CALL TO ORDER – ZONING BOARD OF APPEALS

ROLL CALL for the Zoning Board of Appeals: Randy Mohr (Chair); Scott Cherry, Karen Clementi, Tom LeCuyer, Donna McKay, Dick Thompson and Dick Whitfield

MINUTES: Approval of minutes from the September 30, 2013 Zoning Board of Appeals meeting

PETITIONS:
1. 13-27 Cheryl Harvey
   Request: Variance
   Location: 17418 Lisbon Center Road
   Purpose: Request a variance to allow an accessory structure to be 35' from the centerline of Lisbon Center Road (150' min.)

2. 13-28 Fox Valley YMCA
   Request: Variance
   Location: 3875 Eldemain Road
   Purpose: Request a variance to allow parking lot lighting be 28' in height (20' is max.)

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD- None

NEW BUSINESS
Review of 2014 calendar dates

OLD BUSINESS
Review of By-laws and approval of notification process change

PUBLIC COMMENT

ADJOURN ZONING BOARD OF APPEALS- Next meeting on January 27, 2014

CALL TO ORDER – SPECIAL USE HEARING OFFICER

ROLL CALL: Walter Werderich, Hearing Officer

MINUTES: Approval of minutes from the October 15, 2013 Special use Hearing Officer Meeting

PETITIONS:
1. 13-26 Green Organics Inc.
   Request: Major Amendment to a Special Use
   Location: 1270 E. Beecher Road, Bristol
   Purpose: Request for a major amendment to their special use to add and subtract land and change the layout of the site

ADJOURN SPECIAL USE HEARING OFFICER- Next meeting on January 27, 2014
CALL TO ORDER
At 8:06 p.m., Chairman Randy Mohr called the Zoning Board of Appeals meeting to order.

ROLL CALL
Members present: Randy Mohr (Chairman), Karen Clementi, Tom LeCuyer, Donna McKay and Dick Thompson
Also present was: Senior Planner Angela Zubko
Absent: Scott Cherry & Dick Whitfield
In the audience: Ron Jorgenson

A quorum was present to conduct business.

MINUTES
Karen Clementi motioned to approve the September 3, 2012 ZBA meeting minutes. Tom LeCuyer seconded the motion. All were in favor and minutes were approved.

PETITIONS
#13-24 Ron Jorgenson- Variance
Planner Zubko stated the property is located at 16980 Frazier Road in the Sugar Brook Estates Subdivision that was platted in 1969. The petitioner would like to construct at 25′ tall accessory building. Section 4.05.E of the Zoning Ordinances states the height of an accessory structure in the R-3 district can be a maximum of 20′. This regulation was created on November 18, 2003. This is important as two adjacent neighbors built their 23′ tall accessory structures in August of 2003 right before the regulations were approved. In the packet is a map showing the heights of the accessory structures of the petitioner’s neighbors. The petitioner is requesting to be similar to surrounding structures and would meet all other regulations including lot coverage and setbacks. Also the zoning across Frazier Road is zoned R-1 allowing accessory buildings to be 25′ tall. Staff recommends approval of the height variance.

Chairman Mohr opened the meeting for public testimony.

With no testimony made, Chairman Mohr closed the testimony. Mr. Mohr asked why a 25′ tall structure, Mr. Jorgenson stated to possibly store a motor-home in the future and a wood-shop on a partial 2nd floor.

Mr. Mohr reviewed the Findings of Fact for a variance, they were approved as follows:

That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. Other properties have taller accessory structures and the petition would like to be similar in size to the surrounding properties.
That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. Other properties surrounding him already exceed the standard regulations but were built before the regulations existed.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The owner did not know there was a height requirement due to the heights of the neighbors.

That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. The requested variance should not affect any of the neighbors nor be detrimental to the public welfare or injurious to other property or improvements in the neighborhood as they are similar in height.

That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. The proposed location of the accessory structure will not impair an adequate supply of light and air to adjacent properties and will not increase congestion on the roadways.

With no further suggestions or changes Donna McKay made a motion, seconded by Dick Thompson to approve the variance with staff’s findings of fact. With a roll call vote all were in favor and the variance passed.

**REVIEW PBZ APPROVALS BY COUNTY BOARD & CHANGES**

13-16 Small Poultry & Small animal Processing Plant- Text Amendment approved at the 9.17.13 County Board Meeting

**NEW BUSINESS**

None

**OLD BUSINESS**

Planner Zubko wanted to update the committee that next month we will review the by-laws with regards to notification as she received back the SAO opinion on notification and that it should be from the parent parcel.

**PUBLIC COMMENT**- There were no members in the audience that wanted to comment.

**ADJOURNMENT OF THE ZONING BOARD OF APPEALS**- Next meeting will be on October 28, 2013

Dick Thomson made a motion to adjourn the ZBA meeting, Donna McKay seconded the motion. Chairman Randy Mohr adjourned the Zoning Board of Appeals meeting at 7:11 p.m.

Respectfully Submitted,
Angela L. Zubko
Senior Planner & Recording Secretary
DEPARTMENT OF PLANNING, BUILDING & ZONING
111 West Fox Street • Room 203
Yorkville, IL • 60560
(630) 553-4141    Fax (630) 553-4179

13-27
CHERYL HARVEY
VARIANCE- FRONT YARD SETBACK FOR A GRAIN BIN

SITE INFORMATION

PETITIONER        Michael & Cheryl Harvey
ADDRESS           17418 Lisbon Center Road
LOCATION          On the southwest corner of Lisbon Center Road and Fennel Road
TOWNSHIP          Big Grove
PARCEL #          07-07-400-001; also own 07-18-200-001
LOT SIZE          101 acres
EXITING LAND USE  Farmland with and existing barn built in 2012
ZONING            A-1 Agricultural

LRMP
<table>
<thead>
<tr>
<th>Land Use</th>
<th>County: Agricultural</th>
</tr>
</thead>
<tbody>
<tr>
<td>Roads</td>
<td>Lisbon Center Road is classified as a local road</td>
</tr>
<tr>
<td>Trails</td>
<td>None shown</td>
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</table>

REQUESTED ACTION  Request for a variance to allow a grain bin to be located 35' from the Centerline of Lisbon Center Roadway. The current standard is 150' from the centerline of the roadway, requesting a 115' variance.

APPLICABLE REGULATIONS
§7.01.H.2 (Front & Side Yard Setbacks)
§13.04 (Variations)

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>
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<tbody>
<tr>
<td>North</td>
<td>Agricultural &amp; Homes</td>
<td>A-1</td>
<td>Agricultural</td>
<td>A-1; Newark</td>
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<tr>
<td>South</td>
<td>Agricultural; horse facility</td>
<td>A-1</td>
<td>Agricultural</td>
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<tr>
<td>East</td>
<td>Agricultural</td>
<td>A-1</td>
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<td>A-1</td>
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<tr>
<td>West</td>
<td>Agricultural</td>
<td>A-1</td>
<td>Agricultural</td>
<td>A-1; LaSalle County</td>
</tr>
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</table>

REQUESTED ACTION GENERAL  Request for a variance to allow a grain bin to be located 35' from the Centerline of Lisbon Center Roadway. The current standard is 150' from the centerline of the roadway, requesting a 115' variance.

The petitioners have already submitted for an agriculturally exempt building permit.
COMMENTS  The following people have responded they have no comments/concerns with the variance:
Kendall County Health Department 
Building Department

The Kendall County Highway Engineer stated that if the Highway Commissioner is okay with it, he's okay with it, which I agree with. Planner Zubko received a letter from the Big Grove Highway Commissioner, Jeff Mathre on 12.2.13 and he stated he is fine with the variance.

FINDINGS OF FACT  § 13.04.2 of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to grant variations. They are as follows:
That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. The petitioners propose to put it in that location due to the location of the driveway, barn and current utilities.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. This variance could set precedence to other owners along the roadway if the roadway commissioner approves the variance.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The placement of the utilities was not done by the property owner.

That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. The requested variance should not affect any of the neighbors nor be detrimental to the public welfare or injurious to other property or improvements in the neighborhood.

That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. The adjacent property to the north is farmland and a natural waterway so most likely nothing will be built across from this proposed bin.

RECOMMENDATION
Staff would recommend approval of the variance to allow a grain bin to be located 35' from the centerline of the roadway.

ATTACHMENTS
1. Drawing
2. Letter from Jeff Mathre
December 3, 2013

To: Kendall County Zoning Board

Re: 17418 Lisbon Center Rd., Newark, IL 60541
    Michael & Cheryl Harvey

I have visited the above mentioned property and have no complaint to the grain bin being 35' from center line of Lisbon Center Road.

Sincerely,

[Signature]

Jeff Mathre
Big Grove Highway Commissioner
DEPARTMENT OF PLANNING, BUILDING & ZONING
111 West Fox Street • Room 203
Yorkville, IL • 60560
(630) 553-4141 Fax (630) 553-4179

13-28
FOX VALLEY FAMILY YMCA
VARIANCE- Parking lot lighting height

SITE INFORMATION
PETITIONER Fox Valley Family YMCA
ADDRESS 3875 Eldamain Road
LOCATION Northwest corner of Eldamain Road and Route 34
TOWNSHIP Little Rock
PARCEL # 01-24-400-040 & 01-24-400-010
LOT SIZE 18.37 acres (2 separate parcels)

EXITING LAND USE YMCA
ZONING B-4 Commercial Recreation (Ordinance 01-37) 2 other Variances on the Property (Petition numbers 12-14 and 98-12)

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<tr>
<th>LRMP</th>
<th>County &amp; Plano: Public/Institutional</th>
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<tbody>
<tr>
<td>Roads</td>
<td>Route 34 is classified as an arterial road, Eldamain Road is classified as a major collector road and industrial development corridor</td>
</tr>
<tr>
<td>Trails</td>
<td>Trail shown on the north side of Route 34</td>
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</tbody>
</table>

REQUESTED ACTION Request for a variance to the parking lot lighting to allow the parking lot lighting to be 28' in height. The current maximum is 20'.

APPLICABLE § 11.02.F.12.E (Parking Regulations: Lighting height)
REGULATIONS §13.04 (Variations)

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>
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<tr>
<td>North</td>
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<td>City of Plano</td>
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<tr>
<td>South</td>
<td>City of Plano; Vacant Land</td>
<td>City of Plano</td>
<td>Municipal (City of Plano)</td>
<td>City of Plano; A-1</td>
</tr>
<tr>
<td>East</td>
<td>United City of Yorkville; Farmland &amp; 1 business</td>
<td>United City of Yorkville (B-3)</td>
<td>Municipal (United City of Yorkville)</td>
<td>United City of Yorkville (B-3), A-1</td>
</tr>
</tbody>
</table>
REQUESTED ACTION

The petitioner, Fox Valley YMCA, is seeking a variance to the parking lot lighting standards to allow the parking lot lighting to be 28' in height. The current maximum is 20'. The YMCA has received through a donation lighting to install in the parking lot.

Currently the YMCA has been granted the following variances:

Petition 12-14: Approval for the electronic message board sign to be on the lot line and not the required 10'.

Petition 98-12: Required 50' side yard to be reduced to 25' (west end of the building) and 13' (east end of the building) for the addition of the indoor pool in relation to the north property line.

Staff has not received any concerns from surrounding jurisdictions and has talked to the Highway engineer and he is in support of the variance.

FINDINGS OF FACT

§ 13.04.2 of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to grant variations. They are as follows:

That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. The lighting was donated therefore the height could not be specified on the donations.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. There is limited B-4 Zoning within the unincorporated portions of the County.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. True. The lighting was donated and the height requirements were not known to whoever donated the lights.

That the granting of the variation will not materially be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located. True. The lighting would help this area and create...
safety.

That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. The variation will actually provide light to the adjacent properties but will still need to meet the photometric standards of the Zoning Ordinance.

That the proposed variance complies with the spirit and intent of the restrictions imposed by this amended ordinance. This site is unique that it is on 2 major roadways in the County where no street lighting is currently provided, adding any lighting in this area would improve the property.

RECOMMENDATION
Staff recommends approval of allowing the parking lot lighting to exceed the 20' height requirement by 8'.

ATTACHMENTS
1. Proposed Site Plan
Listing of ZBA/SU-HO Dates for 2014

7:00PM

January 27, 2014
February (No Meeting)
March 3, 2014
March 31, 2014
April 28, 2014
May (No Meeting)
June 2, 2014
June 30, 2014
July 28, 2014
August (No Meeting)
September 3, 2014 (WEDNESDAY)
September 29, 2014
October 27, 2014
November (No Meeting)
December 9, 2014
CONSTITUTION & BY-LAWS
FOR THE
KENDALL COUNTY REGIONAL PLAN COMMISSION

ARTICLE I. AUTHORITY
Illinois Revised Statutes. Regional Planning, An Act to provide for regional planning and for the creation, organization and powers of regional planning commissions. Laws 1929, p. 308, approved June 25, 1929, eff. July 1, 1929.

3001. Commission to prepare plan...commission shall be a fact finding body and shall make such investigations and gather such statistics as it shall deem necessary for the planning and development of said region and shall make a plan of said region to include all matter which it may deem necessary for the development of the region as provided above.

ARTICLE II. ROBERTS RULES OF ORDER, as applicable to informal meetings, shall prevail at all meetings of the Kendall County Regional Plan Commission.

ARTICLE III. COMMISSION MEETINGS

THE REGULAR MEETING of the Commission shall be held on the 4th Wednesday of each month at 7:00 p.m., at the Kendall County Office Building, unless otherwise specified by presiding officer, herein referred to as "Chairman", "Chairwoman" or "Chairperson".

ADJOURNED MEETINGS of the Commission may be held at such time and place as may be fixed in the resolution of adjournment or Notice of Special Meeting. If no other place is fixed in the resolution, the meeting shall be held at the Kendall County Office Building.

SPECIAL MEETINGS of the Commission may be called by the Chairman and held at any time or place fixed in the call.

SPECIAL MEETINGS of the Commission may also be called by the Chairman at the written request of any five or more members of the Commission. If the Chairman shall fail to comply with such a request, the members requesting the meeting have authority to call the meeting by drawing up and signing a notice calling the meeting.

ADJOURNED SPECIAL MEETINGS of the Commission may be held at such time and place as may be fixed in the resolution of adjournment. If no other place is fixed in the resolution, the meeting shall be held at the Kendall County Office Building.

ARTICLE IV. QUORUM
Fifty percent of the members of this Commission shall be necessary to constitute a quorum for the transaction of any business. Each member of the Commission is entitled to one vote, only
Commission members may vote.

The affirmative vote of a majority of the members present constituting the quorum shall be required for the exercise of powers or functions conferred or imposed upon the Commission, but less than a quorum of members may meet and adjourn from time to time until a quorum is present.

ARTICLE V. NOTICE OF MEETINGS

NOTICE OF MEETINGS shall name the time and place and business to be transacted and shall be emailed to each member of the Commission at his appropriate address unless otherwise specified to mail the packet to the appropriate address. Notice shall be sent at least five days in advance, allowing sufficient time to enable him to attend such meetings. Notice of the meeting sent to area media will be in the form of a press release and shall be sent only at the discretion of the Kendall County Regional Plan Commission (KCRPC) Chair.

ARTICLE VI. NOTICE FOR MEETINGS

Section 1. In instances which Kendall County Board is the petitioner, the Planning, Building and Zoning Department shall provide for a notice to surrounding property owners not less than ten (10) days before the regularly scheduled Regional Planning Commission meeting. Said notice shall provide the location of the petition, a brief statement of the nature of the petition, and any other relevant information.

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 property. Said notice shall be completed not less than ten (10) days before the regularly scheduled Regional Planning Commission meeting. Said notice shall provide the location of the petition, a brief statement of the nature of the petition, and any other relevant information. The petitioner shall provide proof of notification to the Secretary.

Section 3. In all other instances, the petitioner shall provide proof of notification to all adjacent property owners, as determined by County tax records. Said notice shall be completed not less than ten (10) days before the regularly scheduled Regional Planning Commission meeting. Said notice shall provide the location of the petition, a brief statement of the nature of the petition, and any other relevant information. The petitioner shall provide proof of notification to the Secretary.

ARTICLE VII. TERM OF OFFICE
Plan Commission members are advisory to the County Board and appointed by the Board. Terms of Plan Commission Members shall be staggered, and for three year periods, beginning with the first month of the year in which the appointment is made. Members shall serve past their term, until a replacement or reappointment is made by the County Board.
When a vacancy occurs in the last quarter of a year, the Board may choose to make a temporary appointment to be confirmed by a full three year appointment for the candidate, beginning in the first month of the upcoming year.

ARTICLE VIII. COMMISSION OFFICERS AND DUTIES
The following officers shall be members of the Commission: a Chairman, Vice Chairman and Secretary. The following two officers may or may not be members of the Commission but may consist of staff: Recording Secretary and Treasurer.

CHAIRMAN (CHAIRPERSON, CHAIRWOMAN, PRESIDING OFFICER)
* The Chairman shall preside at all meetings of the Commission.
* The Chairman shall have general charge of the business of the Commission.
* The Chairman shall, when authorized by the Commission, execute in its name all contracts and other obligations, with the exception of those dealing with expenditures, which lie within the authority of the Kendall County Board.
* The Chairman shall appoint all committees.
* The Chairman shall have general supervision of the conduct of affairs of the Commission.
* The Chairman shall perform such other duties as are usually exercised by the Chairman of a Commission.

VICE CHAIRMAN
* The responsibility of the Vice Chairman shall be to perform the duties of the Chairman during the absence or disability of the same.

SECRETARY
* The Secretary shall attend all regular and special meetings and be responsible for the Minute book of the Commission.

TREASURER
* The Treasurer shall monitor all fiscal activities of the Commission as allocated by the County Board.
* The Treasurer, with the approval of the Commission, shall authorize payment of expenses for the Commission business to the County Board.
* The Treasurer shall keep a running record of all payments made from the budget allocated by the Board to the Commission, and shall keep the Chairman of the Commission informed as to the current status of budget funds.

The Treasurer may be a staff member of the Planning, Building and Zoning Department by majority vote of the Commission for a 1 year term.

RECORDING SECRETARY
* The Recording Secretary shall attend all regular and special meetings and be responsible for
taking the meeting minutes of the Commission.
* The Recording Secretary shall direct the mailing of all notices of regular and special Meetings as required under these by-laws or as directed by the Chairman.
* The Recording Secretary shall have charge of the office of the Commission and all books, papers and records thereof and shall attend to all correspondence of the Commission.
* The Recording Secretary shall be responsible for keeping track of the terms of office of the various Commission members.

The Recording Secretary should be a staff member of the Planning, Building and Zoning Department or employed by the Planning, Building and Zoning Office.

ARTICLE IX. ELECTION OF OFFICERS

ANNUAL MEETING for the election of officers of the Commission shall be held at the Kendall County Office Building at 7:00 p.m., on the 4th Wednesday in the month of January or the next scheduled meeting.

Any Vacancy in the office of Vice-Chairman, Secretary or Treasurer of the commission may be filled at any regular or Special Meeting after such vacancy occurs. The vacancy will be filled until the end of the vacated term by election from among the members. The office will come up for the regular election process the following January.

If the office of Chairman is vacated during a term, the position will be filled by the Vice-Chairman until the end of that Commission year and the office will come up for the regular January election schedule,

* The Chairman of the Commission shall be elected by the Commission. The term of service of the Chairman shall be one year and the Chairman may be re-elected.
* The Vice Chairman shall be elected by the Commission and the term of service shall be one year.
* The Secretary shall be elected by the Commission and the term of service shall be one year.
* The Treasurer shall be elected by the Commission and the term of service shall be one year.

ARTICLE X. APPOINTMENTS

The Chairman of the Commission shall appoint Committees and Committee Chairman when necessary. In the event that the Chairman, Vice Chairman and Secretary and Treasurer of the Commission should all be absent or unable for any reason to attend to the duties of their office, the remaining members of the Commission may at any Regular Meeting or at any Special Meeting, appoint a Chairman pro-tem, who shall attend to all the duties of such officers until such officers shall return or be able to attend to their duties.

ARTICLE XI. COMMITTEES

Whenever necessary, the Chairman of the Commission shall appoint special committees as necessary
or as may be authorized by the Commission.

All reports of committees upon which action of the Commission is contemplated shall be submitted in writing to the Commission and signed by the Chairman of the Committee.

ARTICLE XII. QUALIFICATIONS AND CONDUCT OF MEMBERS
All voting members and ex-officio members shall be legal residents of the County of Kendall.

All members of the Kendall County Regional Plan Commission shall be residents of different townships with one member at large so as to reasonably represent the urban and rural areas of the County.

Members who have any personal interest and/or are actively involved with, and have taken a position on the request; or who have ownership, or share of, or financial interest, or equity obligations in connection with the matter presented to the Commission shall disqualify themselves from any discussion, consideration or voting on such matters.

Each Commission member is allowed three (3) un-excused absences during each calendar year. Unexcused absences exceeding three (3) could result in a drop of the member from the Commission.

ARTICLE XIII. ORDER OF BUSINESS

* Roll Call of Members present
* Approval of Agenda
* Approval of Bills
* Approval of Minutes
* Petitions
* Citizens to be Heard
* New business.
* Old Business
* Adjournment

ARTICLE XIV. PETITIONS
All petitions and other matters brought before the Kendall County Regional Plan Commission shall be reviewed and in cases dealing with the Land Resource Management Plan a public hearing shall be conducted. Advisory recommendations of the Commission shall be transmitted to the Zoning Board of Appeals and the Planning, Building and Zoning Committee for consideration.

ARTICLE XV. ADDRESSING THE PLAN COMMISSION
The public is invited by the Planning Commission to speak on items before the Commission. Reasonable time limitations may be imposed by the Chairman.
ARTICLE XVI. AMENDMENT OF BY-LAWS AND RULES OR PROCEDURE
The By-Laws and rules of procedure herein may be amended whenever it is necessary to do so for the best interests of the Commission, providing such amendment is proposed in writing and signed by at least three members. The motion for such amendment shall be made at one meeting and voted upon at the meeting next following; the notice for such meeting shall contain a copy of the proposed amendment.

APPROVED & ADOPTED BY THE KENDALL COUNTY REGIONAL PLAN COMMISSION

<table>
<thead>
<tr>
<th>Name</th>
<th>Date</th>
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<tbody>
<tr>
<td>Bill Ashton, Planning Commission Chairman</td>
<td>12.9.13</td>
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<tr>
<td>Budd Wormley, Planning Commission Vice-Chairman</td>
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<td>Larry Nelson, Planning Commission Treasurer</td>
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<tr>
<td>Vacant, Planning Commission Member</td>
<td>12.9.13</td>
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CALL TO ORDER- SPECIAL USE HEARING OFFICER
At 7:04 p.m., Chairman Bill Ford called the Special Use Hearing Officer meeting to order.

ROLL CALL
Members present: Bill Ford
Also present: Planner Angela Zubko, Walter Werderich (future hearing officer) Jeff Nieland, Mark & Jill Oldenburg, Kim Ahnert, Darrell Poundstone, Cliff & Kate Thrall, Gwen Carlyle, Tom & Renee Geistler, Larry & Carol Henderson, Cheryl Harvey, Pam & Bill Kunke, The Hartmans, Scott & Claudia Paquet, Mark Croeher, Pamela Patterson, Brent & Cindy Harney, Cheryl Harvey, Steven Whitlock, Mary Maly & Attorney Kelly Kramer

MINUTES
Bill Ford motioned to approve the September 3, 2013 Special Use Hearing Officer Meeting minutes as written.

Chairman Ford stated that the record of these proceedings shall include all testimony, comments, evidence, or documents previously submitted at a prior hearing on September 3rd, 2013. A copy of the audio recording of the hearing on September 3rd, 2013 is hereby made a part of these proceedings and a copy of the findings of fact that took into account prior testimony used for the September 3rd, 2013 meeting is also hereby made a part of these proceedings.

Chairman Ford swore in all members of the audience that wished to talk about the petition for the special use for a small poultry and small animal processing plant.

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 Big Grove Township board made a unanimous recommendation in favor of the petition. Planner Zubko has received a letter from the Village of Newark Trustees saying they reviewed the information and support the endeavor. The petitioners have stated that 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. They do meet all the setback requirements. Staff has requested to start discussions with our consulting engineer with regards to their 2 proposed detention areas which they are currently doing. There is an existing driveway the petitioner proposes to use. This road will be the jurisdiction of Big Grove Township Road Commissioner who I have spoken to and he did not feel this would be an issue and did not request any conditions to be place on the special use ordinance. Most people will be bringing chickens in small trailers. For parking they would request tar and chip or pavers instead of asphalt. They do not anticipate a retail outlet or anything. 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. Also it will be kept in sealed containers 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 and requires a building permit. No parking lot lighting is requested. The parking lot will mainly be used by employees. The Zoning Administrator may grant an exception to agricultural (A-1) zoned properties with low traffic volume to not asphalt the parking lot. 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 when the operation is open and must be built to USDA standards. In the packet is an email from Jody and Beth Osmund in support of this proposed facility. There is another letter of support from the Illinois Stewardship Alliance, also in the packet is a letter from Richard Durbin from the United States Senate in support and urging to give this application serious consideration. Also in the packet is a site plan and elevations of the proposed building. Staff is comfortable with this request and recommends approval with the 17 listed conditions. Also near the back of the packet is a list of concerns from Alice Marks and a map showing some homes in the area. Some of the concerns that were brought up at the Plan Commission and prior hearing meeting where: traffic, noise, the property values in the area, lighting, possible protests, landscaping, driveway construction, commercial retail on the site, possible water contamination, appearance, signage and waste. At the Plan Commission condition 16 was added that states that within 5 years, 50’ of the driveway must be a minimum of tar and chipped. Staff agrees with this condition. 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. 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. Parking shall be in accordance with Section 11 of the Zoning Ordinance including lighting.
9. All Applicable Federal, State and County rules and regulations shall apply.
10. Other such conditions as approved by the County Board.
11. 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.
12. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance (Sign
13. Shall satisfy all requirements of the Kendall County Health Department and Building Department prior to the issuance of occupancy permits.

14. Performance Standards. All activities shall conform to the performance standards set forth in section 10.01.G.

15. Engineering drawings including stormwater must be approved before a building permit can be released.

16. Within 5 years, 50’ of the driveway must be a minimum of tar and chipped.

17. 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 have also been read by the hearing officer and will be information given to the County Board as well:

- Tom & Renee Geistler
- Garrett & Gwendolyn Carlyle
- Cliff Thrall & Family
- Brent & Sheila Urton
- Mark Oldenburg
- Jody & Beth Osmund
- Illinois Stewardship Alliance
- United States Senator Richard J. Durbin
- Alice Marks

Attorney Kelly Kramer wanted to stress there will be a well and septic and there will be no hook-up to Newark’s sewer and water system.

At this time Mr. Ford opened up the public hearing with the following testimony heard:

Tom Geistler had a few questions: why did Newark vote down the process? Planner Zubko stated the Village did not take a formal vote, they took no stance but the project is in the County and they support the endeavor. How much water will be used for the plant? What kind of chemicals will the plant use and disposing of the chemicals? How many shifts a day will take place? Where will waste water go, will there be a lagoon? Why isn’t there a location set aside where light industry can go instead of a rural setting?

Attorney Kelly Kramer stated the well depth and water consumption have had preliminary discussions with J & W and they believe the depth will be about 400′-600′ and it should not stress the existing aquifer. The existing well onsite is about 400′ into the ground. The waste product will be picked up on a daily basis, the waste water will be determined by the USDA and public health department. There have been preliminary discussion on waste water and well and septic. No further in depth discussion have happened as the petitioner’s are awaiting to see what happens with this special use petition. Mary Maly stated that in Arthur they have a septic field existing and if there was a new facility it would need something along the lines of a treatment facility. Darrel Poundstone (Engineer) stated this is pursuit to the IL EPA and IL Department of Agriculture. The design will be approved and monitored though those agencies. Kelly Kramer stated the chemicals are regulated by the USDA, but the petitioners stated that chlorine will be used to clean. Mary Maly stated that
she talked to J & W and in comparison the water usage described to them would be less than irrigating the former nursery nearby.

Cliff Thrall stated that 9.3 gallons will be used and about 5 times that for turkeys. It comes close to 195,000 in a five day work week. He is worried about what will get to Newark's water table and how much it will affect the water table. His biggest concern is if the facility starts using that amount of water and the system fails the Village of Newark might need to re-do their treatment system and are close to capacity right now. He believes there is ample vacant light industrial locations in the county and suggested the vacant Lowe's in Oswego for this type of operation. He has read a lot about the EPA standards and is not sure the EPA would allow a gravel driveway and parking area. He also had the guidelines if anyone would like to see them from the EPA.

Bill Kunke stated he raises chickens and have met the Maly's once. He wanted to discuss possible traffic and stated in Arthur they average about 2,500 chickens a day and they do use pick-up trucks, horse trailers or livestock trailers. There's a time schedule so no one is backed up and waiting. He is of the opinion the dust is null and void as you're moving slowly through the parking lot. There are no semi-trucks coming in and out except maybe for the dumpster. He stated the smell is minimal. He also briefly discussed the water and rain ratios. He stated if there was no sign in Arthur you would not know it existed. He stated there are a lot worse neighbors you can have. There is a need for it and it's not as bad as people are thinking in their mind. He supports this endeavor and will use the facility when it opens. He also mentioned it brings local business while the farmer's are waiting for the chickens to be processed.

Pamela Patterson wanted to state she has a 10 acre farmette and a half a dozen chickens and supports this rural endeavor. There is a definite need for this type of facility. She also stated there are a lot of chemicals that farmers use on their crops currently and feels that's the least of people's concerns. She will also use it as well, not every year but every couple of years. It's been said before the city has moved around her.

Mark Goldenberg stated Arthur is 2 miles from every residential area. Mr. Goldenberg submitted a picture from his daughter's window. The silo is where the facility will be located. His concern is the smell on a calm, hot day. His feels a lot more needs to go into this before a decision is made.

Gwen Carlyle lives north of the site. She feels this is a kill plant and not an agricultural operation. She does not believe it belongs there and feels it is a manufacturing facility. They are not opposed to livestock but opposed to a slaughtering facility. She feels it changes the landscape of the neighbors that exist there. She's worried about quality of life and smell. She feels there needs to be a lot more planning and critical review before it goes into her backyard. She talks about the southerly winds and stated she is worried it will smell. Chlorine is harmful to the public and a known cancer causing agent. She does not feel it will bring Newark extra money but just extra people and not enough police force. She also discussed her concerns for their property values. She talked a little about possible expansion and what would be done at that time, who would police all the people.

Brent Harney lives about 400 yards west of this property. He is worried about water runoff and his well is not 400' deep but 80' deep. He is worried about the smells and stated it will smell. He stated he's been trying to get the township road commissioner to fix the culvert by his house and the township road commissioner stated there is no money. He is worried about possible expansion and needs more studying.
Cheryl Harvey owns property adjacent to this facility and would use the facility. She thinks people are more concerned and ahead of themselves. She raises about 100 chickens a year. She also stated there are many chemicals used on farms. She owns 100 acres at Fennel and Lisbon Center Road.

Peggy Hartman lives on Fennel Road and stated this property runs towards them, their property is lower. She stated this petition concerns her, she’s worried about property values and water. She stated when she bought her property this property was a dairy farm and is just concerned.

Tom Geistler requested the County get information from the Village of Newark and their concerns with regards to wastewater. Ms. Zubko read the letter from the Village of Newark dated August 5, 2013. Kelly Kramer stated the petition was never filed officially with the Village of Newark. The owners made the decision to NOT annex into the Village of Newark. Newark was never given that opportunity to vote. The sludge trucks were mentioned and Ms. Kramer stated they wished the renderings to be picked up every day. He stated he hopes the business is successful and wonders why it would not go into an industrial area of the county. Ms. Kramer stated the term special use and non permitted use are being used simultaneously. The special use is used more for the Board to attach conditions to the special use that are appropriate for that area. Mr. Geistler stated he is worried about groundwater and water run-off. He is concerned about the Village of Newark.

Gwen Carlyle wanted to know why she was not notified and if the Village of Newark has discussed water issues. Ms. Kramer stated that is up to who they elect and if they are informed. She is also concerned about the police force.

Mark Goldenberg wants to know what type of mechanisms will be put in place if something becomes an issue. Ms. Kramer stated he can contact the Planning, Building and Zoning Committee, a group can sue them. Based on intentions he feels this is a bad idea.

Kim Ahnert stated his property looks out at this property. Everyone has a lot of concerns about this petition and thinks there is a better property to suit this special use.

Renee Geistler feels the EPA needs to be involved now instead of later. She stated she lived by a chicken farm and it smelled. She asked if we would like it in our backyard? She feels a lot more needs to be studied.

Mr. Ford asked Mr. Kunke about the smell at Arthur. He stated in the morning it does not smell but in the afternoon it might smell. He stated there is not no smell but when you go by the dumpster it smells a little.

Ms. Kramer wanted to ask Mr. Kunke a few questions: the dumpsters are outside at Arthur, correct? Mr. Kunke stated that is correct. Ms. Kramer asked if he was aware the waste on this property would be kept inside? Mr. Kunke stated he was not aware but now aware. Ms. Kramer ask if Mr. Kunke notices on approaching the Arthur plant any odor if his window’s are down in the spring? Mr. Kunke stated he never has. She asked if the odor ever noticed is from the dumpsters or the processing itself? Mr. Kunke stated if he had to pick one it would be the dumpster. Ms. Kramer asked if he’s been to the plant in the summer and if the odor increases? Mr. Kunke stated he’s been to the plant in the summer and the smell is the same in the summer and in November. Ms. Kramer asked how many chickens he raises? Mr. Kunke stated about 400-500 chickens. Ms. Kramer asked when cleaning out the chicken coops do they smell? Mr. Kunke stated yes. Ms.
Kramer also asked about hogs & cattle? Mr. Kunke stated they all smell. Mr. Kunke stated personally the worst smell to him is the Grain Co F.S. fertilizer plant near Minooka.

Cliff Thrall is wondering where on the property the trash will be contained? He also brought up parking lot lighting and if the parking lot will or will not having lights? He also stated the waste will be picked up after hours and asked if the USDA requires the septic to be pumped? He also is wondering about the weight of the rendering vehicle. He is also worried about the safety of kids walking on the roadways.

Gwen Carlyle stated she is worried about vermin and attracting major rodents and vultures.

Ms. Kramer stated everything is done inside the structure. The waste will not be stored outside.

Ms. Kramer wanted to verify the previous testimony will be included in this hearing. Planner Zubko stated yes the September 3rd audio will

Special Use Hearing Officer Ford closed the public testimony and 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. Staff 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. If the conditions are adhered to the establishment, maintenance, and operation of the special use shall not be detrimental to or endanger the public health, safety, morals, comfort or general welfare. The testimony has shown that the process as outlined by the petitioners will be a state of the art operation, there will be a USDA employee on site during the operations and ensure the public health and safety and monitoring of the employees and premises.

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 entire operation will take place within a building and the unloading area must be at least 400' from any principle structure on an adjoining lot. The zoning in the general area is agricultural which this process fits in with that classification.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. The special use will be utilizing the existing driveway and drainage will be closely evaluated when the engineering drawings are assessed.

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. The EPA, Illinois Department of Health, Kendall County Health Department and the Kendall County Building Department all have jurisdiction over different aspects of the special use and the regulations must be followed and adhered to.

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 review and action to be taken on the special use petition will coincide with a proposed text amendment (Petition 13-16) that will permit a small Poultry & Small animal Processing Plant as a special use in the A-1 District. The special use proposal will comply with all proposed conditions attached to the proposed text amendment.

Bill Ford stated he did not hear any new testimony and will keep the same findings of fact and made a favorable recommendation with this petition, with the above modified findings of fact and the 17 conditions specified on the special use.

The PBZ Committee will be November 12th at 6:30pm.

**ADJOURNMENT**
Chairman Bill Ford adjourned the Special Use Hearing Officer meeting at 8:38 p.m.

Respectfully Submitted,
Angela L. Zubko
Senior Planner & Recording Secretary
DEPARTMENT OF PLANNING, BUILDING & ZONING
111 West Fox Street • Room 203
Yorkville, IL • 60560
(630) 553-4141 Fax (630) 553-4179

13-26
Green Organics Inc.
Major Amendment to an A-1 Special Use

SITE INFORMATION

PETITIONERS
Green Organics Inc.

ADDRESS
1270 East Beecher Road, Bristol

LOCATION
Northeast corner of Caton Farm Road & Ashley Road

TOWNSHIP
Bristol

PARCEL #
02-08-100-006 (Un-incorporated): 41.91 Acres/ 15.98 for operation currently
Part of Pin # 02-08-200-015 (Yorkville) 6.40 acres
Part of Pin # 02-08-200-018 (Yorkville) 0.27 acres
Part of Pin # 02-08-200-019 (Yorkville) 6.71 acres
Part of Pin # 02-08-200-022 (Yorkville) 0.35 acres

ELIMINATING
Part of Pin # 02-08-200-013 (Yorkville) @ 7.37 acres
Part of Pin # 02-08-200-009 (Yorkville) @ 3.07 acres

SIZE
Existing Special Use: 57.81 Acres (31.88 Acres used); Proposed Special Use:
55.63 Acres (29.7 acres used); 15.98 acres used in the County and 13.72
acres in the City of Yorkville

EXISTING LAND USE
Existing regional compost facility for landscape and some food waste

ZONING
A-1 Special Use for landscape waste, food waste and composting site:
Ordinance #10-25-11: Minor Amendment to allow the facility to begin
accepting and processing food waste
Ordinance # 2008-17: Renewal of Special Use
Ordinance # 2000-18: Renewal of Special Use
Ordinance # 1997-13: Renewal of Special Use
Ordinance # 1993-19: Rezone to Special Use for Landscaping waste
composting site

LRMP

<table>
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<tr>
<th>Land Use</th>
<th>Suburban Residential (Max. Density 1.00 du/acre) and Mixed Use business along Beecher Road</th>
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<tr>
<td>Roads</td>
<td>Beecher Road is considered a local roadway</td>
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<tr>
<td>Trails</td>
<td>There is a proposed trail shown on the west side of Beecher Road.</td>
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</table>

REQUESTED ACTION
Approval of a major amendment to the existing Special Use Permit 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.
APPLICABLE
§7.01.C (A-1 Agricultural Special Uses)
§13.08 (Special Uses)
§13.08.M (Special Uses: Amendments to Approved Special Uses)

Current Special Use Location

Proposed Special Use Location

<table>
<thead>
<tr>
<th>LOCATION</th>
<th>ADJACENT LAND USE</th>
<th>ADJACENT ZONING</th>
<th>LRMP</th>
<th>ZONING WITHIN ½ MILE</th>
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<td>&amp; A-1</td>
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PHYSICAL DATA

ENDANGERED SPECIES REPORT

The Illinois Natural Heritage Database contains 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.

NATURAL RESOURCES INVENTORY

The soils on this parcel scored a 93 out of a possible 100 points indicating the soils are not well suited for agricultural uses. In addition, soils can have potential limitations for development. This report indicates that for soils located on the parcel: 100% of the soils are very limited for local roads and streets; 41.1% of the soils are very limited for shallow excavations; and 16.8% are very limited for application of manure and food-processing waste. This information is based on the soil in an undisturbed state. Some soil reclamation, special design, or maintenance may be required to obtain suitable soil conditions to support these types of development. In addition, since the scope of the operation includes composting, please continue to consult with the Kendall County Health Department as needed. This site is located within the Fox River Watershed and Rob Roy Creek Subwatershed. This development should include a soil erosion sediment control plan to be implemented during construction. Sediment may become a primary non-point source of pollution. Eroded soils during the construction phase can create unsafe conditions on roadways, degrade water quality and destroy aquatic ecosystems lower in the watershed.

ACTION SUMMARY

TOWNSHIP
(Bristol)

The petitioners have the Township Plan Commission on December 4th.

MUNICIPAL
(Yorkville)

The petition is simultaneously going through the City of Yorkville’s process as the additional land is in the City of Yorkville. They are amending their development agreement.

REQUESTED ACTION

GENERAL

Approval of a major amendment to the existing Special Use Permit 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. Changing the site boundaries will make the site more efficient allowing for taller wind rows and allows the facility to take in more cubic yards.

REGULATORS

This 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 to responsibility with any compost left on site. Also to note that Green Organics’ leases the property so have lease agreements with each owner.

OPERATION

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. In 2010, the facility was permitted to accept food scraps for composting equaling at most 10% of the total allowed site volume. All incoming materials are shredded, incorporated into windrows and allowed to compost aerobically to form a humus-like 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.

SITE LAYOUT

The site is generally separated into 4 main areas, a receiving/processing area (for the incoming materials and screening of finished compost); a composting area for...
the windrows (an organic storage area for leavings and "tailings"); and the preliminary and final cure areas for compost storage prior to screening. In addition to the existing basin north of the office trailer, a detention basin is proposed in the southeast corner of the new site area.

ACCESS
The property has access from a private drive off Beecher Road by a gate. The gate is closed during non-business hours. There is no new access requested.

TRAFFIC
Upon arrival to the site, all vehicles stop at the office trailer to log in. Collection vehicles then proceed to the receiving area, where they discharge their materials via the tipper or onto the receiving pad. Upon completion of unloading, they exit the receiving area and proceed along the main road and exit the site. Tractor-trailers or other vehicles used to haul finished compost proceed directly to the organics storage area where they are loaded using a front-end loader. When loaded, they log out at the office building and exit via the main road.

COMPLAINTS
To date no complaints have been received on this property, they work closely with Marlin Hartman from the Health Department.

HOST FEES
As of April 18, 2000 the host fee was $0.60 fee per ton of landscape waste received. That fee increased to $0.65 on September 1, 2003 and to $0.70 on September 1, 2006. The current host fee is $0.70 per ton of landscape waste received. To date the following has been receive:

<table>
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<th></th>
<th>2006</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
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<tr>
<td>Host Fees Collected</td>
<td>$19,077.30</td>
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<td>Tons of material</td>
<td>27,253</td>
<td>26,896</td>
<td>23,232</td>
<td>28,055</td>
<td>16,548</td>
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</table>

To date any new host fees or the percentage to be given to the City of Yorkville has not been discussed.

HOURS OF OPERATION
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. Processing activities maintain the same schedule, but may continue into the evening, if necessary, to allow staff sufficient time to properly incorporate material into windrows and prepare the site for the following day’s activities.

LANDSCAPING
A berm is proposed around the new property area.

PARKING
An adequate amount of graveled area exists to be able to provide parking for employees of the operation and visiting patrons.

SIGNAGE
Signage already exists at the property.

ENGINEERING
Since all new development will be in the City of Yorkville staff will defer to the city for review.

PREVIOUS CONDITIONS
1. The facility shall meet all Illinois Environmental Protection Agency requirements as identified in Title 35, Subtitle G. Chapter 1, Sub-chapter 1, Part 830, Standards for Compost Facilities.
2. Operational personnel shall be present on site during all hours which the facility is open for the receipt of landscape waste.
3. The hours during which landscape waste may be received shall be 7:00
a.m. to 4:00 p.m. Monday through Friday and 7:00 a.m. 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.

4. The decibel levels at the property line shall not exceed Illinois Pollution Control Board standards.

5. A locked gate shall restrict vehicle access during closed hours except that a “lock-box” shall allow access to emergency vehicles.

6. Water samples shall be taken by an independent testing service and analyzed by an independent laboratory. The location, 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. The water samples shall be tested for the elements listed within “Appendix A” and any others specified by the State of Illinois or Kendall County upon request.

7. 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. The soil samples shall be tested for the elements listed within “Appendix B” and any others specified by the State of Illinois or Kendall County upon request. Soil quality shall not exceed State of Illinois standards.

8. Authorized Kendall County personnel shall be allowed on site during business hours for inspection and testing.

9. 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.

10. The facility operator shall maintain plantings on the berm and ditch as shown on attached Exhibit B.

11. The facility operator shall maintain the gate and landscaping as indicated on attached Exhibit C.

12. The County Solid Waste Coordinator shall maintain a log of complaints received on the facility.

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

14. Any violation of this Special Use Permit could be subjected to a fine of $25.00 to $500.00 per day, per violation, with each day being a separate violation.

15. This special use Ordinance shall expire on September 1, 2009.


17. Truck weights shall be limited to 72,380 pounds.

18. The operator shall provide weight receipts to Kendall County.

19. Off-site debris and trash generated by this site must be cleaned-up on a daily basis on properties abuting Beecher Road and/or Galena Road, with owner’s permission.

Below as you will notice conditions one through nine and seventeen through nineteen were eliminated since the special use requirements concerning composting and landscape waste facilities was revised to add specific requirements that such facilities must comply with.

The current conditions of Green Organics are as follows per ordinance 2008-17:

1. The facility operator shall maintain plantings on the berm and ditch as
shown on previous Exhibit B.
2. The facility operator shall maintain the gate and landscaping as indicated on previous Exhibit C.
3. The County Solid Waste Coordinator shall maintain a log of complaints received on the facility.
4. A host fee shall be paid to the County on a monthly basis in accordance with the schedule on previous Exhibit D.
5. The plat shall be kept on file as shown on previous Exhibit E.
6. The facility operator shall maintain a tailing plan as shown on previous Exhibit F.
7. The facility operator shall maintain an operations map as shown on previous Exhibit G.
8. The facility operator shall maintain a sampling schedule as shown on previous Exhibit H.
9. Any violation of this Special Use Permit could be subjected to a fine of $25.00 to $500.00 per day, per violation, with each day being a separate violation.
10. This special use Ordinance shall expire on September 1, 2018.
11. A petition for renewal shall be made prior to March 1, 2018.
12. The tailings that have been existing on the facility over six months (6) will be monitored by the Kendall County Health Department and if needed, be brought up in front of the appropriate Committee.
13. 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.

Per the Zoning Ordinance the following conditions must be met for a 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)

RECOMMENDATION Staff recommends approval of the major amendment to the special use for Green Organics Inc. with the following conditions.

1. The facility shall comply with the conditions listed in Section 7.01.01.15 (composting of landscape waste and food waste) of the Zoning Ordinance
2. The site plan shall be kept on file as “Exhibit A” attached hereto
3. The facility operator shall maintain plantings on the berm and ditch as shown on “Exhibit A” attached hereto
4. The facility operator shall maintain the gate and landscaping as indicated on “Exhibit B” attached hereto
5. A host fee shall be paid to the County on a monthly basis in accordance with the schedule on “Exhibit C”
6. The facility operator shall maintain a sampling schedule as shown on “Exhibit D” attached hereto
7. The County Solid Waste Coordinator shall maintain a log of complaints received on the facility.
8. This special use Ordinance shall expire on December 1, 2023.
9. A 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.

ATTACHMENTS
1. Overview
2. Site Plan
3. Ordinance #10-25-11: Minor Amendment to allow the facility to begin accepting and processing food waste
4. Ordinance # 2008-17: Renewal of Special Use
5. Ordinance # 2000-18: Renewal of Special Use
6. Ordinance # 1997-13: Renewal of Special Use
7. Ordinance # 1993-19: Rezone to Special Use for Landscaping waste composting site
October 14, 2013

United City of Yorkville
Community Development
Attn: Ms. Krysti Noble,
Community Development Director
800 Game Farm Road
Yorkville, IL 60560

Kendall County
Planning, Building & Zoning
Ms. Angela Zubko
Senior Planner
111 West Fox Street, Room 316
Yorkville, IL 60560

Re: Green Organics, Inc. Site Reconfiguration

Green Organics currently operates a regional compost facility at 1270 E. Beecher Road, with portions of the facility in both Yorkville and unincorporated Kendall County. It was initially approved for the Scotts Corporation in 1992; the current owners acquired it in 1999 and have operated continuously since that time. During the current owners’ management of the company, there have been no citations issued by ILEPA and the County has likewise had no complaints about the operation.

The Facility was initially designed to process 150,000 cubic yards of source-separated landscape materials, e.g., brush, leaves, tree trimmings, and grass, into usable organic products, such as high-quality soil amendments. In 2010, the Facility was permitted to accept food scraps for composting equaling at most 10 percent of the total allowed site volume. All incoming materials are shredded, incorporated into windrows, and allowed to compost aerobically to form a humus-like product. As part of the current request to reconfigure the site we are also seeking to increase the amount of permitted materials to 175,000 cubic yards.

There are currently 2 approvals, one from the State, which is valid for 5 years, the other from the County, which is valid for 10 years.

As an existing facility, the proposed site reconfiguration will not be unreasonably detrimental to the public health, safety, morals, comfort or general welfare of surrounding properties.

Land Ownership

The land is currently owned by two entities.

<table>
<thead>
<tr>
<th>Milroy Farms, LLC</th>
<th>Bristol Ventures, LLC</th>
</tr>
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<tbody>
<tr>
<td>287 Woodstock Drive</td>
<td>10318 Galena Road</td>
</tr>
<tr>
<td>Glen Ellyn, IL 60137</td>
<td>Bristol, IL 60523</td>
</tr>
</tbody>
</table>

PIN: 02-08-100-00

PIN’s: 02-08-200-015, -018, -019, -022
Portions thereof

Parcel 1 is zoned A1-SU (Agricultural – Special Use) in unincorporated Kendall County is owned by Milroy Farms. Parcels 2 is owned by Bristol Ventures and is situated in the United City of Yorkville and is currently zoned R-2 (One Family Residential).
Parcel 1

That part of the northwest quarter of Section 8, Township 37 North, Range 7 East of the third principal meridian being described as follows: commencing at the northwest corner of said quarter section; thence north 88 degrees 29 minutes 44 seconds east along the north line of said northwest quarter, 953.68 feet to a point in the centerline of a branch of the Rob Roy Creek for the point of beginning; thence continuing north 88 degrees 29 minutes 44 seconds east along said north line, 1699.46 feet to the northeast corner of said quarter section; thence south 00 degrees 07 minutes 06 seconds east along the east line of said quarter section that is 1126.52 feet south of the northwest corner of said section; thence north 00 degrees 01 minutes 23 seconds east along said west line, 100.00 feet; thence north 87 degrees 51 minutes 12 seconds east, 1498.53 feet to a point in the center of said Rob Roy Creek; thence north 28 degrees 38 minutes 38 seconds west along said creek, 1134.24 feet to the point of beginning, in the Township of Bristol, Kendall County, Illinois.

Parcel 2

THAT PART OF THE NORTHEAST QUARTER OF SECTION 8 IN TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER; THENCE NORTH 87 DEGREES 36 MINUTES 31 SECONDS EAST, ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER, 187.01 FEET; THENCE SOUTH 61 DEGREES 46 MINUTES 39 SECONDS EAST, 332.00 FEET; THENCE SOUTH 71 DEGREES 34 MINUTES 14 SECONDS EAST, 463.00 FEET; THENCE SOUTH 45 DEGREES 09 MINUTES 49 SECONDS EAST, 58.00 FEET; THENCE SOUTH 00 DEGREES 33 MINUTES 15 SECONDS WEST, 356.00 FEET; THENCE SOUTH 89 DEGREES 48 MINUTES 46 SECONDS WEST, 541.26 FEET TO A POINT ON THE EAST LINE OF A PARCEL OF LAND; THENCE NORTH 01 DEGREE 14 MINUTES 06 SECONDS WEST, ALONG SAID EAST LINE OF A PARCEL OF LAND, ALSO BEING A LINE 400.00 FEET EAST OF, AND PARALLEL WITH, THE WEST LINE OF SAID NORTHEAST QUARTER, 303.00 FEET TO ITS NORTHEAST CORNER; THENCE SOUTH 88 DEGREES 45 MINUTES 54 SECONDS WEST, ALONG THE NORTH LINE OF SAID PARCEL OF LAND, 400.00 FEET TO ITS NORTHWEST CORNER, SAID CORNER ALSO BEING ON SAID WEST LINE OF THE NORTHEAST QUARTER; THENCE NORTH 01 DEGREE 14 MINUTES 06 SECONDS WEST, ALONG SAID WEST LINE, 400.00 FEET TO THE POINT OF BEGINNING, ALL IN KENDALL COUNTY, ILLINOIS.

Land Use

The land use in the immediate vicinity of the site is primarily agricultural, including the land zoned residential, with some industrial operations, specifically an asphalt manufacturing plant and a concrete reclamation plant, located to the west of the site. Adjacent properties are zoned as follows:

North: Kendall County A-1, Agricultural District
South: Kendall County A-1-SU, Agricultural District, Special Use
East: Yorkville R-2, One Family Residence District

290 SOUTH MAIN PLACE, CAROL STREAM, ILLINOIS 60188-2476 PHONE 630-871-0108 FAX 630-588-1107
Site Layout

The site is generally separated into 4 main areas: a receiving/processing area, for the incoming materials and screening of finished compost; a composting area, for the windrows; an organics storage area, for leaves and “tailings;” and the preliminary/final cure areas, for compost storage prior to screening. In addition to the existing basin north of the office trailer, a detention basin is proposed in the southeast corner of the new site area.

Traffic

Access to the site is via a private drive located south of Galena Road and east of East Beecher Road. Upon arrival at the site, all vehicles stop at the office trailer to log in. Collection vehicles then proceed to the receiving area, where they discharge their materials via the “tipper” or onto the receiving pad. Upon completion of unloading, they exit the receiving area and proceed along the main road and exit the site. Tractor-trailers or other vehicles used to haul finished compost proceed directly to the organics storage area, where they are loaded using front-end loader. When loaded, they log out at the office building and exit via the main road. Personal automobiles enter the site via the access road and park in the area to the north of the office trailer. Sufficient parking spaces are provided for both Facility employees and visitors.

The Facility is designed such that movement of raw material and finished compost to and from the windrow areas occurs away from the traffic pattern used by collection vehicles and trailers. The Facility has been designed to operate 52 weeks per year, assuming normal weather patterns. Adequate drainage control features have been incorporated to permit the Facility to remain operations during periods of medium or heavy rainfall. During winter months, the road will be cleared of snow to facilitate safe vehicle movement.

The proposed increase in site volume will result in approximately 1.5 additional vehicles during the summer months for grass and brush and 3 additional vehicles per day during “leaf” season.

Hours

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, though the site is generally closed by 4:00 pm. Processing activities maintain the same schedule, but may continue into the evening, if necessary, to allow Green Organics staff sufficient time to properly incorporate material into windrows and prepare the site for the following day’s activities. An existing gate at the access drive prevents unauthorized entry during non-operating hours.
WHEREAS, Green Organics, has filed a petition for a minor amendment to their existing Special Use within the A-1 Agricultural Zoning District to modify their current operating permit for its Landscape Waste Composting Facility in order to allow the facility to begin accepting and processing food waste pursuant to Section 7.01.D. of the Kendall County Zoning Ordinance for a 57.597 acre property located on the south side of Galena Road east of East Beecher Road, Pin # 02-08-100-006 & Part of 02-08-200-013 & 02-08-200-015 (these two pins are annexed into Yorkville), in Bristol Township, is legally described as:

That part of the northwest quarter of section 8, township 37 north, range 7 east of the third principle meridian as described as follows: Commencing at the Northwest corner of said quarter section; thence north 88°29'44" east, along the north line of said northwest quarter, 953.68 feet to a point in the centerline of a branch of the Rob Roy Creek for the point of beginning; thence continuing north 88°29'44" east, along said north line, 1699.46 feet to the northeast corner of said quarter section, thence south 00°07'06" east, along the east line of said quarter section, 1124.58 feet; thence south 88°27'18" west, 2655.97 feet to a point on the west line of said quarter section that is 1126.52 feet south of the northwest corner of said quarter section; then north 00°01'23" east, along said west line, 100.0 feet; thence north 87°51'12" east, 1498.53 feet to a point in the center of said Rob Roy Creek; thence north 28°38'38" west, along said creek, 1134.24 feet to the point of beginning, in Bristol Township, Kendall County, Illinois.

WHEREAS, Green Organics, Inc., designated lessor and operator, was granted a Special use Permit for a Landscape Waste Composting Site under Kendall County Ordinance #97-13 and renewed under Ordinance #08-17; and

WHEREAS, the Planning, Building and Zoning Department received a petition for modification from the IEPA on October 21, 2010; and

WHEREAS, the petitioner would like to add the accepting and processing of food waste to their permit; and
WHEREAS, the total quantity of food waste will not exceed 10% of the material processed at the facility; and

WHEREAS, all procedures required by the Kendall County Zoning Ordinance were followed including recommendation for approval by the Zoning Administrator on October 25, 2011; and

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Zoning Administrator and/or deputies grants approval of a minor amendment to an existing special use per section § 13.07.N of the Zoning Ordinance subject to the same following conditions as Ordinance #08-17:

1. The facility operator shall maintain plantings on the berm and ditch as shown on previous Exhibit B.
2. The facility operator shall maintain the gate and landscaping as indicated on previous Exhibit C.
3. The County Solid Waste Coordinator shall maintain a log of complaints received on the facility.
4. A host fee shall be paid to the County on a monthly basis in accordance with the schedule on previous Exhibit D.
5. The plat shall be kept on file as shown on previous Exhibit E.
6. The facility operator shall maintain a tailing plan as shown on previous Exhibit F.
7. The facility operator shall maintain an operations map as shown on previous Exhibit G.
8. The facility operator shall maintain a sampling schedule as shown on previous Exhibit H.
9. Any violation of this Special Use Permit could be subjected to a fine of $25.00 to $500.00 per day, per violation, with each day being a separate violation.
10. This special use Ordinance shall expire on September 1, 2018.
11. A petition for renewal shall be made prior to March 1, 2018.
12. The tailings that have been existing on the facility over six months (6) will be monitored by the Kendall County Health Department and if needed, be brought up in front of the appropriate Committee.
13. 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.

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 October 25, 2011.

Attest:

Nancy Martin
PBZ Chairman/ Zoning Administrator

Angela L. Zubko
Zoning Administrator Deputy
ORDINANCE NUMBER 2008-17

GRANTING A RENEWAL OF THE SPECIAL USE for the
OPERATION OF
GREEN ORGANICS, INC.
Landscape Waste Composting Site

WHEREAS, Green Organics, has filed a petition for a Special Use renewal within the A-1 Agricultural Zoning District for the operation of a landscape waste composting site pursuant to Section 7.01.D.30 of the Kendall County Zoning Ordinance for a 57.597 acre property located on the south side of Galena Road east of East Beecher Road, Pin #02-08-100-006; 02-08-200-009 & Part of 02-08-200-008 & 02-08-200-013, in Bristol Township, as legally described in “Exhibit A”; and

WHEREAS, Green Organics, Inc., designated lessor and operator, was granted a Special use Permit for a Landscape Waste Composting Site under Kendall County Ordinance #97-13 and renewed under Ordinance #2000-18; and

WHEREAS, Condition #16 of said Ordinance states “A petition for renewal shall be made prior to March 1, 2009; and

WHEREAS, the Planning, Building and Zoning Department received a petition for renewal on February 4, 2008; and

WHEREAS, said use is in accordance with said Special Use Permit; and

WHEREAS, the Kendall County Board finds that said petition for renewal is in general conformance with Kendall County Ordinance #2000-18; and

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby repeals Kendall
State of Illinois
County of Kendall

Attest:

[Signature]
John A. Church
Kendall County Board Chairman

[Signature]
Rennetta Mickelson
Kendall County Clerk
EXHIBIT D

HOST FEE SCHEDULE

<table>
<thead>
<tr>
<th>Date Beginning</th>
<th>Fee Per Ton of Landscape Waste Received</th>
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<tbody>
<tr>
<td>April 18, 2000</td>
<td>$0.60</td>
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<tr>
<td>September 1, 2003</td>
<td>$0.65</td>
</tr>
<tr>
<td>September 1, 2006</td>
<td>$0.70</td>
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</table>
EXHIBIT F

Phase 1
1. Remove Material From North Tailings Pile. This Material to be rescreened. New Compost to be shipped off site. Remaining tailings to be inserted in composting Windrows, or used for roadways.
2. Do not begin removal of South Tailings Pile until North is removed.
3. Time to remove North is 6 months.

Phase 2
1. Remove Material From South Tailings Pile. This Material to be rescreened. New Compost to be shipped off site. Remaining tailings to be inserted in composting Windrows, or used for roadways.
2. Begin to replace Tailings from normal operations back in North Tailings Pile.
3. Time to remove South is 6 months.
March 11, 2008

Mr. Joseph Mazza
Green Organics
290 Main Place
Carol Stream, IL 60188

Dear Mr. Mazza:

You requested confirmation of the sampling schedule that is used by Analytical Chemistry &
Environmental Services, Inc. (AC&E Services, Inc.) at your compost facility in Bristol,
Illinois.

The compost is tested according to 35 Illinois Administration Code (IAC) Section
830.507(a) for each 5000 tons shipped.

The well at the site is tested once per year in May in accordance with your current permit.
The soil is tested once per year in September. Two composite soil samples are taken; one in
the detention pond at the west side of the facility and one taken at the end of the windrows at
the south end of the property. The testing is performed in accordance with your current
permit.

I hope this answers your questions concerning your current testing requirements. If any
further help is needed, do not hesitate to contact us.

 Regards,

Terese M. Laciak
President

cc: Steven B. Curatti, Director of Environmental Health, Kendall County
ORDINANCE NUMBER 2000-18

SPECIAL USE ORDINANCE
GREEN ORGANICS, INC.
Landscape Waste Composting Site

WHEREAS, Green Organics, Inc., designated lessor and operator, was granted a Special Use Permit for a Landscape Waste Composting Site under Kendall County Ordinance #97-13; and

WHEREAS, said Special Use Permit is for property legally described in attached Exhibit A; and

WHEREAS, Condition #13 of said Ordinance states "A petition for renewal of this ordinance shall be made by February 19, 2000;" and

WHEREAS, the Planning Building and Zoning Department receive a petition for renewal on February 14, 2000; and

WHEREAS, said use is in accordance with said Special Use Permit; and

WHEREAS, the Kendall County Board finds that said petition for renewal is in general conformance with Kendall County Ordinance #97-13.

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby repeals Kendall County Ordinance #97-13 in its entirety prior to its scheduled termination date of August 19, 2000.

BE IT FURTHER ORDAINED, the Kendall County Board grants the renewal of the special use permit to continue operating a landscape waste composting site with the following conditions:

1. The facility shall meet all Illinois Environmental Protection Agency requirements as identified in Title 35, Subtitle G. Chapter 1, Sub-Chapter 1, Part 830, Standards for Compost Facilities.

2. Operational personnel shall be present on site during all hours which the facility is open for receipt of landscape waste.

3. The hours during which landscape waste may be received shall be 7:00 a.m. to 4:00 p.m. Monday through Friday and 7:00 a.m. to 12:00 noon Saturday. Processing operations shall cease after each day's receipts have been processed and placed in windrows, no to exceed three (3) additional hours.

4. The decibel levels at the property line shall not exceed Illinois Pollution Control Board standards.

5. A locked gate shall restrict vehicle access during closed hours except that a "lock-box" shall allow access to emergency vehicles.

6. 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
Appendix A: Water Sampling Constituents
Arsenic
Nickel
Mercury
pH
Nitrate
Total Organic Carbon
Specific Conductivity
Total Dissolved Solids
Chromium
Zinc
Selenium
Boron
Manganese
Lead
Cadmium
Iron
Total Phosphorous
Chloride
Copper

Appendix B: Soil Sampling Constituents
Arsenic
Nickel
Mercury
pH
Nitrate
Total Organic Carbon
Chromium
Zinc
Selenium
Boron
Manganese
Lead
Cadmium
Iron
Total Phosphorous
Chloride
Copper
**EXHIBIT D**
**HOST FEE SCHEDULE**

<table>
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</table>
State of Illinois
County of Kendall

Ordinance 97-13

GRANTING SPECIAL USE ZONING
SCOTTS COMPOSTING FACILITY
East Beecher Road, Bristol

WHEREAS, Kendall County passed ordinance 9319 on October 19, 1993 granting A-1 Special Use approval to establish a landscaping waste composting site, and

WHEREAS, said ordinance pertained to a site commonly located on the east side of East Beecher Road approximately 1/4 mile south of Galena Road in section 8 of Bristol Township that is further described in the attached Exhibit A, and

WHEREAS, said Ordinance expired and the leaseholder of the said site, The Scotts Company, has petitioned for renewal of the special use ordinance, and

WHEREAS, administrative procedures required by the Kendall County Zoning Ordinance were followed including review by Bristol Township, Regional Planning Commission, notice of public hearing, and recommendation by Zoning Board of Appeals, and

WHEREAS, the Kendall County Board finds that the said Petition complies with the provisions of the Kendall County Zoning Ordinance.

NOW THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants approval of a special use permit to continue operating a landscaping waste composting facility on the site described in the attached Exhibit A and in substantial conformance with the site plan shown in the attached Exhibit B and in conformance with the following conditions.

1. Operational personnel shall be present on site during all hours which the facility is open for the receipt of landscape waste.
2. The hours during which landscape waste may be received shall be 7:00 AM to 4:00 PM Monday through Friday and 7:00 AM to 12:00 noon Saturday. Processing operations shall cease after each day’s receipts have been processed and placed in windrows, not to exceed 3 additional hours.
3. Decibel levels at the property line shall not exceed Illinois Pollution Control Board standards.
4. A locked gate shall restrict vehicle access during closed hours except that a ‘lock-box’ shall allow access to emergency vehicles.
5. Water samples shall be taken by an independent testing service and analyzed by an independent lab. The locations, methods, and frequency of sampling and testing shall be
approved by the County Director of Environmental Health. The test results shall be sent to the County Director of Environmental Health within 45 days of sampling. The water samples shall be tested for the following parameters and any others specified by the State of Illinois. Water quality shall not exceed State of Illinois standards.

<table>
<thead>
<tr>
<th>Parameter</th>
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<tbody>
<tr>
<td>Cadmium</td>
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</tr>
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<tr>
<td>Total solids</td>
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<tr>
<td>Manganese</td>
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<td>PH</td>
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</tbody>
</table>

6. Soil samples shall be taken by an independent testing service and analyzed by an independent lab. The locations, methods, and frequency of sampling and testing shall be approved by the County Director of Environmental Health. The test results shall be sent to the County Director of Environmental Health within 45 days of sampling. The soil samples shall be tested for the same parameters as the water samples listed above except for chemical oxygen demand, biological oxygen demand, ortho-phosphorus, and total solids. Soil quality shall not exceed State of Illinois standards.

7. County authorized personnel shall be allowed on site during business hours for inspection and testing.

8. The facility operator shall send up-to-date copies of their state permit and related documents including Operating Plan, Surface Water Management Plan, Pest Control Program, and Annual Report to the County Solid Waste Coordinator.

9. The facility operator shall maintain the plantings as shown on Exhibit C.

10. The County shall keep a log of complaints received on this facility.

11. A host fee of $.55/ton of material received shall be paid to the County.

12. The facility operator shall plant grass seed on the berm and ditch and maintain same as shown in the Site Grading and Drainage Plan attached as Exhibit B.

13. This special use ordinance shall expire on August 19, 2000.


IN WITNESS OF, this ordinance has been enacted on August 19, 1997.

John A. Church, Kendall County Board Chairman

Paul Anderson, Kendall County Clerk
Kendall County
Ordinance 97 -
SCOTTS SPECIAL USE

Exhibit A: Legal Description

PARCEL 1
That part of the Northwest Quarter of Section 8, Township 37 North, Range 7 East of the Third Principal Meridian being described as follows: Commencing at the Northwest corner of said quarter section; thence North 88 degrees 29 minutes 44 seconds East along the North line of said Northwest Quarter, 953.68 feet to a point in the centerline of a branch of the Rob Roy Creek for the point of beginning; thence continuing North 88 degrees 29 minutes 44 seconds East along said North line, 1699.46 feet to the Northeast corner of said quarter section; thence South 00 degrees 07 minutes 06 seconds East along the East line of said quarter section, 1124.58 feet; thence South 88 degrees 27 minutes 18 seconds West, 2655.97 feet to a point on the West line of said quarter section that is 1126.52 feet South of the Northwest corner of said section; thence North 00 degrees 01 minutes 23 seconds East along said West line, 100.00 feet; thence North 87 degrees 51 minutes 12 seconds East, 1498.53 feet to a point in the center of said Rob Roy Creek; thence North 28 degrees 38 minutes 38 seconds West along said creek, 1134.24 feet to the point of beginning, in the Township of Bristol, Kendall County, Illinois.

PARCEL 2
That part of the Northeast Quarter of Section 8, Township 37 North, Range 7 East of the Third Principal Meridian being described as follows: Commencing at the Northwest corner of Aforesaid quarter section; thence South 00 degrees 07 minutes 06 seconds East 400.00 feet along the West line of the said Northeast quarter; to the point of beginning; thence North 89 degrees 52 minutes 54 seconds East 400.00 feet along a line measured at a right angle to the said West line of the said Northeast quarter; thence South 00 degrees 07 minutes 06 seconds East 1930.00 feet, along a line parallel with the said Northeast quarter; thence South 89 degrees 52 minutes 54 seconds West 400.00 feet along a line measured at a right angle to the said West line of the said Northeast quarter to a point on the West line of the said quarter section; thence North 00 degrees 07 minutes 06 seconds West 1930.00 feet along the West line of said quarter section to the point of beginning, all in the Township of Bristol, Kendall County, Illinois.
ORDINANCE #93-19
GRANTING A SPECIAL USE

WHEREAS The O. M. Scott & Sons Company did petition the Kendall County Board in the manner required by law and the ordinances of Kendall County, Illinois for a Special Use to establish a landscaping waste composting site pursuant to Section 7.00 B. of the Kendall County Zoning Ordinance; and

WHEREAS, the Kendall County Zoning Board of Appeals did hold a public hearing regarding the proposed Special Use and did recommend that the request be granted subject to conditions;

NOW THEREFORE BE IT ORDAINED by the County Board of Kendall County, Illinois that the following described property be granted the Special Use as requested:

PARCEL 1
That part of the Northwest Quarter of Section 8, Township 37 North, Range 7 East of the Third Principal Meridian being described as follows: Commencing at the Northwest corner of said quarter section; thence North 88 degrees 29 minutes 44 seconds East along the North line of said Northwest Quarter, 953.68 feet to a point in the centerline of a branch of the Rob Roy Creek for the point of beginning; thence continuing North 88 degrees 29 minutes 44 seconds East along said North line, 1699.46 feet to the Northeast corner of said quarter section; thence South 00 degrees 07 minutes 06 seconds East along the East line of said quarter section, 1124.58 feet; thence South 88 degrees 27 minutes 18 seconds West, 2655.97 feet to a point on the West line of said quarter section that is 1126.52 feet South of the Northwest corner of said section; thence North 00 degrees 01 minutes 23 seconds East along said West line, 100.00 feet; thence North 87 degrees 51 minutes 12 seconds East, 1498.53 feet to a point in the center of said Rob Roy Creek; thence North 28 degrees 38 minutes 38 seconds West along said creek, 1134.24 feet to the point of beginning, in the Township of Bristol, Kendall County, Illinois.

PARCEL 2
That part of the Northeast quarter of Section 8, Township 37 North, Range 7 East of the Third Principal Meridian being described as follows: Commencing at the Northwest corner of Aforesaid quarter section; thence South 00 degrees 07 minutes 06 seconds East 400.00 feet along the West line of the said Northeast quarter; to the point of beginning; thence North 89 degrees 52 minutes 54 seconds East 400.00 feet along a line measured at a right angle to the said West line of the said Northeast quarter; thence South 00 degrees 07 minutes 06 seconds East 1930.00 feet, along a line parallel with the said Northeast quarter; thence South 89 degrees 52 minutes 54 seconds West 400.00 feet along a line measured at a right angle to the said West line of the said Northeast quarter to a point on the West line of the said quarter section; thence North 00 degrees 07
minutes 06 seconds West 1930.00 feet along the West line of said
quarter section to the point of beginning, all in the Township of
Bristol, Kendall County, Illinois.

BE IT FURTHER ORDIANED that this Special Use be granted
subject to the stipulations listed on EXHIBIT A attached.

The Zoning Map of Kendall County will be changed to show
this Special Use.

Passed this 19th day of October, 1993.

[Signature]
Chairman, County Board of
Kendall County, Illinois

[Signature]
County Clerk
EXHIBIT A

Stipulations for SPECIAL USE ORDINANCE
For O. M. Scott, Co.

1. Operational personnel shall be present on site during
all hours which the facility is open for the receipt of landscape
waste.

2. The hours during which landscape waste may be accepted shall
be 7:00 am. to 4:00 p.m. Monday through Friday and 7:00 a.m. to
12:00 noon on Saturday. Processing operations will cease after
each day’s receipts have been processed and placed in windrows,
not to exceed 3 additional hours.

3. At no point on or beyond the boundary line of the subject
property shall the sound pressure level resulting from any use or
activity exceed the maximum permitted decibel levels for the
designated octave band as set forth by OSHA.

4. A gate shall be constructed to bar access to the site by
vehicles during the hours that the facility is closed for the
receipt of landscape waste. This gate shall be locked during all
non-receiving hours. An "Emergency Loc-Box" shall be purchased
from the Bristol-Kendall Fire Department for emergency access.

5. Soils samples shall be taken prior to the commencement of
operations at the site to establish a base line for future
monitoring.

6. Surface waters leaving the site shall be tested prior to the
beginning of composting operations for the following parameters:

<table>
<thead>
<tr>
<th>Cadmium</th>
<th>Dicamba</th>
<th>Ammonia</th>
</tr>
</thead>
<tbody>
<tr>
<td>Copper</td>
<td>Medcprop</td>
<td>Nitrate</td>
</tr>
<tr>
<td>lead</td>
<td>2.4 D</td>
<td>ortho-phosphorus</td>
</tr>
<tr>
<td>zinc</td>
<td>Diazinon</td>
<td>total phosphorus</td>
</tr>
<tr>
<td>magnesium</td>
<td>Dursban</td>
<td>dissolved oxygen</td>
</tr>
<tr>
<td>iron</td>
<td>Oftanel</td>
<td>boron</td>
</tr>
<tr>
<td>manganese</td>
<td>Sevin</td>
<td>biological oxygen</td>
</tr>
<tr>
<td>pH</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chemical oxygen demand (COD)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>biological oxygen demand (BOD)</td>
<td></td>
<td></td>
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<tr>
<td>Total solids</td>
<td></td>
<td></td>
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</tbody>
</table>

7. Soil samples shall be monitored by the operators following
the commencement of operations for the parameters listed in
Condition #6 above excluding chemical oxygen demand, biological
oxygen demand, ortho-phosphorus and total solids. Surface waters
shall be monitored by the operators.
following the commencement of operations for the parameters listed in Condition #6. See Attachment I for timetable of further surface water and soil sampling.

8. Surface water and soil samples shall be expeditiously submitted for analysis to independent laboratories. The results shall be submitted to the Kendall County Health Department and immediately upon receipt copies forwarded to the County’s Solid Waste Coordinator. The Kendall County Health Department shall review if the water samples meet the standards established by the IEPA.

9. Kendall County Solid Waste Coordinator, Health Dept or their agents may enter the site during normal business hours to conduct an independent environmental assessment of the operation and may independently monitor soil and water at the site.

10. The facility shall be designed and operated in accordance with the operator’s IEPA permit, Operating Plan, Surface Water Management Plan, and Pest Control Program, except as modified by the terms and conditions of this permit.

11. This Special Use Ordinance shall initially remain valid for three years. Within four (4) months prior to expiration, the applicant shall request through the Kendall County Building & Zoning Department that a public hearing be conducted by the Kendall County Zoning Board of Appeals to receive public input to ensure compliance with all of the above conditions. The Zoning Board of Appeals at that time shall make a recommendation to the County Board whether the Special Use should be renewed and for what period of time it should be renewed.

12. A copy of the required EPA annual report (page 4, section 5 of the Permit Application) will be sent to the Solid Waste Coordinator.

13. A landscape drawing shall be made a part of the Special Use application.

14. A complaint log will be kept at the Building & Zoning Office to track areas where odors or other non-compliances can be monitored. This log will be reviewed by the Zoning Board at the required public hearing. The Solid Waste Coordinator will monitor this log on a bimonthly basis or on an as-needed basis.

15. If any of the above conditions are violated, the operators shall stop receiving yard waste immediately or an Injunction will be filed through the States Attorney’s Office to halt operation.

16. A host fee of $.50 per ton for all yard waste material brought onto the site will be paid to Kendall County.
ATTACHMENT I

Sampling Timetable for
Surface Water and Soil Sampling

1. Prior to Composting operations commencing to establish a baseline.

2. Six (6) months after windrow composting operations have commenced.

3. One (1) year after windrow composting operations have commenced.

4. Two (2) years after windrow composting operations have commenced.
EXHIBIT B - Ordinance #9319

RE: O. M. Scott, Company Special Use

Comments from Bristol Township Board

1. Galena Road should be re-considered for the entrance, recognizing the long term traffic flow that will be existing from the Scott’s facility if they begin a bagging/processing function on-site.

2. All County bodies involved in the sighting of future compost facilities recognize the potential hazards of sighting more than one compost facility in a general area without adequate testing and evaluation of the initial facility. Therefore Bristol Township will not approve more than one compost facility within the Township.