

**KENDALL COUNTY  
REGIONAL PLANNING COMMISSION**

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

**Approved - Meeting Minutes of December 11, 2024 - 7:00 p.m.**

Chairman Bill Ashton called the meeting to order at 7:00 p.m.

**ROLL CALL**

Members Present: Bill Ashton, Eric Bernacki, Tom Casey, Dave Hamman, Keith Landovitz, Karin McCarthy-Lange, Ruben Rodriguez, Bob Stewart, and Claire Wilson

Members Absent: Seth Wormley

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

Others Present: Tom Ryan, Juan Hernandez, and Tom Ryan

**APPROVAL OF AGENDA**

Member Landovitz made a motion, seconded by Member Rodriguez, to approve the agenda. With a voice vote of nine (9) ayes, the motion carried.

**APPROVAL OF MINUTES**

Member McCarthy-Lange made a motion, seconded by Member Wilson, to approve the minutes of the October 23, 2024, meeting. With a voice vote of nine (9) ayes, the motion carried.

**PETITIONS**

**Petition 24-30 Nicholas S. Bellone on Behalf of Ament Solar 1, LLC (Tenant) and Janet M. Dhuse on Behalf of the Janet Dhuse Declaration of Family Trust Dated March 1, 2013 (Owner)**

Mr. Asselmeier summarized the request.

In October 2024, the County received an application for a special use permit and variance to allow a commercial solar energy facility on the subject property.

When Kendall Township reviewed the proposal in November, the Kendall Township Board had the following concerns:

1. "That it appears specifically and in writing that any fiduciary instrument (i.e. Bond) be attached to the Title and or abstract of the Subject Property presently identified as *AMENT ROAD SOLAR FARM*. In so much as that responsibility will pass to any and all owners until the end of the deconstruction phase of the project.
2. That the concerns expressed above regarding the subsoil drainage issues be specifically addressed in any SUP, and failure to do so will result in a violation of the terms of the agreement and a monetary penalty will be applied.
3. That the concerns regarding the noxious weeds shall be specifically spelled out in the SUP and future agreements."

In an effort to work with Kendall Township, the Petitioner submitted a request for a continuance to the January 2025 Kendall County Regional Planning Commission meeting and the January 2025 Kendall County Zoning Board of Appeals hearing. The Petitioner's cover email and cover letter, not including attachments, were provided.

The next Kendall Township Planning Commission meeting is December 16, 2024, and the next Kendall Township Board meeting is December 17, 2024.

The complete record of this Petition can be found on the County's website at <https://www.kendallcountyil.gov/home/showpublisheddocument/31510/638665763806870000>.

Member Berancki asked if the three (3) concerns raised by Kendall Township were actionable items. Mr. Asselmeier responded that bonds are set at a specific figure and then if some action occurs that triggers a need to use the funds, the County will draw on the bond to resolve the applicable issue. Regarding a drainage bond, it would be difficult to determine a dollar amount because the condition of the neighboring field tile is unknown, the impacts of the new field tile located on the subject property on the older field on neighboring properties, and if new problems with tiles on neighboring properties are connected with the development of the solar field. When the bonds funds are exhausted, there would be no additional funds. Regarding subsoil drainage issues, the Petitioners have to submit a drainage plan and the drainage plan would be a part of the special use permit. Also, the Petitioners have applied for a stormwater permit. If a violation to either the special use permit or the stormwater portion of the County Code occurs, the property would have to pay applicable fines. Regarding noxious weeds, there will be a requirement in the special use permit that they have to follow all applicable federal, state, and local laws. If they violate the Illinois Noxious Weed Law, they could be fined per the requirements of the State law and they would be in violation of their special use permit and could be fined for violating their special use permit.

Member Bernacki asked about enforcement of drainage issues. Mr. Asselmeier responded that a property owner cannot cause more or less water to go onto neighboring properties under Illinois Drainage Law. Illinois Drainage Law is enforced civilly. The Kendall County Stormwater Management portion of the County Code contains thresholds triggering the need for a County Stormwater Management Permit. It is possible that an activity does not reach the thresholds contained in the County Code. In that case, the matter would be handled civilly.

Member Wilson said the key was to get a large enough bond to cover the costs to remove all of the components of the solar project. Per State law, the salvage value reduces the total bond amount. She questioned the recycling ability of the solar panels. She encouraged her client in another case to hire their own engineer to estimate the decommissioning costs. She favored having a stormwater analysis. Some projects don't start immediately.

The subject property will be leased.

Member Wilson asked about the nearest crossroads. They are Route 47 and Ament Road. The subject property is west of Route 47 on the south side of Ament Road.

Member Rodriguez asked about the lease and a cleanup situation. It was noted that no solar project in Illinois had gone through the entire life cycle of a project. Mr. Asselmeier explained that the County would ask the court for permission to cleanup a site. The County would then take the bond and any costs the bond didn't cover would be liened against the property; it may take several years to redeem the lien.

Member Landovitz asked if the Township's concerns were about the beneficiaries and not the amount of the bond. Mr. Asselmeier responded that he did not believe a bond amount had been determined. The Township wanted to make sure the property owner and any future property owners knew that the bond was there should it need to be used.

No road use agreement has been finalized with Kendall Township.

Tom Ryan, New Leaf Energy, explained how the company calculates decommissioning bonds; they would use independent engineers if needed.

The continuation request is at the Petitioner's request.

Member Bernacki asked if New Leaf Energy had done any other projects in Illinois. Mr. Ryan responded yes, but most are still being processed and built.

Member Wilson asked about the scope the Planning Commission's review of this proposal. Mr. Asselmeier responded that the Commission's primary role is to examine projects in relation to the consistency with the Land Resource Management Plan and then examining projects in relation to the County's regulations.

Member Wilson asked if the Commission could impose conditions because of State law. Mr. Asselmeier responded that State law makes it difficult for the Commission to add new conditions, but the Petitioner may be agreeable to additional conditions. Mr. Ryan said that they would like to make the County happy.

Member Wilson asked about the relationship between Ament Solar 1, LLC and New Leaf Energy. Mr. Ryan said that Ament Solar 1 was created by New Leaf Energy; it would stay effective during operation.

Member Landovitz made a motion, seconded by Member Hamman, to continue the proposal at the Petitioner's request to the January 22, 2025, meeting, which will be held at the Historic Courthouse at 110 W. Madison Street, Yorkville.

Juan Hernandez noted that the road for the solar project will be next to his property. He was wanting to know pros and cons for having this type of development next to his property. The Petitioner has not met with him. Mr. Hernandez was directed to the County website and Kendall Township will be meeting on the proposal the week of December 16<sup>th</sup>.

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

Steve Gengler, Kendall Township Supervisor, clarified the Township's position regarding the drain tile issues. Once the solar panels are installed, it will be difficult to work on drain tile. The Township is concerned about the impact on drainage of neighboring properties. Member Wilson noted the runoff from the panels; the field has a good slope.

The proposal goes to the Kendall County Regional Planning Commission on January 22, 2025.

#### **Petition 24-31 Kendall County Zoning Administrator**

Mr. Asselmeier summarized the request.

Effective January 1, 2010, the State of Illinois raised the weight limits on local roads from seventy-three thousand two hundred eighty (73,280) pounds to eighty thousand (80,000) pounds. Local road authorities could still post roads for lesser amounts, but unposted roads were raised to the higher weight limit.

The zoning regulations for composting facilities, landscaping businesses, and storage facilities for motor vehicles, boats, trailers, and recreational vehicles retained the old number.

Staff is proposing to raise the number to match State regulations. The redlined version of the amendments are as follows:

Section 36-282 (20) (j) (Regulation of Composting Facilities)

Truck weights shall be limited to ~~seventy-three thousand two hundred eighty (73,280)~~ **eighty thousand (80,000)** pounds.

Section 36-282 (32) (b) (Regulation of Landscaping Businesses)

The business shall be located on, and have direct access to, a State, County or collector highway as identified in the County's Land Resource Management Plan, having an all-weather surface, designed to accommodate loads of at least ~~seventy-three thousand two hundred eighty (73,280)~~ **eighty thousand (80,000)** pounds unless otherwise approved in writing by the agency having jurisdiction over said highway. Such approvals shall establish limitations as to the number of employees and types of vehicles coming to and from the site that are engaged in the operation of the use (including delivery vehicles). These restrictions shall be included as controlling conditions of the special use.

Section 36-282 (54) (Regulation of Storage Facilities for Motor Vehicles, Boats, Trailers, and Recreational Vehicles)

Storage facilities for motor vehicles, boats, trailers, and other recreational vehicles, provided that the business shall be located on, and have direct access to, a State, County or collector highway as identified in the County's Land Resource Management Plan, having an all-weather surface, designed to accommodate loads of at least ~~seventy-three thousand two hundred eighty (73,280)~~ **eighty thousand (80,000)** pounds. Unless specifically permitted under a special use permit, all storage shall be in enclosed buildings. Self-storage or mini-warehouse facilities are specifically prohibited in the A-1 Agricultural District.

Petition information was sent to the Townships on October 25, 2024. No comments received.

ZPAC reviewed the proposal at their meeting on November 5, 2024, and voted to forward the proposal to the Kendall County Regional Planning Commission by a vote of seven (7) in favor and zero in opposition with three (3) members absent. The minutes of the meeting were provided.

Member Landovitz asked if it was an oversight that some roads were not updated to eighty thousand (80,000) pounds. Mr. Asselmeier stated that was correct.

Member Bernacki asked if there would be any pushback from the County Engineer if local townships changed the weight class to eighty thousand (80,000) pounds. Mr. Asselmeier stated pushback would arise potentially for individual road situations, which is not a zoning question. Mr. Asselmeier stated he cannot speak for the Highway Commissioners.

Member Rodriguez asked if Mr. Asselmeier had a discussion with the Highway Engineer. Mr. Asselmeier stated he has not spoken to the Highway Engineer. However, in the past, Mr. Asselmeier stated he had a discussion with the Highway Engineer, particularly with special use permits for landscaping businesses, and the Highway Engineer brought up the weight discrepancy.

Member Stewart made a motion, seconded by Member Hamman, to recommend approval of the text amendment.

The votes were as follows:

Ayes (9): Ashton, Bernacki, Casey, Hamman, Landovitz, McCarthy-Lange, Rodriguez, Stewart, and Wilson  
Nays (0): None  
Absent (1): Wormley  
Abstain (0): None

The motion carried.

The proposal goes to the Kendall County Zoning Board of Appeals on December 16, 2024.

#### **Petition 24-32 Kendall County Zoning Administrator**

Mr. Asselmeier summarized the request.

As part of the codification review process, the Sheriff Department requested that the enforcement regulations for window signs contained in Section 36-1051 (12) be amended.

The redlined version of the text is as follows:

Window signs. Window signs shall be affixed only to the interior surface of the glass and shall not be located on any windows above the first floor of the building. Such signs shall not exceed thirty-five (35) percent of the window surface area for each building face. Signs shall not be affixed in such a manner that a safety hazard to customers or staff of the establishment is created by the obstruction of vision. The **County-Sheriff Zoning Administrator** or designee shall be empowered to require the removal or relocation of any such sign deemed to be a safety hazard.

To Staff's knowledge, the above section of the Zoning Ordinance portion of the Kendall County Code is the only section of the Zoning Ordinance portion of the Kendall County Code where enforcement was assigned to someone other than the Zoning Administrator or their designee.

Information was sent to the Townships on October 25, 2024. No comments received.

ZPAC reviewed the proposal at their meeting on November 5, 2024, and voted to recommend approval of the proposal by a vote of seven (7) in favor and zero in opposition with three (3) members absent. The minutes of the meeting were provided.

Member Wilson made a motion, seconded by Member Landovitz, to recommend approval of the text amendment.

The votes were as follows:

Ayes (9): Ashton, Bernacki, Casey, Hamman, Landovitz, McCarthy-Lange, Rodriguez, Stewart and Wilson  
Nays (0): None  
Absent (1): Wormley  
Abstain (0): None

The motion carried.

The proposal goes to the Kendall County Zoning Board of Appeals on December 16, 2024.

#### **Petition 24-33 Kendall County Zoning Administrator**

Mr. Asselmeier summarized the request.

Parks are presently special uses in the A-1, M-1 and M-2 Districts and they are permitted uses in the R-1, R-2, R-3, and RPD Districts.

The Oswegoland Park District operates Winrock Park at 21 Winrock Road, SuzanJohn Park at 29 Hampton Road, and Augusta Lake Park at 116 Augusta Road. Winrock Park is zoned R-7 and the other two (2) parks are zoned R-6.

The above parks are presently legally non-conforming which could create regulatory issues if the Oswegoland Park District decided to make changes to the parks; Staff is not aware of any proposed changes at this time.

Staff proposes to add parks to the list of permitted uses in the R-4, R-5, R-6, and R-7 Districts by amending Section 36-535 adding parks in the appropriate place alphabetically to the list of permitted uses in these districts and related text changes.

No property can be rezoned to the R-4, R-5, R-6, or R-7 zoning districts.

Information was sent to the Townships and Park Districts on October 25, 2024. No comments received.

ZPAC reviewed the proposal at their meeting on November 5, 2024, and voted to recommend approval of the proposal by a vote of seven (7) in favor and zero in opposition with three (3) members absent. The minutes of the meeting were provided.

Member Stewart made a motion, seconded by Member McCarthy-Lange, to recommend approval of the text amendment.

The votes were as follows:

Ayes (9): Ashton, Bernacki, Casey, Hamman, Landovitz, McCarthy-Lange, Rodriguez, Stewart and Wilson  
Nays (0): None  
Absent (1): Wormley  
Abstain (0): None

The motion carried.

The proposal goes to the Kendall County Zoning Board of Appeals on December 16, 2024.

## **Petition 24-34 Kendall County Regional Planning Commission**

Mr. Asselmeier summarized the request.

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

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

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

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

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

The redlined version of the proposal is as follows:

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

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

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

Information was sent to the Townships on October 25, 2024. No comments received.

ZPAC reviewed the proposal at their meeting on November 5, 2024, and voted to forward the proposal to the Kendall County Regional Planning Commission by a vote of seven (7) in favor and zero in opposition with three (3) members absent with the suggestion that the setback be five feet (5’) as measured from the permanent easement line instead of being measured from the pipeline. The minutes of the meeting were provided.

Chairman Ashton requested clarification on the measurement. Mr. Asselmeier stated twenty-five (25’) feet from any occupied principal structure.

Member Stewart asked if it was twenty-five (25’) feet in either direction. Mr. Asselmeier stated it was twenty-five feet (25’) in either direction.

Member Wilson asked if pipe distance was measured from the boundary of the easement. Mr. Asselmeier stated pipelines would be measured a minimum of twenty-five (25') feet from any occupied principal structure.

Member Casey asked if there was a reason for making it much smaller than it was previously. Member Hamman stated that five hundred feet (500') was excessive.

Member Landovitz requested clarification on ZPAC's suggestion. Mr. Asselmeier stated the suggestion was made by Dave Guritz from The Forest Preserve District. He felt that it would be more appropriate to have the setback be five feet (5') measured from the permanent easement line instead of measuring the setback from a house. This idea was a suggestion not a recommendation.

Member Wilson asked if the house must be five (5') feet from the boundary of the easement. Mr. Asselmeier stated that was correct. Mr. Asselmeier stated that Mr. Guritz was looking at the easement instead of the location of the house.

Member Landovitz stated that it is understood that the easement would typically provide twenty-five feet (25') on either side. He stated that the wording for the requirement should be the distance from the easement rather than the distance from the pipeline. Member Wilson stated there was no assurance that the pipeline would be laying in the center of the easement. Mr. Asselmeier stated that there was no assurance that all pipeline easements would be the same widths. Member Landovitz stated he would like the wording to be kept the same as it was originally.

Member Hamman made a motion, seconded by Member Rodriguez, to recommend approval of the text amendment.

The votes were as follows:

Ayes (7): Bernacki, Hamman, Landovitz, McCarthy-Lange, Rodriguez, Stewart, and Wilson

Nays (2): Ashton and Casey

Absent (1): Wormley

Abstain (0): None

The motion carried.

The proposal goes to the Kendall County Zoning Board of Appeals on December 16, 2024.

Chairman Ashton stated that he felt twenty-five feet (25') is too close but five hundred feet (500') is excessive. He would like something in between. Member Casey agreed with Chairman Ashton.

Member Wilson stated that she didn't think that private pipeline companies have eminent domain. Member Stewart stated the pipelines were trying to obtain eminent domain.

Member Rodriguez asked if some of the current pipelines would be grandfathered. Mr. Asselmeier stated that if the older pipelines did not meet the requirements they would be grandfathered. Any new pipelines would have to meet the new requirements.

#### **Petition 24-35 Kendall County Regional Planning Commission**

Mr. Asselmeier summarized the request.



Section 36-1013 (f) (6) (a) (1) of the Kendall County Code contains the following regulations regarding parking in the front yard setbacks:

“No parking and drive aisles are permitted in a required front setback except the interior one-half (½) of the front yard in an M-1 Limited Manufacturing District or M-2 Heavy Industrial District.”

During the review of the special use permit for a landscaping business between 3900 and 3716 Stewart, Staff was requested to investigate allowing parking in a portion of the required front yard setbacks.

The front yard setbacks for properties zoned A-1 are one hundred fifty feet (150') from the centerline and one hundred feet (100') from the right-of-way line.

The consensus among the members of the Kendall County Regional Planning Commission was that this requirement was too large and prevented property owners from using their land effectively.

At their meeting on October 23, 2024, the Kendall County Regional Planning Commission decided to initiate a text amendment to the Kendall County Code allowing parking in the A-1 Zoning District in the interior seventy-five feet (75') from the centerline for properties where the right-of-way was not dedicated and the interior fifty feet (50') from the right-of-way line where a right-of-way existed.

Accordingly, the redlined version of the text is as follows:

“No parking and drive aisles are permitted in a required front setback except the interior one-half (½) of the front yard in **A-1 Agricultural District**, M-1 Limited Manufacturing District, or M-2 Heavy Industrial District.”

Information was sent to the Townships on October 25, 2024. No comments received.

ZPAC reviewed the proposal at their meeting on November 5, 2024. Discussion occurred regarding the history of front yard setback regulations. ZPAC voted to recommend approval of the proposal by a vote of seven (7) in favor and zero in opposition with three (3) members absent. The minutes of the meeting were provided.

Member Landovitz stated that the dimensions are not clearly stated. Mr. Asselmeier stated the parking is permitted in a required front setback except the interior one-half (½) of the front yard in an M-1 Limited Manufacturing District or M-2 Heavy Industrial District. Member Landovitz favored more explicitly stating the seventy-five foot (75') and fifty foot (50') requirement.

The amendment would read “No parking and drive aisles are permitted in a required front setback except the interior one-half (½) of the front yard in **A-1 Agricultural District**, M-1 Limited Manufacturing District, or M-2 Heavy Industrial District. **Specifically, for properties located in the A-1 Agricultural District, parking and driving aisles are permitted within the interior seventy-five feet (75') from the centerline for properties where the right-of-way was not dedicated and the interior fifty feet (50') from the right-of-way line where a right-of-way existed.**”

Member Wilson asked if the proposal applied to all roads or rights-of-way. Mr. Asselmeier responded that, if a road authority widened a road, the property would be grandfathered. The property owner could also pursue a variance under the argument that the State created the hardship/non-conformity. Member Wilson discussed a case in Channahon where a restaurant could not be rebuilt.

Member Landovitz made a motion, seconded by Member Bernacki, to continue the Petition to the January 22, 2025, meeting at the Historic Courthouse.

The votes were as follows:

Ayes (9): Ashton, Bernacki, Casey, Hamman, Landovitz, McCarthy-Lange, Rodriguez, Stewart, and Wilson

Nays (0): None

Absent (1): Wormley

Abstain (0): None

The motion carried.

The proposal returns to the Kendall County Regional Planning Commission on January 22, 2025.

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

None

### **NEW BUSINESS**

#### **Review of Invitation List for February 2025 Annual Meeting**

Commissioners reviewed the invitation list. The save-the-dates would be sent on January 2, 2025, and the meeting is at 9:00 a.m., on February 1, 2025, at the Historic Courthouse.

#### **Discussion of Land Resource Management Plan Update**

Funding to update the Land Resource Management Plan was included in the budget. Mr. Asselmeier stated that Mike Hoffman from Teska Associates was working on a contract to update the Plan. The Plan would be topic based instead of geography based. The kick-off of the project would occur at the February 1, 2025, Kendall County Regional Planning Commission Annual Meeting.

### **OLD BUSINESS**

None

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

Mr. Asselmeier reported that Petitions 24-26 and 24-28 were approved by the County Board.

### **OTHER BUSINESS/ANNOUNCEMENTS**

Mr. Asselmeier reported that the application deadline for the January meeting is December 24, 2024. Petitions 24-30 and 24-35 will be on the agenda.

Member Landovitz appreciated the Staff for updating the ordinance as necessary. Mr. Asselmeier said that the Staff was proposing text amendments reducing the number of plats submitted for certain applications.

Member Wilson suggested only including a summary instead of complete NRI Reports.

### **ADJOURNMENT**

Member Wilson made a motion, seconded by Member Hamman, to adjourn. With a voice vote of nine (9) ayes, the motion carried.

The Kendall County Regional Planning Commission meeting adjourned at 8:05 p.m.



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

Enc.

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**KENDALL COUNTY  
REGIONAL PLANNING COMMISSION  
DECEMBER 11, 2024**

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

NAME	ADDRESS (OPTIONAL)	EMAIL ADDRESS (OPTIONAL)
Tom Ryan		
Juan Hernandez		
Steve Gengler		