

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION**

*Kendall County Historic Court House
Court Room
110 W. Madison Street, Yorkville, Illinois*

Approved - Meeting Minutes of June 25, 2025 - 7:00 p.m.

Chairman Keith Landovitz called the meeting to order at 7:00 p.m.

ROLL CALL

Members Present: Bill Ashton, Eric Bernacki, Tom Casey, (arrived 7:02 p.m.) Keith Landovitz, Ruben Rodriguez, Claire Wilson, and Seth Wormley

Members Absent: Dave Hamman, Karin McCarthy-Lange, and Bob Stewart

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

Others Present: Dan Gorman

APPROVAL OF AGENDA

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

Member Casey arrived at this time (7:02 p.m.).

APPROVAL OF MINUTES

Member Bernacki made a motion, seconded by Member Wormley, to approve the minutes of the May 27, 2025, gathering, May 28, 2025, meeting, June 4, 2025, gathering, and June 17, 2025, gathering. With a voice vote of seven (7) ayes, the motion carried.

PETITIONS

Petition 25-04 Daniel J. Gorman on Behalf of USA Energy Independence, LLC (Prospective Buyer) and Stanley L. Zepelak on Behalf of the Lucaya Asset Management, LLC (Current Owner)

Mr. Asselmeier provided an update since the May 28, 2025, meeting.

The Kendall County Zoning Board of Appeals initiated a public hearing on this proposal on June 2, 2025. Discussion occurred regarding the timing of notifications and the possibility of Yorkville annexing the property. The matter was continued to the June 30, 2025, Zoning Board of Appeals hearing. The minutes for this hearing were provided.

Bristol Township reviewed the proposal at their meeting on May 7, 2025. Bristol Township recommended approval of the proposal. The minutes were provided.

The United City of Yorkville's Planning and Zoning Commission reviewed the proposal at their meeting on June 11, 2025. The Planning and Zoning Commission recommended not to object to the proposal by a vote of five (5) in favor and one (1) in opposition. The proposal goes to the Yorkville Economic Development Committee on July 1, 2025, and the Yorkville City Council on July 8, 2025. An email explaining this information was provided.

At their meeting on June 17, 2025, the County Board approved the special use permit for the commercial solar project in the 10000 Block of Ament Road. The County Board also approved a community benefits agreement. In that agreement, the Petitioner agreed to pay the County approximately Three Thousand Dollars (\$3,000) per megawatt annually with five percent (5%) increases every five (5) years. The agreement was provided.

Chairman Landovitz stated that the United City of Yorkville's Economic Development Committee was not able to complete their review of Petition 25-04 due to lack of a quorum. Yorkville is not in favor of annexing the solar project.

Member Wormley discussed the Community Benefit Agreement. This type of agreement will be a condition of other solar projects. The agreement is the same as the agreement included with the project on Ament Road. Dan Gorman, Senior Developer for USA Energy Independence, stated this was the second (2nd) Community Benefit Agreement in Kendall County. Petitioner agreed to pay the County approximately Three Thousand Dollars (\$3,000) per megawatt annually with five percent (5%) increases every five (5) years.

Member Wilson asked how the Petitioner can legally be required to pay the amount shown for the Community Benefit Agreement. Mr. Asselmeier stated that the Petitioner is voluntarily entering into the agreement. Member Wilson how the Fifteen Thousand Dollars (\$15,000) would be spent. Mr. Asselmeier stated that spending the money is a decision for the County Board to make. Member Wilson had concerns that the amount of money that the Petitioner proposed for a bond may not be enough to decommission the project in twenty-five (25) to thirty (30) years and feels the Community Benefits Agreement funds should be set aside for decommissioning, in the event the company goes bankrupt. She would like an independent engineer to look at the costs of decommissioning the project; the Petitioner has probably not yet decommissioned a solar project. Mr. Asselmeier stated that the decommissioning information had not been looked at by an independent engineer. He stated that the Agricultural Impact Mitigation Agreement allows review of the decommissioning costs in ten (10) years and every five (5) years thereafter.

Member Wormley stated that there was already a decommissioning plan in place. USA Energy Independence has agreed to a Fifty Thousand Dollar (\$50,000) bond. Mr. Gorman stated that USA Energy Independence will purchase the land and the property value will likely be Two Million Dollars (\$2,000,000).

Member Wilson asked what happens if the power production goes under five hundred (500) kilowatts because the Agricultural Impact Mitigation Agreement would not apply. Mr. Gorman stated it would not go under five hundred (500) kilowatts.

Member Bernacki asked if the Community Benefit Agreement was for the life of the project. The response was yes.

Member Wilson asked about the life expectancy of the solar project. Mr. Gorman stated the projected life of a solar farm is twenty-five (25) to thirty-five (35) years.

Member Wilson asked if the special use permit had a sunset clause. Mr. Asselmeier stated it does not have a sunset clause. The special use permit has a controlling site plan. If the Petitioner decided to replace the solar panels, they would probably have to reconfigure the site. At that point, they would have to amend the special use permit and probably obtain a new stormwater permit.

Member Bernacki made a motion, seconded by Member Rodriguez, to recommend approval of the special use permit and variance with conditions proposed by Staff.

The votes were as follows:

Ayes (7): Ashton, Bernacki, Casey, Landovitz, Rodriguez, Wilson, and Wormley

Nays (0): None

Absent (3): Hamman, McCarthy-Lange, and Stewart

Abstain (0): None

The motion carried.

The proposal goes to the Kendall County Zoning Board of Appeals on June 30, 2025.

Chairman Landovitz noted that time still existed for Yorkville to submit official comments on the proposal before the County Board took final action on the proposal. Yorkville could still request to annex the property.

Chairman Landovitz praised the County Staff and County Board for creating the Community Benefit Agreement. He did not feel that the proposal was creating incompatible land uses.

CITIZENS TO BE HEARD/PUBLIC COMMENT

None

NEW BUSINESS

Update on Comprehensive Plan Update Project

Mr. Asselmeier said the next open house will be July 14, 2025, at 6:30 p.m., at the Oswego Township Building in Boulder Hill. There will also be a booth at the National Night Out on August 5, 2025, and an open house at the Plano Library on August 13, 2025. There was an article on WSPY. They are trying to get more survey response.

Teska was willing to come to the July Regional Planning Commission meeting; there are no Petitions for the July meeting. Discussion occurred regarding having a joint meeting of the Regional Planning Commission and Comprehensive Land Plan and Ordinance Committee. Chairman Landovitz would provide an update at a later date regarding whether or not a joint meeting would occur.

Discussion occurred regarding attendance at the open houses and the topics of discussion at each open house. The open houses have had similar attendance figures.

Teska continues to interview township officials.

OLD BUSINESS

None

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Asselmeier reported that Petition 24-30 was approved by the County Board.

OTHER BUSINESS/ANNOUNCEMENTS

None

ADJOURNMENT

Member Ashton made a motion, seconded by Member Bernacki, to adjourn. With a voice vote of seven (7)

ayes, the motion carried.

The Kendall County Regional Planning Commission meeting adjourned at 7:46 p.m.

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