KENDALL COUNTY
PLANNING, BUILDING & ZONING COMMITTEE
Kendall County Office Building
Rooms 209 & 210
111 W. Fox Street, Yorkville, Illinois
6:30 p.m.
Meeting Minutes of December 16, 2013

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, Vice-Chair Judy Gilmour, Lynn Cullick and Jeff Wehrli
Absent: None
Also present: Planning & Zoning Manager: Angela Zubko, Administrator Jeff Wilkins, Code enforcement Brian Holdiman & States Attorney Eric Weis
In the audience: David Gravel (Green Organics Vice President), Jessie Sexton (Green Organics Manager), Jeff Milroy and Attorney Gregg Ingemunson

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

APPROVAL OF MINUTES
Judy Gilmour made a motion to approve the minutes from November 12, 2013. Amy Cesich seconded the motion. All agreed and the minutes were approved.

EXPENDITURE REPORT (handed out at meeting)
Judy Gilmour made a motion to approve the expenditure report in the amount of $17,435.05 and forward it onto the Finance Committee, Amy Cesich seconded the motion. All agreed and the motion was approved.

OLD BUSINESS–
Billboard discussion- Planner Zubko stated in the packet were the meeting minutes from the last 2 meetings billboards were discussed. The Committee wanted the SAO in attendance to ask some questions. Mr. Eric Weis gave a little background and stated the Board can have them removed but under eminent domain act we’d have to pay them fair cost. Planner Zubko asked about the Special Use, Mr. Weis stated he’d have to look at that specific case. Mr. Wilkins asked since they’re legal non-conforming can they replace it? Mr. Weis stated it would depend on the fact. Ms. Cesich asked if this sets precedent. Mr. Weis stated we have Ordinances in place and those are case by case basis. There was discussion on just compensation and appraisals are received, how much it cost to erect it, maintain it, how much is brought in and how the property can be used. Attorney Gregg Ingemunson had a little to weigh in about eminent domain and explained the process. The committee decided that nothing could be done at this moment unfortunately. For the special use it will be decided if they amend their special use.

Recommendation to accept contractual services proposal from Erickson Construction for plumbing inspections at rate of $140 per inspection- Mr. Jeff Wilkins stated as you know Mr. Schneider will be retiring. Since we knew this could be over $30,000 we did go out for bid. We received 2 bids, Erickson for $140 per inspection and Bee Plumbing at a rate of $150 per inspection. We have worked out the

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insurance. This is kind of 2 parts, looking to recommend approval so we can ask the SAO to write the agreement for approval. It’s on the agenda for approval but not for the actual agreement. We’re hoping the 2nd meeting in January. Mr. Wehrli asked why we couldn’t hire a retired plumber to be on payroll. Mr. Wilkins stated it becomes complicated. There was a brief discussion on insurance. Jeff Wehrli recommended to send to the board to accept the contract. Lynn Cullick seconded the motion. With a roll call vote all were in favor.

Recommends approval of agreement for contractual services with Erickson Construction for plumbing inspections at rate of $140 per inspection- Discussed above.

Recommends ordinance revision to “Section 7 – Fees” of the Building Code Ordinance setting plumbing inspection fee of $145 per inspection- Mr. Jeff Wilkins stated we’re looking to just cover our expense so looking to charge $145 for inspection. In the packet is section 7 of the building code. These fees will be on the County Board agenda when the agreement is complete. Mr. Holdiman stated the plan is in January to have the amended fees for everything. This will be discussed more next month.

PETITIONS-
#13-26 Green Organics Inc.
Planner Angela Zubko briefly explained the request of the petitioner, Green Organics Inc. is requesting a major amendment to their special use 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. The only thing changing on the Kendall County side is the site layout; the parts that are being eliminated and added are on the east in the City of Yorkville. The petitioners are going to continue maintaining the existing berms and plantings. The County along with some County Board members did a site visit including Megan Andrews and Planner Zubko to discuss the operation and the proposed changes. The petitioners went to the Bristol Township Board on December 4th where they tabled the petition till the January 8th meeting. Planner Zubko is working with the City of Yorkville to make cohesive conditions so they don’t have 2 sets of rules for the same property. Through the City of Yorkville they are amending their annexation agreement as this property is planned to be the Westbury subdivision. There is a stipulation that reads “the existing uses on the property may continue to operate as non-conforming uses until such time as a final plat is approved for the affected portion of the property.” The portion on Kendall County will remain. The city of Yorkville is going to impose a condition on ‘their side” that states something to the point that once a principal structure is within 1/8th of a mile or 660’ the operation must cease. The facility is also regulated through the IEPA and Green Organics, Inc. has a bond with the EPA if for some reason something happens and they shut the doors, the County or City would have no responsibility with any compost left on site. Also to note that Green Organics’ leases the property so have lease agreements with each owner. The facility was initially designed to process 150,000 cubic yards of source-separated landscape materials (brush, leaves, tree trimmings, and grass) into usable organic products such as high-quality soil amendments. The State of IL changed the legislation to allow composting facilities to take up to 10% of their volume in food scraps without changing the compost designation. The State of Illinois in conjunction with the EPA believes that percentage is an allowable amount without having to go through the full citing requirements. So in 2010, the facility was permitted to accept food scraps for composting equaling at most 10% of the total allowed site volume. The petitioner has stated that typically they take fruit and vegetable materials with some breads, they are not allowed to take in truckloads of renderings or meat products, nor do
they want to. They currently have not hit the full 10% allowable amount. The food scraps are mixed with the end product but kept in separate windrows.

In the packet it goes through the entire process when the material is brought on the site till it is hauled off as the product. As part of the request to reconfigure the site they are also seeking to increase the amount of permitted materials to 175,000 cubic yards as the new site plan will be more efficient. With regards to host fees the County has been doing all the inspections and received 100% of the host fees since 1993 even though some of the property was annexed in 1998. The City of Yorkville has currently decided to allow the County to keep collecting 100% of the fees. Per the ILEPA permit, Green Organics is permitted to receive incoming materials at the facility between the hours of 7:00 am to 6:00 pm Monday through Saturday. Typically the site is closed by 4:00 pm. There is enough parking and signage that exists. Since the newer sites will be in the City of Yorkville we have asked their engineer to take a look at the proposed engineering instead of the County’s engineer. Also Marlin Hartman from the County Health Department does go to the site regularly for inspections and has not had any issues.

Staff does recommend approval of the major amendment to their special use with Organics Inc. with 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 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 as shown on “Exhibit B” attached hereto

5. The facility operator shall maintain the gate and landscaping as indicated on “Exhibit C” attached hereto

6. A host fee shall be paid to the County on a monthly basis in accordance with the schedule on “Exhibit D”

7. The facility operator shall maintain a sampling schedule as shown on “Exhibit E” attached hereto

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, 2023 and the petition for renewal shall be made prior to July 1, 2023.

10. If any Illinois Environmental Protection Agency (IEPA) violations or citations are received they need to be submitted to the County Solid Waste Coordinator within 30 days.

**Plan Commission wanted to add a condition with the definition of tailings, Planner Zubko is of the opinion this is not necessary as it is the overs/extras of the received materials.**

**Also the Plan Commission and Hearing officer recommended approval subject to the township's approval and Planner Zubko requests the same at this meeting.**

There was a brief discussion on the Westbury subdivision and the Undessor site is no longer a part of the subdivision.

Mr. Gravel gave a brief background and history of the site.

Mr. Wehrli asked about the water and soil samples and if that has been on going? Mr. Gravel stated yes the EPA requires it. Mr. Wehrli asked about the part that is being eliminated and what is going to happen with the compost. Mr. Gravel stated they’re currently moving the compost and the site will be returned as is as a farm. Mr. Wehrli wanted clarification if and when the City of Yorkville side closes what happens to the volume. Mr. Gravel stated it would have to be reduced per the EPA. Mr. Gryder asked if we have an agreement with the City of Yorkville. Ms. Zubko stated we do not have one currently but probably should get something in writing. There was talk about waiting for the township and continue this till next month. There was discussion on the host fees and the proposed additions. Mr. Gravel stated 2012 was such a low year due to the drought and expect to take in more material and hope food scraps would help since

Mr. Wehrli made a motion to continue this till next month, Lynn Cullick seconded the motion. With a roll call vote this will be continued till next month.

**#13-32 Harlan Farms Ltd.**

Planner Zubko stated that the owner of Harlan Farms Ltd., David Smith, has requested for a revocation of their special use for soccer fields and parking for property located on the south side of Chicago Road about 0.35
miles east of Grove Road. They have not used the property for awhile for soccer and requested to build an accessory structure in the middle of the existing parking lot.

With no questions Judy Gilmour made a motion, seconded by Lynn Cullick to forward the petition onto the County Board Meeting. All were in favor.

#13-30 FEMA Map Changes
Planner Zubko stated that as previously discussed last month some panels are changing so the text of the Countywide Stormwater Ordinance needed to reflect the new panel numbers.

With no questions Lynn Cullick made a motion, seconded by Amy Cesich to forward the petition onto the County Board Meeting. All were in favor.

NEW BUSINESS
Planner Zubko stated she just wanted to let the committee know next month we will be discussing how to handle some violations at two special uses and how they would like staff to proceed. One is Emerson Creek and the other is a landscape business on Legion Road.

PUBLIC COMMENT – None

UPDATE ON HISTORIC PRESERVATION- Discussion on other CLG Communities and special guest speaker at a COW meeting- Planner Zubko stated in the packet is a list of all CLG certified communities in Illinois and she is working on getting Catherine O’Conner from the IL Historic Preservation Agency to come to a COW meeting to help aid in some discussion of CLG certification and preservation as a whole.

UPDATE ON CMAP LAND USE COMMITTEE MEETING- Planner Zubko stated they are looking to update some of the goals and recommendations in the 2040 plan.

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

There was a brief discussion on the combination of the inoperable vehicles, junk ordinance and nuisance ordinance. Planner Zubko stated that will not be ready till about February or March.

ADJOURNMENT- Next meeting will be on January 13, 2014
Jeff Wehrli made a motion to adjourn the meeting. Lynn Cullick seconded the motion. All agreed. Chairman Gryder adjourned the meeting at 7:41 p.m.

Respectfully Submitted,
Angela L. Zubko
Planning & Zoning Manager