CALL TO ORDER
The meeting was called to order by Chairman Scott Gryder at 6:32 p.m.

ROLL CALL
Present: Chairman Scott Gryder, Amy Cesich, Lynn Cullick, Vice-Chair Judy Gilmour and Jeff Wehrli
Absent: None
Also present: Senior Planner Angela Zubko, Alan & Mary Maly, Attorney Daniel Kramer, Gwen Carlyle, Cliff & Kate Thrall, Thomas & Renee Geistler and Jill Oldenburg

APPROVAL OF AGENDA
Amy Cesich made a motion to approve the agenda as written, Lynn Cullick seconded the motion. All agreed and the motion was approved.

APPROVAL OF MINUTES
Lynn Cullick made a motion to approve the minutes from October 7, 2013. Amy Cesich seconded the motion. All agreed and the minutes were approved.

EXPENDITURE REPORT (handed out at meeting)
Jeff Wehrli made a motion to approve the expenditure report in the amount of $21,137.04 and forward it onto the Finance Committee, Lynn Cullick seconded the motion. All agreed and the motion was approved.

PETITIONS-
#13-17 Maly Poultry Processing Plant
Planner Zubko stated the petitioners: Alan & Mary Maly are requesting approval of an A-1 special use to operate a small poultry and small animal processing plant. The property is located at 16895 Lisbon Center Road on the north side of Lisbon Center road about 0.3 miles east of Fennel Road. The petitioners own about 125 acres of land and are requesting 27 acres of it for the special use. The Endangered Species Report contained no record of state listed threatened or endangered species, Illinois Natural Area inventory sites, dedicated Illinois Nature preserves or registered land and water reserves in the vicinity of the project location. The Natural Resources Inventory indicated that 67.4% of the soils on site are classified as being prime farmland and most agronomically productive and the level of protection for the LESA score is medium. At the July 16th Big Grove Township board meeting they made a unanimous recommendation in favor of the petition. Also Planner Zubko has received a letter from the Village of Newark Trustees dated August 5, 2013 stating that the Village of Newark Trustees reviewed the information and support the endeavor. Just to clarify the project will NOT be in the Village of Newark and NOT be connected to their sewer system, it will be on well and septic. This was never a formal petition to the Village of Newark.

The ZPAC Committee made a favorable recommendation, the Plan Commission also made a favorable recommendation and added a condition that within 5 years, 50’ of the driveway must be a minimum of tar and chipped and modified the condition to not allow retail sales on site. There were 2 public hearings on this
petition due to information received from the SAO related to notification procedures and the hearing officer Bill Ford made a favorable recommendation at both hearings. This will be a USDA (United States Department of Agricultural) certified plant which means they have to follow the Counties rules and also the stricter rules of the EPA Department of Agricultural and the Illinois Department of Public Health.

All processing will take place in enclosed building and projecting to process a maximum of 3,000 chickens a day. They will also employ about 30-35 employees probably in about 5 years but start off with about 10 employees. They do meet all the required setbacks. There is an existing driveway the petitioner proposes to use and 2 existing buildings on the property that will be maintained. Lisbon Center road is the jurisdiction of the Big Grove Township Road Commissioner, who I have spoken to, and he did not feel this use would be an issue and did not request any conditions to be placed on the special use ordinance regarding the roadway. Most people will be bringing chickens in small trailers. There will be NO retail on site and that is one of the conditions. In an average transport you can fit about 8-10 chickens per coop. The picture in the report can hold about 200 chickens. The petitioner proposes to be open from 5:30am to 6pm Monday thru Friday except additional Saturdays in October and November to process Turkeys. The petitioners have stated that typically January to April are the slowest times of the year. Also typically the chickens will be dropped off in the morning, slaughtering typically takes place between 6-10am, then the customer picks up their processed chickens between 2-4pm. If the customer wants the chickens frozen they would typically pick them up the next day. The petitioner has stated they plan to have waste removed on a regular basis and have already been contacted by a rendering company in Joliet that will deal with the waste. All waste will be kept in sealed containers inside a building and picked up within 48 hours, the petitioner’s goal is within 24 hours.

For the well and septic there will be a combined effort. The IL EPA and the US Department of Agriculture are in charge of the water and waste from the animal by-products. Our Health department is in charge of the waste from the toilets and hand washing inside. The IDPH (IL Department of Public Health) will regulate the well used for the processing plant. No sign is proposed at this time, if a sign is installed at a later date it must comply with the sign regulations in Section 12 of the Zoning Ordinance and requires a building permit. The parking lot will mainly be used by employees and no parking lot lighting is requested. The petitioners request the parking lot be gravel instead of asphalt and staff is in support. This property will be a USDA facility so a USDA employee will be on site at all times when the operation is open and the facility must be built to USDA standards.

Some of the concerns that were brought up at the previous meetings where: the public feels this is a manufacturing use and not agricultural, amount of traffic on and off site, noise, the property values in the area, lighting, possible protests, landscaping, driveway construction, possible water contamination, type of chemicals the plant will be using and disposing of, appearance, signage, how many shifts a day, waste and wastewater, amount of water used and effect on the aquifer and water runoff, smell, attracting other rodents and vultures, Newark’s police force policing more people, and safety of children walking along the roadways. There was also discussion from the Plan Commission of a fence on the east side of the property or some type of landscaping but the Plan Commission did not want to put it as a condition at this time. It was suggested to bring this up at the Planning, Building and Zoning meeting as they have the authority to add conditions.

In the packet is a site plan and elevations of the proposed building. The site plan will be an exhibit to the ordinance, therefore; if the petitioners want to add onto the site they would need to go through the special use process again unless the changes would be considered a minor amendment. Staff is comfortable with this request and recommends approval with the 15 listed conditions, eliminating condition 8 as they meet the
requirements and 10 as those would be added today or at the County Board meeting. Planner Zubko read through all the conditions:

1. A maximum of 21,000 units a week.
2. Facilities (the unloading area) must be located at least 400’ from any principle structure.
3. No rendering may take place on the site.
4. Live animals may be held on the site for no more than twenty-four (24) hours.
5. All slaughtering/processing permitted only in an enclosed building.
6. The hours of operation are to be 5:30am to 6pm Monday thru Friday except additional Saturdays in October and November to process turkeys.
7. In no event can poultry produced be sold for retail or wholesale by the processor on the processing site.
8. All Applicable Federal, State and County rules and regulations shall apply.
9. Waste, by-products or any decomposable residue which results from the slaughtering of animals must be kept in a sealed container and picked up within 48 hours.
10. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance (Sign Regulations)
11. Shall satisfy all requirements of the Kendall County Health Department and Building Department prior to the issuance of occupancy permits.
12. Performance Standards. All activities shall conform to the performance standards set forth in section 10.01.G.
13. Engineering drawings, including stormwater, must be approved before a building permit can be released.
14. Within 5 years, 50’ of the driveway must be a minimum of tar and chipped.
15. Kendall County staff will have access to the log books kept in house to verify the limits are being maintained with regards to how many animals are processed weekly.

Planner Zubko mentioned she has received letters from the following people and that the letters been given to the PBZ Committee members including 3 letters she received today from Cliff Thrall, Mark Oldenburg & Pam & Bill Kunke and passed out to the members at the beginning of the meeting. The other letters in the packet include letters from:

- Jody & Beth Osmund
- Illinois Stewardship Alliance
- United States Senator Richard J. Durbin
- Alice Marks
- Tom & Renee Geistler
- Garrett & Gwendolyn Carlyle
- Cliff Thrall & Family
- Brent & Sheila Urton
- Mark Oldenburg
- Map made by Mathew Marks showing what’s in the area

Mr. Gryder stated they do not take additional testimony but wanted to make sure Planner Zubko stated all the items and comments in her report. No audience members wanted to talk at this moment. Ms. Cesich had a few comments: a few County Board members were at the last hearing and there were a few items brought up from the residents that concerned her: the EPA requirements and the water table and aquifer. She wanted to clarify we are granting zoning and the EPA has not looked at this yet. Planner Zubko stated yes the EPA typically will not look at a project until the zoning is approved on that land and then go through their process.
and asked Mr. Kramer just to verify. Ms. Cesich feels we might be putting the cart before the horse and giving zoning for something we don’t know all the part for. She has some concerns. Planner Zubko also mentioned the condition about engineering and stormwater must be approved.

Attorney Kramer stated there are two ways to look at the project, the EPA would like them to get the zoning first. The petitioner’s engineer has to supply water and wastewater plans to the EPA and those plans can get costly. The EPA will not approve the project until those plans are provided. It would be a hardship for the petitioners to go through that type of expense if the land use will not be approved. If zoning is approved there are so many days to submit their plans for approval. With regards to the water table, Mr. Kramer stated they will be using water, there is no question of that, but this particular well on site was for a cattle operation that was run there years ago with a 6” casing which is huge compared what a normal home in the County might have. The purpose of the casing is so it can pump incredible amounts of water for agricultural use like irrigation which would not require County approval. Mr. Kramer talked a little about the process and conditions added to make sure all conditions are adhered to.

Mr. Wehrli stated we need to remember is that we’re voting or recommending on the zoning use/special use. As far as the specifics of the operation itself the petitioners have agreed to the limitations that have been set in this special use and they also have to abide by the limitations that the other governmental agencies will give them including the possibility that they might review it say it is just not going to work. Mr. Wehrli stated that in another time when the County went against another governmental agency because the County Board did not feel they would do the right thing or monitor it properly, that is the quickest way to get your case booted. We have to assume they will do their jobs properly and monitor it properly. He’s looking if it fits into the agricultural use and if the conditions are acceptable. The other agencies will run most of it and we have to trust in them.

Mr. Gryder asked if the hearing officer has viewed all the testimony and findings of fact and have recommended approval and the County Board denied the special use would that open the County Board up to liability. Mr. Kramer volunteered to chime in since he was the City of Yorkville’s attorney for 22 years so he can give it to us in regards to both sides. Mr. Kramer stated in Illinois on zoning there is a famous case called the LaSalle case and it gives 6 factors on zoning and then there was the Sinclair pipeline case grafted two other elements on that the land use and zoning follow religiously. It asks if the governmental entity have a plan, an advisory body and do we follow that plan? In terms of liability no one can sue the CB saying they’re liable but it can go to court if we do not follow our own plan and if we don’t follow our fact finding body (the hearing office). If you follow your fact finding body the courts will agree.

Ms. Gilmour stated the neighbors have some legitimate concerns one concern are property values running a slaughter facility so closely to their homes. Another thing is the issue with the water and not sure if the township and Village understand the intensity of this operation. There was some discussion on the type of septic system to be used.

Cliff Thrall stated he is a licensed in IL for waste water systems and has contacted the EPA about septic requirements with regards to what will be done. He is concerned that if the horse does get put before the buggy things might get overlooked and they could operate without the proper approvals and channels being met. He also discussed the 6 inch well and his concerns. He stated if this septic system goes in this would be the largest sub-surface system in the County. He is of the opinion this is not the proper place for this facility and worried about water supply. Mr. Wehrli asked Mr. Thrall if he’s comfortable with the EPA and IDPH to properly certify and size the appropriate type of system for that use? Mr. Thrall stated he would have to
assume they are professionals and would do their job due diligently like all us do at our jobs but sometimes when things are done out of order accidents can happen. He thinks they will look at site conditions and maybe not surrounding conditions. Mr. Thrall thought it would be the Bureau of Water that would possibly handle water table issues and things of that nature. There was discussion that the County Board has authority to pull the special use at anytime so if something went wrong or conditions were not met.

Mr. Kramer brought up that some slaughter facilities are located in town like in Earlville, Lisbon and meat packing plant in Elburn and no issues. He stated if the petitioners do not meet all the criteria in design per the EPA and Federal Department of Agricultural then the plant will not get built. They have a lot of items that need to be met.

There was discussion about how we can make sure they get approval from the EPA and USDA?

Gwen Carlye asked if Newark and the township have written and recommended the project. She has started a petition consisting of 82 names currently and would like the petition to go on record. She is worried the Village of Newark did not ask the resident’s their thoughts and that’s why she has started the petition. She is worried there are so many concerns the residents have about this going into their backyard. Gwen also discussed her concerns with the notification process. Planner Zubko stated they followed all stated laws and went above and beyond holding 2 public hearings. Planner Zubko also read the letter from the Village of Newark supporting the endeavor.

The PBZ would like to add a condition to the special use that a certificate of occupancy will be required and copies of the EPA, IDPH and USDA permits supplied while applying for the building permit.

Ms. Gilmour has lots of concerns and asked about the waterway in the front of the property. Planner Zubko stated it would be addressed during engineering so is not concerned.

Mr. Wehrli asked if a small berm can be located on the north side of the parking lot, about 2-3 feet in height to block headlights? Mr. Kramer said they would do a low lever berm about 3-4 feet and landscape to 100% opacity to shield lights. They could do some large evergreens.

There was discussion on moving this to the Committee of the Whole (COW) so the full board can weigh in.

With no further suggestions or changes Lynn Cullick made a motion, seconded by Amy Cesich to forward the petition onto the Committee of the Whole meeting on Thursday. All were in favor.

#13-29 Historic Preservation Ordinance Amendment
Planner Zubko stated in your packet are two items: the benefits of becoming a certified local government and the proposed changes to the text in order to become eligible to have the CLG status. The proposed changes to the Historic Preservation ordinance would be to eliminate the language for owner’s consent and change the percentage for a historic district from 100% to 51% (pages 7, 10, 11, 12 & 13). Planner Zubko just wanted to clarify that ALL decisions would still come through the County Board and a recommendation from the Historic Preservation Commission would be forwarded to the board. The Commission would assume if the owner did not consent then the County Board will not pass the landmark or district. The Commission was formed in 2006 and consists of 9 members including Jeff Wehrli as the County Board representative. According to the Ordinance on the commission we must have 1 attorney, 1 historian or architectural historian, 1 architect/engineer and 1 real estate professional knowledgeable in historic preservation, all other members

11.12.13 PBZ Meeting Minutes
shall be persons with a demonstrated interest in archaeology, Kendall County history, architecture, engineering, preservation and/or the preservation of community character. There was much discussion on owner property rights and the consensus of the group is to bring this back next month and for staff to list what surrounding municipalities or counties are certified and if people objected or having issues with being CLG certified.

**#13-30 FEMA Map Changes**
Planner Zubko stated some of the map panels are changing and effective on January 8, 2014 but we actually need to modify the text in the Countywide Stormwater Ordinance, not pass this resolution. That will be presented at the next PBZ meeting.

**OLD BUSINESS**
- **Plumbing Inspector replacement discussion** - Planner Zubko passed out a memo from Mr. Brian Holdiman. This item will be discussed at the December meeting.

- **Approve invoice for $2,700 to Wilkinson Excavating for Construction in Fields of Farm Colony - final close out invoice** - Planner Zubko stated we have the final payout for the Fields of Farm Colony Project. We will have about $50,000 left to do some remaining clean-up items next year and help clean up the ponds and around the ponds. Planner Zubko also stated she did receive a lovely bouquet of flowers from the HOA. Judy Gilmour made a motion to forward the remaining bill of $2,700 to the next County Board meeting, Lynn Cullick seconded the motion, all were in favor and the bill will forwarded.

**NEW BUSINESS**
- **Review and approval of the 2014 meeting date schedule** - Planner Zubko stated in the packet are the proposed meeting dates for 2014. Planner Zubko asked if the group wanted to meet November 10th even though we’re off the next day for Veterans Day? The consensus was to leave it as is for now as we can always modify it later. Judy Gilmour made a motion to approve the meetings dates as proposed, Jeff Wehrli seconded the motion. All were in favor and the motion carried.

Planner Zubko passed out some information about the Illinois’ Medical Marijuana Law that will go into effect on January 1, 2014 and stated she has not received any calls with regards to cultivation or distribution centers to be located in Kendall County.

**PUBLIC COMMENT** – Mr. Thrall stated he thinks it is a shame more people do not attend the meetings and think maybe the state notifications process need to be modified. Also the public notices can get lost due to the amount in the paper.

**UPDATE ON HISTORIC PRESERVATION** - Petition above

**UPDATE ON CMAP LAND USE COMMITTEE MEETING** - Had a tour of the Ninety7Fifty on the Park transit-oriented development in Orland Park, IL- Planner Zubko stated she toured the development in Orland Park which is the first phase that is part of the downtown redevelopment plan that’s been in the making for over a decade. This project is very interesting in the fact that the Village is financing most of the project and own the land. They have loaned $38 million so far and provided another $24 million in financing incentives. Village trustees also approved the first of at least two multimillion-dollar bond sales to finance the Main Street redevelopment project. It’s a very interesting project that seems to be working so far. The project required
the village to acquire Orland Plaza via eminent domain along with the relocation of some businesses. More can be found on their website.

**PROJECT STATUS REPORT**– Reviewed
**PERMIT REPORT**– Reviewed
**REVENUE REPORT**– Reviewed
**CORRESPONDENCE** – None
**EXECUTIVE SESSION**- None

**ADJOURNMENT- Next meeting will be on December 16, 2013**
Amy Cesich made a motion to adjourn the meeting. Judy Gilmour seconded the motion. All agreed. Chairman Gryder adjourned the meeting at 8:25 p.m.

Respectfully Submitted,
Angela L. Zubko
Senior Planner