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

AGENDA

December 9, 2013 – 7:00 p.m.

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 Eldamain 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

NEW BUSINESS
Review of 2014 calendar dates
Review of By-laws and approval of notification process change

ADJOURN SPECIAL USE HEARING OFFICER- Next meeting on January 27, 2014
KENDALL COUNTY
ZONING BOARD OF APPEALS MEETING & SPECIAL USE HEARING OFFICER
111 WEST FOX STREET, Room 209 and 210
YORKVILLE, IL 60560
September 30, 2013 – 7:02 p.m.

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 Thompson 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>
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</thead>
<tbody>
<tr>
<td>Roads</td>
<td>Lisbon Center Road is classified as a local road</td>
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<tr>
<td>Trails</td>
<td>None shown</td>
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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

§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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<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>
<td>A-1</td>
</tr>
<tr>
<td>East</td>
<td>Agricultural</td>
<td>A-1</td>
<td>Agricultural</td>
<td>A-1</td>
</tr>
<tr>
<td>West</td>
<td>Agricultural</td>
<td>A-1</td>
<td>Agricultural</td>
<td>A-1; LaSalle County</td>
</tr>
</tbody>
</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)

LRMP

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<thead>
<tr>
<th>Land Use</th>
<th>County &amp; Plano: Public/Institutional</th>
</tr>
</thead>
<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>
</tr>
</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'.


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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<td>North</td>
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<td>City of Plano</td>
<td>Municipal (City of Plano)</td>
<td>City of Plano</td>
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<tr>
<td>South</td>
<td>City of Plano; Vacant Land</td>
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<td>East</td>
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<td>City of Plano/Residential</td>
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<tr>
<td>------</td>
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</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.

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**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:

- **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
KENDALL COUNTY ZONING BOARD OF APPEALS AND SPECIAL USE HEARING OFFICER
GENERAL RULES AND BY-LAWS

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

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

Section 3. "Hearing Officer" shall mean the Special Use Hearing Officer

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

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

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

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

Section 5. The Office of the Board shall be located at Kendall County Planning, Building and Zoning Office, 111 West Fox Street-Room 316, Yorkville, Illinois, 60560.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 2. All witnesses shall testify under oath.

Section 3. Evidence shall be presented in the following order:
a) The applicant or his representative may make a statement outlining the nature of his request prior to introducing evidence.
b) Board and/or objectors cross-examine applicant’s witnesses.
c) Objectors present evidence.
d) Board and/or applicant cross-examine objector’s evidence.
e) Rebuttal by applicant.
f) Evidence solicited by Board.

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

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

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

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

Section 8. Failure of Applicant to Appear

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

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

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

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

Article VIII Decisions on Variations and Appeals

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

Section 2. A concurring vote of four (4) members of a five (5) member board, or five
(5) members of a seven (7) member Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator or Zoning Administrator Deputies, or to grant any variation in the ordinance or to recommend any variation or modification in the ordinance to the County Board.

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

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

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

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

Article IX Recommendations on Zoning Map Amendments and Text Amendments

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

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

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

Section 4. The transcript of the case shall be acknowledged as to accuracy by the Chairman and the Secretary and shall be a part of the public record of the Board.
Section 5. Notice of the recommendation of the Board shall be given to the applicant, the Zoning Administrator or Zoning Administrator Deputies, and other interested parties as soon as possible after the decision is reached.

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

Article X Recommendations on Special Uses

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

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

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

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

Article X Records

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

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

Article XI Amendment of Rules

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

Section 2. The proposed amendment must be presented in writing at a regular or special meeting preceding the meeting at which the vote is taken.

Having been presented at a public hearing on December 5, 2011, the foregoing rules and regulations are hereby adopted by the Board of Appeals of Kendall County on Monday.
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 Harley, Pam & Bill Kunke, The Hartmans, Scott & Claudia Paquet, Mark Croeger, Pamela Patterson, Brent & Cindy Harney, Cheryl Harley, 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

Special Use Hearing Officer 10.15.13 Page 2
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 East side of Beecher Road about 0.5 miles south of Galena 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>
<thead>
<tr>
<th>Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Suburban Residential (Max. Density 1.00 du/acre) and Mixed Use business along Beecher Road</td>
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</tbody>
</table>

Roads Beecher Road is considered a local roadway

Trails There is a proposed trail shown on the west side of Beecher Road.

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 REGULATIONS
§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

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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<td>Suburban Res.</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 went to the Township board on December 4th at which time the township decided to table the petition stating they wanted more time to think about the petition.

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 annexation agreement as this use was already part of the original annexation agreement as being able to continue to operate as a non-conforming use until such time as a final plat is approved for the affected portion of the property.

ZPAC (11.4.13) Recommended approval.

RPC (12.4.13) Recommended approval subject to the townships approval.

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:

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<th>Year</th>
<th>Host Fees Collected</th>
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<td>2008</td>
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<td>2012</td>
<td>$11,538.28</td>
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</table>

Planner Zubko is in discussions with the City of Yorkville with regards to the possibility of splitting host fees. Planner Zubko is of the opinion that the host fees shall be increased to $0.75 till 2016, then on December 1, 2016 increase to $0.80 and again in December 1, 2019 to $0.85, and the renewal of the permit would be in December of 2023.

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

Conditions from Ordinance 2000-18:

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. Soil quality shall not exceed State of Illinois standards.

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 shall be cleaned-up on a...
daily basis on properties abutting 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)

FINDINGS OF FACT

§ 13.08.J of the Zoning Ordinance outlines findings that the Hearing Officer must make in order to grant a special use. 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. The operation is controlled by the EPA and inspected regularly by the Health Department and have not found anything to endanger the public health, safety, morals, comfort, or general welfare.

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 operation has been open since 1993 with some minor debris issues a long time ago and since then there have been no complaints or issues. The newer water park exists less than a mile away to the east and still there have been no complaints about affecting the area properties.

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 not be adding any new utilities, roadways or drainage to the property. They will use the current access point onto Beecher Road which has a gate which will be closed unless the operation is open.

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 special use conforms to all applicable regulations of the A-1 Special use district.

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. This operation existed before the Land Resource Management Plan existed and
the plan calls for the area to be residential which it could be when/if this operation ever ceases to exist.

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.D.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 B" attached hereto
4. The facility operator shall maintain the gate and landscaping as indicated on "Exhibit C" attached hereto
5. A host fee shall be paid to the County on a monthly basis in accordance with the schedule on "Exhibit D"
6. The facility operator shall maintain a sampling schedule as shown on "Exhibit E" 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 and the petition for renewal shall be made prior to July 1, 2023.
9. If any Illinois Environmental Protection Agency (IEPA) violations or citations are received they need to be submitted to the County Solid Waste Coordinator within 30 days.

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

Also the Plan Commission recommended approval subject to the township’s approval.

ATTACHMENTS
1. Overview
2. Ordinance #10-25-11: Minor Amendment to allow the facility to begin accepting and processing food waste
3. Ordinance # 2008-17: Renewal of Special Use
4. Ordinance # 2000-18: Renewal of Special Use
5. Ordinance # 1997-13: Renewal of Special Use
6. Ordinance # 1993-19: Rezone to Special Use for Landscaping waste composting site
7. ZPAC meeting minutes on 11.4.13
8. RPC meeting minutes on 12.5.13
9. Site Plan
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.

Milroy Farms, LLC
287 Woodstock Drive
Glen Ellyn, IL 60137

Bristol Ventures, LLC
10318 Galena Road
Bristol, IL 60523

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 comer 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
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.
GRANTING A MINOR AMENDMENT TO
A SPECIAL USE for GREEN ORGANICS

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

Page 1 of 3
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.
State of Illinois
County of Kendall

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”;

**WHEREAS.** Green Organics, Inc., designated lessee 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
County Ordinance #2000-18 in its entirety prior to its scheduled termination date of September 1, 2009 and replaced in its entirety by this ordinance.

**BE IT FURTHER ORDAINED**, the Kendall County Board grants approval of the renewal of the special use zoning permit per section § 7.01.D.30 (A-1 Special Uses-Composting of landscape waste) to continue operating a landscape waste composting site with the following conditions:

1. The facility operator shall maintain plantings on the berm and ditch as shown on attached Exhibit B.
2. The facility operator shall maintain the gate and landscaping as indicated on attached 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 attached Exhibit D.
5. The plat shall be kept on file as shown on attached Exhibit E.
6. The facility operator shall maintain a tailing plan as shown on attached Exhibit F.
7. The facility operator shall maintain an operations map as shown on attached Exhibit G.
8. The facility operator shall maintain a sampling schedule as shown on attached 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 May 20, 2008.
State of Illinois
County of Kendall

Attest:

[Signature]
John A. Church
Kendall County Board Chairman

[Signature]
Rennetta Mickelson
Kendall County Clerk
LEGAL DESCRIPTION OF 39.8747 ACRE TRACT:

That part of the Northwest Quarter of Section 8, Township 37 North, Range 7 East of the Third Principal Meridian 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; thence 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.
EXHIBIT D

HOST FEE SCHEDULE

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<tr>
<th>Date Beginning</th>
<th>Fee Per Ton of Landscape Waste Received</th>
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</thead>
<tbody>
<tr>
<td>April 18, 2000</td>
<td>$0.60</td>
</tr>
<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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</tbody>
</table>
EXHIBIT E

PLAT OF

PART OF THE SOUTHWEST QUARTER OF SECTION 5, T37N-R7E and
PART OF THE NORTH HALF OF SECTION 8, T37N-R7E, 3rd PM
BRISTOL TOWNSHIP KENDALL COUNTY ILLINOIS

PARCEL 3
70.2497 Acres

PARCEL 1
28.6037 Acres

PARCEL 2
17.2267 Acres

Galena Road
Beecher Road
East Beecher Road

SCALE 1"=200'

LEGAL DESCRIPTION OF PARCEL 3:
The part of the southwest quarter of Section 5, Township 37 North, Range 7 East of the 3rd Principal Meridian described as follows: Commencing at a point on the southerly line of the south boundary of Section 5, said Range, where the southerly line of said Section intersects the north boundary of said Range; thence north 100 feet; thence east 800 feet; thence south 100 feet; thence west 500 feet to the place of beginning. (1) Surveyor, C. J. Smith.

LEGAL DESCRIPTION OF PARCEL 2:
The part of the southeast quarter of Section 8, Township 37 North, Range 7 East of the 3rd Principal Meridian described as follows: Commencing at the southwesterly corner of said Section, said Range; thence north 100 feet; thence east 400 feet; thence south 100 feet; thence west to the place of beginning. (1) Surveyor, C. J. Smith.

LEGAL DESCRIPTION OF PARCEL 1:
The part of the north half of Section 8, Township 37 North, Range 7 East of the 3rd Principal Meridian described as follows: Commencing at the northerly line of the north boundary of said Section, said Range; thence south 100 feet; thence east 400 feet; thence south 100 feet; thence west to the place of beginning. (1) Surveyor, C. J. Smith.

 Phillip D. Young and Associates, Inc.
LAND SURVEYORS - TOPOGRAPHIC MAPPING
1707 South Babcock Street
Portage, Illinois 60052
Telephone (219) 326-1717

[Stamp]
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

EXHIBIT H

TML/cab

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

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 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, 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 "lockbox" 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.
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 attached 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 on properties abutting Beecher Road and/or Galena Road, with owner’s permission.

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 April 18, 2000.

Attest: ____________________________  ____________________________
   Kendall County Clerk               John A. Church
                                    Kendall County Board Chairman
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 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°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, 1,699.46 feet to the Northeast corner of said quarter section; thence South 00°07'06" East along the East Line of said quarter section, 1,124.58 feet; thence South 88°27'18" West, 2,655.97 feet to a point on the West line of said quarter section that is 1,126.52 feet South of the Northwest corner of said section; thence North 00°01'23" East along said West line, 100.00 feet; thence North 87°51'12" East 1,498.53 feet to a point in the center of said Rob Roy Creek; thence North 28°38'38" West along said creek, 1,134.24 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 said quarter section; thence South 00°07'06" East, 400.00 feet along the West Line of the said Northeast quarter; to the point of beginning; thence North 89°52'54" 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°07'06" East, 1,730.00 feet, along a line parallel with the said Northeast quarter; thence South 89°52'54" 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 said quarter section; thence North 00°07'06" West, 1,730.00 feet along the West Line of said quarter section to the point of beginning, in the Township of Bristol, Kendall County, Illinois.
**EXHIBIT D**

**HOST FEE SCHEDULE**

<table>
<thead>
<tr>
<th>Date Beginning</th>
<th>Fee Per Ton of Landscape Waste Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>April 18, 2000</td>
<td>$0.60</td>
</tr>
<tr>
<td>September 1, 2003</td>
<td>$0.65</td>
</tr>
<tr>
<td>September 1, 2006</td>
<td>$0.70</td>
</tr>
</tbody>
</table>
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>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cadmium</td>
<td>Ammonia</td>
</tr>
<tr>
<td>Copper</td>
<td>Nitrate</td>
</tr>
<tr>
<td>Lead</td>
<td>Ortho-phosphorus</td>
</tr>
<tr>
<td>Zinc</td>
<td>Total-phosphorus</td>
</tr>
<tr>
<td>Magnesium</td>
<td>Dissolved oxygen</td>
</tr>
<tr>
<td>Iron</td>
<td>Boron</td>
</tr>
<tr>
<td>Chemical oxygen demand</td>
<td>Manganese</td>
</tr>
<tr>
<td>Biological oxygen demand</td>
<td>PH</td>
</tr>
<tr>
<td>Total solids</td>
<td></td>
</tr>
</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 #23-19
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 Northeast 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.

Chairman, County Board of Kendall County, Illinois

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. Soil 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:

- Cadmium
- Dicamba
- Ammonia
- Copper
- Medcprop
- Nitrate
- Lead
- 2.4 D
- Ortho-phosphorus
- Zinc
- Diazinon
- Total phosphorus
- Magnesium
- Dursban
- Dissolved oxygen
- Iron
- Oftanol
- Boron
- Manganese
- Sevin
- Biological oxygen
- pH
- Chemical oxygen demand (COD)
- Biological oxygen demand (BOD)
- Total solids

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 State's 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.
Planner Angela Zubko called the meeting to order at 9:05 a.m.

Present:
Megan Andrews – Soil & Water Conservation District
Amy Cesich – PBZ Member
Fran Klaas – County Highway Department
Phil Smith – Sheriff’s Office
Angela Zubko – PBZ Senior Planner

Absent:
Greg Chismark – Wills Burke Kelsey
Jason Petit – Forest Preserve
Aaron Rybski – Health Department

Also present:
Dave Gravel (Vice President of Green Organics Inc.) and Attorney Gregg Ingemunson

AGENDA

A motion was made by Fran Klaas to approve the agenda. Megan Andrews seconded the motion. All were in favor and the motion carried.

MINUTES

Phil Smith made a motion, seconded by Fran Klaas, to approve the September 3, 2013 meeting minutes. All were in favor and the motion carried.

PETITIONS

#13-26 Green Organics Inc.
Senior Planner Angela Zubko briefly explained the request of the petitioner, Green Organics Inc. is requesting a major amendment to their special use to continue operation of their regional compost facility at 1270 E. Beecher Road modifying the site plan to eliminate about 10.5 acres, add about 9.5 acres northeast in the City of Yorkville and seek new conditions on property. Nothing on the Kendall County side is changing; the parts that are changing are on the east in the City of Yorkville. The petitioners are not changing any access roads, they are going to continue maintaining the existing berms and plantings. The County along with some County Board members did a site visit including Megan Andrews and myself to discuss the operation and the proposed changes. The petitioners will need to contact Bristol Township to see if they need to get on their board to discuss the changes. Staff has given them the information provided including the site plan but to date have not heard back from the township regarding any comments. Planner Zubko is working with the city of Yorkville to make cohesive conditions so they don’t have 2 sets of rules for the same property. The facility is also regulated through the IEPA and Green Organics, Inc. has a bond with the EPA if for some reason something happens and they shut the doors, the County or City would have to responsibility with any compost left on site. Also to note that Green Organics’ leases the property so have lease agreements with each owner. The facility was initially designed to process 150,000 cubic yards of source-separated landscape materials (brush, leaves, tree trimmings, and grass) into usable organic products such as high-quality soil amendments. 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. 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. 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. 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. We are currently discussing host fees and weather the City of Yorkville should be receiving any. In the report shows the last 5 years and what the County has received and the amount of material collected. Per the ILEPA permit, Green Organics is permitted to receive incoming materials at the facility between the hours of 7:00 am to 6:00 pm Monday through Saturday. Typically the site is closed by 4:00 pm. There is enough parking and signage that exists. Since the newer sites will be in the City of Yorkville we have asked their engineer to take a look at the proposed engineering instead of the County’s engineer. In the report are all the previous conditions from 2000, 2008 and today’s proposed conditions.

Phil Smith had no comments at this time. Megan Andrews from the Soil and Water Conservation District stated that an NRI was submitted and should be complete this week. A copy will be forwarded to the petitioner and the PBZ Department. Fran Klaas had some questions about the host fees and also about the food scraps and why that was considered a minor amendment. Mr. Klaas did not feel that was minor. Dave Gravel stated the State of IL changed the legislation to allow composting facilities to take up to 10% of their volume in food scraps without changing the compost designation. The State of Illinois in conjunction with the EPA believes that percentage is an allowable amount without having to go through the full citing requirements. Mr. Gravel stated that typically they take fruit and vegetable materials with some breads, they are not allowed to take in truckloads of renderings or meat products, nor do they want to. They currently have not hit the full 10% allowable amount. Mr. Gravel also stated Marlin Hartman does come out regularly to the site for inspections and has not had any issues. The food scraps are mixed with the end product but kept in separate windows. Amy Cesich asked about the City of Yorkville with regards to the conditions and host fees. Planner Zubko stated this is the first meeting for Green Organics so Planner Zubko will be working with the City on conditions. Mr. Klaas asked if the host fee will be increasing since it has not in awhile? Planner Zubko stated yes that is in negotiations currently.

With no further comments Phil Smith made a motion, seconded by Amy Cesich to approve the major amendment to Green Organics Special Use and forward the petition onto the Plan Commission meeting in December. All were in favor and the motion carried.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD
Proposed to go to County Board on December 17th: 13-17 Maly Poultry Processing Plant

PUBLIC COMMENT- There were no comments.

OLD BUSINESS- None

NEW BUSINESS-
Review and approval of the 2014 meeting date’s schedule- Planner Zubko stated in the packet are the proposed meeting dates for 2014. Megan Andrews made a motion to approve the meetings dates as proposed, Fran Klaas seconded the motion. All were in favor and the motion carried.

AJOURNMENT- Next meeting on December 2, 2013
With no further business to discuss Phil Smith made a motion, seconded by Megan Andrews to adjourn the meeting at 9:21 a.m. The motion carried.

Submitted by,
Angela L. Zubko
Senior Planner

ZPAC Meeting Minutes 11.4.13
Chairman Bill Ashton called the meeting to order at 7:13 pm.

ROLL CALL
Members Present: Chair Bill Ashton, Tom Casey, Bill Lavine, Larry Nelson, Vern Poppen, Claire Wilson and Budd Wormley
Others present: Senior Planner Angela Zubko
Members Absent: Tim Sidles & 2 vacancies (Big Grove & Kendall)
In the Audience: David Gravel, Attorney Gregg Ingemunson, Jessie Sexton & Paul Mitchell

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

APPROVAL OF MINUTES
Bill Lavine made a motion to approve the minutes from August 28, 2013, Budd Wormley seconded the motion. All were in favor and the minutes were approved.

PETITIONS
#13-26 Green Organics Inc.
Senior Planner Angela Zubko briefly explained the request of the petitioner, Green Organics Inc. is requesting a major amendment to their special use to continue operation of their regional compost facility at 1270 E. Beecher Road modifying the site plan to eliminate about 10.5 acres, add about 9.5 acres northeast in the City of Yorkville and seek new conditions on property. Nothing on the Kendall County side is changing; the parts that are changing are on the east in the City of Yorkville. The petitioners are going to continue maintaining the existing berms and plantings. The County along with some County Board members did a site visit including Megan Andrews and Planner Zubko to discuss the operation and the proposed changes. The petitioners are on the Bristol Township Plan Commission agenda tonight. Staff has provided the township the information provided including the site plan but to date have not heard back regarding any comments. Planner Zubko is working with the City of Yorkville to make cohesive conditions so they don’t have 2 sets of rules for the same property. Through the City of Yorkville they are amending their annexation agreement as this property is planned to be the Westbury subdivision. There is a stipulation that reads “the existing uses on the
property may continue to operate as non-conforming uses until such time as a final plat is approved for the affected portion of the property." The portion on Kendall County will remain. The city of Yorkville is going to impose a condition on "their side" that states something to the point that once a principal structure is within 1/8th of a mile or 660' the operation must cease. The facility is also regulated through the IEPA and Green Organics, Inc. has a bond with the EPA if for some reason something happens and they shut the doors, the County or City would have no responsibility with any compost left on site. Also to note that Green Organics' leases the property so have lease agreements with each owner. The facility was initially designed to process 150,000 cubic yards of source-separated landscape materials (brush, leaves, tree trimmings, and grass) into usable organic products such as high-quality soil amendments. The State of IL changed the legislation to allow composting facilities to take up to 10% of their volume in food scraps without changing the compost designation. The State of Illinois in conjunction with the EPA believes that percentage is an allowable amount without having to go through the full citing requirements. So in 2010, the facility was permitted to accept food scraps for composting equaling at most 10% of the total allowed site volume. The petitioner has stated that typically they take fruit and vegetable materials with some breads, they are not allowed to take in truckloads of renderings or meat products, nor do they want to. They currently have not hit the full 10% allowable amount. The food scraps are mixed with the end product but kept in separate windrows.

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. 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. 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. 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. We are currently discussing host fees and weather the City of Yorkville should be receiving any. The County has been doing all the inspections and received 100% of the host fees since 1993 even though some of the property was annexed in 1998. The report shows the last 5 years and what the County has received and the amount of material collected. As you will notice the host fee has been at $0.70 a ton since 2006. Planner Zubko is of the opinion that the host fees shall be increased to .75 till 2016, then on September 1, 2016 increase to
$0.80 and again in September 1, 2019 to $0.85, and the renewal of the permit would be in 2023. Per the ILEPA permit, Green Organics is permitted to receive incoming materials at the facility between the hours of 7:00 am to 6:00 pm Monday through Saturday. Typically the site is closed by 4:00 pm. There is enough parking and signage that exists. Since the newer sites will be in the City of Yorkville we have asked their engineer to take a look at the proposed engineering instead of the County’s engineer. In the report are all the previous conditions from 2000, 2008 and today’s proposed conditions. Also Marlin Hartman from the County Health Department does go to the site regularly for inspections and has not had any issues.

Staff does recommend approval of the major amendment to their special use with the following conditions:
1. The facility shall comply with the conditions listed in Section 7.01.D.15 (composting of landscape waste and food waste) of the Zoning Ordinance.
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 B” attached hereto.
4. The facility operator shall maintain the gate and landscaping as indicated on “Exhibit C” attached hereto.
5. A host fee shall be paid to the County on a monthly basis in accordance with the schedule on “Exhibit D” and weight receipts must be supplied monthly to the Health Department.
6. The facility operator shall maintain a sampling schedule as shown on “Exhibit E” 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.
11. On the Yorkville side of the property, if a residential building is constructed with 1/8 of a mile, or 660’ the operation must cease but can continue on the County property which is west of the section line.

Mr. Gravel, the Green Organics Vice-President, stated he just got word that the Bristol Township tabled the petition. He suggested adding a condition about township approval. The next date will be January 8th for the Township Board. He talked about his background and talked a little about the food scraps intake and the end product of Green Organics.

Mr. Nelson asked how much 175,000 cubic yards was in tons. After much discussion it was decided about 1 cubic yard breaks out to about .125 tons of material for landscape compost. Mr. Nelson would like to add the definition of tailings/overs either in the special use or definitions of the Zoning Ordinance. Tailings/overs are by-products of the
composting process like larger sticks that didn’t compost the first time around or stones/rocks that are thrown in with the grass clippings.

There was some discussion about the Yorkville proposed conditions and it was decided to make the ordinance clearer. Planner Zubko will remove any conditions with regards to Yorkville. The reason is that the Plan Commission didn’t want any confusion with the conditions when Green Organics should cease operation as it does not need to on the County side unless the County would like to not renew the permit.

Paul Mitchell represents an adjoining property owner to the south and east of this site. He stated this is part of the Westbury tract and this property is a planned park and there is a nearby grade school site. He is of the opinion the development will move closer to this site and there is a 10 year lease term on the County side. He is afraid development will be right up to this site and will be a conflict. The Plan Commission is of the opinion this was there long before housing was planned for the area. The residents will know it exists before they purchase.

There was a brief discussion about odor of the property.

Mr. Poppen asked where a majority of their material comes from. Mr. Gravel stated a majority is from waste haulers from municipalities.

Mr. Nelson would like to hear what the township says. There was some discussion and questions if a fee is paid to the township. Mr. Gravel stated no they do not pay a fee to the township.

With no further suggestions or changes Larry Nelson made a motion, seconded by Claire Wilson to recommend approval and forward the petition onto the Special Use Hearing Officer with staff’s 10 suggested conditions subject to approval by the Bristol Township Board. With a roll call vote all were in favor.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD
13-17 Maly Poultry Processing Plant- approved 5-3 at the 11.19.13 CB Meeting

CITIZENS TO BE HEARD
No more citizens were there to talk

NEW BUSINESS
Review and approval of the 2014 scheduled meeting dates- Larry Nelson made a motion to approve the 2014 meeting dates, Bill Lavine seconded the motion. All were in favor.

OLD BUSINESS
Planner Zubko stated she forgot to amend the by-laws and put it on this agenda so it