delayed during covid.

Also, in the name of transparency Green Organics (and I) received a notice of violation last friday from the EPA stemming from Green Organics inactivity on the site. I will send the EPA a certified letter in response advising I will have the violation issues fixed on my parcel; request a meeting to discuss corrections and permit transfer; and, continue pursuing the county permit. If the county permit is rejected I will begin performing the permit closure activities on my parcel ONLY: within the time allowed in accord with state regulations. It would then be on the county and Yorkville to deal with Undesser; Nagle; and the cure pile.

Regarding a phase in plan. If the county permit goes through - I will attempt to get the EPA permit in Milroy Farms name BEFORE the new pond is built and derive sufficient funds for the new detention pond construction from screening and selling material from the cure pile. (If necessary/possible, set up bagging equipment to sell bagged compost to big box stores.) If eliminating the cure pile is at a loss and/or not sufficiently profitable I will close the EPA permit and ask that the county revoke the special use permit. The final phase is placing windrows on my parcel's upper east field and the lower west field. Once sufficient revenue allows it - we may decide it beneficial to construct the proposed storage/maintenance building. That is about it for a phase in plan/strategy - first eliminate the cure pile volume and use the funds (if sufficient) to build the new pond and finance another \$500k worth of equipment to build windrows and expand onto the west field.

That would be the essence of my phase-in plan which you requested. Sorry for the long email - I do appreciate the difficult job you perform.

Thanks,

Jeff

On Thu, Oct 19, 2023 at 10:34 AM Matt Asselmeier <[masselmeier@kendallcountylil.gov](mailto:masselmeier@kendallcountylil.gov)> wrote:

Jeff:

I was wondering if you had an opportunity to determine which site plan you would like to use as your controlling site plan, including the correct topographic information.

I would like to give the stormwater engineer and myself time to review the site plan prior to the October 30<sup>th</sup> Zoning Board of Appeals hearing. Please provide this information no later than October 25, 2023.

Please keep in mind that a site plan does not include all of the information required by the County, including topographic information, could lead to a determination that the application is incomplete (which could lead to a denial of the special use permit renewal).

Thanks,

Matthew H. Asselmeier, AICP, CFM

Director

Kendall County Planning, Building & Zoning

111 West Fox Street



Yorkville, IL 60560-1498

PH: 630-553-4139

Fax: 630-553-4179

**From:** Matt Asselmeier

**Sent:** Wednesday, October 4, 2023 8:48 AM

**To:** Jeff Milroy <[REDACTED]>

**Cc:** Karen Milroy <[REDACTED]>; Seth Wormley <[swormley@kendallcountvill.gov](mailto:swormley@kendallcountvill.gov)>

**Subject:** RE: [External]site plan and ref drawing for oct 2 meeting

Jeff:

A couple of comments:

1. I strongly encourage Karen to FOIA the audio of the Regional Planning Commission meeting and Zoning Board of Appeals hearings. The audio clearly outlines what the various boards requested of you.
2. The Weston drawing, by your own admission, does not have accurate topographic information. Having accurate topographic information is important for two reasons:
  - a. The information allows the stormwater engineer to review the materials.
  - b. The County requires topographic information in order for an application to be considered complete. By submitting a site plan with inaccurate topographic information you made your application incomplete. An incomplete application can be grounds for denial of a special use permit.
3. It should be noted that you agreed to the attached site plan at the Regional Planning Commission meeting and this was the official site plan at the first zoning hearing. Had Robert Davidson not attended the August 28<sup>th</sup> hearing, this site plan likely would have been approved as the official site plan for property. You could still use this site plan, if you wanted to as the official site plan for the property. You would then have to develop the site in accordance with this plan.
4. As for the cure pile, Randy Mohr was open to recommending that the materials be allowed on the property without paying the tipping fee. Please keep in mind that the Zoning Board is purely advisory; the County Board does not have to take their recommendation. However, you could ask the Planning, Building and

Zoning Committee to amend the host agreement to allow the materials to be brought onto the property without paying the fee.

5.The existing special use permit has a controlling site plan. You can bring materials onto the property in compliance with that site plan. If you deviate from that site plan, you would be in violation of the existing special use permit.

6.I encourage you to make a decision on the proposed site plan quickly. Continually changing the site plan (i.e. offering to remove the western berm, not settling on the location of the building) will end up costing you more money in stormwater review and could jeopardize the approval of the special use permit.

Thanks,

Matthew H. Asselmeier, AICP, CFM

Director

Kendall County Planning, Building & Zoning

111 West Fox Street

Yorkville, IL 60560-1498

PH: 630-553-4139

Fax: 630-553-4179

**From:** Jeff Milroy <[REDACTED]>

**Sent:** Tuesday, October 3, 2023 11:57 AM

**To:** Matt Asselmeier <[masselmeier@kendallcountyil.gov](mailto:masselmeier@kendallcountyil.gov)>

**Cc:** Karen Milroy <[REDACTED]>; Seth Wormley <[swormley@kendallcountyil.gov](mailto:swormley@kendallcountyil.gov)>

**Subject:** Re: [External]site plan and ref drawing for oct 2 meeting

Of course I will have to consult with Jesse Sexton and Bill Coleman who also have invested considerable time and resources in trying to solve this problem that faces the county; yorkville; and adjoining landowners. I also wanted to introduce a related reference drawing by Weston which clearly showed that the original facility was serviced by only two small ponds for at least 2 decades. I had the hard copy with me and it was refused as evidence or even to be considered. No one even bothered to lay eyes on it. It does not take a PE or lawyer to review it for a few minutes and

see that my Oct 2nd site plan drawing offered a 20+ year time proven solution to the question of effective stormwater control; undefined court orders; and the cure pile issue.

As you stated the cure pile is not my concern and can not be moved to my parcel if the permit is issued. But I say again - due to the size of the pile it is highly advised that someone from both Yorkville and the county come out and meet with myself and the other two landowners to see what is there. It has a material effect on this permit application in many ways.

Jeff

On Tue, Oct 3, 2023 at 8:39 AM Matt Asselmeier <[masselmeier@kendallcountyil.gov](mailto:masselmeier@kendallcountyil.gov)> wrote:

Jeff:

Did you want me to submit the site plan that was presented at last night's hearing to WBK Engineering with the knowledge that the topographic information is incorrect?

Please keep in mind that the majority of the fee that you paid (\$1,200 of the \$1,250) is deposited into an escrow account which funds WBK's review of the materials.

Because WBK previously reviewed the site plan that was submitted dated June 29, 2023, there is only \$500 remaining in the escrow account. If the account nears or reaches \$0, a replenishment of the escrow account will be requested.



Please advise as to how you would like me to proceed.

Thanks,

Matthew H. Asselmeier, AICP, CFM

Director

Kendall County Planning, Building & Zoning

111 West Fox Street

Yorkville, IL 60560-1498

PH: 630-553-4139

Fax: 630-553-4179

**From:** Jeff Milroy <[REDACTED]>  
**Sent:** Monday, October 2, 2023 6:07 PM  
**To:** Matt Asselmeier <[masselmeier@kendallcountyil.gov](mailto:masselmeier@kendallcountyil.gov)>  
**Cc:** Karen Milroy <[REDACTED]>; Seth Wormley <[swormley@kendallcountyil.gov](mailto:swormley@kendallcountyil.gov)>  
**Subject:** [External]site plan and ref drawing for oct 2 meeting

CAUTION - This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Here is the site plan. I will bring hard copy prints to the meeting.

Jeff

## Matt Asselmeier

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**From:** Marlin Hartman [REDACTED]  
**Sent:** Friday, October 20, 2023 4:56 PM  
**To:** Matt Asselmeier  
**Cc:** Aaron Rybski; Christina Burns; Seth Wormley  
**Subject:** Re: [External]site plan and ref drawing for oct 2 meeting

I have been talking to Materials Management and a typical legal struggles on "Official transfer of Operational Ownership". This struggle has led to no operation at all. Hopefully the legalities get straightened out, for the facility will sit idle until then, which has created the violation.

Marlin

On Fri, Oct 20, 2023 at 09:12 Matt Asselmeier <[masselmeier@kendallcountyil.gov](mailto:masselmeier@kendallcountyil.gov)> wrote:

I will wait until I receive a response from Marlin.

Matthew H. Asselmeier, AICP, CFM

Director

Kendall County Planning, Building & Zoning

111 West Fox Street

Yorkville, IL 60560-1498

PH: 630-553-4139

Fax: 630-553-4179

**From:** Aaron Rybski <[ARybski@kendallcountyil.gov](mailto:ARybski@kendallcountyil.gov)>  
**Sent:** Friday, October 20, 2023 8:53 AM  
**To:** Matt Asselmeier <[masselmeier@kendallcountyil.gov](mailto:masselmeier@kendallcountyil.gov)>  
**Cc:** [REDACTED] Christina Burns <[cburns@kendallcountyil.gov](mailto:cburns@kendallcountyil.gov)>; Seth Wormley <[swormley@kendallcountyil.gov](mailto:swormley@kendallcountyil.gov)>  
**Subject:** RE: [External]site plan and ref drawing for oct 2 meeting

I would assume so. That sounds like the appropriate route to me.

**From:** Matt Asselmeier <[masselmeier@kendallcountvil.gov](mailto:masselmeier@kendallcountvil.gov)>  
**Sent:** Friday, October 20, 2023 8:46 AM  
**To:** Aaron Rybski <[ARybski@kendallcountvil.gov](mailto:ARybski@kendallcountvil.gov)>  
**Cc:** [REDACTED] Christina Burns <[cburns@kendallcountvil.gov](mailto:cburns@kendallcountvil.gov)>; Seth Wormley <[swormley@kendallcountvil.gov](mailto:swormley@kendallcountvil.gov)>  
**Subject:** RE: [External]site plan and ref drawing for oct 2 meeting

Technically speaking, if Marlin is not aware of the violation (and I have not received a response from Marlin from my first email so this question could be moot), are they in violation of condition 9 of their existing special use permit?

Thanks,

Matthew H. Asselmeier, AICP, CFM

Director

Kendall County Planning, Building & Zoning

111 West Fox Street

Yorkville, IL 60560-1498

PH: 630-553-4139

Fax: 630-553-4179

**From:** Aaron Rybski <[ARybski@kendallcountvil.gov](mailto:ARybski@kendallcountvil.gov)>  
**Sent:** Thursday, October 19, 2023 4:19 PM  
**To:** Matt Asselmeier <[masselmeier@kendallcountvil.gov](mailto:masselmeier@kendallcountvil.gov)>  
**Cc:** hartmarlin [REDACTED]  
**Subject:** RE: [External]site plan and ref drawing for oct 2 meeting

I am unaware of this. Marlin might know. I see he was copied on this last email.

A.R.



**From:** Matt Asselmeier <[masselmeier@kendallcountyil.gov](mailto:masselmeier@kendallcountyil.gov)>  
**Sent:** Thursday, October 19, 2023 4:17 PM  
**To:** Aaron Rybski <[ARybski@kendallcountyil.gov](mailto:ARybski@kendallcountyil.gov)>; Marlin Hartman <[REDACTED]>  
**Cc:** Seth Wormley <[swormley@kendallcountyil.gov](mailto:swormley@kendallcountyil.gov)>; Christina Burns <[cburns@kendallcountyil.gov](mailto:cburns@kendallcountyil.gov)>  
**Subject:** FW: [External]site plan and ref drawing for oct 2 meeting

Aaron and Marlin:

Were you aware of the violation referenced in the fourth paragraph? Any ideas of what he has to do to obtain compliance?

Thanks,

Matthew H. Asselmeier, AICP, CFM

Director

Kendall County Planning, Building & Zoning

111 West Fox Street

Yorkville, IL 60560-1498

PH: 630-553-4139

Fax: 630-553-4179

**From:** Jeff Milroy <[REDACTED]>  
**Sent:** Thursday, October 19, 2023 2:43 PM  
**To:** Matt Asselmeier <[masselmeier@kendallcountyil.gov](mailto:masselmeier@kendallcountyil.gov)>  
**Cc:** Karen Milroy <[REDACTED]>; Seth Wormley <[swormley@kendallcountyil.gov](mailto:swormley@kendallcountyil.gov)>; Christina Burns <[cburns@kendallcountyil.gov](mailto:cburns@kendallcountyil.gov)>  
**Subject:** Re: [External]site plan and ref drawing for oct 2 meeting

Matt,

**MINUTES  
KENDALL COUNTY  
ZONING BOARD OF APPEALS MEETING  
111 WEST FOX STREET, COUNTY BOARD ROOM (ROOMS 209 and 210)  
YORKVILLE, IL 60560  
August 28, 2023 – 7:00 p.m.**

**CALL TO ORDER**

Chairman Randy Mohr called the Zoning Board of Appeals meeting to order at 7:01 p.m.

**ROLL CALL:**

Members Present: Scott Cherry, Cliff Fox, Tom LeCuyer, Randy Mohr, Dick Thompson, and Dick Whitfield

Members Absent: Jillian Prodehl

Staff Present: Matthew Asselmeier, AICP, CFM, Director

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

**PETITIONS**

The Zoning Board of Appeals started their review of Petition 23-26 at 7:03 p.m.

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

Request: Renew a Special Use Permit for a Composting Facility

PIN: 02-08-100-006

Location: 1270 E. Beecher Road, Bristol in Bristol Township

Purpose: Petitioner Wishes to Renew Special Use Permit for Composting Facility; Property is Zoned A-1 with a Special Use Permit

Chairman Mohr swore in Dan Nagel, Jeff Milroy, Jesse Sexton, and Robert Davidson at this time.

Mr. Asselmeier summarized the request.

On March 19, 2014, through Ordinance 2014-04, the County Board granted a special use permit, with conditions for the operation of a composting facility at the subject property. Ordinance 2014-04 required the property owner to submit a renewal prior to July 1, 2023, or the special use permit would expire on December 1, 2023. The property owner submitted the required renewal on June 30, 2023.

The subject property has operated as a composting facility since 1993.

The Petitioners are requesting the special use permit for the approximately thirty-nine point eight-seven (39.87) acres located in the unincorporated area. They are not renewing the special use permit for operations inside the United City of Yorkville. This reduces operations from approximately fifty-eight (58) acres.

The Host Community Agreement also expires in 2023. The Planning, Building and Zoning Committee met on July 10, 2023, to discuss renewing the agreement. They requested additional information regarding the amount of and types of materials coming into and out of the property. The Petitioner answered those questions at the Planning, Building and Zoning Committee meeting on August 7, 2023, and the proposed Host Community Agreement was forwarded to the State's Attorney's Office for review.

Green Organics is no longer associated with the property.

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

On August 17, 2023, the Petitioner submitted a revised site plan, which was provided.

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

The property is located at 1270 E. Beecher Road.

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

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

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

There is a proposed trail along E. Beecher Road.

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

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

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

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

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

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

EcoCAT Report was submitted on June 22, 2023. The Mottled Sculpin and Rusty Patch Bumble Bee were in the vicinity. The Illinois Department of Natural Resources recommended that work that disturbs the

ground or removes flowering plants be done between October 1<sup>st</sup> and April 1<sup>st</sup>. If work occurred outside of the dates listed, a Rusty Patch Bumble Bee survey should be conducted by a qualified biologist, with the results forwarded to the Illinois Department of Natural Resources. The consultation also noted that coordination with the United States Fish and Wildlife Service may be necessary. The consultation also contained suggestions for lighting. The consultation was closed if the recommendations related to the Rusty Patch Bumble Bee were implemented; the information was provided.

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

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

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

Prior to formal application submittal, Staff contacted Yorkville regarding potential comments on the application. Yorkville requested the following items:

1. A thirty foot (30') wide buffer with a berm at least three feet (3') in height and consisting of two (2) shade trees, five (5) evergreen trees, and three (3) ornamental trees per one hundred (100) linear feet of buffer; they favored a minimum fifteen (15') foot wide buffer.
2. Odor control regulations including using an ASTM certified portable olfactometer, notification by the County to the property owner/business operator within two (2) business days of findings, and a requirement that the property owner/business operator respond within five (5) business days of receiving the notice with corrective action steps. Yorkville's performance standards related to odor were submitted to the County.
3. A condition that the property owner/business operator submit a written response within seven (7) days of receiving a complaint for a non-odor violation outlining steps taken to correct the issue of the complaint.
4. The submission of a detailed decommissioning plan.
5. A requirement that notification of operation management changes and contact information be updated annually with the County.

Staff had concerns regarding the requested procedure of enforcement because the requested method presently contradicts the County's current voluntary compliance policy and the regular procedures for handling alleged violations in the Zoning Ordinance. Also, the County does not presently own an olfactometer. Lastly, the Illinois Environmental Protection Agency has rules regarding complaints.



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

The Petitioner was agreeable to certain landscaping, the submission of a decommissioning plan, the request regarding change of management and updated contact information.

Petition information was sent to the United City of Yorkville on July 19, 2023.

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

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

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

The Kendall County Regional Planning Commission reviewed the proposal at their meeting on August 23, 2023. Discussion occurred regarding the tipping fee; this fee is set in the host agreement. Discussion occurred related to bonding and the decommissioning plan. The bonding figure and the decommissioning plan must be approved by the State. Discussion occurred related to odors; few residential land uses were located nearby even though the properties inside Yorkville were zoned residential. A neighboring property owner in Yorkville plans to install solar panels on their property. Discussion occurred regarding food scraps; a maximum of ten percent (10%) of the materials collected at the property could be food scraps per State regulations. Discussion occurred regarding tracking wind speed and direction; the Petitioner was opposed to the restriction related to not turning windrows or

adding amendments to the materials when the wind was blowing towards populated areas. The Kendall County Regional Planning Commission recommended approval of the proposal with the revised site plan (Attachment 4A) as the official site plan by a vote of six (6) in favor and zero (0) in opposition with four (4) members absent. The minutes of the meeting were provided.

Per Section 7:01.D.20 of the Kendall County Zoning Ordinance, composting businesses can be special uses on A-1 zoned property subject to the following conditions:

1. The facility shall meet all Illinois Environmental Protection Agency requirements as identified in Title 35, Subtitle G, Chapter 1, Subchapter 1, Part 830, Standards for compost facilities.
2. Operational personnel shall be present on site during all hours which the facility is open for the receipt of landscape waste.
3. The hours during which landscape waste may be received shall be 7:00am to 4:00pm Monday through Friday and 7:00am to 12:00 noon Saturday. Processing operations shall cease after each day's receipts have been processed and placed in windrows, not to exceed three (3) additional hours.
4. The decibel levels at the property line shall not exceed Illinois Pollution Control Board standards.
5. A locked gate shall restrict vehicle access during closed hours except that a "lock-box" shall allow access to emergency vehicles.
6. Water samples shall be taken by an independent testing service and analyzed by an independent laboratory. The locations, methods and frequency of sampling and testing shall be approved by the Kendall County Environmental Health Department Director. The test results shall be sent to the Environmental Health Department within forty-five (45) days of sampling.
7. Soil samples shall be taken by an independent testing service and analyzed by an independent laboratory. The locations, methods and frequency of sampling and testing shall be approved by the Kendall County Environmental Health Department Director. The test results shall be sent to the Environmental Health Department within forty-five (45) days of sampling.
8. Authorized Kendall County personnel shall be allowed on site during business hours for inspection and testing.
9. The facility operator shall send up-to-date copies of the State permit and related documents including Operational Plan, Surface Water Management Plan, Pest Control Plan, Site Drawing, and an Annual Report to the County Solid Waste Coordinator.
10. Truck weights shall be limited to seventy-three thousand, two hundred eighty (73,280) pounds.
11. The operator shall provide weight receipts to Kendall County.

12. Off-site debris and trash generated by the site must be cleaned-up daily on surrounding properties with the owner's permission.

13. Other conditions as appropriate for the particular facility.

The Petitioner is agreeable to conditions 1-12.

When the special use permit was originally granted in the 1990s, they were originally allowed to process one hundred fifty thousand (150,000) cubic yards of source separated landscape materials. This number was increased to one hundred seventy-five thousand (175,000) cubic yards in 2014.

Starting in 2010, the facility was allowed to accept food scraps.

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

The revised site plan showed thirty-two (32) windrows. No information was provided regarding driving aisles. Windrows might extend to the cultivation line. Final elevations will change for composting surface depending on excavated materials used for the pond.

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

Both site plans show one (1) final cure storage area, one (1) grinding and blending concrete pad, and one (1) receiving pad. No information was provided regarding the dimensions of these areas.

As noted previously, the hours when landscape waste can be received are between 7:00 a.m. and 4:00 p.m. on Mondays through Fridays and 7:00 a.m. until Noon on Saturdays. Processing operations may continue for a maximum three (3) additional hours.

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

No information was provided regarding the number of employees at the property.

The use has been at the property since 1993.

There have not been any founded complaints against the property in recent years.

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

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

The property is served by a well and septic. The well is located at the southeast corner of the property.

The Petitioner is agreeable to the requirements related to water samples and soil samples, inspection and testing, and submitting copies of the State permit, operational plan, surface water management plan, pest control plan, site drawings, annual report, and decommissioning plan. The Petitioner is also agreeable to providing weight receipts to Kendall County.

The Solid Waste Coordinator shall maintain a log of complaints received on the facility.

Sampling schedules are noted in the business plan.

Though not shown on the site plan, a dumpster is located on the property. The business plan notes a requirement to clean-up offsite debris and trash daily on surrounding properties.

NICOR possesses an easement north of the existing driveway.

Overhead utilities run from E. Beecher Road to the office trailer.

The property drains to the south and west.

One (1) existing detention basin is shown on the site plan north of parking area. The original site plan also shows one (1) proposed detention basin southwest of the western windrows. One twenty-five foot (25') wide drainage swale is shown west of the western windrows. No information was provided regarding the dimensions of the detention basins or the depth of the drainage swale. The revised site plan shows a much larger water reuse and detention pond.

The Petitioners submitted an application for a stormwater management permit based on the original site plan. WBK submitted comments in a letter dated July 15, 2023, which was provided. To date, Staff is waiting for comments from the Petitioner regarding WBK's comments. The revised site plan was sent to WBK on August 24, 2023. To date, no comments were received.

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

Per the site plan, the subject property has an asphalt drive to E. Beecher Road.

The Petitioner is agreeable to the truck weight restriction contained in the Kendall County Zoning Ordinance.



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

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

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

According to the business plan, one (1) existing sign is located on the property. The sign is not illuminated. The information on the sign is required per Illinois Environmental Protection Agency rules.

One (1) additional no trespassing sign is located on the interior gate.

According to the original site plan, there is a fence along the western and northern sides of the property. There is also a fifteen foot (15') wide buffer between the eastern property line and the berm. The business plan references a locked gate. The gate is locked during closed hours, but a lock box is available for emergency response vehicles.

Per the original site plan, one (1) fifteen foot (15') wide berm is shown near the eastern property line. A twenty-five foot (25') wide berm is shown near the western and northern property lines. Per the business plan (Attachment 4, Page 2), the eastern berm will be three feet (3') in height. Landscaping consisting of pines, fir, and/or shade trees will be planted at spacing not to exceed forty feet (40') apart. Seedling will be a minimum of six inches (6") in height and will be planted within one (1) year of the issuance of the special use permit. The business plan also references maintaining the existing plantings on the berm and ditch and existing landscaping. No information was provided regarding plantings on the western or northern berms or the composition of the existing landscaping and plantings on the property.

No landscaping information was provided on the revised site plan.

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

The business plan references odor control strategies generally. Illinois Environmental Protection Agency rules requires operators of composting facilities to prepare an odor minimization plan. Staff has requested a copy of this plan.

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

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

The proposed findings of fact were as follows:

The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. The operation is controlled by the Illinois EPA and inspected regularly by the Health Department and they have not found anything to endanger the public health, safety, morals, comfort, or general welfare.

The special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use makes adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. The operation has been open since 1993 with some minor debris issues a long time ago and since then there have been no complaints or issues. Reasonable restrictions may be placed in the special use permit to address hours of operation, dust, and odor control measures. No evidence has been provided suggesting that property values have declined in the area since the facility commenced operations.

Adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. The special use will not be adding any new utilities or roadways to the property. They will use the current access point onto Beecher Road which has a gate which will be closed unless the operation is open. State law and the Kendall County Zoning Ordinance require a Surface Water Management Plan.

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

The special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. This operation existed before the Land Resource Management Plan existed and the plan calls for the area to be residential which it could be when/if this operation ever ceases to exist.

Staff recommended approval of the requested renewal subject to the following conditions and restrictions, even though no phasing plan has been submitted outlining when the old, State approved site plan is phased out and the new site plan is brought online. The general conditions and restrictions would be as follows:

1. The facility shall comply with the conditions as they are listed in the applicable sections of the

Kendall County Zoning Ordinance related to the composting of landscape waste and food waste, subject to the following:

- a. The facility shall meet all Illinois Environmental Protection Agency requirements as identified in the applicable sections of the Kendall County Zoning Ordinance.
- b. Operational personnel shall be present on site during all hours which the facility is open for the receipt of landscape waste.
- c. The hours during which landscape waste may be received shall be 7:00 a.m. to 4:00 p.m. on Monday through Fridays and 7:00 a.m. to Noon on Saturdays. Processing operations shall cease after each day's receipts have been processed and placed in windrows, not to exceed three (3) additional hours.
- d. The decibel levels at the property line shall not exceed Illinois Pollution Control Board standards.
- e. Water samples shall be taken by an independent testing service and analyzed by an independent laboratory. The locations, methods and frequency of sampling and testing shall be approved by the Kendall County Environmental Health Department Director. The test results shall be sent to the Environmental Health Department within forty-five (45) days of sampling.
- f. Soil samples shall be taken by an independent testing service and analyzed by an independent laboratory. The locations, methods and frequency of sampling and testing shall be approved by the Kendall County Environmental Health Department Director. The test results shall be sent to the Environmental Health Department within forty-five (45) days of sampling.
- g. Authorized Kendall County personnel shall be allowed on site during business hours for inspection and testing.
- h. The facility operator shall send up-to-date copies of the State permit and related documents including Operational Plan, Surface Water Management Plan, Pest Control Plan, Site Drawing, and an Annual Report to the County Solid Waste Coordinator.
- i. Truck weights shall be limited to seventy-three thousand, two hundred eighty (73,280) pounds.
- j. The operator shall provide weight receipts to Kendall County.
- k. Off-site debris and trash generated by the site must be cleaned-up on a daily basis on surrounding properties with the owner's permission.



- l. Implement strategies to manage potential odor issues such as maintaining proper carbon to-nitrogen ratios, maintaining moisture levels, and sufficient turning of compost piles to enhance decomposition.
  - m. Install water spraying systems or dust suppression equipment at critical points of dust generation. Regularly monitor moisture content and use sprinkler systems or misters to dampen the compost as needed.
2. The facility will be permitted to take in one hundred seventy-five thousand (175,000) cubic yards of source-separated landscape materials (i.e. brush, leaves, tree trimmings, grass and food waste). (Amended after ZPAC)
3. The site shall be developed substantially in accordance with the site plan provided that the parking stalls conform to the requirements of the Kendall County Zoning Ordinance and the owners of the business allowed by the special use permit may erect one (1) building a maximum of sixty foot by eighty foot (60'X80') in size with a maximum height of twenty-four feet (24') on the property, and the site plan shall be kept on file as "Exhibit A" attached hereto. (Amended at RPC)
4. A fifteen foot (15') buffer and a berm will be provided between the composting area and the United City of Yorkville's boundary to the east. The berm will be at least fifteen feet (15') wide and three feet (3') high. The buffer landscaping will be composed primarily of pine, fir, and/or shade trees planted at spacing not to exceed forty feet (40') apart. Seedlings will be a minimum of six inches (6") in height. Specimen seedlings will be planted and the berm will be constructed within one (1) year of issuance of the special use permit ordinance. The Kendall County Planning, Building and Zoning Committee may grant an extension to the deadline to install the berms and landscaping. (Amended at RPC)
5. The facility operator shall maintain existing plantings on the berm and ditch.
6. The facility operator shall maintain the security gate, signage, and landscaping as indicated on "Exhibit B" attached hereto. The locked gate shall restrict vehicle access during closed hours except that a "lock-box" shall allow access to emergency vehicles.
7. The facility operator shall maintain a sampling schedule as shown on "Exhibit C" attached hereto dated March 11, 2008.
8. The County Solid Waste Coordinator shall maintain a log of complaints received on the facility.
9. This special use Ordinance shall expire on December 1, 2033, and the petition for renewal shall be made prior to July 1, 2033.

10. If any Illinois Environmental Protection Agency (IEPA) violations or citations are received by the site operator/manager and/or parcel owner/manager they need to be submitted to the County Solid Waste Coordinator within thirty (30) days.
11. The operator of the business allowed by the special use permit shall follow the Decommissioning Plan as described in Exhibit D. The operator shall assume all of the responsibilities assigned to Green Organics in the plan. The Decommissioning Plan shall be kept on file in the site trailer office per EPA requirements and will be accessible to the Kendall County Health Inspector. The operator of the business allowed by the special use permit shall update the Kendall County Health Department within thirty (30) days of changes to the Decommissioning Plan.
12. The operator of the business allowed by the special use permit shall notify the Kendall County Planning, Building and Zoning Department within thirty (30) days of changes in operation manager. In addition, the operator of the business allowed by this special use permit shall provide contact information of the management operator annually by July 1<sup>st</sup>.
13. The operator of the business allowed by the special use permit shall ensure a host community agreement is in existence with the County prior to operations.
14. Ordinance 2014-04 and all previous special use permits and amendments to special use permits related to the operation of composting facility on the subject property are hereby repealed in their entirety.
- ~~15. None of the vehicles or equipment parked or stored on the subject property related to the business allowed by the special use permit shall be considered agricultural vehicles or agricultural equipment. (Deleted at ZPAC)~~
16. All of the vehicles and equipment stored on the subject property related to the business allowed by the special use permit shall be maintained in good condition with no deflated tires and shall be licensed if required by law.
17. Any structures constructed, installed, or used related to the business allowed by this special use permit on the property shall not be considered for agricultural purposes and must secure applicable building permits.
18. At least one (1) water truck shall be onsite for dust control purposes. (Added after ZPAC)
19. The operator of the business allowed by this special use permit shall track wind direction and speed daily and add amendments to the composting materials if windrows are turned with winds blowing towards populated areas. (Added after ZPAC)
20. The owners and operators of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
21. The property owner and operator of the business allowed by this special use permit shall follow

all applicable Federal, State, and Local laws related to the operation of this type of business.

22. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permit.
23. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
24. This special use permit shall be treated as a covenant running with the land and are binding on the successors, heirs, and assigns as to the same special use conducted on the property.

Member LeCuyer asked if a bond existed for the decommissioning of the site. Mr. Asselmeier said that the bond listed in the decommissioning plan is on file with the State. The bond amount was Sixty Thousand Dollars (\$60,000).

Chairman Mohr asked if all of Staff's questions had been answered. Mr. Asselmeier responded that no phasing plan existed and the various plans required by the State, including a Surface Water Management Plan, have not been submitted. Mr. Asselmeier noted that the Petitioner might not obtain approval for the proposed site plan from the State, which would require the Petitioner to go through the amendment process in the future.

Member Fox asked how the amount of materials brought onto the property was tracked. Mr. Asselmeier responded that a log is tracked based on the number of truck loads hauled onto the property. They are supposed to stop accepting material when they reach the maximum allowed, including all materials allowed for collection.

Chairman Mohr requested that the phone number of the County's Solid Waste Coordinator be added to a sign. He mentioned an instance from a few years ago when residents call him and complained, because they did not have the phone number for the Solid Waste Coordinator. He referred the complaint to the Planning, Building and Zoning Department, at the time. He felt the addition of the phone number would help track complaints.

Chairman Mohr opened the public hearing at 7:29 p.m.

Dan Nagel asked what entity was going to move the pile of material presently on his property inside Yorkville. Mr. Asselmeier said the moving of the pile was not the County's concern.

Mr. Nagel asked if Green Organic's permit had been pulled. Mr. Asselmeier responded that the County does not enforce regulations inside Yorkville; Yorkville enforces regulations inside its corporate limits. The Petitioner has to comply with the site plan on file with the County and the stormwater permit in the unincorporated area. He explained the timeline for removing the materials by the end of 2023. The material could be used for the berms, depending on the stormwater permit; it is already composted material.



Jeff Milroy, Petitioner, explained where the material would be placed. The materials are used by Scotts Lawn Care, organic farmers, and individual buyers. They might do bagging in the future. A phasing plan cannot be provided until the cure pile issue is resolved. He asked for the agreement between the parties on the Yorkville side of the operation, but had not received it.

Mr. Asselmeier said the height and number of piles would likely be controlled by the stormwater permit.

The State regulates the surface water management, which will be impacted by the layout of the site.

Discussion occurred whether or not the cure pile would be incoming material or considered transferred from the other portion of the site. The material would tie up the site for two or three (2-3) years.

Chairman Mohr suggested the Petitioner have legal assistance on the special use renewal.

Discussion occurred regarding the existing site plan and proposed site plan in relation to the cure pile.

There is no bond with the County; the State controls the bond.

Bob Davidson, Rob Roy Drainage District, said the drainage district was man-made. He provided a history of activity in the district. He explained that a sixty foot (60') right-of-way from the center of water line on both sides was established by court decree in 2017. He noted efforts to preserve the quality of water and control the amount of water put into the district. Without objection, the court document was entered into the record. Mr. Davidson requested that the stormwater stay on the property.

The Board reviewed the site plan in relation to the right-of-way. A portion of the detention pond was likely within the right-of-way. Mr. Milroy was unaware of the right-of-way. Discussion occurred regarding the need for the pond, in general.

The consensus of the Board was to request an updated site plan reflecting the right-of-way.

Chairman Mohr recessed the public hearing at 8:06 p.m.

The Board weighed the option of issuing a recommendation and the potential for the Petitioner to go through the amendment process.

Chairman Mohr asked the Petitioner if they were agreeable to a continuance. This would give the Petitioner time to amend the site plan and make a determination about the pile of material on the property inside Yorkville.

The consensus of the Board was to continue the public hearing until October 2, 2023.

Discussion occurred regarding the use of funds from the host agreement.

The Petitioner was advised to obtain a copy of the right-of-way easement from the Recorder of Deeds Office to determine what could be placed in the right-of-way.

The ponds stay after decommissioning, only the buildings need to be removed.

Member LeCuyer made a motion, seconded by Member Fox, to continue the public hearing to October 2, 2023.

The votes were as follows:

Ayes (6): Cherry, Fox, LeCuyer, Mohr, Thompson, and Whitfield  
Nays (0): None  
Abstain (0): None  
Absent (1): Prodehl

The motion passed.

The public hearing will reconvene on October 2, 2023.

The Zoning Board of Appeals completed their review of Petition 23-26 at 8:28 p.m.

**PUBLIC COMMENTS**

Mr. Asselmeier said Petition 23-26 was the only agenda item for the October 2, 2023, hearing/meeting, unless a variance is applied for by September 1, 2023.

**ADJOURNMENT OF THE ZONING BOARD OF APPEALS**

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

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

The Zoning Board of Appeals meeting adjourned at 8:29 p.m.

The next regularly scheduled hearing/meeting will be on October 2, 2023.

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

1. Memo on Petition 23-26 Dated August 24, 2023
2. Certificate of Publication and Certified Mail Receipts for Petition 23-26 (Not Included with Report but on file in Planning, Building and Zoning Office)
3. Rob Roy Drainage District Right-Of-Way Court Orders

**AUGUST 28, 2023**

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

[illegible]



IN THE CIRCUIT COURT OF THE SIXTEENTH JUDICIAL CIRCUIT  
KENDALL COUNTY, ILLINOIS

In the matter of Rob Roy  
Drainage District in the County  
of Kendall and State of Illinois

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75 - MC - 1

FILED IN OPEN COURT

MAY 10 2017

ROBYN INGEMUNSON  
CIRCUIT CLERK KENDALL CO.

ORDER ESTABLISHING RIGHT OF WAY  
OF THE DRAINAGE DISTRICT

On Petition to Establish the Right of Way of the Drainage District, and the Court having heard evidence and being duly advised in the premises, this Court finds as follows:

1. That this Court has jurisdiction over the subject matter and parties to this matter.
2. The court recognizes the necessity of the existence of the right of way in order for the Drainage District to perform its duties of maintenance to the channel and its facilities.
3. A right of way as and in the size set forth in Group [Exhibit B] Proposed District Right-of-Way Illustration dated March 30, 2016 to perform recurring annual maintenance work as well as access for inspection of the same is hereby established. The Drainage District shall use its best efforts to record said right of way in against the properties contained on the Group [Exhibit B] Properties with Channel Right-of-Way roll dated March 27, 2017.
4. Said right of way is hereby enforceable to all parcels and landowners as set forth herein on the attached Group [Exhibit B] Properties with Channel Right-of-Way roll dated March 27, 2017.

Dated this 16 day of May, 2017



Honorable

John J. McAdams

Kyle J. Emkes  
Dodd & Maatuka  
Attorneys at Law  
303 S. Mattis, Ste. 201  
Champaign, IL 61821  
(T) 217-356-9500 OR 217-337-0700  
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[kyle@madelaw.net](mailto:kyle@madelaw.net)

IN THE CIRCUIT COURT OF THE TWENTY-THIRD JUDICIAL CIRCUIT  
KENDALL COUNTY, ILLINOIS

In the matter of Rob Roy  
Drainage District in the County  
of Kendall and State of Illinois

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FILED IN OPEN COURT

MAY 08 2017

ROBYN INGEMUNSON  
CIRCUIT CLERK KENDALL CO.

AMENDED EXHIBIT "B" TO  
PETITION TO ESTABLISH RIGHT OF WAY OF THE DRAINAGE DISTRICT  
(March 20, 2017 Maps)

Now Come the Commissioners of the above District, by and through their attorneys, Dodd & Maatuka, and seek to amend Group [Exhibit B] to the "Petition To Establish Right of Way of the Drainage District" filed on April 21, 2016, by replacing said Group [Exhibit B] with the attached Proposed District Right-of-Way Illustration dated March 30, 2016 and Properties with Channel Right-of-Way dated March 27, 2017.

Respectfully submitted:

Rob Roy Drainage District in the County  
of Kendall and State of Illinois,

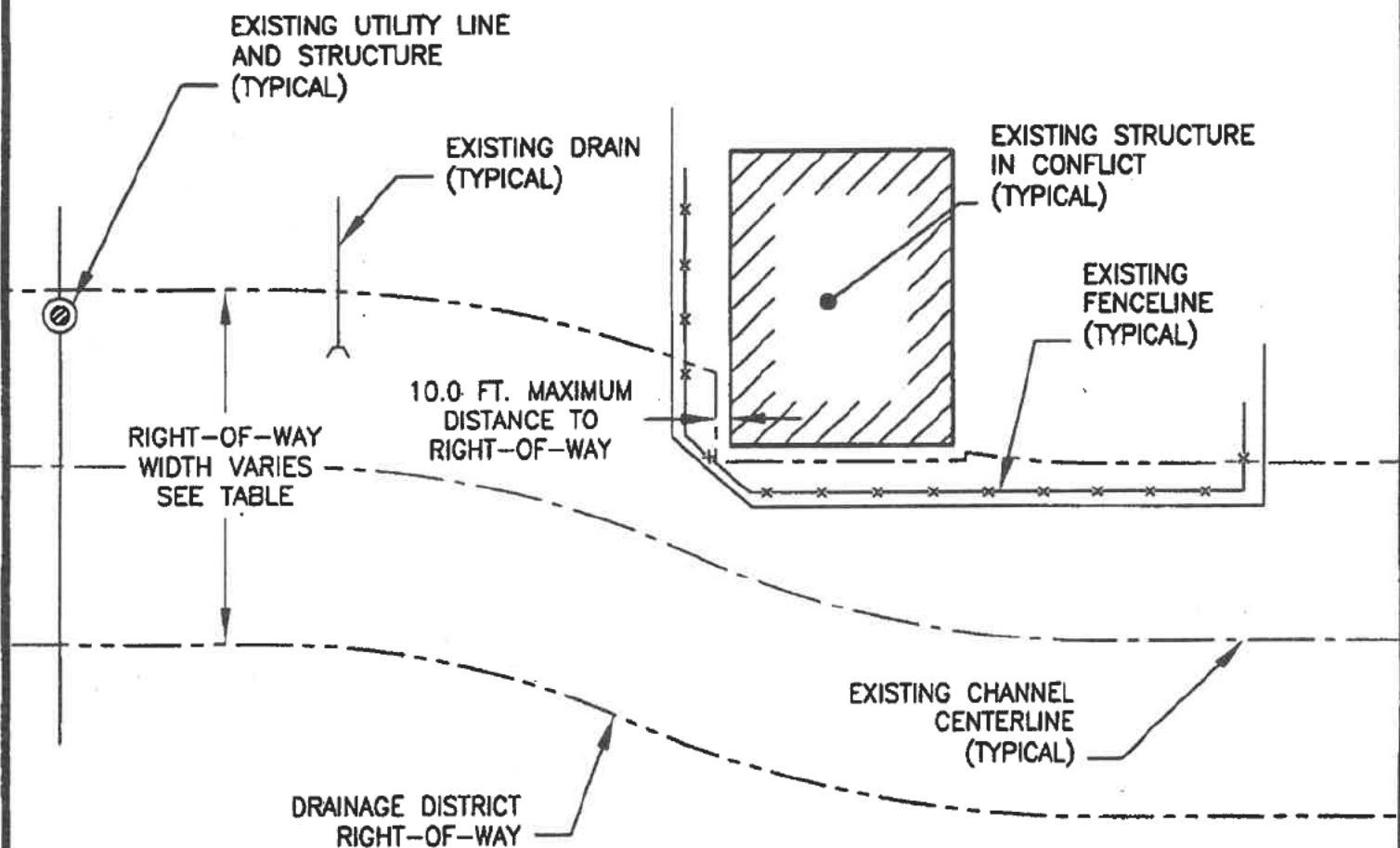


BY: Its Attorney, Kyle J. Emkes

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## PROPOSED DISTRICT RIGHT - OF - WAY

NOTE: AREAS OF ENCROACHMENT BY EXISTING STRUCTURES SHALL BE ACCOMMODATED BY ALTERING THE RIGHT-OF-WAY IN THE MANNER INDICATED BELOW

RIGHT-OF-WAY WIDTH  
CENTERED UPON CHANNEL

MAIN CHANNEL	120 FEET
NORTHWEST BRANCH	120 FEET

NO SCALE

146

**ROB ROY  
DRAINAGE DISTRICT  
KENDALL COUNTY, ILLINOIS**


**BERNS, CLANCY AND ASSOCIATES**  
ENGINEERS • SURVEYORS • PLANNERS  
405 EAST MAIN STREET - POST OFFICE BOX 755  
URBANA, ILLINOIS 61803-0755  
PHONE: (217) 384-1144 • FAX: (217) 384-3355



IN THE CIRCUIT COURT OF THE TWENTY-THIRD JUDICIAL CIRCUIT  
KENDALL COUNTY, ILLINOIS

**In the matter of Rob Roy  
Drainage District in the County  
of Kendall and State of Illinois**

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**FILED IN OPEN COURT**

MAY 08 2017

**ROBYN INGEMUNSON**  
CIRCUIT CLERK KENDALL CO.

AMENDED EXHIBIT "B" TO  
PETITION TO ESTABLISH RIGHT OF WAY OF THE DRAINAGE DISTRICT  
(March 20, 2017 Maps)

Now Come the Commissioners of the above District, by and through their attorneys, Dodd & Maatuka, and seek to amend Group [Exhibit B] to the "Petition To Establish Right of Way of the Drainage District" filed on April 21, 2016, by replacing said Group [Exhibit B] with the attached Proposed District Right-of-Way Illustration dated March 30, 2016 and Properties with Channel Right-of-Way dated March 27, 2017.

**Respectfully submitted:**

Rob Roy Drainage District in the County  
of Kendall and State of Illinois.

**BY: Its Attorney, Kyle J. Emkes**

**Dodd & Maatuka**  
**Attorneys at Law**  
303 S. Mattis, Ste. 201  
Champaign, IL 61821  
(T) 217-356-9500  
(FAX) 217-355-1358  
kyle@madelaw.net

Properties with Channel Right-of-Way  
Rob Roy Drainage District

Parcel Number	Name of Owner	Address	City	State	Zip	Section Township Range	Legal Description
01-25-400-008	4334 ELDAMAIN FARM LLC	815 PARK	RIVER FOREST	IL	60305	25-37-6	37.95 AC TR LYG E 1/4 E 1/4 SEC 25-37-6, E OF SCHAEFER WOODS NORTH UNIT #4 (EXC ROW TAKEN 18-05734)
02-04-100-002	COMMONWEALTH EDISON	THREE LINCOLN CENTRE 4TH FL	OAK BROOK	IL	60181	4-37-7	SEC. 4-37-7, NW 1/4
02-04-100-004	COMMONWEALTH EDISON	THREE LINCOLN CENTRE 4TH FL	OAK BROOK	IL	60181	4-37-7	SEC. 4-37-7, NW 1/4
02-04-100-006	GUPTA, DOLLY	3882 WALT WHITMAN RD	SAINT CHARLES	IL	60175	4-37-7	SEC. 4-37-7, NW 1/4
02-04-100-007	SCHRAMM, DONALD E	N5119 HWY H	DEERBROOK	WI	54424	4-37-7	SEC. 4-37-7, NW 1/4
02-04-300-010	GALENA & 47 LLC, %MARQUETTE CO	401 S MAIN ST STE 300	NAPEVILLE	IL	60540	4-37-7	31.11 AC TR LYG SW1/4 SEC 4-37-7, N OF GALENA RD, CITY OF YORKVILLE
02-04-300-017	KONICEK, DALE L	6321 WALKER ROAD	YORKVILLE	IL	60560	4-37-7	7.89 AC TR LYG SW1/4 SEC 4-37-7, CITY OF YORKVILLE
02-04-300-018	%SLINKMAN, JAMES	2025 WINDSOR DR	OAK BROOK	IL	60523	4-37-7	45.07 AC TR LYG NW1/4 & SW1/4 SEC 4-37-7, CITY OF YORKVILLE
02-04-300-024	GALENA & 47 LLC, %MARQUETTE CO	401 S MAIN ST STE 300	NAPEVILLE	IL	60540	4-37-7	1.67 AC TR LYG SW 1/4 SEC 4-37-7, W OF RT 47, CITY OF YORKVILLE
02-08-200-013	ORVILLE LOAN ASSOCIATES, % KENNEDY FUNDING	930 SYLVAN AVE STE 110	ENGLEWOOD	NJ	7632	8-37-7	62.93 AC TR LYG S GALENA RD & W RT 47 NE1/4 SEC 8-37-7 CITY OF YORKVILLE
02-08-300-008	BENNETT, GARY & BETTY	10791 CORNELIUS RD	PLANO	IL	60545	8-37-7	SEC. 17-37-7, DOG. 87-1552
02-08-300-010	WALLIS, LARRY A & EDNA MAE	10711 CORNELIUS RD	PLANO	IL	60545	8-37-7	SEC. 17-37-7, DOG. 87-1552
02-08-300-012	BENNETT, GARY L & BETTY S	10791 CORNELIUS RD	PLANO	IL	60545	8-37-7	SEC. 8 & 17-37-7, 23.58 ACS DOG 89-2491 PT SW SEC 8-37-7 & PT NW SEC 17-37-7 LYG N OF RD
02-08-400-002	MARTHUR JAMES B & VIRGINIA TR & MCARTHUR JOAN TR	10417 CORNEL RD	PLANO	IL	60545	8-37-7	SEC. 8-37-7, SW 1/4 SE 1/4
02-08-400-003	TEQUILA SUNRISE ENTERPRISES LLC, % SCOTT BRUMEL, BRUMEL REALTY	1107 S BRIDGE ST STE D	YORKVILLE	IL	60560	8-37-7	29.65 AC TR LYG W RT 47 SW1/4 SEC 8-37-7, CITY OF YORKVILLE
02-08-400-004	CHICAGO WB INVESTORS LLC	129 E 10TH ST #9	NEW YORK	NY	10003	8-37-7	96.59 AC TR LYG W RT 47 SEC 8-37-7
02-08-100-001	GALENA & 47 LLC, %MARQUETTE CO	401 S MAIN ST STE 300	NAPEVILLE	IL	60540	9-37-7	SEC. 9-37-7, NW 1/4 NW 1/4
02-09-100-009	STATE OF IL DEPT OF TRANS	700 E MORRIS DR	OTTAWA	IL	61350	9-37-7	1.415 AC TR LYG WLY RT 47 & SLY GALENA RD, SEC 9-37-7
02-09-100-010	KENDALL COUNTY FOREST PRESERVE 1	110 W MADISON ST	YORKVILLE	IL	60560	9-37-7	PT NW 1/4 SEC. 9-37-7, COM NW COR SEC 09-37-7, S 100.89' TO SLY ROW GALENA RD, SE 526.67' ALG SLY ROW, SW 853.73' TO W LN SD SEC. N 846.28' TO POB
02-09-100-019	GALENA & 47 LLC	175 SOUTH HIGHPOINT DRIVE	ROMEDEVILLE	IL	60446	9-37-7	0.34 AC TR LYG NW 1/4 SEC 9-37-7, W OF RT 47, CITY OF YORKVILLE
02-17-100-004	MEYER, JOHN	303 W OHIO ST STE #3101	CHICAGO	IL	60654	17-37-7	SEC 17-37-7, NW 1/4 NW 1/4
02-17-100-005	COMMONWEALTH EDISON	THREE LINCOLN CENTRE 4TH FL	OAK BROOK	IL	60181	17-37-7	SEC 17-37-7, W 1/2
02-17-300-001	JOHNSTON ROBT & ALTHEA ET AL	2822 BEECHER RD	YORKVILLE	IL	60560	17-37-7	SEC 17-37-7, NW 1/4 SW 1/4
02-17-300-002	LOFTUS, ROBERT M & ILDEFONSA LIV TRUST	11159 FAXON RD	YORKVILLE	IL	60560	17-37-7	SEC 17-37-7, SW 1/4 SW 1/4
02-17-300-007	YORKVILLE MEADOWS LLC, C/O SHERRIE CHIOU	80 REMINGTON RD.	SCHAUMBURG	IL	60173	17-37-7	IRREG 35.20 AC TR LYG S1/2 S1/2 SEC 17-37-7, S OF BN & SF RR CITY OF YORKVILLE
02-17-300-008	PAPENDICK, SCOTT D	23W567 PINE DR	CAROL STREAM	IL	60188	17-37-7	IRREG 8.14 AC TR LYG S1/2 S1/2 SEC 17-37-7, N OF BN & SF RR CITY OF YORKVILLE
02-17-501-001	BN&SF RAILWAY CO PROPERTY TAX DEPARTMENT	PO BOX 961089	FORT WORTH	TX	76161-0089	17-37-7	RR PROPERTY IN SEC 17-37-7
02-19-100-011	KELAKA LLC	181 S LINCOLNWAY	NORTH AURORA	IL	60542	19-37-7	SEC 19-37-7, 181.31 ACS
02-19-200-001	LOFTUS, ROBERT M & ILDEFONSA LIV TRUST	11159 FAXON RD	YORKVILLE	IL	60560	19-37-7	SECS. 19 & 20-37-7
02-19-200-002	YORKVILLE MEADOWS LLC, C/O SHERRIE CHIOU	80 REMINGTON RD.	SCHAUMBURG	IL	60173	19-37-7	SEC. 19-37-7, NE 1/4 NE 1/4
02-19-200-005	CRUISE, WAYNE LIV TRUST & CRUSIE DELORES LIV TRUST	1894 WALSH DR	YORKVILLE	IL	60560	19-37-7	SEC 19-37-7, 12.16 ACS LYG S FAXON RD
02-19-200-007	CRUISE, DOLORES LIVING TRUST	1894 WALSH DR	YORKVILLE	IL	60560	19-37-7	SEC 19-37-7, PT NW 1/4 LYG W CREEK & S FAXON RD
02-19-200-008	KELAKA LLC	181 S LINCOLNWAY	NORTH AURORA	IL	60542	19-37-7	SEC 19-37-7, 21.13 TR LYG S FAXON

Properties with Channel Right-of-Way  
Rob Roy Drainage District

02-19-300-006	LASALLE NATIONAL BANK, % DREW DANIELS	405 E. SHERIDAN RD	LAKE BLUFF	IL	60044	19-37-7	SEC 19-37-7, E 1/2 SW 1/4
02-19-400-006	LASALLE NATIONAL BANK, % DREW DANIELS	405 E. SHERIDAN RD	LAKE BLUFF	IL	60044	19-37-7	SEC 19-37-7 IRR 203.31 AC TR LT 11 S1/2
02-20-100-001	YORKVILLE MEADOWS LLC, C/O SHERIE CHIOU	80 REMINGTON RD.	SCHAUMBURG	IL	60173	20-37-7	SEC. 20-37-7, AN IRRIG TR IN NW COR NW 1/4, LYG W OF ROB ROY CRK, CITY OF YORKVILLE
02-20-100-011	YORKVILLE MEADOWS LLC, C/O SHERIE CHIOU	80 REMINGTON RD.	SCHAUMBURG	IL	60173	20-37-7	SEC. 20-37-7 60.86 AC TR LYG N FAYON CITY OF YORKVILLE
02-30-100-012	DRESDEN, PAUL R	PO BOX 1356	FRANKFORT	IL	60423	30-37-7	SEC 30-37-7 AN IRRIG 4.58 AC TR LYG W 1/2 NW 1/4, S & W OF FOX HILL UNIT 1, & E ELDAMAIN RD CITY OF YORKVILLE
02-30-100-016	LETTERIE MARIO	4378 ELDAMAIN RD	PLANO	IL	60545	30-37-7	9.08 TR LYG NW 1/4 SEC 3-37-7 OF FOX HILLSUB UNIT 7
02-30-101-003	DRESDEN, PAUL R	9404 W CORSAIR	FRANKFORT	IL	60423	30-37-7	OUT LOT 1 FOX HILL UNIT 1 (EXC ROW TAKEN 16-10468) CITY OF YORKVILLE
02-30-300-001	HENKER-BECK FARMS	408 CORRI LN	PLANO	IL	60545	30-37-7	SEC 30-37-7, NW 1/4 SW 1/4
02-30-300-004	4334 ELDAMAIN FARM LLC, % MARIANA SOLARI	1425 N JACKSON	RIVER FOREST	IL	60305	30-37-7	SEC 30-37-7 DOC. 87-4831



IN THE CIRCUIT COURT OF THE TWENTY-THIRD JUDICIAL CIRCUIT  
KENDALL COUNTY, ILLINOIS FILED IN OPEN COURT

In the matter of Rob Roy  
Drainage District in the County  
of Kendall and State of Illinois

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MAY 10 2017

ROBYN INGEMUNSON  
CIRCUIT CLERK KENDALL CO.


ORDER ANNEXING LANDS INTO THE BOUNDARIES  
OF DRAINAGE DISTRICT

On Petition for the annexation of certain lands into Rob Roy Drainage District, and the Court having heard evidence and being duly advised in the premises, this Court finds as follows:

1. That this Court has jurisdiction over the subject matter and parties to this matter.
2. This Court hereby approves the Current Financial Report of the Commissioners as set forth in [Exhibit D].
3. That the lands contained in [Exhibit B] are hereby annexed into and included within the boundaries of the of the Rob Roy Drainage District as set forth in the map of boundaries of the Rob Roy Drainage District as set forth in [Exhibit C].

Dated this 10<sup>th</sup> day of May, 2017

Honorable

  
John McAdams

Kyle J. Emkes  
Dodd & Maatuka  
Attorneys at Law  
303 S. Mattis, Ste. 201  
Champaign, IL 61821  
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[Kyle@madelaw.net](mailto:Kyle@madelaw.net)

IN THE CIRCUIT COURT OF THE TWENTY-THIRD JUDICIAL CIRCUIT  
KENDALL COUNTY, ILLINOIS

FILED IN OPEN COURT

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In the matter of Rob Roy  
Drainage District in the County  
of Kendall and State of Illinois

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ROBYN INGEMUNSON  
CIRCUIT CLERK KENDALL CO.

AMENDED EXHIBIT "B" TO  
PETITION TO ANNEX LAND INTO THE BOUNDARIES OF DRAINAGE DISTRICT  
(Amended Annexation Roll Dated May 5, 2017)

Now Come the Commissioners of the above District, by and through their attorneys, Dodd & Maatuka, and seek to amend Exhibit "B" to the "Petition To Annex Land Into the Boundaries Of Drainage District" filed on April 21, 2016, by replacing said Exhibit "B" with the Annexation Roll, dated May 5, 2017.

Respectfully submitted:

Rob Roy Drainage District in the County  
of Kendall and State of Illinois

[Redacted Signature]

By: Its Attorney, Kyle J. Emkes

Dodd & Maatuka  
Attorneys at Law  
303 S. Mattis, Ste. 201  
Champaign, IL 61821  
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[kyle@madelaw.net](mailto:kyle@madelaw.net)

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**PETITIONER'S  
EXHIBIT**

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Parcel information retrieved from the Kendall County Geographic Information System.



Amended Annexation Roll  
Rob Roy Drainage District

02-05-400-005	YORKVILLE LOAN ASSOCIATES, % KENNEDY FUNDING	930 SYLVAN AVE STE 110	ENGLEWOOD	NJ	07632	5-37-7	SEC. 5-37-7, 3.35 AC TR LYG IN SE 1/4 OF SE 1/4, S OF GALENA RD, CITY OF YORKVILLE
02-05-400-009	ADVOCATE HEALTH AND HOSPITALS CORP. %SLINKMAN, JAMES	2025 WINDSOR DR	OAK BROOK	IL	60523	5-37-7	15.16 AC TR LYG NE 1/4 & SE 1/4 SEC 5-37-7, CITY OF YORKVILLE
02-05-400-010	KONICEK, DALE L	6321 WALKER ROAD	YORKVILLE	IL	60590	5-37-7	PT NW 1/4, PT NE 1/4 & PT SE 1/4 SEC 5-37-7, LYG N OF GALENA RD, CITY OF YORKVILLE
02-05-400-012	UNDESSER, JOHN F & CYNTHIA K	10328 GALENA RD	BRISTOL	IL	60512	5-37-7	3.93 AC TR LYG SE 1/4 SEC 5-37-7, CITY OF YORKVILLE
02-05-400-013	UNDESSER, RICHARD A JR & ANN MARIE	10282 GALENA RD	BRISTOL	IL	60512	5-37-7	PT SE 1/4 SEC 5-37-7, COM SE COR SD SEC, N 818.97 TO CTR LN GALENA RD, SE 1355.71 FOR POB, SE 371, SW 315, NW 371, NE 315 TO POB, CITY OF YORKVILLE
02-05-400-014	BRISTOL VENTURES LLC	10318 GALENA RD	BRISTOL	IL	60512	5-37-7	8.08 AC TR LYG SE 1/4 SEC 5-37-7, CITY OF YORKVILLE
02-05-400-018	MONSEN FIELDS, MARY	415 MOUNTAIN GREEN RD	FALL BRANCH	TN	37856	5-37-7	1.18 AC TR LYG SE 1/4 SEC 5-37-7, CITY OF YORKVILLE
02-05-400-019	MONSEN FIELDS, MARY	415 MOUNTAIN GREEN RD	FALL BRANCH	TN	37856	5-37-7	1.20 AC TR LYG SE 1/4 SEC 5-37-7, CITY OF YORKVILLE
02-05-400-020	BRISTOL VENTURES LLC	10318 GALENA RD	BRISTOL	IL	60512	5-37-7	1.37 AC TR LYG SE 1/4 SEC 5-37-7, CITY OF YORKVILLE
02-05-100-009	KONICEK FAMILY LTD PARTNERSHIP	11843 GALENA RD	PLANO	IL	60545	6-37-7	SEC. 6-37-7 PT NW 1/4 285.41 LYG N GALENA RD
02-05-200-001	COMMONWEALTH EDISON	THREE LINCOLN CENTRE 4TH FL	OAK BROOK TERRACE	IL	60181	6-37-7	SEC. 6-37-7, NE 1/4 NE 1/4
02-05-200-002	KONICEK, DALE L	6321 WALKER ROAD	YORKVILLE	IL	60580	6-37-7	SEC. 6-37-7, NE 1/4 NE 1/4
02-05-200-003	SCHULTZ, KATHERINE % DANIEL SCHULTZ	32 BOAT LN	OSWEGO	IL	60543	6-37-7	SEC. 6-37-7, NE 1/4 NE 1/4
02-05-300-011	ROSENWINKEL FAMILY TRUST ET AL 501,	9274 GALENA RD	BRISTOL	IL	60512	6-37-7	143.51 AC TR DOC 90-1733) LYG 51/2 SEC 6-37-7, COM SW COR SE, W 2255.11 NE 1149.27, W 443, NE TO CL GALENA RD, SE 2442, SW TO POB (EXC ROW TAKEN 03-07-828) (EXC ROW TAKEN 12-07-222)
02-05-400-001	SCHULTZ, PAUL & ANGELINE & M HANKES % P SCHULTZ	32 BOAT LN	OSWEGO	IL	60543	6-37-7	SEC. 6-37-7, NW 1/4 SE 1/4
02-05-400-003	SCHULTZ, PAUL & ANGELINE & M HANKES % P SCHULTZ	32 BOAT LN	OSWEGO	IL	60543	6-37-7	SEC. 6-37-7, E 1/3 OF SE 1/4
02-05-400-004	RICO, GIL DARIO E & RITA J	11018 GALENA RD	BRISTOL	IL	60512	6-37-7	SEC. 6-37-7, E 1/3 OF SE 1/4
02-05-400-005	AUER, MARY	1327 W BEECHER RD	BRISTOL	IL	60512	6-37-7	SEC. 6-37-7, SW 1/4 SE 1/4
02-05-400-006	TWO STAR ENTERPRISES LLC	895 RTE 34	ALFORDA	IL	60503	6-37-7	SEC. 6-37-7, SE 1/4 SE 1/4
02-07-100-002	HAGEMANN	89 E. HIGHLAND DR	BRISTOL	IL	60512	7-37-7	SEC. 7-37-7, NORTH 1/4 OF NW 1/4
02-07-100-007	ROSENWINKEL FAMILY TRUST ET AL 501,	9274 GALENA RD	BRISTOL	IL	60512	7-37-7	SEC. 7-37-7, DOC. 87-1898
02-07-100-008	AUER, MARY	1327 W BEECHER RD	BRISTOL	IL	60512	7-37-7	SEC. 7-37-7, DOC. 87-1898
02-07-200-001	SCHULTZ, KATHERINE % DANIEL SCHULTZ	32 BOAT LN	OSWEGO	IL	60543	7-37-7	SEC. 7-37-7, NW 1/4 NE 1/4
02-07-200-003	COMMONWEALTH EDISON	THREE LINCOLN CENTRE 4TH FL	OAK BROOK TERRACE	IL	60181	7-37-7	SEC. 7-37-7, CENTER 1/3 OF NE 1/4
02-07-200-006	SCHULTZ, KATHERINE % DANIEL SCHULTZ	32 BOAT LN	OSWEGO	IL	60543	7-37-7	SEC. 7-37-7, SE 1/4 NE 1/4
02-07-200-009	SCHULTZ, THOMAS V & MARILEE	1010 W BEECHER RD	BRISTOL	IL	60512	7-37-7	SEC. 7-37-7, DOC. 74-1789
02-07-200-010	SCHULTZ, KATHERINE % DANIEL SCHULTZ	32 BOAT LN	OSWEGO	IL	60543	7-37-7	SEC. 7-37-7, DOC. 74-1789
02-07-200-013	OLD 2ND NATIONAL BANK % KENDALL COUNTY CONCRETE INC	695 ROUTE 34	AURORA	IL	60507	7-37-7	SEC. 7-37-7, COM NE COR SEC 7 S 80' TO POB S 378.19, W 578.19 N 378.19 E 578.19 TO POB
02-07-200-015	TWO STAR ENTERPRISES LLC	695 RTE 34	AURORA	IL	60507	7-37-7	PT NE 1/4 SEC 7-37-7, COM NE 1/4 NE 1/4, S 458.18, W 884.29 FOR POB, E 349.43, S 1051.29, W 807.29, N 464.01, W 137.17, N 941.30, NE 113.72, ELY 1408.19, S 80, W 884.29, S 378.19 TO POB & PT COM NE 1/4 NE 1/4, S 80, W 578.19 TO POB, W 288.10, S 378.19, E 288.10
02-07-300-002	ROSENWINKEL FAMILY TRUST ET AL 501,	9274 GALENA RD	BRISTOL	IL	60512	7-37-7	SEC. 7-37-7, NE 1/4 SW 1/4
02-07-400-001	COMMONWEALTH EDISON	THREE LINCOLN CENTRE 4TH FL	OAK BROOK TERRACE	IL	60181	7-37-7	SEC. 7-37-7, W 1/2 SE 1/4
02-07-400-002	ROSENWINKEL FAMILY TRUST ET AL 501,	9274 GALENA RD	BRISTOL	IL	60512	7-37-7	SEC. 7-37-7, W 1/2 SE 1/4
02-07-400-003	ROSENWINKEL FAMILY TRUST ET AL 501,	9274 GALENA RD	BRISTOL	IL	60512	7-37-7	SEC. 7-37-7, CENTER 1/3 OF SE 1/4
02-07-400-004	ROSENWINKEL FAMILY TRUST ET AL 501,	9274 GALENA RD	BRISTOL	IL	60512	7-37-7	SEC. 7-37-7, E 1/3 OF SE 1/4

02-08-200-009	TEQUILA SUNRISE ENTERPRISES LLC, % SCOTT BRUNME, BRUNME REALTY	1107 S BRIDGE ST STE D	YORKVILLE	IL	60560	8-37-7	3.26 AC TR LYG S GALENA RD & W RT 47 NE 1/4 SEC 8-37-7
02-08-200-011	TEQUILA SUNRISE ENTERPRISES LLC, % SCOTT BRUNME, BRUNME REALTY	1107 S BRIDGE ST STE D	YORKVILLE	IL	60560	8-37-7	42.72 AC TR LYG S GALENA RD & W RT 47 NE 1/4 SEC 8-37-7
02-08-200-013	ORVILLE LOAN ASSOCIATES, % KENNEDY FUNDING	930 SYLVAN AVE STE 110	ENGLEWOOD	NJ	7832	8-37-7	62.83 AC TR LYG S GALENA RD & W RT 47 NE 1/4 SEC 8-37-7 CITY OF YORKVILLE
02-08-200-015	BRISTOL VENTURES LLC,	10318 GALENA RD	BRISTOL	IL	60512	8-37-7	8.28 AC TR LYG S GALENA RD & W RT 47 NE 1/4 SEC 5 & 8-37-7 CITY OF YORKVILLE
02-08-200-018	UNDESSER, JOHN F & CYNTHIA K	10328 GALENA RD	BRISTOL	IL	60512	8-37-7	2.91 AC TR LYG NE 1/4 SEC 8-37-7, CITY OF YORKVILLE
02-08-200-019	BRISTOL VENTURES LLC,	10318 GALENA RD	BRISTOL	IL	60512	8-37-7	23.38 AC TR LYG NE 1/4 SEC 8-37-7 CITY OF YORKVILLE
02-08-200-022	BRISTOL VENTURES LLC,	10318 GALENA RD	BRISTOL	IL	60512	8-37-7	1.67 TR LYG NE 1/4 SEC 8-37-7 CITY OF YORKVILLE
02-08-400-004	CHICAGO WB INVESTORS LLC,	129 E 10TH ST #9	NEW YORK	NY	10003	8-37-7	86.59 AC TR LYG W RT 47 SEC 3-37-7
02-08-100-022	CASTLE BANK TRUST,	10735 CHICAGO RD	WATERMAN	IL	60556	9-37-7	5.89 AC TR LYG NW 1/4 SEC 9-37-7, E RT 47, N GALENA RD, CITY OF YORKVILLE
02-17-100-004	MEYER, JOHN	303 W OHIO ST STE #3101	CHICAGO	IL	60654	17-37-7	SEC 17-37-7 NW 1/4
02-17-201-002	CZINKI, FLORIAN DEC TRUST	231 PEARL ST	MONTGOMERY,	IL	60538	17-37-7	SEC. 17-37-7 5.00 ACS DOC 89-6808 M465, 19' E440' NW NE
02-17-228-001	LIMITED HOLDINGS LLC	2595 OGDEN AVE	USLE	IL	60532	17-37-7	SEC 17-37-7 (ROW TAKEN 07-7461) (EXC ROW TAKEN 91-00136)
02-17-228-003	OLIN, GLEN E	2215 A RTE 47	YORKVILLE	IL	60560	17-37-7	SEC 17-37-7, NE 1/4
02-17-228-004	OLIN, GLEN E	2215 A RTE 47	YORKVILLE	IL	60560	17-37-7	SEC 17-37-7, NE 1/4
02-17-228-005	LIMITED HOLDINGS LLC	2595 OGDEN AVE	USLE	IL	60532	17-37-7	SEC 17-37-7 DOC 87-2582
02-17-228-006	WEBER, BRIAN P & AMELIA K	2127 STATE RTE 47	YORKVILLE	IL	60560	17-37-7	SEC 17-37-7 DOC 87-2578
02-17-228-008	KNAUF, DENNIS W & JULIE A	2230 N RTE 47	YORKVILLE	IL	60560	17-37-7	LT 1 FISHER'S SUB DOC 88-4011 (EX PT TAKEN FOR RD AS IN 80-7280)
02-17-228-009	CHICAGO TITLE LAND TRUST COMPANY, % L B ANDERSEN CONSTRUCTION INC	106 S WYNSTONE PKWY	NORTH BARRINGTON	IL	60010	17-37-7	SEC. 17-37-7 2.05 ACS DOC 89-2288 PT E 1/2 NE - BEG NW COR, S1350.35', E 86.01', N1350.85', W86.03' TO POB
02-17-228-010	SUEN, CHEUNG-MEI LIVING TRUST %SUEN LA-CHEUNG & CHEUNG-MEI	1808 MORGAN CIR	NAPERVILLE	IL	60565	17-37-7	SEC. 17-37-7 25.49 ACS DOC 89-2288 PT E 1/2 NE - BEG 86.03' E NW COR, S 1350.85', E89.84', N818.28', E347.87' N839.67', W TO POB
02-17-228-011	WEBER, BRIAN P & AMELIA K	2127 STATE RTE 47	YORKVILLE	IL	60560	17-37-7	1.24 AC TR LYG NE 1/4 NE 1/4 SEC 17-37-7
02-17-228-012	WEBER, BRIAN P & AMELIA K	2127 STATE RTE 47	YORKVILLE	IL	60560	17-37-7	PT NW 1/4 SEC 18-37-7 & PT NE 1/4 SEC 17-37-7, COM PT INT 2007 N OF SUN NE 1/4 NE 1/4 SEC 17 & WLN ROW TAKEN 90-07280, WLY 290, N 200, E 263.41 TO SD WLY ROW/LN, S ALG ROW 201.78 TO POB (EXC PT LYG IN SEC 18-37-7)
02-17-300-004	COMMONWEALTH EDISON FL	THREE LINCOLN CENTRE 4TH FL	OAK BROOK TERRACE	IL	60181	17-37-7	SEC 17-37-7, N OF RR
02-17-300-007	YORKVILLE MEADOWS LLC, C/O SHERRIE CHOU	80 REMINGTON RD,	SCHAUMBURG	IL	60173	17-37-7	IRREG 35.20 AC TR LYG S 1/2 S 1/2 SEC 17-37-7, S OF BN & SF RR CITY OF YORKVILLE
02-17-300-008	PAPENDICK, SCOTT D	23W567 PINE DR	CAROL STREAM	IL	60188	17-37-7	IRREG 8.14 AC TR LYG S 1/2 S 1/2 SEC 17-37-7, N OF BN & SF RR CITY OF YORKVILLE
02-17-380-001	CITY OF YORKVILLE	800 GAME FARM RD	YORKVILLE	IL	60560	17-37-7	LOT 300 WHISPERING MEADOWS UNIT 4 (PARK SITE) CITY OF YORKVILLE
02-17-380-002	PATTERMANN, RYAN & MORGAN	2898 MCMAURIE CT	YORKVILLE	IL	60560	17-37-7	LOT 219 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-380-003	TRG VENTURE TWO LLC,	2392 MORSE AVE	IRVINE	CA	92614	17-37-7	LOT 220 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-380-005	POST-CONSUMPTION TRUST, % WHISPERING MEADOW LTD PARTNER	5999 NEW WILKE RD STE 504	ROLLING MEADOWS	IL	60008	17-37-7	PT LT 301 WHISPERING MEADOWS UNIT 4, COM W COR SD SUB, NELY ALG CURVE 28.24', NE 81.77', NE 39.27', NW 357.11', NW 114.02, NW 17.94 FOR POB, NW 50.17, SW 284.78, NW 169.27, NW 201.79, NW 240.4, NW 105.25 TO SUN ROW, SW 739.48, SE 128.37, SW 225.08, SE 148
02-17-380-006	TRG VENTURE TWO LLC, %ROANCKE GROUP LLC	428 MAIN STE UNIT D	EL SEGUNDO	CA	90245	17-37-7	LT 301 WHISPERING MEADOWS UNIT 4 (EXC COM W COR SD SUB, NELY ALG CURVE 28.24', NE 81.77', NE 39.27', NW 357.11', NW 114.02, NW 17.94 FOR POB, NW 50.17, SW 284.78, NW 169.27, NW 201.79, NW 240.4, NW 105.25 TO SUN ROW, SW 739.48, SE 128.37, SW 225.08, SE 14
02-17-400-007	HOAG, WILLIAM D TRUST % HOAG WILLIAM D TRUSTEE	3201 CANNONBALL TRL	YORKVILLE	IL	60560	17-37-7	SEC 17-37-7, SE 1/4 SE 1/4
02-17-400-009	CORN HOLDINGS LLC, % W.G. GOSSELIN	25 550 HEATON PARK	BATAVIA	IL	60510	17-37-7	COM SE COR SEC 17-37-7 N 120' TO POB N TO S ROW BN RR SWLY ALG ROW 1100' ML SWLY 1450' ML ELY TO POB

02-17-450-001	WHISPERING MEADOWS COMMUNITY ASSOCIATION, % REAL ESTATE INVESTOR SERVICE	P O BOX 487	ELMHURST	IL	60126	17-37-7	LOT 289 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-450-002	MEERS, TIMOTHY D JR	2892 MCMAURTRIE CT	YORKVILLE	IL	60560	17-37-7	LOT 218 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-450-003	TRG VENTURE TWO LLC	2392 MORSE AVE	IRVINE	CA	92814	17-37-7	LOT 217 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-450-004	TRG VENTURE TWO LLC	2392 MORSE AVE	IRVINE	CA	92814	17-37-7	LOT 216 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-450-005	TRG VENTURE TWO LLC	2392 MORSE AVE	IRVINE	CA	92814	17-37-7	LOT 215 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-450-006	TRG VENTURE TWO LLC	2392 MORSE AVE	IRVINE	CA	92814	17-37-7	LOT 214 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-450-007	MILLER, ERIC M, KATHLEEN M & SYLVIA J	2868 MCMAURTRIE WAY	YORKVILLE	IL	60560	17-37-7	LOT 213 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-450-008	TRG VENTURE TWO LLC	2392 MORSE AVE	IRVINE	CA	92814	17-37-7	LOT 212 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-450-009	TRG VENTURE TWO LLC	2392 MORSE AVE	IRVINE	CA	92814	17-37-7	LOT 211 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-450-010	FERRONE, LAWRENCE J & ANA V	2848 MCMAURTRIE WAY	YORKVILLE	IL	60560	17-37-7	LOT 210 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-450-011	MCCOY, BARBARA A	2842 MCMAURTRIE WAY	YORKVILLE	IL	60560	17-37-7	LOT 209 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-450-012	TRG VENTURE TWO LLC	2392 MORSE AVE	IRVINE	CA	92814	17-37-7	LOT 208 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-450-013	TRG VENTURE TWO LLC	2392 MORSE AVE	IRVINE	CA	92814	17-37-7	LOT 207 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-450-014	TRG VENTURE TWO LLC	2392 MORSE AVE	IRVINE	CA	92814	17-37-7	LOT 206 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-450-015	TRG VENTURE TWO LLC	2392 MORSE AVE	IRVINE	CA	92814	17-37-7	LOT 205 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-450-016	TRG VENTURE TWO LLC	2392 MORSE AVE	IRVINE	CA	92814	17-37-7	LOT 204 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-450-017	OLSON, JEFFREY & REGINA	2808 MCMAURTRIE WAY	YORKVILLE	IL	60560	17-37-7	LOT 203 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-451-001	CRISSE, RICHARD CARY	2891 MCMAURTRIE CT	YORKVILLE	IL	60560	17-37-7	LOT 221 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-451-002	TRG VENTURE TWO LLC	2392 MORSE AVE	IRVINE	CA	92814	17-37-7	LOT 222 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-451-003	DUY, PATRICK MICHAEL & MARIBEL	2893 MCMAURTRIE CT	YORKVILLE	IL	60560	17-37-7	LOT 223 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-452-004	WINDSOR, JONATHAN ALLE, CAJIGAS WINDSOR, DANA & CAJIGAS, MARIA	2744 ALAN DALE LN	YORKVILLE	IL	60560	17-37-7	LOT 228 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-452-005	BRADFORD, JENNIFER M & WILLIAM J	2754 ALAN DALE LN	YORKVILLE	IL	60560	17-37-7	LOT 227 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-452-006	FEDERAL HOME LOAN MORTGAGE CORP, % HOMESTEPS ASSET SERVICES	5000 PLANO PKWY	CARROLLTON	TX	75010	17-37-7	LOT 228 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-452-007	FERNANDEZ, GREGORY & SUSAN MARIE	2871 MCMAURTRIE WAY	YORKVILLE	IL	60560	17-37-7	LOT 228 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-452-008	CLIMINO, JOSEPH & BICE, SARAH J	2897 MCMAURTRIE WAY	YORKVILLE	IL	60560	17-37-7	LOT 220 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-452-009	GARGO, JERRY D & GAIL A	2779 GOLDENROD DR	YORKVILLE	IL	60560	17-37-7	LOT 231 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-452-010	HAWNER, ERIC A & JENNIFER D	2773 GOLDENROD DR	YORKVILLE	IL	60560	17-37-7	LOT 232 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-453-001	TRG VENTURE TWO LLC	2392 MORSE AVE	IRVINE	CA	92814	17-37-7	LOT 256 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-453-002	TRG VENTURE TWO LLC	2392 MORSE AVE	IRVINE	CA	92814	17-37-7	LOT 257 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-453-003	KAHLE, KRISTAL D & MADDOEN, ANDREW J	2845 MCMAURTRIE WAY	YORKVILLE	IL	60560	17-37-7	LOT 258 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE

Amended Annexation Roll  
Rob Roy Drainage District

02-17-453-004	TRG VENTURE TWO LLC,	2392 MORSE AVE	IRVINE	CA	92814	17-37-7	LOT 259 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-453-005	TRG VENTURE TWO LLC,	2392 MORSE AVE	IRVINE	CA	92814	17-37-7	LOT 260 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-453-006	MILLER, JERRY W & KATHY L	2771 ELDEN DR	YORKVILLE	IL	60560	17-37-7	LOT 261 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-453-007	SPAGNOLI, BRIAN S & BRIDGET	2765 ELDEN DR	YORKVILLE	IL	60560	17-37-7	LOT 262 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-453-008	KOUTNY, WILLIAM J & DEBRA A	2761 ELDEN DR	YORKVILLE	IL	60560	17-37-7	LOT 263 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-453-009	WAYNE, BRIAN M & BONNIE A	2751 ELDEN DR	YORKVILLE	IL	60560	17-37-7	LOT 264 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-453-010	TRG VENTURE TWO LLC,	2392 MORSE AVE	IRVINE	CA	92814	17-37-7	LOT 265 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-453-011	THOMPSON, SAMUEL M & MEGAN L	2735 ELDEN DR	YORKVILLE	IL	60560	17-37-7	LOT 266 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-453-012	AVILA, EULALIO J	2710 GOLDENROD DR	YORKVILLE	IL	60560	17-37-7	LOT 245 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-453-013	COOK, KATHERINE RENEE & KEVIN STEPHEN	2724 GOLDENROD DR	YORKVILLE	IL	60560	17-37-7	LOT 246 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-453-014	ACEVEDO, RODOLFO & ESTHER	2728 GOLDENROD DR	YORKVILLE	IL	60560	17-37-7	LOT 247 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-453-015	WILMINGTON SAVINGS FUND SOCIETY FSB % FCI LENDER SERVICES INC	2810 W CHARLESTON BLVD STE 80	LAS VEGAS	NV	89102	17-37-7	LOT 248 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-453-016	ACKERMAN, NIELS M & SHELLEY L	2742 GOLDENROD DR	YORKVILLE	IL	60560	17-37-7	LOT 249 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-453-017	BANUELOS, EDUARDO & SUSANNA	2732 GOLDENROD DR	YORKVILLE	IL	60560	17-37-7	LOT 250 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-453-018	VISCOGLIOSI, JOSEPH P & CORRINE A	2758 GOLDENROD DR	YORKVILLE	IL	60560	17-37-7	LOT 251 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-453-019	KRAWCZYK, ANDREA J & GREEN, J RYAN	2768 GOLDENROD DR	YORKVILLE	IL	60560	17-37-7	LOT 252 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-453-020	TRG VENTURE TWO LLC,	2392 MORSE AVE	IRVINE	CA	92814	17-37-7	LOT 253 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-453-021	IRVINE, RICHARD T & MELISSA A	2778 GOLDENROD DR	YORKVILLE	IL	60560	17-37-7	LOT 254 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-453-022	GROFF, ANTHONY & DIANA	2782 GOLDENROD DR	YORKVILLE	IL	60560	17-37-7	LOT 255 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-454-001	TRG VENTURE TWO LLC,	2392 MORSE AVE	IRVINE	CA	92814	17-37-7	LOT 256 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-454-002	TRG VENTURE TWO LLC,	2392 MORSE AVE	IRVINE	CA	92814	17-37-7	LOT 255 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-454-003	TRG VENTURE TWO LLC,	2392 MORSE AVE	IRVINE	CA	92814	17-37-7	LOT 254 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-454-004	GRANDCHAMP, GARY JR	2782 ELDEN DR	YORKVILLE	IL	60560	17-37-7	LOT 253 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-454-005	TRG VENTURE TWO LLC,	2392 MORSE AVE	IRVINE	CA	92814	17-37-7	LOT 252 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-454-006	TRG VENTURE TWO LLC,	2392 MORSE AVE	IRVINE	CA	92814	17-37-7	LOT 251 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-454-007	TRG VENTURE TWO LLC,	2392 MORSE AVE	IRVINE	CA	92814	17-37-7	LOT 250 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-454-008	TRG VENTURE TWO LLC,	2392 MORSE AVE	IRVINE	CA	92814	17-37-7	LOT 279 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-480-001	COOK, MARK & KUTELLA, LAUREN	2768 MCMAURTRIE WAY	YORKVILLE	IL	60560	17-37-7	LOT 202 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-480-002	TRG VENTURE TWO LLC,	2392 MORSE AVE	IRVINE	CA	92814	17-37-7	LOT 201 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-480-003	TRG VENTURE TWO LLC,	2392 MORSE AVE	IRVINE	CA	92814	17-37-7	LOT 200 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-480-004	TRG VENTURE TWO LLC,	2392 MORSE AVE	IRVINE	CA	92814	17-37-7	LOT 189 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE



Amended Annexation Roll  
Rob Roy Drainage District

02-17-490-005	TRG VENTURE TWO LLC,	2392 MORSE AVE	IRVINE	CA	92814	17-37-7	LOT 198 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-490-006	TRG VENTURE TWO LLC,	2392 MORSE AVE	IRVINE	CA	92814	17-37-7	LOT 197 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-490-007	TRG VENTURE TWO LLC,	2392 MORSE AVE	IRVINE	CA	92814	17-37-7	LOT 196 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-490-008	TRG VENTURE TWO LLC,	2392 MORSE AVE	IRVINE	CA	92814	17-37-7	LOT 195 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-490-009	TRG VENTURE TWO LLC,	2392 MORSE AVE	IRVINE	CA	92814	17-37-7	LOT 194 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-490-010	TRG VENTURE TWO LLC,	2392 MORSE AVE	IRVINE	CA	92814	17-37-7	LOT 193 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-491-001	TRG VENTURE TWO LLC,	2392 MORSE AVE	IRVINE	CA	92814	17-37-7	LOT 287 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-491-002	TRG VENTURE TWO LLC,	2392 MORSE AVE	IRVINE	CA	92814	17-37-7	LOT 286 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-491-003	TRG VENTURE TWO LLC,	2392 MORSE AVE	IRVINE	CA	92814	17-37-7	LOT 285 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-491-004	TRG VENTURE TWO LLC,	2392 MORSE AVE	IRVINE	CA	92814	17-37-7	LOT 284 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-491-005	TRG VENTURE TWO LLC,	2392 MORSE AVE	IRVINE	CA	92814	17-37-7	LOT 283 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-491-006	TRG VENTURE TWO LLC,	2392 MORSE AVE	IRVINE	CA	92814	17-37-7	LOT 282 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-491-007	TRG VENTURE TWO LLC,	2392 MORSE AVE	IRVINE	CA	92814	17-37-7	LOT 281 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-491-008	TRG VENTURE TWO LLC,	2392 MORSE AVE	IRVINE	CA	92814	17-37-7	LOT 280 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-491-009	TRG VENTURE TWO LLC,	2392 MORSE AVE	IRVINE	CA	92814	17-37-7	LOT 279 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-491-014	TRG VENTURE TWO LLC,	2392 MORSE AVE	IRVINE	CA	92814	17-37-7	LOT 278 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-491-015	MARTINO, THOMAS J & ANDREA C	2702 ELDEN	YORKVILLE	IL	60560	17-37-7	LOT 277 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-491-016	TRG VENTURE TWO LLC,	2392 MORSE AVE	IRVINE	CA	92814	17-37-7	LOT 276 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-491-017	TRG VENTURE TWO LLC,	2392 MORSE AVE	IRVINE	CA	92814	17-37-7	LOT 275 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-491-018	BELL, JOHNNY C III & DIANE M	2724 ELDEN DR	YORKVILLE	IL	60560	17-37-7	LOT 274 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-491-019	SKARR, RONALD H & MEYER, KERIN A	2726 ELDEN DR	YORKVILLE	IL	60560	17-37-7	LOT 273 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-491-020	TRG VENTURE TWO LLC,	2392 MORSE AVE	IRVINE	CA	92814	17-37-7	LOT 272 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-492-001	COOVER, TOBIN L & JENNIFER L	2725 ELDEN DR	YORKVILLE	IL	60560	17-37-7	LOT 271 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-492-002	TRG VENTURE TWO LLC,	2392 MORSE AVE	IRVINE	CA	92814	17-37-7	LOT 270 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-17-492-003	TRG VENTURE TWO LLC,	2392 MORSE AVE	IRVINE	CA	92814	17-37-7	LOT 269 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE
02-18-100-003	FIVE H LLC	13351 B FAXON RD	PLANO	IL	60545	18-37-7	48.83 AC TR LYG NE 1/4 NW 1/4 SEC 18-37-7 (ROW TAKEN 05-25833 LESS .51 AC)
02-18-100-006	COMMONWEALTH EDISON	THREE LINCOLN CENTRE 4TH FL	OAK BROOK	IL	60181	18-37-7	198.70 AC TR LYG NW 1/4 & SW 1/4 & W 1/2 NE 1/4 SEC 18-37-7 (EXC ROW TAKEN 14-03809)
02-18-200-001	FORTNER, JEFFREY A & JENNIFER	2013 BEECHER RD	PLANO	IL	60545	18-37-7	SEC 18-37-7 E 325 OF N 375 OF W 1/2 NE 1/4
02-18-200-004	MEYER, JOHN	303 W OHIO ST STE #3101	CHICAGO	IL	60654	18-37-7	SEC 18-37-7 NE 1/4 NE 1/4
02-18-300-001	HAMAAN, DON & CAROL %FOX RIDGE	8110 ROUTE 71	OSWEGO	IL	60543	18-37-7	SEC. 18-37-7 (ROW TAKEN 05-25833 LESS 0.14 AC)
02-18-300-002	HAMAAN, DON & CAROL %FOX RIDGE	8110 ROUTE 71	OSWEGO	IL	60543	18-37-7	41.82 AC TR LYG NW 1/4 SW 1/4 SEC 18-37-7
02-18-300-003	HAMAAN, DON & CAROL %FOX RIDGE	8110 ROUTE 71	OSWEGO	IL	60543	18-37-7	71.04 AC TR LYG SW 1/4 SEC 18-37-7

02-18-400-001	JOHNSTON, ROBT & ALTHEA ET AL	2822 BEECHER RD	YORKVILLE	IL	60560	18-37-7	SEC. 18-37-7, NE 1/4 SE 1/4
02-18-400-004	HAMMAN, DON & CAROL % FOX RIDGE STONE	6110 ROUTE 71	OSWEGO	IL	60543	18-37-7	37.91 AC TR LYNG SE 1/4 SEC 18-37-7
02-18-100-011	KELAKA LLC	181 S LINCOLNWAY	NORTH AURORA	IL	60542	18-37-7	SEC 18-37-7, 181.31 ACS
02-18-300-008	LASALLE NATIONAL BANK, % DREW DANIELS	405 E. SHERIDAN RD	LAKE BLUFF	IL	60044	18-37-7	SEC 18-37-7, E 1/2 SW 1/4
02-18-300-013	KELAKA LLC	181 S LINCOLNWAY	NORTH AURORA	IL	60542	18-37-7	PT SW 1/4 SEC 18-37-7 COM INT W LN SEC. E913.44' N284.56' W 1030.92' S TO POB. (EXC W148' S800' & COM INT W148' S CL RT34, E903.76' FOR POB, E409.36' N388.32' W404.14' S 387.64' TO POB, REMAINDER 02-18-300-011
02-18-300-014	CAMP PROPERTIES & DEVELOPMENT	202 RUGLEY RD	WESTERN SPRINGS	IL	60558	18-37-7	SEC 18-37-7 COM INT W LN SEC CL RT 34 E ALG CLN 503.76' FOR POB; CONT E ALG CLN 134' TO PT OF CURVE, E ALG CURVE 275.35' N 388.32' W 404.14' S 317.64' TO N ROW RT 34, S 50' TO POB, CITY OF YORKVILLE
02-18-300-016	OLD 2ND NATIONAL BANK, % SVITSKI MARK & LEANN	2108 ROCK CREEK RD	PLANO	IL	60545	18-37-7	1.21 AC TR COM INT N LN RT 34 & W LN SW 1/4, N 690, E 148, S 800, W 148 (EXC ROW TAKEN 02-31-117) (EXC ROW TAKEN 18-17059) CITY OF YORKVILLE
02-19-400-005	LASALLE NATIONAL BANK, % DREW DANIELS	405 E. SHERIDAN RD	LAKE BLUFF	IL	60044	18-37-7	SEC 18-37-7, SW 1/4 SE 1/4
02-19-400-006	LASALLE NATIONAL BANK, % DREW DANIELS	405 E. SHERIDAN RD	LAKE BLUFF	IL	60044	18-37-7	SEC 18-37-7, IRR 203.31 AC TR LT 11 S1/2.
02-20-100-005	YARLEY, FRANCIS G II & PHYLLIS A	10702 FAXON RD	YORKVILLE	IL	60560	20-37-7	SEC 20-37-7, SE 1/4 NW 1/4
02-20-100-011	YORKVILLE MEADOWS LLC, C/O SHERRIE CHOU	80 REMINGTON RD.	SCHAUMBURG	IL	60173	20-37-7	SEC. 20-37-7 60.88 AC TR LYNG N FAXON CITY OF YORKVILLE
02-20-125-002	UNITED CITY OF YORKVILLE	800 GAME FARM RD	YORKVILLE	IL	60560	20-37-7	LOT 139 KTYLNS RIDGE UNIT 2 CITY OF YORKVILLE (EXC ROW TAKEN 04-35448)
02-20-125-003	ZWIER, MICHAEL H & USAL	2399 IRROQUOIS LN	YORKVILLE	IL	60560	20-37-7	LOT 1 KTYLNS RIDGE UNIT 2 CITY OF YORKVILLE
02-20-125-004	CHIELI, KEVIN A & SARAH J	2397 IRROQUOIS LN	YORKVILLE	IL	60560	20-37-7	LOT 2 KTYLNS RIDGE UNIT 2 CITY OF YORKVILLE
02-20-125-005	KELLY, BRIAN D & CHERLYN M	2395 IRROQUOIS LN	YORKVILLE	IL	60560	20-37-7	LOT 3 KTYLNS RIDGE UNIT 2 CITY OF YORKVILLE
02-20-125-006	COONEY, BRIAN PATRICK & JULIE LYNN	2393 IRROQUOIS LN	YORKVILLE	IL	60560	20-37-7	LOT 4 KTYLNS RIDGE UNIT 2 CITY OF YORKVILLE
02-20-125-007	BENNETT, RONALD W & BEVERLY R	2389 IRROQUOIS LN	YORKVILLE	IL	60560	20-37-7	LOT 5 KTYLNS RIDGE UNIT 2 CITY OF YORKVILLE
02-20-125-008	ARCH, LOUIS A	2387 IRROQUOIS LN	YORKVILLE	IL	60560	20-37-7	LOT 6 KTYLNS RIDGE UNIT 2 CITY OF YORKVILLE
02-20-125-009	BAVEL, SEAN A & CARAL	2385 IRROQUOIS LN	YORKVILLE	IL	60560	20-37-7	LOT 7 KTYLNS RIDGE UNIT 2 CITY OF YORKVILLE
02-20-125-010	LANGE, ALAN R & DIANE M	2383 IRROQUOIS LN	YORKVILLE	IL	60560	20-37-7	LOT 8 KTYLNS RIDGE UNIT 2 CITY OF YORKVILLE
02-20-125-011	BUCHER, DAVID A & MYRNA P	2381 IRROQUOIS LN	YORKVILLE	IL	60560	20-37-7	LOT 9 KTYLNS RIDGE UNIT 2 CITY OF YORKVILLE
02-20-125-012	SOLISZKO, ALFREDA	2381 IRROQUOIS LN	YORKVILLE	IL	60560	20-37-7	LOT 10 KTYLNS RIDGE UNIT 2 CITY OF YORKVILLE
02-20-125-013	GASKA, KIMBERLY	2381 IRROQUOIS LN	YORKVILLE	IL	60560	20-37-7	LOT 11 KTYLNS RIDGE UNIT 2 CITY OF YORKVILLE
02-20-125-014	VANDERMYER, DONALD T & AMY L	2341 IRROQUOIS LN	YORKVILLE	IL	60560	20-37-7	LOT 12 KTYLNS RIDGE UNIT 2 CITY OF YORKVILLE
02-20-125-015	FALLOU, THOMAS & CHRISTY	2321 IRROQUOIS LN	YORKVILLE	IL	60560	20-37-7	LOT 13 KTYLNS RIDGE UNIT 2 CITY OF YORKVILLE
02-20-125-016	KOCHER, JAMES P & CAROL J	2301 IRROQUOIS LN	YORKVILLE	IL	60560	20-37-7	LOT 14 KTYLNS RIDGE UNIT 2 CITY OF YORKVILLE
02-20-125-017	STANER, LILLIAN TR	2281 IRROQUOIS LN	YORKVILLE	IL	60560	20-37-7	LOT 15 KTYLNS RIDGE UNIT 2 CITY OF YORKVILLE
02-20-125-018	GREEN, CHAD M & AMBER R	2281 IRROQUOIS LN	YORKVILLE	IL	60560	20-37-7	LOT 16 KTYLNS RIDGE UNIT 2 CITY OF YORKVILLE
02-20-125-019	DELGADO, ROBERT & ELIZABETH	2241 IRROQUOIS LN	YORKVILLE	IL	60560	20-37-7	LOT 17 KTYLNS RIDGE UNIT 2 CITY OF YORKVILLE
02-20-125-020	EERNEST, TODD W	4N38 MAGNOLIA LN	WAYNE	IL	60184	20-37-7	LOT 18 KTYLNS RIDGE UNIT 2 CITY OF YORKVILLE
02-20-125-021	GROS, JEFFREY C & NANCY J	2201 IRROQUOIS LN	YORKVILLE	IL	60560	20-37-7	LOT 19 KTYLNS RIDGE UNIT 2 CITY OF YORKVILLE
02-20-125-022	KTYLNS RIDGE HOMEOWNERS ASSN	902 CANYON TRL	YORKVILLE	IL	60560	20-37-7	LOT 141 KTYLNS RIDGE UNIT 2 CITY OF YORKVILLE
02-20-125-023	KTYLNS RIDGE HOMEOWNERS ASSN	1004 WESTERN LN	YORKVILLE	IL	60560	20-37-7	PT LOT 140 KTYLNS RIDGE UNIT 2 CITY OF YORKVILLE
02-20-126-001	LI, ZHAOWEI	2398 IRROQUOIS LN	YORKVILLE	IL	60560	20-37-7	LOT 34 KTYLNS RIDGE UNIT 2 CITY OF YORKVILLE
02-20-126-002	SHELDON, ROD	2398 IRROQUOIS LN	YORKVILLE	IL	60560	20-37-7	LOT 33 KTYLNS RIDGE UNIT 2 CITY OF YORKVILLE
02-20-126-003	BAQUES, JASON A & ADRIENNE M	2394 IRROQUOIS LN	YORKVILLE	IL	60560	20-37-7	LOT 32 KTYLNS RIDGE UNIT 2 CITY OF YORKVILLE
02-20-126-004	HAFFENRICHTER, BLAKE & CLOUGH	2392 IRROQUOIS LN	YORKVILLE	IL	60560	20-37-7	LOT 31 KTYLNS RIDGE UNIT 2 CITY OF YORKVILLE
02-20-126-005	INGELWINSON, ROBYN M	2388 IRROQUOIS LN	YORKVILLE	IL	60560	20-37-7	LOT 30 KTYLNS RIDGE UNIT 2 CITY OF YORKVILLE
02-20-126-006	PEDERSEN, ROGER D & ARLENE	2388 IRROQUOIS LN	YORKVILLE	IL	60560	20-37-7	LOT 29 KTYLNS RIDGE UNIT 2 CITY OF YORKVILLE
02-20-126-007	DEANGELIS, KAREN A	2384 IRROQUOIS LN	YORKVILLE	IL	60560	20-37-7	LOT 28 KTYLNS RIDGE UNIT 2 CITY OF YORKVILLE
02-20-126-008	PARATORE, STACY	2342 IRROQUOIS LN	YORKVILLE	IL	60560	20-37-7	LOT 27 KTYLNS RIDGE UNIT 2 CITY OF YORKVILLE
02-20-126-009	PETERSEN, MICHAEL G & ANTONETTE M	2322 IRROQUOIS LN	YORKVILLE	IL	60560	20-37-7	LOT 26 KTYLNS RIDGE UNIT 2 CITY OF YORKVILLE
02-20-126-010	LENKE, TODD W & SWEETZER LENKE AMY	2392 IRROQUOIS LN	YORKVILLE	IL	60560	20-37-7	LOT 25 KTYLNS RIDGE UNIT 2 CITY OF YORKVILLE
02-20-128-011	PRETTYMAN, THOMAS R & CARON E	2292 IRROQUOIS LN	YORKVILLE	IL	60560	20-37-7	LOT 24 KTYLNS RIDGE UNIT 2 CITY OF YORKVILLE
02-20-128-012	MEWOLD, JERRY F & CAROLE J TR	2292 IRROQUOIS LN	YORKVILLE	IL	60560	20-37-7	LOT 23 KTYLNS RIDGE UNIT 2 CITY OF YORKVILLE

02-20-126-013	ANDERSON, GARY E & KRISTAL L	2242 IRROQUOIS LN	YORKVILLE	IL	60560	20-37-7	LOT 22 KLYNS RIDGE UNIT 2 CITY OF YORKVILLE
02-20-126-014	DOONEN, TERRANCE & PAMELA	2222 IRROQUOIS LN	YORKVILLE	IL	60560	20-37-7	LOT 21 KLYNS RIDGE UNIT 2 CITY OF YORKVILLE
02-20-126-015	GARCIA, ROBERTO & VANESSA A	2202 IRROQUOIS LN	YORKVILLE	IL	60560	20-37-7	LOT 20 KLYNS RIDGE UNIT 2 CITY OF YORKVILLE
02-20-126-016	SMITH, SCOTT DOUGLAS	1041 WHITE PLAINS LN	YORKVILLE	IL	60560	20-37-7	LOT 52 KLYNS RIDGE UNIT 2 CITY OF YORKVILLE
02-20-126-017	WOLEY, KATHLEEN A	1031 WHITE PLAINS LN	YORKVILLE	IL	60560	20-37-7	LOT 51 KLYNS RIDGE UNIT 2 CITY OF YORKVILLE
02-20-126-018	ARDET, CHRISTOPHER & JEANNE	1021 WHITE PLAINS LN	YORKVILLE	IL	60560	20-37-7	LOT 50 KLYNS RIDGE UNIT 2 CITY OF YORKVILLE
02-20-126-019	RUSNAK, STANISLAW & ELZBIETA	1001 WHITE PLAINS LN	YORKVILLE	IL	60560	20-37-7	LOT 49 KLYNS RIDGE UNIT 2 CITY OF YORKVILLE
02-20-126-020	MAGNABOSCO, LEANN	987 WHITE PLAINS LN	YORKVILLE	IL	60560	20-37-7	LOT 48 KLYNS RIDGE UNIT 2 CITY OF YORKVILLE
02-20-126-021	STRONG, JOSEPH	986 WHITE PLAINS LN	YORKVILLE	IL	60560	20-37-7	LOT 47 KLYNS RIDGE UNIT 2 CITY OF YORKVILLE
02-20-126-022	WEBER, KELLY	982 CANYON TRAIL CT	YORKVILLE	IL	60560	20-37-7	LOT 46 KLYNS RIDGE UNIT 2 CITY OF YORKVILLE
02-20-126-023	ARONSON, BRUCE	982 CANYON TRAIL CT	YORKVILLE	IL	60560	20-37-7	LOT 45 KLYNS RIDGE UNIT 2 CITY OF YORKVILLE
02-20-126-024	KLINE, GREGORY W & MARY J	982 CANYON TRAIL CT	YORKVILLE	IL	60560	20-37-7	LOT 44 KLYNS RIDGE UNIT 2 CITY OF YORKVILLE
02-20-126-025	HALBESHA, STEV M & MICHELLE	982 CANYON TRAIL CT	YORKVILLE	IL	60560	20-37-7	LOT 43 KLYNS RIDGE UNIT 2 CITY OF YORKVILLE
02-20-126-026	DAMATO, DAVID V & GINA M	992 CANYON TRAIL CT	YORKVILLE	IL	60560	20-37-7	LOT 42 KLYNS RIDGE UNIT 2 CITY OF YORKVILLE
02-20-126-027	RHOADES, ERNEST L III & ABBY K	1002 CANYON TRAIL CT	YORKVILLE	IL	60560	20-37-7	LOT 41 KLYNS RIDGE UNIT 2 CITY OF YORKVILLE
02-20-126-028	BAXX, NATHAN B & SARAH S	1001 CANYON TRAIL CT	YORKVILLE	IL	60560	20-37-7	LOT 40 KLYNS RIDGE UNIT 2 CITY OF YORKVILLE
02-20-126-029	FISCHER, ROBERT & ROSEMARY	991 CANYON TRAIL CT	YORKVILLE	IL	60560	20-37-7	LOT 39 KLYNS RIDGE UNIT 2 CITY OF YORKVILLE
02-20-126-030	BRASFIELD, BRIAN & JENNIFER	981 CANYON TRAIL CT	YORKVILLE	IL	60560	20-37-7	LOT 38 KLYNS RIDGE UNIT 2 CITY OF YORKVILLE
02-20-126-031	GENGLER, SCOTT	971 CANYON TRAIL CT	YORKVILLE	IL	60560	20-37-7	LOT 37 KLYNS RIDGE UNIT 2 CITY OF YORKVILLE
02-20-126-032	SAITORE, ANTHONY D & NICOLE R	961 CANYON TRAIL CT	YORKVILLE	IL	60560	20-37-7	LOT 36 KLYNS RIDGE UNIT 2 CITY OF YORKVILLE
02-20-126-033	WAGUESPACK, PATRICIA L & MICHAEL	951 CANYON TRAIL CT	YORKVILLE	IL	60560	20-37-7	LOT 35 KLYNS RIDGE UNIT 2 CITY OF YORKVILLE
02-20-127-001	VALTONI, FRANK & JOYCE	998 WHITE PLAINS LN	YORKVILLE	IL	60560	20-37-7	LOT 98 KLYNS RIDGE UNIT 2 CITY OF YORKVILLE
02-20-127-002	BECKWELL, ERIC & ANDREA	1002 WHITE PLAINS LN	YORKVILLE	IL	60560	20-37-7	LOT 97 KLYNS RIDGE UNIT 2 CITY OF YORKVILLE
02-20-127-003	ANNATT, DOUGLAS J	1022 WHITE PLAINS LN	YORKVILLE	IL	60560	20-37-7	LOT 96 KLYNS RIDGE UNIT 2 CITY OF YORKVILLE
02-20-127-004	SMITH, BRIAN G	1022 WHITE PLAINS LN	YORKVILLE	IL	60560	20-37-7	LOT 95 KLYNS RIDGE UNIT 2 CITY OF YORKVILLE
02-20-127-005	KAHLE, MATTHEW C & NICOLE	1023 WHITE PLAINS LN	YORKVILLE	IL	60560	20-37-7	LOT 94 KLYNS RIDGE UNIT 2 CITY OF YORKVILLE
02-20-127-006	CHITMAN, GREGORY J & JAMIE L & PATRICIA A	1042 WHITE PLAINS LN	YORKVILLE	IL	60560	20-37-7	LOT 93 KLYNS RIDGE UNIT 2 CITY OF YORKVILLE
02-20-127-007	ZABRANSKI, MICHAEL J	1052 WHITE PLAINS LN	YORKVILLE	IL	60560	20-37-7	LOT 92 KLYNS RIDGE UNIT 2 CITY OF YORKVILLE
02-20-127-008	FOX, RICHARD A & TIFFANY R	1163 WESTERN LN	YORKVILLE	IL	60560	20-37-7	LOT 88 KLYNS RIDGE UNIT 2 CITY OF YORKVILLE
02-20-127-009	LANGAN, DAVID P & JENNIFER K	1143 WESTERN LN	YORKVILLE	IL	60560	20-37-7	LOT 85 KLYNS RIDGE UNIT 2 CITY OF YORKVILLE
02-20-127-010	ANDERSON, ERIK R & KRISTIN E	1123 WESTERN LN	YORKVILLE	IL	60560	20-37-7	LOT 84 KLYNS RIDGE UNIT 2 CITY OF YORKVILLE
02-20-127-011	SULLIVAN, SEAN K	1103 WESTERN LN	YORKVILLE	IL	60560	20-37-7	LOT 83 KLYNS RIDGE UNIT 2 CITY OF YORKVILLE
02-20-127-012	SEPE, STEVEN R SR & DEBRA J	1083 WESTERN LN	YORKVILLE	IL	60560	20-37-7	LOT 82 KLYNS RIDGE UNIT 2 CITY OF YORKVILLE
02-20-127-013	SECRETARY OF HOUSING & URBAN DEVELOPMENT	1063 WESTERN LN	YORKVILLE	IL	60560	20-37-7	LOT 81 KLYNS RIDGE UNIT 2 CITY OF YORKVILLE
02-20-127-014	PRICE, ANDREW S	1043 WESTERN LN	YORKVILLE	IL	60560	20-37-7	LOT 80 KLYNS RIDGE UNIT 2 CITY OF YORKVILLE
02-20-128-001	HUBER, MATTHEW	2181 IRROQUOIS LN	YORKVILLE	IL	60560	20-37-7	LOT 87 KLYNS RIDGE UNIT 2 CITY OF YORKVILLE
02-20-128-002	MACLOSKEY, TIMOTHY P & DEBORAH	PO BOX 195	YORKVILLE	IL	60560	20-37-7	LOT 86 KLYNS RIDGE UNIT 2 CITY OF YORKVILLE
02-20-128-003	REID AND PAUL P & MARIE E	2141 IRROQUOIS LN	YORKVILLE	IL	60560	20-37-7	LOT 89 KLYNS RIDGE UNIT 2 CITY OF YORKVILLE
02-20-128-004	PAKENVAN, ANDREW S	1121 IRROQUOIS LN	YORKVILLE	IL	60560	20-37-7	LOT 70 KLYNS RIDGE UNIT 2 CITY OF YORKVILLE
02-20-128-005	KLYNS RIDGE HOMEOWNERS ASSN	932 CANYON TRIL	YORKVILLE	IL	60560	20-37-7	LOT 142 KLYNS RIDGE UNIT 2 CITY OF YORKVILLE
02-20-150-001	BRANNING, CHRISTOPHER M & TINA M	2222 HIGH RIDGE LN	YORKVILLE	IL	60560	20-37-7	LOT 134 KLYNS RIDGE UNIT 1 SUBD CITY OF YORKVILLE (EXC ROW TAKING DL-35449)
02-20-150-002	RAITI, TOM L & HEIDI L	2312 HIGH RIDGE LN	YORKVILLE	IL	60560	20-37-7	LOT 133 KLYNS RIDGE UNIT 1 SUBD CITY OF YORKVILLE
02-20-150-003	AMH 2014.2 BORROWER LLC	30601 AGOURA RD STE 200	AGOURA HILLS CA	IL	61301	20-37-7	LOT 132 KLYNS RIDGE UNIT 1 SUBD CITY OF YORKVILLE
02-20-150-004	GRUSKOVAN, JACK & NALEPKA BRENDAN	2282 HIGH RIDGE LN	YORKVILLE	IL	60560	20-37-7	LOT 131 KLYNS RIDGE UNIT 1 SUBD CITY OF YORKVILLE
02-20-150-005	POGORZELSKI, EDWARD	2282 HIGH RIDGE LN	YORKVILLE	IL	60560	20-37-7	LOT 130 KLYNS RIDGE UNIT 1 SUBD CITY OF YORKVILLE
02-20-150-006	COLE, BRIAN T & DIANE KAY	941 CANYON TRIL	YORKVILLE	IL	60560	20-37-7	LOT 129 KLYNS RIDGE UNIT 1 SUBD CITY OF YORKVILLE
02-20-150-007	LIPPEL, CHRISTOPHER & KATHRYN	931 CANYON TRIL	YORKVILLE	IL	60560	20-37-7	LOT 128 KLYNS RIDGE UNIT 1 SUBD CITY OF YORKVILLE
02-20-150-008	COLEMAN, WILLIAM SCOTT	921 CANYON TRIL	YORKVILLE	IL	60560	20-37-7	LOT 127 KLYNS RIDGE UNIT 1 SUBD CITY OF YORKVILLE
02-20-150-009	BEIZAKS, TOM D & SHARON P	909 CANYON TRIL	YORKVILLE	IL	60560	20-37-7	LOT 126 KLYNS RIDGE UNIT 1 SUBD CITY OF YORKVILLE
02-20-151-001	SCHROEDER, ELIZABETH L	912 CANYON TRIL	YORKVILLE	IL	60560	20-37-7	LOT 103 KLYNS RIDGE UNIT 1 SUBD CITY OF YORKVILLE
02-20-151-002	ROTHMAN, MARK	922 CANYON TRIL	YORKVILLE	IL	60560	20-37-7	LOT 102 KLYNS RIDGE UNIT 1 SUBD CITY OF YORKVILLE
02-20-151-003	LUBECKE, WILLIAM ROBERT & DONIVA MARIE	932 CANYON TRIL	YORKVILLE	IL	60560	20-37-7	LOT 101 KLYNS RIDGE UNIT 1 SUBD CITY OF YORKVILLE
02-20-151-004	SZELAGOSKI, FAMILY TRUST	942 CANYON TRIL	YORKVILLE	IL	60560	20-37-7	LOT 100 KLYNS RIDGE UNIT 1 SUBD CITY OF YORKVILLE
02-20-151-005	LACZANO, ISIDRO & RIOS GRICELDA	2202 HIGH RIDGE LN	YORKVILLE	IL	60560	20-37-7	LOT 99 KLYNS RIDGE UNIT 1 SUBD CITY OF YORKVILLE
02-20-151-006	RODRIGUEZ, MIGUEL & MILINDA	2182 HIGH RIDGE LN	YORKVILLE	IL	60560	20-37-7	LOT 98 KLYNS RIDGE UNIT 1 SUBD CITY OF YORKVILLE
02-20-151-007	WHITE, DAVID S & LYNN M	2182 HIGH RIDGE LN	YORKVILLE	IL	60560	20-37-7	LOT 97 KLYNS RIDGE UNIT 1 SUBD CITY OF YORKVILLE
02-20-151-008	VOULMER, FREDERICK C & VICKI L	2182 HIGH RIDGE LN	YORKVILLE	IL	60560	20-37-7	LOT 96 KLYNS RIDGE UNIT 1 SUBD CITY OF YORKVILLE
02-20-151-009	FEILERER, TODD A & SARAH K	2182 HIGH RIDGE LN	YORKVILLE	IL	60560	20-37-7	LOT 95 KLYNS RIDGE UNIT 1 SUBD CITY OF YORKVILLE



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02-20-151-010	RACE, RICHARD S & NINA C	2142 HIGH RIDGE LN	YORKVILLE	IL	60560	20-37-7	LT 94 KLYNS RIDGE UNIT 1 SUBD CITY OF YORKVILLE
02-20-175-001	WHISPERING MEADOWS COMMUNITY ASSOCIATION, % REAL ESTATE INVESTOR SERVICE	P O BOX 487	ELMHURST	IL	60126	20-37-7	LOT 1 WHISPERING MEADOWS UNIT 1 CITY OF YORKVILLE
02-20-176-001	FUNKHOUSER, CHRISTOPHER A & ROSSAERT-FUNKHOUSER STEPHANIE	903 CANYON TRL	YORKVILLE	IL	60560	20-37-7	LT 125 KLYNS RIDGE UNIT 1 SUBD CITY OF YORKVILLE
02-20-176-002	SCHILTZ, TODD & KATHLEEN M	895 CANYON TRL	YORKVILLE	IL	60560	20-37-7	LT 124 KLYNS RIDGE UNIT 1 SUBD CITY OF YORKVILLE
02-20-176-003	LOHREY, RYAN P & LISA A	883 CANYON TRL	YORKVILLE	IL	60560	20-37-7	LT 123 KLYNS RIDGE UNIT 1 SUBD CITY OF YORKVILLE
02-20-176-004	SEVERSON, DARIN A & CHERIE	881 CANYON TRL	YORKVILLE	IL	60560	20-37-7	LT 122 KLYNS RIDGE UNIT 1 SUBD CITY OF YORKVILLE
02-20-176-005	SCHRAEDER, DAVID B & TIFFANY	889 CANYON TRL	YORKVILLE	IL	60560	20-37-7	LT 121 KLYNS RIDGE UNIT 1 SUBD CITY OF YORKVILLE
02-20-176-006	KLYNS RIDGE HOMEOWNERS ASSN	PO BOX 133	YORKVILLE	IL	60560	20-37-7	LT 138 KLYNS RIDGE UNIT 1 SUBD (RETENTION) CITY OF YORKVILLE
02-20-176-007	MAYHALL, MATTHEW W & CATHY L	18025 S DIANE WAY	MANHATTAN	IL	60442	20-37-7	LT 120 KLYNS RIDGE UNIT 1 SUBD CITY OF YORKVILLE
02-20-176-008	NELSON, NELSON	873 CANYON TRL	YORKVILLE	IL	60560	20-37-7	LT 119 KLYNS RIDGE UNIT 1 SUBD CITY OF YORKVILLE
02-20-176-009	OLD SECOND NATIONAL BANK OF AURORA, % JUDITH ARMS	863 CANYON TR	YORKVILLE	IL	60560	20-37-7	LT 118 KLYNS RIDGE UNIT 1 SUBD CITY OF YORKVILLE
02-20-176-010	GRAYBEAL, ROMAN E JR	853 CANYON TRAIL	YORKVILLE	IL	60560	20-37-7	LT 117 KLYNS RIDGE UNIT 1 SUBD CITY OF YORKVILLE
02-20-176-011	GERHKE, JOSEPH P & HOLLY M	843 CANYON TRL	YORKVILLE	IL	60560	20-37-7	LT 116 KLYNS RIDGE UNIT 1 SUBD CITY OF YORKVILLE
02-20-176-012	JOHNSON, JERAD & BRITTANY	833 CANYON TRL	YORKVILLE	IL	60560	20-37-7	LT 115 KLYNS RIDGE UNIT 1 SUBD CITY OF YORKVILLE
02-20-177-001	KLYNS RIDGE HOMEOWNERS ASSN	PO BOX 133	YORKVILLE	IL	60560	20-37-7	LT 137 KLYNS RIDGE UNIT 1 SUBD (DETENTION) CITY OF YORKVILLE
02-20-177-002	BONESS, JAY D & STEPHANIE J	892 CANYON TRL	YORKVILLE	IL	60560	20-37-7	LT 104 KLYNS RIDGE UNIT 1 SUBD CITY OF YORKVILLE
02-20-177-003	DABBERT, ROBERT L & KATHLEEN L	884 CANYON TRL	YORKVILLE	IL	60560	20-37-7	LT 106 KLYNS RIDGE UNIT 1 SUBD CITY OF YORKVILLE
02-20-177-004	HUNTER, JOHN F & KRISTA S	884 CANYON TRL	YORKVILLE	IL	60560	20-37-7	LT 108 KLYNS RIDGE UNIT 1 SUBD CITY OF YORKVILLE
02-20-177-005	CITIZENS BANK NA	10 TRIMPS LN	RIVERSIDE	IL	62815	20-37-7	LT 107 KLYNS RIDGE UNIT 1 SUBD CITY OF YORKVILLE
02-20-177-006	BRUE, SHARON L	884 CANYON TRL	YORKVILLE	IL	60560	20-37-7	LT 108 KLYNS RIDGE UNIT 1 SUBD CITY OF YORKVILLE
02-20-177-007	MANGIONE, RENEE & DAVID	834 CANYON TRL	YORKVILLE	IL	60560	20-37-7	LT 110 KLYNS RIDGE UNIT 1 SUBD CITY OF YORKVILLE
02-20-177-008	GARDNER, KEITH A & SHAWN L	834 CANYON TRL	YORKVILLE	IL	60560	20-37-7	LT 111 KLYNS RIDGE UNIT 2 CITY OF YORKVILLE
02-20-177-009	SKOGEN, TODD W & IDERAN LINDA A	2101 ROCQUOUS LN	YORKVILLE	IL	60560	20-37-7	LOT 72 KLYNS RIDGE UNIT 2 CITY OF YORKVILLE
02-20-177-010	TESCH, MICHAEL & SARAH	1184 WESTERN LN	YORKVILLE	IL	60560	20-37-7	LOT 73 KLYNS RIDGE UNIT 2 CITY OF YORKVILLE
02-20-177-011	GILSTRAP, TODD A & NANCY E	1184 WESTERN LN	YORKVILLE	IL	60560	20-37-7	LOT 74 KLYNS RIDGE UNIT 2 CITY OF YORKVILLE
02-20-177-012	HEWLETT, JEFFREY & NANCY	1144 WESTERN LN	YORKVILLE	IL	60560	20-37-7	LOT 75 KLYNS RIDGE UNIT 2 CITY OF YORKVILLE
02-20-177-013	MAY, KEVIN M & JENNIE M	1104 WESTERN LN	YORKVILLE	IL	60560	20-37-7	LOT 76 KLYNS RIDGE UNIT 2 CITY OF YORKVILLE
02-20-177-014	ALWAY, JEREMY J & RACHEL M	1084 WESTERN LN	YORKVILLE	IL	60560	20-37-7	LOT 77 KLYNS RIDGE UNIT 2 CITY OF YORKVILLE
02-20-177-015	BEACH, BRADLEY R	1084 WESTERN LN	YORKVILLE	IL	60560	20-37-7	LOT 78 KLYNS RIDGE UNIT 2 CITY OF YORKVILLE
02-20-177-016	FERGUSON, AMY	1044 WESTERN LN	YORKVILLE	IL	60560	20-37-7	LOT 79 KLYNS RIDGE UNIT 2 CITY OF YORKVILLE
02-20-177-017	EBERHARDT, DENISE M	1044 WESTERN LN	YORKVILLE	IL	60560	20-37-7	LOT 143 KLYNS RIDGE UNIT 2 CITY OF YORKVILLE
02-20-177-018	AMG HOMES INC	932 CANYON TRL	YORKVILLE	IL	60560	20-37-7	LT 80 KLYNS RIDGE UNIT 1 SUBD
02-20-177-019	POPLEWELL, TIMOTHY R & ROBYN K	1004 WESTERN LN	YORKVILLE	IL	60560	20-37-7	LT 81 KLYNS RIDGE UNIT 1 SUBD CITY OF YORKVILLE
02-20-177-020	STOCK, RUSSELL & MCCARTHY ANNE	984 WESTERN LN	YORKVILLE	IL	60560	20-37-7	LT 82 KLYNS RIDGE UNIT 1 SUBD CITY OF YORKVILLE
02-20-177-021	KIESLING, ANDREW S & KASIE L H	984 WESTERN LN	YORKVILLE	IL	60560	20-37-7	LT 83 KLYNS RIDGE UNIT 1 SUBD CITY OF YORKVILLE
02-20-177-022	COHEN, VICKI L	944 WESTERN LN	YORKVILLE	IL	60560	20-37-7	LT 84 KLYNS RIDGE UNIT 1 SUBD CITY OF YORKVILLE
02-20-177-023	SHIPLEY, MARK E & CATHLEEN A	924 WESTERN LN	YORKVILLE	IL	60560	20-37-7	LT 85 KLYNS RIDGE UNIT 1 SUBD CITY OF YORKVILLE
02-20-177-024	DOUGLSON, ALEX C & BRIDGET I	904 WESTERN LN	YORKVILLE	IL	60560	20-37-7	LT 136 KLYNS RIDGE UNIT 1 SUBD (PARK) CITY OF YORKVILLE
02-20-328-007	UNITED CITY OF YORKVILLE	800 GAME FARM RD	YORKVILLE	IL	60560	20-37-7	YORKVILLE
02-20-327-001	PISTICK, BRIAN M & MICHELLE H	963 WESTERN LN	YORKVILLE	IL	60560	20-37-7	LT 83 KLYNS RIDGE UNIT 1 SUBD CITY OF YORKVILLE
02-20-327-002	EROMAN, THOMAS M & LISA T	943 WESTERN LN	YORKVILLE	IL	60560	20-37-7	LT 92 KLYNS RIDGE UNIT 1 SUBD CITY OF YORKVILLE
02-20-327-003	REEDER, CHRISTOPHER & MELISSA	923 WESTERN LN	YORKVILLE	IL	60560	20-37-7	LT 81 KLYNS RIDGE UNIT 1 SUBD CITY OF YORKVILLE
02-20-327-004	RADAK, ANDREW	903 WESTERN LN	YORKVILLE	IL	60560	20-37-7	LT 80 KLYNS RIDGE UNIT 1 SUBD CITY OF YORKVILLE
02-20-352-001	KENDALL HOLDINGS I LLC, % GREENWOOD GLOBAL INC	707 SKOKIE BLVD STE 600	NORTHBROOK	IL	60062	20-37-7	PT LT 43 KENDALL MARKETPLACE CITY OF YORKVILLE
02-20-352-002	KENDALL HOLDINGS I LLC, % GREENWOOD GLOBAL INC	707 SKOKIE BLVD STE 600	NORTHBROOK	IL	60062	20-37-7	LOT 42 KENDALL MARKETPLACE CITY OF YORKVILLE
02-20-352-003	KENDALL HOLDINGS I LLC, % GREENWOOD GLOBAL INC	707 SKOKIE BLVD STE 600	NORTHBROOK	IL	60062	20-37-7	LOT 41 KENDALL MARKETPLACE CITY OF YORKVILLE
02-20-352-004	KENDALL HOLDINGS I LLC, % GREENWOOD GLOBAL INC	707 SKOKIE BLVD STE 600	NORTHBROOK	IL	60062	20-37-7	LOT 40 KENDALL MARKETPLACE CITY OF YORKVILLE
02-20-352-005	KENDALL HOLDINGS I LLC, % GREENWOOD GLOBAL INC	707 SKOKIE BLVD STE 600	NORTHBROOK	IL	60062	20-37-7	LOT 39 KENDALL MARKETPLACE CITY OF YORKVILLE
02-20-352-006	KENDALL HOLDINGS I LLC, % GREENWOOD GLOBAL INC	707 SKOKIE BLVD STE 600	NORTHBROOK	IL	60062	20-37-7	LOT 38 KENDALL MARKETPLACE CITY OF YORKVILLE



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02-20-352-007	KENDALL HOLDINGS I LLC, % GREENWOOD GLOBAL INC	707 SKOKIE BLVD STE 800	NORTHBROOK	IL	60062	20-37-7	LOT 37 KENDALL MARKETPLACE CITY OF YORKVILLE
02-20-352-008	KENDALL HOLDINGS I LLC, % GREENWOOD GLOBAL INC	707 SKOKIE BLVD STE 800	NORTHBROOK	IL	60062	20-37-7	LOT 38 KENDALL MARKETPLACE CITY OF YORKVILLE
02-20-352-009	KENDALL HOLDINGS I LLC, % GREENWOOD GLOBAL INC	707 SKOKIE BLVD STE 800	NORTHBROOK	IL	60062	20-37-7	LOT 35 KENDALL MARKETPLACE CITY OF YORKVILLE
02-20-352-010	KENDALL HOLDINGS I LLC, % GREENWOOD GLOBAL INC	707 SKOKIE BLVD STE 800	NORTHBROOK	IL	60062	20-37-7	LOT 34 KENDALL MARKETPLACE CITY OF YORKVILLE
02-20-354-001	KENDALL HOLDINGS I LLC, % GREENWOOD GLOBAL INC	707 SKOKIE BLVD STE 800	NORTHBROOK	IL	60062	20-37-7	LOT 33 KENDALL MARKETPLACE CITY OF YORKVILLE
02-20-354-002	KENDALL HOLDINGS I LLC, % GREENWOOD GLOBAL INC	707 SKOKIE BLVD STE 800	NORTHBROOK	IL	60062	20-37-7	LOT 32 KENDALL MARKETPLACE CITY OF YORKVILLE
02-20-354-003	KENDALL HOLDINGS I LLC, % GREENWOOD GLOBAL INC	707 SKOKIE BLVD STE 800	NORTHBROOK	IL	60062	20-37-7	LOT 31 KENDALL MARKETPLACE CITY OF YORKVILLE
02-20-354-004	KENDALL HOLDINGS I LLC, % GREENWOOD GLOBAL INC	707 SKOKIE BLVD STE 800	NORTHBROOK	IL	60062	20-37-7	LOT 30 KENDALL MARKETPLACE CITY OF YORKVILLE
02-20-354-005	KENDALL HOLDINGS I LLC, % GREENWOOD GLOBAL INC	707 SKOKIE BLVD STE 800	NORTHBROOK	IL	60062	20-37-7	LOT 29 KENDALL MARKETPLACE CITY OF YORKVILLE
02-20-354-006	KENDALL HOLDINGS I LLC, % GREENWOOD GLOBAL INC	707 SKOKIE BLVD STE 800	NORTHBROOK	IL	60062	20-37-7	LOT 28 KENDALL MARKETPLACE CITY OF YORKVILLE
02-20-370-001	WOLGAST, JEFFREY R & TONI L	PO BOX 12	BRISTOL	IL	60512	20-37-7	LT 89 KYLVNS RIDGE UNIT 1 SUBD CITY OF YORKVILLE
02-20-370-002	BUDZYNSKI, RAYMOND E & VERNAL	803 WESTERN LN	YORKVILLE	IL	60560	20-37-7	LT 88 KYLVNS RIDGE UNIT 1 SUBD CITY OF YORKVILLE
02-20-370-003	MCDONALD, RICHARD A & GEORGIA	804 CANYON TRL	YORKVILLE	IL	60560	20-37-7	LT 112 KYLVNS RIDGE UNIT 1 SUBD CITY OF YORKVILLE
02-20-370-004	SHADE, RICHARD D & AGATHA	824 CANYON TRL	YORKVILLE	IL	60560	20-37-7	LT 111 KYLVNS RIDGE UNIT 1 SUBD CITY OF YORKVILLE
02-20-371-001	CAMPBELL, BRUCE R JR & JACLYN	823 CANYON TRL	YORKVILLE	IL	60560	20-37-7	LT 114 KYLVNS RIDGE UNIT 1 SUBD CITY OF YORKVILLE
02-20-371-002	PEREZ, ADRIAN & KAURICH, BRITANY	800 CANYON TRL	YORKVILLE	IL	60560	20-37-7	LT 113 KYLVNS RIDGE UNIT 1 SUBD CITY OF YORKVILLE
02-20-372-001	RODDAN, STEVEN & WENDY	804 WESTERN LN	YORKVILLE	IL	60560	20-37-7	LT 87 KYLVNS RIDGE UNIT 1 SUBD CITY OF YORKVILLE
02-20-372-002	DAFFENBURG, BRET A & JULIE A	804 WESTERN LN	YORKVILLE	IL	60560	20-37-7	LT 135 KYLVNS RIDGE UNIT 1 SUBD (PARK) CITY OF YORKVILLE
02-20-372-003	UNITED CITY OF YORKVILLE	800 GAME FARM RD	YORKVILLE	IL	60560	20-37-7	YORKVILLE
02-20-380-001	KENDALL HOLDINGS I LLC, % GREENWOOD GLOBAL INC	707 SKOKIE BLVD STE 800	NORTHBROOK	IL	60062	20-37-7	LOT 27 KENDALL MARKETPLACE CITY OF YORKVILLE
02-20-380-002	KENDALL HOLDINGS I LLC, % GREENWOOD GLOBAL INC	707 SKOKIE BLVD STE 800	NORTHBROOK	IL	60062	20-37-7	LOT 26 KENDALL MARKETPLACE CITY OF YORKVILLE
02-20-380-003	KENDALL HOLDINGS I LLC, % GREENWOOD GLOBAL INC	707 SKOKIE BLVD STE 800	NORTHBROOK	IL	60062	20-37-7	LOT 25 KENDALL MARKETPLACE CITY OF YORKVILLE
02-20-380-004	KENDALL HOLDINGS I LLC, % GREENWOOD GLOBAL INC	707 SKOKIE BLVD STE 800	NORTHBROOK	IL	60062	20-37-7	LOT 24 KENDALL MARKETPLACE CITY OF YORKVILLE
02-30-100-015	QUALIFIED INTERMEDIARY OF SO IL, % 111 MAPLE STREET LLC	1550 HECHT RD	BARTLETT	IL	60103	30-37-7	20.15 AC TR LYG SW 1/4 SEC 18-37-7 & N 1/2 SEC 30-37-7, CITY OF YORKVILLE
02-30-200-021	CHICAGO TITLE LAND	405 E. SHERIDAN RD	LAKE BLUFF	IL	60044	30-37-7	13.21 AC TR LYG N 1/4 N 1/4 SEC 30-7-7, N RT 34 (EXC ROW TAKEN 14-12767)
02-30-203-002	UNITED CITY OF YORKVILLE	800 GAME FARM RD	YORKVILLE	IL	60560	30-37-7	LT 3 FOX HILL UNIT 6 CITY OF YORKVILLE
02-30-203-017	GCM PROPERTIES LLC	12046 FLINT DR	HOMER GLEN	IL	60481	30-37-7	LT 2 FOX HILL UNIT 6 (EXC ROW TAKEN 05-36271) (EXC ROW TAKEN 16-18579) CITY OF YORKVILLE
02-30-300-001	HENKER-BECK FARMS	406 CORRI LN	PLANO	IL	60545	30-37-7	SEC 30-37-7, NW 1/4 SW 1/4
02-30-300-004	4334 ELDAMAIN FARM LLC, % MARIANA SOLARI	1425 N JACKSON	RIVER FOREST	IL	60305	30-37-7	SEC 30-37-7, DOCC. 87-4831

# Phase In Plan for Proposed Compost Site located at 1270 Beecher Rd, Bristol, IL

Revised Oct 25, 2023

Milroy Farms basic strategy is to use the existing stormwater detention pond on our parcel to serve the Phase I area; eliminate the cure pile volume to restore normal off site drainage patterns; and then use the funds (if sufficient) to help build the new pond and also allow financing of another \$500k worth of equipment to build windrows and expand onto the west field Phase II area. We intend to accomplish this by the following plan detail:

- Existing Phase I detention pond (near site trailer area shall remain throughout duration of county permit). If the county permit goes through - then Milroy Farms will attempt to get the EPA permit modified (and transferred to Milroy Farms) BEFORE the new \*\*Phase II pond is built (in preparation for windrows to be placed on the lower west side (Phase II) field. Also, BEFORE Phase II pond is built/completed - begin screening and selling material ASAP from the cure pile to derive sufficient funds for construction of the new/proposed Phase II field build out detention pond construction. If required to expedite sales and necessary/possible - set up bagging equipment in the processing area to sell bagged compost to retail outlets. If eliminating the cure pile is at too great a loss and/or not sufficiently profitable at Milroy Farms sole discretion we will close the EPA permit (if transferred to us) and then ask that the county revoke the special use permit. Offsite cure pile will be removed to approximately original tillable field grade on adjacent parcels if owner's and Yorkville permit material to be removed at no cost to Milroy Farms. Final phase activities entail placing windrows on our parcel's upper east field and the lower west field in the quantity and total length used to calculate the site throughput capacity as depicted by the original Weston site plans showing a Phase I and Phase II composting area. If sufficient revenue/funds allow it - we may decide it beneficial to construct the proposed storage/maintenance building at a time to be determined and at our discretion.
- Upon termination of composting, the Phase II stormwater pond will be \*filled in and returned to ag once all composting feed product and any cure pile material is removed from all fields. The Phase II field will be returned to tillable and the storage building - if constructed - will remain on the property to serve as an ag building for farming or other special use if permitted.
- Existing road; utility line/equipment; office trailer; water well; septic system; heavy equipment e.g. wheel loader, etc; and equipment pads will remain upon termination of composting to serve farm operation; wetland mitigation bank activities (if any); or, future special use.

\* alternative use could be to remain as a basis for a wetland mitigation bank; or, serve as a detention pond for another special use.

\*\* Phase II pond centerline may be shifted to the east (away from creek) to allow for a possible 60' easement to the creek centerline at our discretion. Deadpool area/depth may be reduced to accommodate Rob Roy Creek drainage district representative (Bob Davidson) and Milroy Farms concerns regarding blowouts to or from the creek. These concerns will be related to our engineer for consideration and inclusion in our stormwater narrative (as requested today by the county reviewing engineer).