KENDALL COUNTY
SPECIAL USE HEARING OFFICER
111 West Fox Street • Room 209 and 210 • Yorkville, IL • 60560
(630) 553-4141 Fax (630) 553-4179

AGENDA

June 2, 2014 – 7:00 p.m.

CALL TO ORDER – SPECIAL USE HEARING OFFICER

ROLL CALL: Walter Werderich, Hearing Officer

MINUTES: Approval of minutes from the March 3, 2014 Special use Hearing Officer Meeting

PETITIONS:

1. 14-10 Plano Rotary, Plano Boy Scout Troop 71 & Plano American Legion Post 395
Request: Major Amendment to their Special Use
Location: 1701 Little Rock Road, Plano
Purpose: Major Amendment to their Special Use to modify all existing conditions and site plan

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD
14-02 Dickson Valley Ministries: Passed on 3.19.14

NEW BUSINESS

OLD BUSINESS
Vote on changes to the By-laws regarding the notification process- ZBA passed it on 4.28.14

PUBLIC COMMENT

ADJOURN SPECIAL USE HEARING OFFICER- Next meeting on July 28, 2014
KENDALL COUNTY
SPECIAL USE HEARING OFFICER
111 WEST FOX STREET, Room 209 and 210
YORKVILLE, IL 60560
March 3, 2014 – 7:00 p.m.

CALL TO ORDER- SPECIAL USE HEARING OFFICER
At 7:00 p.m., Chairman Wally Werderich called the Special Use Hearing Officer meeting to order.

ROLL CALL
Members present: Walter Werderich

In the audience: Mark Caldwell

MINUTES
Wally Werderich motioned to approve the January 27, 2014 Special Use Hearing Officer Meeting minutes as written.

Chairman Werderich swore in all members of the audience that wished to talk about the special use.

PETITIONS
#14-02 Dickson Valley Ministries
Planner Angela Zubko did an overview of the request stating the property is located at 8250 Finnie Road on the north and south side of Finnie Road, 0.8 miles south of Finnie & Rogers Road. The petitioners are seeking approval of a major amendment to an existing Special Use Permit to modify the site plan and expand the special use to pin numbers 04-17-100-002 & 04-17-300-007. The entire property is 160 acres. The grounds are utilized all year long and their current special use is for a camp and retreat center. The center started in 1971, in the report is a lot of history of the property but Planner Zubko will not go over it at this time. Over the years the petitioners have updated their special use and have updated their site plan and conditions. The petitioners are looking to keep the lit sign which was the last amendment in 2002. The property currently has 3 access points off Finnie Road going south, 1 entrance to the Director’s Lodge, one going to the main grounds and one on the far eastern side of the property. The petitioner also has access off Finnie Road going north to an existing building. The petitioner is proposing one more access point north of Finnie Road for the remote camp parking. Most of the southern property is covered with wetlands and floodway, the area is also referred to as the Sedge Meadow and is a Illinois Natural Area Inventory Site and a Natural Heritage Landmark. The report shows where most of the floodplain exists which is most of the southern property. Through mostly donated funds and volunteer labor, the ministry of Dickson Valley plan to undertake the following projects which is a wish list and might not be completed for awhile due to timing and funding:
  - Development of area with single cabins, housing up to 72 beds
  - Year round Programs Lodging, two near front entrance
  - Maintaining a lighted sign at the main Finnie Road entrance
  - Addition to Directors Lodge/Front office
  - Day camp area with open air pavilion and restrooms
  - New road at west edge of lake accessing new parking area
  - 400 seat Chapel pavilion

SUHO 3.3.14 Page 1
Small rustic campsite area only for churches wanting a little more remote setting
3-4 RV spots for volunteers and leaders only
Structures and storage areas at maintenance shop as needed
Remodels of current lodges (including but not limited to Whitaker Lodge, Acorn Lodge, Silver Fox Lodge and Dickson Lodge) providing additional housing up to 72 beds
Reforestation of some of the floodplain areas
Addition to Chrousor Lodge dining room if needed

Also in the report were previous conditions placed on the special use. The Township Board approved the special use and Planner Zubko stated Millbrook also recommended approval. In the packet is the site development plan and Mark Caldwell from the Dickson Valley Ministries is in attendance to answer any questions. Staff recommends approval of the requested major amendment to their special use with the recommended 5 conditions. ZPAC recommended approval and there were changes to the conditions during the Plan Commission which are reflected in the packet.

Mr. Caldwell introduced himself and stated he's been with Dickson Valley since 1989 and he lives at the camp.

Mr. Werderich asked a couple questions with regards to the new site plan and where each proposed areas are to be located. Mr. Caldwell clarified those questions.

With no testimony Walter Werderich closed the public hearing.

Special Use Hearing Officer Werderich reviewed the Findings of Fact for a special use as follows:

§ 13.08.J of the Zoning Ordinance outlines findings that the Hearing Officer must make in order to grant a special use. The Petitioner has answered 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. Dickson Valley Ministries is formed only for the purpose to benefit the community, and has proved to be a very safe and people focused organization.*

*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. Dickson Valley has had great relationships with all neighbors, never causing any negative situations and quite often benefiting neighbors with the use of the land and resources.*

*That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. Of the 160 acres of mostly wooded land, only about 25% has been developed, leaving a lot of great natural resources. The township road has been updated and has always proved adequate for our traffic and still is a seldom traveled road.*
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. Dickson Valley has had 30+ years in the county with no problems in following regulations.

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. Dickson Valley has worked with many local agencies on resource management and other plans and continues to follow through and work within them.

Wally Werderich made a favorable recommendation with the above findings of fact and the 5 conditions specified on the special use.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD
13-26: Green Organics Inc. (On the County Board Agenda in March (waiting on SAO))
13-31 Candice Hadley: Passed on 2.18.14

NEW BUSINESS- None

OLD BUSINESS
Vote on changes to the By-laws regarding the notification process- will be discussed further next month.

ADJOURNMENT- Next meeting will be on March 31, 2014

Chairman Werderich adjourned the Special Use Hearing Officer meeting at 7:15 p.m.

Respectfully Submitted,
Angela L. Zubko
Planning & Zoning Manager & Recording Secretary
SITE INFORMATION

PETITIONERS  Plano Rotary, Plano Boy Scout Troop 71 & Plano American Legion Post 395

ADDRESS  1701 Little Rock Road, Plano

LOCATION  On the west side of Little Rock Road, 2.75 miles north of Route 34, 0.3 miles north of Miller Road

TOWNSHIP  Little Rock

PARCEL #  01-09-428-004

SIZE  7.32 Acres

EXISTING LAND USE  Recreational Camp Ground

ZONING  A-1 Special Use for Recreational Camp Ground (Ordinance #2004-04)
Ordinance # 2004-05: Variance to the private road standards

LRMP

<table>
<thead>
<tr>
<th>Land Use</th>
<th>County: Countryside Residential; City of Plano: Low Density Residential</th>
</tr>
</thead>
<tbody>
<tr>
<td>Roads</td>
<td>Little Rock is considered a major collector road</td>
</tr>
<tr>
<td>Trails</td>
<td>None</td>
</tr>
<tr>
<td>Floodplain/Wetlands</td>
<td>There is floodplain and floodway located on the far western edge of this property</td>
</tr>
</tbody>
</table>

REQUESTED ACTION  Approval of a major amendment to an existing Special Use Permit to modify the site and change all their existing conditions. The Petitioners are basically...
starting over.

APPLICABLE §7.01.C (A-1 Agricultural Special Uses)
REGULATIONS §11.01 (Parking Regulations)
§13.07 (Special Uses)
§10.00.H of the Subdivision Regulations (Private drive standards)

SURROUNDING LAND USE

<table>
<thead>
<tr>
<th>Location</th>
<th>Adjacent Land Use</th>
<th>Adjacent Zoning</th>
<th>LRMP</th>
<th>Zoning within ½ Mile</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Residential/ Agricultural</td>
<td>A-1; R-3</td>
<td>Countryside Res.</td>
<td>A-1; R-3</td>
</tr>
<tr>
<td>South</td>
<td>Agricultural</td>
<td>A-1; Plano</td>
<td>Countryside Res. &amp; Plano</td>
<td>A-1; R-1; Plano</td>
</tr>
<tr>
<td>East</td>
<td>Residential</td>
<td>A-1</td>
<td>Countryside Res.</td>
<td>R-1; A-1; Plano</td>
</tr>
<tr>
<td>West</td>
<td>Agricultural</td>
<td>A-1</td>
<td>Countryside Res.</td>
<td>A-1</td>
</tr>
</tbody>
</table>

PHYSICAL DATA
ENDANGERED SPECIES REPORT

The Illinois Heritage Database contains no record of State-listed threatened or endangered species, IL Natural Area Inventory sites, dedicated IL Nature Preserves, or registered Land and Water Reserves in the vicinity of the project.

NATURAL RESOURCES INVENTORY

No NRI or executive summary will be needed due to fact that no buildings are being proposed on the site.

ACTION SUMMARY

TOWNSHIP (Little Rock) This was mailed to Frank & Angie Carreno on 4.25.14 and Kendall County has been informed it will be discussed at their June 14th meeting.

MUNICIPALITY (Plano) This was emailed to Tom Karpus on 4.25.14 and they have no comments.

ZPAC (5.5.14) 2 conditions were deleted and staff was to work with the Health Department to word condition #10 which has since been completed. The ZPAC recommended approval.

KCRPC (5.28.14) The Plan Commission recommended approval and deleted 1 condition. There were only 2 neighbors that asked questions about the access roadway and if it was to be open to the public, which it will not be.

REQUESTED ACTION

GENERAL Approval of a major amendment to an existing Special Use Permit to modify the site and change all their existing conditions. The Petitioners are basically starting over.

HISTORY In 2003/2004 the petitioner requested a special use permit for overnight camping, a variation from the parking lot setback requirements from 50 feet to 20 feet and a variation from the required driveway paving materials – from CA-6 to recycled asphalt. Our parking lot setbacks have changed since then so they will not need a variance for the parking standards. Staff is waiting to hear back what they driveway will be constructed just for clarification as they already were approved for the variance.

Since the special use was approved the recreational camps conditions have changed but since they were previously approved they would be considered legal
non-conforming due to the lot size. Below are the new conditions for recreational camps and recreational vehicle parks:

a. The minimum lot size must be 20 acres
b. All standards of the Health Department are met in accordance with the requirements set forth in the most recent version of the Kendall County Food Establishment Sanitation Ordinance and Kendall County Food Establishment Sanitation Ordinance.
c. Must seek approval from the Fire and police departments
d. Adequate directional signage must be throughout the property
e. Maximum continuous stay shall not exceed 90 days.

They will meet all other standards and those have been placed as conditions on the special use.

SIGNAGE
No sign is proposed at this time, if they would like to have a sign they would need to comply with Section 12 of the Zoning Ordinance and apply for a building permit.

ACCESS
The property is proposing a locked gate access point off of Little Rock Road. Back in 2004 there was a proposed access point from the proposed subdivision to the southwest which may never be built. If it does ever get platted or built the special use can be re-evaluated at that time. The petitioner proposes to install a minimum of 10’ access road with two bypass areas (pullovers) staggered along the drive to accommodate cross traffic and minimum the area devoted to off-street parking.

FENCING
The petitioner proposes to install a galvanized steel wire fence attached to steel posts. The posts will be located at ten (10) foot intervals.

HEALTH DEPARTMENT
This would be considered a campground so the site would fall under IDPH regulations. Kendall County would recommend contacting them about a water source or a septic.

FLOODPLAIN
The far western edge of the property has floodway and floodplain as depicted below, nothing plans on being constructed near this.

PREVIOUS CONDITIONS
The following are conditions that were placed on the property in the ordinance from 2004 and are proposed to be deleted:

1. No parking shall be permitted along the access drive/driveway.
2. Unless constructed to Kendall County standards, the proposed driveway shall be used as access only for the proposed use. In the event that access to the campground is obtained via the proposed Plano subdivision “ghost platted” to the south as depicted on attached Exhibit “B”, the proposed driveway off of Little Rock Road will be reserved for emergency vehicles only and not be used for regular access to the property.
3. “No Trespassing” signs are posted every one hundred (100) feet along the northern boundary of the property.
4. The property owner and the petitioner are to submit evidence of liability insurance of sufficient coverage to fully indemnify the adjoining property.
owners for any liability, property damage, injury, and/or death to livestock
covering any person on the subject property at any time as a result of use of
the property as a campsite. Said insurance policy shall specifically hold
Kendall County, Illinois harmless in any legal action pertaining to this use
and fully reimburse Kendall County, Illinois for any expenses incurred in any
legal action pertaining to this use, whether or not Kendall County, Illinois is
subsequently severed from any legal action that may issue from said use.
Said policy shall indicate that the owner of the parcel, as well as the
petitioner, will accept full contractual terms and conditions for financial
responsibility for any damages, injuries, death, etc. which may ensue as a
result of the use of the property as a campsite. When said insurance is
obtained, a copy of the policy’s declaration page shall be mailed to the
Kendall County Office of Planning, Building and Zoning. No activity covered
by this special use permit shall occur prior to receipt of the aforementioned
evidence of insurance.

5. Restrict general public access off of Little Rock Road to the property by
providing a locked gate at the entrance of the private driveway. In the event
that additional entrances to the campsite become available, said additional
entrances shall also be restricted to the general public in a similar manner.

6. Restrict usage of the property to primitive (wilderness) tent camping only
(any other type of gathering is prohibited). Motor homes, travel trailers, or
pop ups are not permitted. The owner and petitioners agree not to build any
permanent structures (permitted or not) on with the exception of structures
such as privies or similar facilities as may be required for to protect the life,
health or safety of campers utilizing the premises.

7. Limit primitive tent camping to a maximum of twelve (12) times per year, not
to exceed three (3) consecutive nights per occurrence.

8. Limit the number of campers to not more than fifty (50) people at any one
time to include a minimum of one (1) adult for every ten (10) Boy Scouts,
and at least two (2) adults over the age of 21 being Scout leaders.

9. Limit the use of the property subject to this special use permit to the Plano
Boy Scouts only. Jamborees, or use by other Scout troops, are prohibited.

10. At least two (2) weeks prior to any use covered by this special use permit,
the petitioner shall notify surrounding property owners, the Office of the
Director of Planning, Building, and Zoning for Kendall County, and Kencom.
Written notice or telephone notice shall be deemed sufficient for purposes of
this condition.

11. The petitioner shall construct the access drive and parking lot layout to
provide a minimum of two (2) twenty to twenty-five (20-25) foot wide bypass
areas (pullovers) to accommodate cross traffic staggered along the access
drive and minimize the area devoted to off-street parking as indicated in
Group Exhibit “C” and in accordance with the variances for setbacks as
approved by the Kendall County Zoning Board of Appeals on January 24,
2004. In the event that alternate accesses to the subject property are
obtained, they shall be built with sufficient width to allow for cross traffic to
flow without interference.

12. This special use permit will be reviewed annually in the years 2005, 2006,
and 2007 to determine if there have been any operational issues affecting
the adjoining property owners, as well as ascertaining the adherence to the
various other stated conditions. Every effort will be made to schedule the
aforementioned annual reviews during the same month that the original
permit was approved by the County Board in 2004. In the event that the
County Board is satisfied with the petitioner’s adherence to these
conditions, the next schedule review after 2007 will be in 2010 and every
three (3) years after in perpetuity.

13. Limit campfires to no more than four (4) fire sites per campout while under
adult supervision.
14. The petitioner shall implement a fire/woodland management plan to be reviewed and approved by the local fire protection district(s) and the Kendall County Forest Preserve District.
15. No campfires will be allowed during periods of drought or high fire danger.
16. Receipt of any permits as may be required by the Illinois Department of Public Health.

FINDINGS OF FACT § 13.08.J of the Zoning Ordinance outlines findings that the Hearing Officer must make in order to grant a special use. The Petitioner has answered 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 Plano Rotary Club Trust 1 was formed only for the purpose to benefit the community, and has proved to be a very safe and people focused organization.

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 Plano Rotary Trust 1 has had great relationships with all neighbors, never causing any negative situations.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. This is a primitive camp ground and no structures are proposed to be built at this time. An entrance with a culvert has been put in and an access road is proposed to be built in the future.

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. Plano Rotary Trust 1 has had been in the county for awhile with no problems in following regulations.

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. The Plano Rotary Trust 1 has worked with many local agencies on resource management and other plans and continues to follow through and work within them.

CONDITIONS Below are a list of conditions the petitioners will be abiding by but staff does not feel they need to be listed on the special use:

1. The proposed lane/drive/driveway shall be used as access only for the proposed use.
2. “No Trespassing” signs will be posted at the entrance and all corners of the property. The entire property perimeter, fenced and not-fenced will utilize the State Purple Paint law to designate "No Trespassing."
3. Primitive tent camping will be limited to no longer than three (3) consecutive nights per occurrence.
4. The minimum of one (1) adult over the age of 21 for every ten (10) youths.
5. The petitioners will meet the requirements for easement of the TransCanada Pipeline. (Attachment #3) This attachment also discusses the fence location.

6. The property owner and petitioner are to submit evidence of liability insurance of sufficient coverage to fully indemnify the adjoining property owners for any liability, property damage, injury, and/or death to livestock covering any person on the subject property at any time as a result of the use of the property. Said insurance policy shall specifically hold Kendall County, Illinois harmless in any legal action pertaining to the use and fully reimburse Kendall County, Illinois for any expenses incurred in any legal action pertaining to this use, whether or not Kendall County, Illinois is subsequently severed from any legal action that may be issued from said use. Said policy shall indicate that the owner of the parcel, as well as the petitioner, will accept full contractual terms and conditions for financial responsibility for any damages, injuries, death, etc. which may ensue as a result of the use of the property. When said insurance is obtained, a copy of the policy declaration page shall be mailed to the Kendall County Office Planning, Building and Zoning. No activity covered by this special use permit shall occur prior to the receipt of the aforementioned evidence of insurance (attachment #4).

7. The Board feels these changes are for the betterment of both the use of the site and the adjoining property owners. The Board of Trust will be the sole entity to give any individual, group or organization written permission to utilize the site, staying within the guidelines of the trust as seen by the Board of the Trust.

8. Must seek approval from the Fire and police departments.

9. The petitioner shall implement a fire/woodland management plan to be reviewed and approved by the Fox-Little Rock Fire protection district, the Kendall County Forest Preserve and the County Extension Service.

10. The special use will be revised annually in the years 2015, 2016 & 2017. If there have been no operational issues affecting the adjoining property owners, as well as ascertaining the adherence to the various other conditions, and the County Board is satisfied with the petitioner’s adherence to these conditions, the next schedule for review after 2017 will be 2020 and every three (3) years after in perpetuity.

RECOMMENDATION

Staff recommends approval of the requested major amendment to their special use with the following conditions:

1. The property will be restricted to primitive (wilderness) tent camping and educational day camps. Scout Jamborees are prohibited.

2. Motor homes, travel trailers or pop ups are not permitted.

3. The number of occupants is limited to a maximum of fifty (50) at any one time.

4. No permanent structure will be built with the exception of structures as may be required to protect the life, health, safety or continue educational experience of the persons utilizing the premises.

5. Access to the property would be restricted by a locked gate at the entrance off Little Rock Road.

6. The petitioner shall construct the access drive (Attachment #1) and parking lot layout (Attachment #2) to provide a minimum of two twenty to twenty-five (20-25) foot wide bypass areas (pullovers) staggered along the access drive to
accommodate cross traffic and minimize the area devoted to off street parking. These would be in accordance with the setbacks per the existing Kendall County Ordinances and allow for access and turn-around of emergency vehicles.

7. Acquire any permits that may be required by the Kendall County Building or Kendall County Health Department.

8. The operation shall conform to all appropriate Codes and Ordinances of the Illinois Department of Public Health and the Kendall County Health Department

9. Adequate directional signage must be throughout the property.

10. Maximum continuous stay shall not exceed 90 days.

ATTACHMENTS

1. Attachment #1: Access Road and fence location

2. Attachment #2: Parking lot layout

3. Attachment #3: Easement provisions for the TransCanada Pipeline

4. Ordinance 2004-04: A-1 Special use for a wilderness campground with accessory off-street parking facilities

5. Ordinance # 2004-05: Variance to the private road standards for type of drive and setbacks

6. Meeting Minutes from ZPAC on 5.5.14

7. Meeting Minutes from RPC on 5.28.14

8. Plat of Survey of Whole property
ATTACHMENT 1

A = 6" WOODEN BASE/CORNER POSTS
B = 6' STEEL GATES

FIVE (5) FOOT LANE EASEMENT/CTY
FOUR (4) FEET, THREE (3) STRAND STEEL FENCE W/ T-POSTS

PASSING ZONE 1
80' x 35'

TRANS CANADA EASEMENT 100'

PASSING ZONE 1
305' ROW

R.O.W. → CTR. RD 35'
ATTACHMENT "1" & "2"

PARKING PLAN "A"

SEE ATTACHMENT "2"
ATTACHMENT 2
PARKING PLAN = "A"
ATTACHMENT #3

Trans Canada Pipeline
Attn: Kenneth L. Van Haitsma
Manager, Lake Michigan Area

Mr. Van Haitsma, 1 April, 2014

This letter is to describe the proposed fencing and access lane to be installed across the TransCanada easement on the ‘Sherman R. Cook Scout Park’ property, here-in referred to as the “Cook” property. This property is located on the West side of Little Rock Road just North of Miller Road. The address for the property is 1701 Little Rock Rd., Plano, IL 60545. Attached please find a drawing of the proposal.

A public hearing at the county level will be held in the near future to discuss other items along with this lane proposal. I will keep you abreast of any changes up to that time that may arise due to ordinances.

Description of proposed fence
The fence will be a section, described below, that can be removed with minimum impact by your maintenance crews when needed.
+ Four (4) base wooden posts will be set ten (10) feet off the TransCanada easement, one at each end (West & East) on both the North and South property lines of the Cook property. These will be anchor points for both the main fencing for the property and the removable section across the Trans-Canada easement.
+ Three (3) separate strands of 12 gauge galvanized steel wire will be attached to five (5) foot steel ‘T’ posts.
+ Each strand would be wire clipped to each post sixteen (16) inches apart starting four (4) inches from the top.
+ The posts will be located at ten (10) foot intervals.
+ The posts will be set twelve (12) inches into the ground with four (4) feet of post above ground.
+ The posts will be painted purple only on the exterior top twelve (12) inches to meet the State of Illinois regulations for the Purple Paint Law.

Description of proposed access lane
The lane will be a single vehicle width, approximately 8 to 10 feet wide, to allow for emergency vehicles to gain access to the main piece of property. It will not be improved, i.e. rock, asphalt, etc. as it will be limited access to the property through locked gates.

Any questions or concerns please contact me at 847-417-9861 (cell),
E-mail: Hill31382@comcast.net, or snail mail:

James E. Hill
210 N. Oak St.
Plano, IL 60545

Semper Fi,

James E. Hill
James E. Hill
ORDINANCE NUMBER 2003 - 04-04

GRANTING A SPECIAL USE
PLANO BOY SCOUTS – (COOK WOODS)

WHEREAS, John P. McGinnis, acting on behalf of the Plano Boy Scouts as a trustee for the property, filed a petition for a Special Use within the A-1 district for the 7.32 acre property located in Little Rock Township along the west side of Little Rock Road, north of Miller Road and south of Glenda Road commonly referred to as “Cook Woods” (PIN 01-09-428-004); and

WHEREAS, said petition will allow the premises to be used as a wilderness campground with accessory off-street parking facilities, as provided in Section 7.01.D.22. (Recreational Camps) of the Kendall County Zoning Ordinance; and

WHEREAS, said property is presently zoned A-1 (Agricultural); and

WHEREAS, said property is legally described in attached Exhibit “A” attached hereto and made a part hereof; and

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 Zoning Board of Appeals; and

WHEREAS, the Kendall County Board finds that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance;

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants approval of a special use zoning permit to allow for a wilderness campground subject to the following conditions:

1. No parking shall be permitted along the access drive/driveway.
2. Unless constructed to Kendall County standards, the proposed driveway shall be used as access only for the proposed use. In the event that access to the campground is obtained via the proposed Plano subdivision “ghost platted” to the south as depicted on attached Exhibit “B”, the proposed driveway off of Little Rock Road will be reserved for emergency vehicles only and not be used for regular access to the property.
3. “No Trespassing” signs are posted every one hundred (100) feet along the northern boundary of the property.
4. The property owner and the petitioner are to submit evidence of liability insurance of sufficient coverage to fully indemnify the adjoining property owners for any liability, property damage, injury, and/or death to livestock covering any person on the subject property at any time as a result of use of the property as a campsite. Said insurance policy shall specifically hold Kendall County, Illinois harmless in any legal action pertaining to this use and fully reimburse Kendall County, Illinois for any expenses incurred in any legal action pertaining to this use, whether or not Kendall County, Illinois is subsequently
severed from any legal action that may issue from said use. Said policy shall indicate that
the owner of the parcel, as well as the petitioner, will accept full contractual terms and
conditions for financial responsibility for any damages, injuries, death, etc. which may
ensue as a result of the use of the property as a campsite. When said insurance is
obtained, a copy of the policy’s declaration page shall be mailed to the Kendall County
Office of Planning, Building and Zoning. No activity covered by this special use permit
shall occur prior to receipt of the aforementioned evidence of insurance.

5. Restrict general public access off of Little Rock Road to the property by providing a
locked gate at the entrance of the private driveway. In the event that additional entrances
to the campsite become available, said additional entrances shall also be restricted to the
general public in a similar manner.

6. Restrict usage of the property to primitive (wilderness) tent camping only (any other type
of gathering is prohibited). Motor homes, travel trailers, or pop ups are not permitted. The
owner and petitioners agree not to build any permanent structures (permitted or not) on
with the exception of structures such as privies or similar facilities as may be required for
to protect the life, health or safety of campers utilizing the premises.

7. Limit primitive tent camping to a maximum of twelve (12) times per year, not to exceed
three (3) consecutive nights per occurrence.

8. Limit the number of campers to not more than fifty (50) people at any one time to include
a minimum of one (1) adult for every ten (10) Boy Scouts, and at least two (2) adults over
the age of 21 being Scout leaders.

9. Limit the use of the property subject to this special use permit to the Plano Boy Scouts
only. Jamborees, or use by other Scout troops, are prohibited.

10. At least two (2) weeks prior to any use covered by this special use permit, the petitioner
shall notify surrounding property owners, the Office of the Director of Planning,
Building, and Zoning for Kendall County, and Kenoom. Written notice or telephone
notice shall be deemed sufficient for purposes of this condition.

11. The petitioner shall construct the access drive and parking lot layout to provide a
minimum of two (2) twenty to twenty-five (20-25) foot wide bypass areas (pullovers) to
accommodate cross traffic staggered along the access drive and minimize the area
devoted to off-street parking as indicated in Group Exhibit “C” and in accordance with
the variances for setbacks as approved by the Kendall County Zoning Board of Appeals
on January 24, 2004. In the event that alternate accesses to the subject property are
obtained, they shall be built with sufficient width to allow for cross traffic to flow without
interference.

12. This special use permit will be reviewed annually in the years 2005, 2006, and 2007 to
determine if there have been any operational issues affecting the adjoining property
owners, as well as ascertaining the adherence to the various other stated conditions. Every
effort will be made to schedule the aforementioned annual reviews during the same
month that the original permit was approved by the County Board in 2004. In the event
that the County Board is satisfied with the petitioner’s adherence to these conditions, the
next schedule review after 2007 will be in 2010 and every three (3) years after in
13. Limit campfires to no more than four (4) fire sites per campout while under adult supervision.
14. The petitioner shall implement a fire/woodland management plan to be reviewed and approved by the local fire protection district(s) and the Kendall County Forest Preserve District.
15. No campfires will be allowed during periods of drought or high fire danger.
16. Receipt of any permits as may be required by the Illinois Department of Public Health.

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 February 17, 2004.

Attest:  

Paul Anderson  
Kendall County Clerk

John A. Church  
Kendall County Board Chairman
ORDINANCE 2004 - §5
SUBDIVISION VARIANCE – PRIVATE ROAD STANDARDS
PLANO BOY SCOUTS (COOK WOODS)
7.32 ACRES LOCATED ON THE WEST SIDE OF LITTLE ROCK ROAD
NORTH OF MILLER ROAD AND SOUTH OF GLENDA ROAD
LITTLE ROCK TOWNSHIP

WHEREAS, The Plano Boy Scouts petitioned the County Board for approval of a variance to Section 10.F.10.a. of the Kendall County Subdivision Regulations; and

WHEREAS, the property is legally described in Exhibit “A”; and

WHEREAS, the Zoning, Platting Advisory Committee reviewed the request at their meeting on September 2, 2003; and

WHEREAS, the Committee, after reviewing the request recommended approval; and

WHEREAS, Section 10.F.10.a. of the Kendall County Subdivision Regulations requires private roads and access drives to be improved with 12” of crushed limestone the top 6” of which shall be CA-6 as required; and

WHEREAS, the petitioner wishes to construct an 800 foot long access drive utilizing asphalt filings in-lieu of the required 12” of crushed limestone the top 6” of which shall be CA-6 as required; and

WHEREAS, the Zoning Administrator has evaluated the standards for a subdivision variation, and has recommended approval of the variation request to the County Board; and

WHEREAS, said variation would not have a negative effect on adjacent properties; and

WHEREAS, the granting of the variation will not be detrimental to the public safety, health, or welfare;

NOW, THEREFORE, BE IT ORDAINED, the Kendall County Board hereby approves a variation to allow for the construction of an access drive utilizing asphalt filings as depicted on “Exhibit B” attached hereto and made a part hereof.
IN WITNESS OF, this ordinance has been enacted on February 17, 2004.

Attest:

Paul Anderson
Kendall County Clerk

John A. Church
Kendall County Board Chairman
LEGAL DESCRIPTION

That part of the Southeast quarter of Section 9 and the Southwest quarter of Section 10, in Township 37 North, Range 6 East of the Third Principal Meridian, described as follows:
Commencing at the Southwest corner of the Southwest quarter of said Section 10; thence South 89° 02' East along the South line of said Southwest quarter, 158.45 feet to the center line of State Aid Route No. 12; thence North 2° 59' West along said center line 1600.7 feet for a point of beginning; thence North 89° 54' West 1887.91 feet; thence South 1° 44'.54" East 243.3 feet; thence South 89° 12'.38" East 456.00 feet; thence South 0° 57' East 67 feet; thence South 88° 30' East 513.90 feet; thence North 0° 57' West 313.26 feet; thence South 89° 54' East 915.67 feet to the center line of State Aid Route No. 12; thence North 2° 59' West along said center line 15.02 feet to the point of beginning, containing 6.694 acres, in Little Rock Township, Kendall County, Illinois.
Planner Angela Zubko called the meeting to order at 9:10 a.m.

Present:
Megan Andrews – Soil & Water Conservation District
Amy Cesich – PBZ Member
Aaron Rybski – Health Department
Phil Smith – Sheriff’s Office
Angela Zubko – PBZ Planning & Zoning Manager

Absent:
Greg Chismark – Wills Burke Kelsey
Brian Holdiman – Building Inspector
Fran Klaas - County Highway Department
Jason Petit – Forest Preserve

Also present: County Board Member John Shaw and petitioner James Hill

AGENDA

A motion was made by Phil Smith to approve the agenda, Megan Andrews seconded the motion. All were in favor and the motion carried.

MINUTES

Megan Andrews made a motion, seconded by Amy Cesich, to approve the April 7, 2014 meeting minutes as amended. All were in favor and the motion carried.

PETITIONS

#14-10 Plano Rotary, Plano Boy Scout Troup 71 & the Plano American Legion Post 395

Planner Angela Zubko did an overview of the request stating the property is located at 1701 Little Rock Road on the west side of Little Rock Road 2.75 miles north of Route 34. The petitioners are requesting a major amendment to their special use to update their site plan and modify all the existing conditions. The petitioners were granted a special use for a recreational camp and 2004 and also a variance to the private road standards for setbacks and the required paving materials. Our setbacks have changed since so a variance to the setbacks is no longer needed but they will keep the variance for the materials from CA-6 to recycled asphalt. We have also updated our regulations with regards to recreational campgrounds which they meet 4 of the 5 requirements. They currently would not meet the 20 acre minimum lot size standard so they will be considered legal non-conforming due to size. For access to the site the petitioners are proposing a locked gate access point off of Little Rock Road. Back in 2004 there was a proposed access point from the proposed subdivision to the southwest which may never be built. If it does ever get platted or built the special use can be re-evaluated at that time. The petitioner proposes to install a minimum of 10’ access road with two bypass areas (puddlers) staggered along the drive to accommodate cross traffic and minimize the area devoted to off-street parking. The petitioner proposes to install a galvanized steel wire fence attached to steel posts. The posts will be located at ten (10) foot intervals. The far western edge of the property has floodway and floodplain but there are currently no plans to construct anything near the floodway. In the packet are the currently conditions, conditions the petitioner will abide by on their property and staff recommends approval of the request major amendment to their special use with the following conditions:

1. The property will be restricted to primitive (wilderness) tent camping and educational day camps. Scout Jamborees are prohibited.
2. Motor homes, travel trailers or pop ups are not permitted.
3. The number of occupants is limited to a maximum of fifty (50) at any one time.
4. No permanent structure will be built with the exception of structures as may be required to protect the life, health, safety or continue educational experience of the persons utilizing the premises.
5. Access to the property would be restricted by a locked gate at the entrance off Little Rock Road.
6. The petitioner shall construct the access drive (Attachment #1) and parking lot layout (Attachment #2) to provide a minimum of two twenty to twenty-five (20-25) foot wide bypass areas (purovers) staggered along the access drive to accommodate cross traffic and minimize the area devoted to off street parking. These would be in accordance with the setbacks per the existing Kendall County Ordinances and allow for access and turn-around of emergency vehicles.
7. The petitioner shall implement a fire/woodland management plan to be reviewed and approved by the Fox-Little Rock Fire protection district, the Kendall County Forest Preserve and the County Extension Service. (Do we want this to be a condition?)
8. Acquire any permits that may be required by the Kendall County Building or Kendall County Health Department.
9. The special use will be revised annually in the years 2015, 2016 & 2017. If there have been no operational issues affecting the adjoining property owners, as well as ascertaining the adherence to the various other conditions, and the County Board is satisfied with the petitioner's adherence to these conditions, the next schedule for review after 2017 will be 2020 and every three (3) years after in perpetuity.
10. All standards of the Health Department are met in accordance with the requirements set forth in the most recent version of the Kendall County Food Establishment Sanitation Ordinance.
11. Must seek approval from the Fire and police departments. (Can probably delete this as well)
12. Adequate directional signage must be throughout the property.
13. Maximum continuous stay shall not exceed 90 days.

Amy Cesich, County Board member, had no questions at this time.

Ms. Andrews stated no NRI or executive summary will be needed due to fact that no buildings are being proposed on the site. Ms. Andrews also suggested to use the Department of Natural Resources as a good resource for the woodland management plan.

James Hill, one of the petitioners stated the woodland plan was to make sure they are cognizant if taking out any trees they will be replacing them with a proper specie.

Commander Phil Smith is more concerned with the surrounding property owners. Planner Zubko stated they will be required to notify them for the next couple meetings. Mr. Hill stated they have kept most of the conditions due to previous neighbor concerns and understand their concerns. They hope the proposed conditions will alleviate any issues.

Aaron Rybski just wanted to clarify there will be no structures on site. Mr. Rybski asked about bathroom facilities or showers. Mr. Hill stated no showers but bathrooms might be proposed in the future. It really depends if the site is utilized. Mr. Rybski asked how the waste will presently be handled. Mr. Hill stated the day camps will not be there for an extended period of time and for campers they will have to utilize a dug pit or outhouse. Mr. Rybski stated he will check with the state regulations with regards to an outhouse.

Planner Zubko asked for a consensus if we should eliminate conditions 7 and 11? All the members deferred to Planner Zubko with eliminating these conditions.

Mr. Rybski will email Planner Zubko the overall language to revise condition number 10.
With no further comments Phil Smith made a motion, seconded by Amy Cesich to approve the major amendment to the special use and forward the petition onto the Plan Commission meeting in May. All were in favor and the motion carried.

Mr. John Shaw wanted clarification on the neighbor concerns. Mr. Smith stated he wanted to try to prevent any problems with the neighbors.

### #14-11 Concrete Crushers

Planner Angela Zubko stated she has received a few phone calls about allowing concrete crushers on property in conjunction with all the roadwork going on in the County. With that the following text amendment was prepared:

- Proposed to be a conditional use in the A-1 Agricultural and all business districts. ($100 fee)
- Proposed to be a permitted use in all manufacturing districts. (no fee)

Portable Concrete Crushing, Screening and Stockpiling of Dirt, Crushed Concrete and RAP (recycled asphalt pavement), when necessary and incidental to a major construction project as long as the following conditions are met:

a. Each such permit shall be valid for a period of not more than one (1) year and shall not be renewed for more than two (2) successive periods at the same location.

b. The operation shall be located a minimum of seven hundred and fifty (750) feet from any occupied single family residence/townhome/duplex.

c. All facilities placed or located on the site shall be removed and the site restored to a clean and vegetated condition within the time frame of the permit.

d. The operation shall produce product only for the specific parcel for which the conditional use is permitted. For operations constructed to support a major road project, the plant shall be located adjacent to the roadway.

e. Hours of operation must be stated on the conditional use permit in the A-1 agricultural and business districts only.

Temporary Stockpiling of dirt on private property:

a. Erosion control measures must be in place

b. Each such permit shall be valid for a period of not more than one (1) year and shall not be renewed for more than two (2) successive periods at the same location.

Aaron Rybski if they are going to do concrete crushing or stockpiling they must stay a certain distance from wells and septic systems. If the septic system is close he suggests roping off the septic system. Planner Zubko will work with Mr. Rybski on adding a condition about septic systems and wells.

Phil smith had no comments at this time.

Megan Andrews thought it was well written and looked like conditions on erosion control and restoring the site.

Amy Cesich liked the text amendment as the County Board has been approached a few times with regards to this.

Mr. Shaw asked what are the underlying districts this would be permitted. Ms. Cesich handed Mr. Shaw a copy of the proposed text amendment.

With no further comments Phil Smith made a motion, seconded by Aaron Rybski to approve the text amendment and forward the petition onto the Plan Commission meeting in May. All were in favor and the motion carried.
KENDALL COUNTY
REGIONAL PLANNING COMMISSION

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

Meeting Minutes of May 28 2014
(Unofficial until Approved)

Chairman Bill Ashton called the meeting to order at 7:02 pm.

ROLL CALL
Members Present: Chair Bill Ashton, Bill Lavine, Brian Leonard, Larry Nelson, Vern Poppen, Claire Wilson and Budd Wormley
Others present: Planning & Zoning Manager Angela Zubko
Members Absent: Tom Casey, Tim Sidles and 1 vacancy (Big Grove)
In the Audience: James Hall, Attorney Julie Swanson Haggard, John McGinnis, Doc & Ginny Gregory and Mike Burgin

APPROVAL OF AGENDA
Budd Wormley made a motion to approve the agenda as written. Brian Leonard seconded the motion. All were in favor and the agenda was approved.

APPROVAL OF MINUTES
Budd Wormley made a motion to approve the minutes from April 23, 2014 meeting. Tom Claire Wilson seconded the motion. All were in favor and the minutes were approved.

PETITIONS
#14-10 Plano Rotary, Plano Boy Scout Troup 71 & the Plano American Legion Post 395
Planner Angela Zubko did an overview of the request stating the property is located at 1701 Little Rock Road on the west side of Little Rock Road 2.75 miles north of Route 34. The petitioners are requesting a major amendment to their special use to update their site plan and modify all the existing conditions. The petitioners were granted a special use for a recreational camp in 2004 and also a variance to the private road standards for setbacks and the required paving materials. Our setbacks have changed since so a variance to the setbacks is no longer needed but they will keep the variance for the materials from CA-6 to recycled asphalt. We have also updated our regulations with regards to recreational campgrounds which they meet 4 of the 5 requirements. They currently would not meet the 20 acre minimum lot size standard so they will be considered legal non-conforming due to size. For access to the site the petitioners are proposing a locked gate access point off of Little Rock Road. Back in 2004 there was a proposed access point from the proposed subdivision to the southwest which may never
be built. If it does ever get platted or built the special use can be re-evaluated at that
time. The petitioner proposes to install a minimum of 10’ access road with two bypass
areas (pullovers) staggered along the drive to accommodate cross traffic and minimize
the area devoted to off-street parking. The petitioner proposes to install a galvanized
steel wire fence attached to steel posts. The posts will be located at ten (10) foot
intervals. The far western edge of the property has floodway and floodplain but there
are currently no plans to construct anything near the floodway. In the packet are the
current conditions, conditions the petitioner will abide by on their property and staff
recommended conditions. The city of Plano did not have any comments regarding this
petition and the Little Rock Township will be discussing this at their next meeting on
June 14th at 8am. Staff recommends approval of the requested major amendment to
their special use with the following conditions:
1. The property will be restricted to primitive (wilderness) tent camping and
   educational day camps. Scout Jamborees are prohibited.
2. Motor homes, travel trailers or pop ups are not permitted.
3. The number of occupants is limited to a maximum of fifty (50) at any one time.
4. No permanent structure will be built with the exception of structures as may be
   required to protect the life, health, safety or continue educational experience of the
   persons utilizing the premises.
5. Access to the property would be restricted by a locked gate at the entrance off Little
   Rock Road.
6. The petitioner shall construct the access drive (Attachment #1) and parking lot
   layout (Attachment #2) to provide a minimum of two twenty to twenty-five (20-25)
   foot wide bypass areas (pullovers) staggered along the access drive to
   accommodate cross traffic and minimize the area devoted to off street parking.
   These would be in accordance with the setbacks per the existing Kendall County
   Ordinances and allow for access and turn-around of emergency vehicles.
7. Acquire any permits that may be required by the Kendall County Building or Kendall
   County Health Department.
8. The special use will be reviewed annually in the years 2015, 2016 & 2017. If there
   have been no operational issues affecting the adjoining property owners, as well as
   ascertaining the adherence to the various other conditions, and the County Board is
   satisfied with the petitioner’s adherence to these conditions, the next schedule for
   review after 2017 will be 2020 and every three (3) years after in perpetuity.
9. The operations shall conform to all appropriate Codes and Ordinances of the IL
   Department of Public Health and the Kendall County Health Department.
10. Adequate directional signage must be throughout the property.
11. Maximum continuous stay shall not exceed 90 days.

Mr. Lavine had a question about 3 nights in a row and no jamborees if that is restricting
themselves. Mr. John McGinnis, one of the petitioners stated there is a better facility
across from the Farnsworth house for any training, this is more for primitive camping.

Ms. Wilson asked about the condition about no structures and asked for clarification on
what type of structures would help with education. Mr. James Hill, another petitioner
stated they are not sure what is considered a structure by the Counties definition and it could be something identifying flora or fauna that is covered. Mr. Hill stated they want to stay within the confines of the trust and uses. Ms. Wilson asked if the public can access the site. Mr. Hill stated only if they get permission from the Rotary as it will be a locked gate. Mr. Leonard asked about the safety during tornados, Mr. Hill stated it would be as if any other sites. There was brief discussion about deleting condition 8 and the petitioners stated the owners are agreeable to deleting that condition. Condition 8 will be deleted. Ms. Wilson asked about the condition on signage, Mr. Hill stated they will be using the purple paint law to stop from trespassing and directional signage for safety.

Mr. Ashton opened it up to the audience for questions for comments. Virginia Gregory asked if the gates will be locked or the road paved. Mr. Hill stated the gates will always be locked and the road will not be paved but ground asphalt and gravel.

Mr. Lavine asked if this would be handicapped accessible. Mr. Hill stated that is the plan to make the best accommodations they can without taking down any trees.

With no further suggestions or changes Bill Lavine made a motion, seconded by Larry Nelson to recommend approval deleting condition 8 and forward the petition onto the Hearing officer with the remaining staff’s recommendations. A roll call vote all were in favor.

**#14-11 Concrete Crushers**
Planner Angela Zubko stated she has received a few phone calls about allowing concrete crushers on property in conjunction with all the roadwork going on in the County. With that the following text amendment was prepared:

Proposed to be a conditional use in the A-1 Agricultural and all business districts. ($100 fee)
Proposed to be a permitted use in all manufacturing districts. (no fee)

Portable Concrete Crushing, Screening and Stockpiling of Dirt, Crushed Concrete and RAP (recycled asphalt pavement), when necessary and incidental to a major construction project as long as the following conditions are met:

- Each such permit shall be valid for a period of not more than one (1) year and shall not be renewed for more than two (2) successive periods at the same location.
- The operation shall be located a minimum of seven hundred and fifty (750) feet from any occupied single family residence/townhome/duplex.
- All facilities placed or located on the site shall be removed and the site restored to a clean and vegetated condition within the time frame of the permit.
- The operation shall produce product only for the specific parcel for which the conditional use is permitted. For operations constructed to support a major
KENDALL COUNTY ZONING BOARD OF APPEALS AND
SPECIAL USE HEARING OFFICER
GENERAL RULES AND BY-LAWS

Article I Definitions
Section 1. "Board", "Zoning Board" shall mean the Kendall County Zoning Board of Appeals.

Section 2. "County Board," "Appointing Authority," or "Governing Body" shall mean the County Board of Kendall County, Illinois.

Section 3. “Hearing Officer” shall mean the Special Use Hearing Officer

Article II General Provisions
Section 1. These rules are supplementary to the provisions of the Zoning Ordinance of the County of Kendall, Illinois as they relate to procedures of the Board of Appeals and the Hearing Officer.

Section 2. Any member who has any direct interest in a matter before the Board shall not vote thereon and shall not participate as a board member.

Section 3. Nothing herein shall be construed to give or grant to the Board the power or authority to alter or change the zoning ordinance including the zoning map, which authority is reserved to the governing body.

Section 4. The State's Attorney shall be consulted in cases where the powers of the Board are not clearly defined.

Section 5. The Office of the Board shall be located at Kendall County Planning, Building and Zoning Office, 111 West Fox Street-Room 203, Yorkville, Illinois, 60560.

Section 6. Each Zoning Board of Appeals member shall strive to attend each meeting of the Zoning Board of Appeals. Each member shall contact the Chairman, Zoning Administrator or Zoning Administrator Deputies, whenever he or she knows in advance that they will not be attending a Zoning Board meeting. Failure to attend three (3) or more meetings in a twelve (12) month period may be cited as a basis for removing the member from the Zoning Board.

Section 7. All members of the Zoning Board shall be residents of different townships.

Article III Officers and Duties
Section 1. The officers of the Board shall be a Chairman, an Acting Chairman, and a Secretary.

Section 2. The County Board shall appoint the Chairman of the Board. The Zoning Board shall elect from amongst its members the Acting Chairman when the Chairman is absent. The Zoning Board shall designate the Secretary who may, or may not, be a member of the Board.

Section 3. The Chairman shall supervise the affairs of the Board of Appeals. He shall preside at all meetings of the Board, shall appoint such committees and sub-committees as may be necessary to carry out the purposes of the Board, and shall provide for the oath to be administered to all witnesses in cases before the Board. The Chairman shall be an ex-officio member of all committees and sub-committees so appointed.

Section 4. The Acting Chairman, in the absence or disability of the Chairman, shall perform all the duties and exercise all the powers of the Chairman.

Section 5. The Secretary shall record and maintain permanent minutes of the Board's proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact; shall keep records of its examinations and other official actions; shall summarize accurately the testimony of those appearing before the Board or keep a verbatim transcript of all hearings; shall record the names and addresses of all persons appearing before the Board; Shall, subject to the Board and Chairman, conduct the correspondence of the Board and have published in a local newspaper public notices of meetings or hearings as required by law and these rules of procedures; shall file said minutes and records in the office of the Board which minutes and records shall be a public record, and shall be the custodian of the files of this Board and keep all records.

Section 6. The County Board shall appoint the Special Use Hearing Officer who may or may not be a member of the Zoning Board.

Article IV Order of Business
Section 1. All meetings of the Board shall proceed as follows:
a. Roll call
b. Approval of Minutes
c. Petitions on agenda and requests for continuances. Continuances may be granted at the discretion of the Board in any case for good cause shown and to any interested party who has entered his appearance.
d. Hearing of petitions on agenda.
e. New Business
f. Old Business

g. Public Comment

h. Adjournment

Article V Procedure for Types of Applications
Section 1. All requests for Zoning map amendments, special uses, appeals and variations shall be submitted on forms prescribed by the Board to the secretary. Upon receipt of the properly filed application and proof of receipt of fee, the secretary of the Board shall assign a case number. Applications shall be assigned for a hearing by the chairman of the Zoning Board.

Article VI Notice for Hearings
Section 1. In instances which Kendall County Board is the petitioner, the Secretary of the Board shall provide for a public notice to be published at least once in a newspaper published in the County not more than thirty (30) days nor less than fifteen (15) days before the hearing. Said notice shall provide a brief statement of the nature of the petition and all other information as required by State Statute. Said notice shall be delivered to all parties, if any, as required by State Statute.

Section 2. In instances in which the property petitioned is located in an Agricultural District, the petitioner shall notify all property owners, as determined by County tax records, within five hundred (500) feet of the overall parent parcel. The petitioner shall provide proof of notification of said property owners to the Secretary.

Section 3. In all other instances, the petitioner shall provide proof of notification and publication as required by Kendall County Ordinance and State Statute to the Secretary.

Article VII Procedures on Hearings
Section 1. At the time of the hearing, the applicant may appear in his own behalf or be represented by counsel or agent.

Section 2. All witnesses shall testify under oath.

Section 3. Evidence shall be presented in the following order:

a) The applicant or his representative may make a statement outlining the nature of his request prior to introducing evidence.

b) Board and/or objectors cross-examine applicant's witnesses.

c) Objectors present evidence.

d) Board and/or applicant cross-examine objector's evidence.

e) Rebuttal by applicant.
f) Evidence solicited by Board.

Section 4. The Board shall not be bound by the strict rules of evidence, but it may exclude irrelevant, immaterial, incompetent or unduly repetitious testimony or other evidence.

Section 5. An applicant or objector, or his agent or attorney, may submit a list of the persons favoring or opposing the application. Such list will be accepted as an exhibit if it contains nothing more than a brief statement of the position of the persons favoring or opposing the appeal or application, together with the signature of the persons subscribing to such statement.

Section 6. The Chairman shall rule on all questions relating to the admissibility of evidence, which may be overruled by a majority of the Board.

Section 7. Upon approval of a majority of the Board, a joint hearing of the Zoning Board of Appeals and the Special Use Hearing Officer may convene.

Section 8. Failure of Applicant to Appear

(1) The Chairman may entertain a motion from the Board to dismiss the case for want of prosecution. In the absence of a motion by the Board, the chair shall rule.

(2) In cases which are dismissed for want of prosecution, the applicant will be furnished written notice by the Zoning Administrator or Zoning Administrator Deputies.

(3) The applicant shall have seven (7) days from date of notice of dismissal to apply for reinstatement of the case. In such cases, applicant must file written request with the Secretary for reinstatement. Reinstatement shall be at the discretion of the Chairman for good cause shown, and upon payment of a minimum fee of $150 dollars, plus court reporter fees.

(4) In all cases reinstated in above described manner, the case will be docketed and re-advertised in the usual manner prescribed for new cases.

Section 9. Failure of a quorum of the Board. In the event the Zoning Board of Appeals fails to have a quorum for any reason, resulting in the rescheduling of the petition, any expenses regarding public notices (in the paper and neighbors) will be at the expense of the County.

Article VIII Decisions on Variations and Appeals

Section 1. The Board shall conduct its vote in public session at the meeting in which evidence is concluded, unless the Board considers additional time for deliberation necessary, in which case final decisions or recommendations
shall be made within 30 days from the date of the hearing at a public session.

Section 2. A concurring vote of five (5) members of a seven (7) member Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator or Zoning Administrator Deputies, or to grant any variation in the ordinance or to recommend any variation or modification in the ordinance to the County Board.

Section 3. All decisions of the board shall be made at a public hearing by motion made, seconded, and the Secretary polling the membership by a roll call vote. The motion which decides the issue shall be in the form of findings of fact and shall state the reasons for the findings by the Board. If conditions are imposed in the granting of a variation such conditions shall be included in the motion.

Section 4. The transcript of the case shall be acknowledged as to accuracy by the Chairman and the Secretary and shall be a part of the public record of the Board.

Section 5. Notice of the decision of the Board shall be given to the applicant, the Zoning Administrator or Zoning Administrator Deputies, and other interested parties as soon as possible after the decision is reached.

Section 6. After all present members cast a vote, any member casting a dissenting vote shall have an opportunity to state the reason for such vote for the record.

Article IX Recommendations on Zoning Map Amendments and Text Amendments

Section 1. The Board shall conduct its vote in public session at the meeting in which evidence is concluded, unless the Board considers additional time for deliberation necessary, in which case final decisions or recommendations shall be made within 30 days from the date of the hearing at a public session.

Section 2. A majority vote of the Board shall be necessary to recommend approval of any zoning map amendment or text amendment to the County Board.

Section 3. All recommendations of the board shall be made at a public hearing by motion made, seconded, and the Secretary polling the membership by a roll call vote. The motion which recommends a decision of the issue shall be in the form of findings of fact and shall state the reasons for the findings by the Board.

Section 4. The transcript of the case shall be acknowledged as to accuracy by the
Chairman and the Secretary and shall be a part of the public record of the Board.

Section 5. Notice of the recommendation of the Board shall be given to the applicant, the Zoning Administrator or Zoning Administrator Deputies, and other interested parties as soon as possible after the decision is reached.

Section 6. After all present members cast a vote, any member casting a dissenting vote shall have an opportunity to state the reason for such vote for the record. Such recorded statements will be for the benefit of the County Board when a case is discussed by the County Board.

Article X Recommendations on Special Uses
Section 1. The Hearing Officer shall conduct his/her findings of fact in public session at the meeting in which evidence is concluded, unless the Hearing Officer considers additional time for deliberation necessary, in which case final decisions or recommendations shall be made within 30 days from the date of the hearing at a public session.

Section 2. All recommendations of the hearing officer shall be made at a public hearing. The motion which recommends a decision of the issue shall be in the form of findings of fact and shall state the reasons for the findings by the Board.

Section 3. The transcript of the case shall be acknowledged as to accuracy by the Chairman and the Secretary and shall be a part of the public record of the Board.

Section 4. Notice of the findings of fact made by the Hearing Officer and any recommendations of the Hearing Officer shall be given to the applicant, the Zoning Administrator or Zoning Administrator Deputies, and other interested parties as soon as possible.

Article X Records
Section 1. A file of materials and decisions relating to each case shall be kept by the secretary as part of the records of the Board.

Section 2. All records of the Board shall be a public record.

Article XI Amendment of Rules
Section 1. These rules may be amended by an affirmative majority vote of all members of the Board.

Section 2. The proposed amendment must be presented in writing at a regular or special meeting preceding the meeting at which the vote is taken.
Having been presented at a public meeting on March 31, 2014, the foregoing rules and regulations are hereby adopted by the Board of Appeals of Kendall County on Monday, April 28, 2014.

______________________________
Randy Mohr, Chairman

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Dick Thompson, Member

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Tom LeCuyer, Member

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Donna McKay, Member

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Scott Cherry, Member

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Karen Clementi, Member

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Dick Whitfield, Member