

**KENDALL COUNTY PLANNING, BUILDING & ZONING COMMITTEE**  
*Kendall County Historic Court House*  
*Court Room*  
*110 W. Madison Street, Yorkville, Illinois*  
**6:30 p.m.**  
**Meeting Minutes of February 9, 2026**

**CALL TO ORDER**

The meeting was called to order by Chairman Wormley at 6:33 p.m.

**ROLL CALL**

Committee Members Present: Brian DeBolt, Dan Koukol, Ruben Rodriguez (Vice Chairman), and Seth Wormley (Chairman)

Committee Members Absent: Elizabeth Flowers

Also Present: Matthew H. Asselmeier, Director, Patrick McCrimmon, Ken Schneider, Doug Winsor, Miriam Schneider, Nate Bronski, Danielle Smits, and Kyle Barry

**APPROVAL OF AGENDA**

Member DeBolt made a motion, seconded by Member Koukol, to approve the agenda. With a voice vote of four (4) ayes, the motion carried.

**APPROVAL OF MINUTES**

Member Rodriguez made a motion, seconded by Member Koukol, to approve the minutes of the January 12, 2026, meeting. With a voice vote of four (4) ayes, the motion carried.

**PUBLIC COMMENT**

Ken Schneider provided a history of the short-term rental proposal. He expressed concerns regarding the proposed fines and procedure related to fines. He noted that applicants have to meet with the Health Department and Sheriff's Department. He was glad to see a checklist, but was concerned that the checklist was open-ended. He did not believe the proposal would solve the issues related to the property on Corneils Road. He did not believe the proposal was fair because the proposal did not apply to long-term rentals.

Doug Winsor thanked the Committee and County Staff for preparing this proposal. He felt the proposal would improve quality of life and guarantee safety for neighbors and people that rent these properties.

Miriam Schneider questioned if the proposal would solve the issue on Corneils Road. She favored applicants providing copies of rental agreements to Sheriff's Office. She favored having mediation and arbitration with a neutral party instead of having the

County review alleged violations. She favored enforcing existing regulations, like the Noise Ordinance.

Nate Bronski, partial owner of 9439 Corneils Road, provided a history of the activities the ownership took prior to purchasing the property. He also provided information regarding the County's review of their application for placement on the short-term rental registry, including related building and health related inspections.

Danielle Smits discussed her history in farming. She discussed the history negotiations with the solar company which ultimately led to the site outlined in Petition 25-22. She said the proposal would not negatively impact their existing farming operations and the proposal would provide a source of energy. She discussed the pollinator seed mix. She did not see any issues related to drainage. The land will be restored to productive farmland when the project ceases. She requested a positive vote on the proposal.

### **Expenditure Report**

#### **Review of Expenditures from January 2026**

The Committee reviewed the Expenditure Report.

### **PETITIONS**

#### **Petition 25-15 Kendall County Planning, Building and Zoning Committee**

Mr. Asselmeier summarized the request.

Following the October 27, 2025, Kendall County Zoning Board of Appeals hearing, the decision was made to amend the zoning regulations and the license, permit, and miscellaneous regulations chapters of the Kendall County Code.

The proposed changes to the zoning regulations are as follows:

1. Clarify the definition of short-term rental to not include hotels or motels, lodging houses, group homes, and bed breakfast establishments.
2. Connect the regulations in the license and permit chapter of the Code with the zoning portion of the Code.

The proposed changes to the licensing regulations are as follows:

1. Add definitions of "short-term rental" and "applicant".
2. Require short-term rentals to be registered.
3. Place requirements on the information included in the registry application.
4. Require short-term rental operators to provide the County with a telephone number and email that can be released to the public.
5. Require pre-registry placement meetings with various County departments.
6. Require a life safety inspection prior to placement on the registry and annually. Also, defines what constitutes a life safety inspection.
7. Failure to pass the life safety inspection shall be grounds for denial of placement on the registry.

8. Require the evaluation of private sewer systems for the proposed use.
9. Set the maximum number of occupants as one (1) person per fifty (50) square foot of space in each bedroom, if on public sewer service, and the occupancy as allowed for each bedroom, if on private sewer service.
10. Require following applicable Federal, State, and Local laws, including the County's Junk and Debris Ordinance and Noise Ordinance.
11. Sets how penalties may be established and resolved.
12. Sets the fine at One Thousand Dollars (\$1,000) per day with each day constituting a separate offense.

The draft ordinance was provided.

Staff noted that, since the proposal was draft using the authority granted to counties to regulate transient business, some of the regulations would not apply in Millbrook and Plattville because the intergovernmental agreement with the two (2) municipalities only addresses zoning and not business license regulations.

Information regarding the development of the proposal was also provided.

Member DeBolt made a motion, seconded by Member Koukol, to recommend approval of Petition 25-15.

Member Koukol thanked Staff for their work on this proposal. He noted that this proposal was a county-wide proposal. He noted the complaints that have been received regarding the property on Corneils Road. He noted that the proposal would give the Planning, Building and Zoning Department clarification on enforcement related to this type of use. He said the proposal was not perfect because enforcement would take time. He liked the fine proposed in the ordinance.

Member DeBolt stated the reason why this proposal was advanced was to protect public safety, particularly police and fire. He said the proposal gives accountability.

Member Rodriguez discussed the history of this proposal and input provided by the residents on Corneils Road and short-term rental property owners. He thanked the County Staff for their work on this proposal.

Chairman Wormley discussed the work to create this proposal; in particular, to make ordinance enforcement effective.

Member DeBolt emphasized accountability. He said that, if owners were running their short-term rentals effectively, they have nothing to worry about with this proposal. If people don't follow the rules, there will be consequences. He noted the amount spend on this proposal to this point.

The votes were as follows:

Yeas (4): DeBolt, Koukol, Rodriguez, and Wormley

Nays (0): None  
Abstain (0): None  
Absent (1): Flowers

The motion carried. The proposal goes to the Kendall County Board on February 17, 2026, on the consent agenda.

*Petition 25-22 Todd E. Fryatt on Behalf of East Schoolhouse Road Community Energy Initiative LLC (Tenant) and John H. Smits on Behalf of the Jerrald J. Smits ET AL Trust (Owner)*

Mr. Asselmeier summarized the request.

The Petitioner is seeking a special use permit for a commercial solar energy facility and a variance to Section 36-282(17)a of the Kendall County Code to allow a commercial solar energy facility on land within one point five (1.5) miles of municipality without an annexation agreement.

The application materials, stormwater management report, NRI Report, plat of survey, site plan dated January 19, 2026, vegetative management plan, revised January 2026, decommissioning information, Agricultural Impact Mitigation Agreement, drain tile, glare study, property value study and a Health and Safety Study were provided.

An earlier version of the site plan and vegetative management plan was sent to Na-Au-Say Township, the Village of Oswego, and the Oswego Fire Protection District. These entities have not reviewed the most recent site plan or vegetative management plan.

The property is located east of 3485 Route 126.

The total parcel is approximately eighty-six (86) acres and the fenced area is approximately thirty-five (35) acres.

The property is zoned A-1 Agricultural.

The Future Land Use Map for the County calls for the property to be Rural Residential and the Future Land Use Map for the Village of Oswego calls for the property to be Agricultural.

Route 126 is an Arterial maintained by IDOT.

There is a trail planned along Route 126.

There is a floodplain of the Little Slough Creek near the south end of the property (Zone A-no base flood elevation determined).

The adjacent land uses are Agricultural, Farmstead, Farm Equipment Sales and Service Business, and Landscaping Business.

The adjacent properties are zoned A-1 and A-1 SU.

The County's Land Resource Management Plan calls for the area to be Rural Residential and Commercial. The Village of Oswego's Plan calls for the area to be Agricultural.

Properties within one half (1/2) mile are zoned A-1, A-1 SU, and R-1.

The A-1 special use permit to the east is for a farm market, garden shop, winery, corn maze, and fall festival. The A-1 special use permits to the west are for a farm equipment sales and service business and a landscaping business.

Oswego School District 308 owns property near the southwest corner of the subject property.

Approximately seven (7) existing houses are within one half (1/2) mile of the subject property.

Schlapp Road is roughly the boundary line between the Village of Oswego's and Village of Plainfield's planning areas.

EcoCAT Report was submitted on October 4, 2024, and consultation was terminated.

The LESA Score was 240 indicating a high level of protection. The NRI Report was provided.

Original Petition information was sent to Na-Au-Say Township on November 12, 2025. The Na-Au-Say Township Planning Commission met on December 1, 2025. The Township Planning Commission was concerned about the impact of the proposal on the watershed, the high LESA Score, the request from the Village of Oswego to deny the proposal, the incompatibility of the proposal with the County and Township's plans, and potential disruption of future development along Schlapp Road. Two (2) members of the Township Planning Commission voted against the proposal and one (1) member abstained. The Na-Au-Say Township Board met with the representative of the Petitioners on December 8, 2025. On January 12, 2026, the Township Board voted to concur with recommendation of the Township Planning Commission by a vote three (3) against the proposal and one (1) in favor the proposal. The Township Board also voted not to file a formal objection by a vote of zero (0) in favor and four (4) against. An email outlining this information was provided.

Original Petition information was sent to the Village of Oswego on November 12, 2025. Prior to formal application submittal, the Village of Oswego submitted a letter stating they would not pursue annexation at this time. The Village also requested that the County deny the special use permit for this project because the proposal could negatively impact the Village's ability to grow. This letter was provided.

Original Petition information was sent to the Oswego Fire Protection District on November 12, 2025. Prior to formal application submittal, the Petitioners met with the Oswego Fire Protection District. Discussion occurred regarding vehicular access, Knox Box access, types of vegetation proposed, the location of the power disconnect, and

emergency contact information. The Fire Protection District's concerns were addressed. An email outlining the meeting was provided.

Original Petition information was sent to former ZPAC members on November 12, 2025. No comments were received except stormwater related comments.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on January 28, 2026. Other than the Petitioners' representatives, nobody else spoke at the meeting. Discussion occurred regarding likely residential and commercial developments in the area. Discussion occurred regarding why the Village of Oswego did not pursue an annexation agreement for this proposal; the Village of Oswego is located over two (2) miles from the subject property. Discussion occurred regarding drain tile relocation. Discussion occurred regarding future ownership of the project. The Petitioners' representatives provided a history of the project, an introduction to ECA Solar, an overview of the project, the site plan, project renderings, outreach activities, annexation discussion, municipal planning, economic benefits, community benefits, design features, stormwater, floodplain and watershed protection, drain tile survey, glare and sound studies, and decommissioning. The Kendall County Regional Planning Commission recommended approval of the proposal with the conditions proposed by Staff by a vote of six (6) in favor, three (3) in opposition, and one (1) absent. Member McCarthy-Lange voted no because of the letter from the Village of Oswego. Member Bernacki voted no because of the opinion of Na-Au-Say Township. Member Wilson voted in favor of the project because the site plan placed the solar panels away from neighbors. Chairman Landovitz voted yes because he felt the project was in an adequate location away from neighbors and municipalities. The minutes of the meeting were provided.

Other than the Petitioner's representative, no members of the public testified at the public hearing. The Petitioners' representatives presented a presentation similar to the one presented at the Kendall County Regional Planning Commission meeting. Discussion occurred regarding the need for the variance, the number of homes that could be served by the project, the transferability of the special use permit, and the amount energy generated from solar project state-wide. The Kendall County Zoning Board of Appeals recommended approval of the proposal with the conditions proposed by Staff by a vote of four (4) in favor, two (2) in opposition, and one (1) member absent. Chairman Mohr voted against the proposal because he favored the project being annexed to a municipality. The minutes of the hearing were provided.

Per § 36-282(17) of the Kendall County Code, commercial solar energy facilities businesses can be special uses on A-1 zoned property subject to the following conditions:

- a. All commercial solar energy facilities and test solar energy systems located within one point five (1.5) miles of a municipality shall either annex to the municipality or obtain an annexation agreement with the municipality requiring the municipality's

regulations to flow through the property. Petitioner is requesting a variance.

- b. The setbacks for commercial solar energy facilities shall be measured from the nearest edge of any component of the facility as follows:

Occupied Community Buildings or Dwellings on Nonparticipating Properties-One hundred fifty feet (150') from the nearest point on the outside wall of the structure

Boundary Lines of Participating Properties-None

Boundary Lines of Nonparticipating Properties- Fifty feet (50') to the nearest point on the property line of the nonparticipating property

Public Road Rights-Of-Way-Fifty feet (50') from the nearest edge

The above setbacks do not exempt or excuse compliance with electric facility clearances approved or required by the National Electrical Code, the National Electrical Safety Code, Commerce Commission, Federal Energy Regulatory Commission, and their designees or successors. Per the site plan, the closest non-participating structure is approximately one thousand, one hundred seventy-four feet (1,174') to the south of the commercial solar energy facility. The owner of the closest non-participating structure submitted a letter of support for the project which was provided. The perimeter fence is setback approximately one hundred fourteen feet (115') from the eastern property line, two hundred seventy-two five feet (272') from the northern property line, fifty-one feet (51') from the western property line, and seven hundred ninety-four feet (794') from the southwestern property line. The commercial solar energy facility is approximately one thousand, two hundred seventy-three feet (1,273') from Route 126. In addition to the setback from the fence to the property lines, the commercial solar panels are at least twenty feet (20') inside of the fence, at their closest point.

- c. A commercial solar energy facility's perimeter shall be enclosed by fencing having a height of at least six feet (6') and no more than twenty-five feet (25'). This is true. Per the site plan, the fence is proposed to be eight feet (8') in height and will be a knot wire fence. The fence will have fox passages every fifty feet (50') for the entire length of the fence; these passages are eight inches (8") wide by twelve inches (12") tall.
- d. No component of a solar panel as part of a commercial solar energy facility shall have a height of more than twenty feet (20') above ground when the solar energy facility's arrays are at full tilt. This is true. Per the site plan, the Petitioners acknowledge the maximum height will be less than twenty feet (20').
- e. The above setback, fencing, and component height requirements may be waived subject to written consent of the owner of each affected nonparticipating property. This written consent shall be submitted at the time of application submittal. No

such consent requested or needed.

- f. Sound limitations for components in commercial solar energy facilities shall follow the sound limitations established by the Illinois Pollution Control Board. A noise study was provided.
- g. The County shall not require standards for construction, decommissioning, or deconstruction of a commercial solar energy system or related financial assurances to be more restrictive than agricultural impact mitigation agreement set in State law. The amount of any decommissioning payment shall be limited to the cost identified in the decommissioning or deconstruction plan, as required by the agricultural impact mitigation agreement, minus the salvage value of the project. A copy of the agricultural impact mitigation agreement shall be submitted with the application materials. The decommissioning plan was provided and is outlined in the provided AIMA. As noted on Page 10 of the decommissioning plan, the estimated cost of decommissioning is Three Hundred Sixteen Thousand, Nine Hundred Sixty-One Dollars and Forty Cents (\$316,961.40). The Petitioners will provide a bond to the County.
- h. A vegetative screening shall be placed around the commercial solar energy facility. The landscaping plan was included on Page 6 of the site plan with more detailed landscaping information included in the vegetative management plan. The plan includes the installation of sixty-six (66) Eastern Red Cedars, one hundred fifty-seven (157) Northern White Cedars, and ninety (90) Green Giant Arborvitae. The previously listed plants will be three-five feet (3'-5') minimum in height. The seed mix will be a Pizzo Economy Prairie Seed Mix or equivalent seed mix as described on Page 14 of the vegetative management plan.
- i. Commercial solar energy facility applicants shall provide the results and recommendations from consultations with the Illinois Department of Natural Resources obtained through the Ecological Compliance Assessment Tool (Eco-Cat) or a comparable successor tool. The commercial solar energy facility applicant shall adhere to the recommendations provided through this consultation. The EcoCat was submitted and consultation was terminated without any specific recommendations.
- j. Commercial solar energy facility applicants shall provide the results of the United States Fish and Wildlife Service's Information for Planning and Consulting environmental review or a comparable successor toll that is consistent with the U.S. Fish and Wildlife Service's Land-Based Wind Energy Guidelines and any applicable United States Fish and Wildlife Service solar wildlife guidelines that have been subject to public review. This was provided. Four (4) threatened or endangered species were in the area, but no impacts were anticipated.
- k. A facility owner shall demonstrate avoidance of protected lands as identified by the Illinois Department of Natural Resources and the Illinois Nature Preserve

Commission or consider the recommendations of the Illinois Department of Natural Resources for setbacks from protected lands, including areas identified by the Illinois Nature Preserve Commission. This is true. The site is designed around the regulatory floodplain.

- I. A facility owner shall provide evidence at the time of application submittal of consultation with the Illinois State Historic Preservation Office to assess potential impacts on State-registered historic sites under applicable State law. No potential impacts to State-registered historic sites exists.
- m. A commercial solar energy facility owner shall plant, establish, and maintain for the life of the facility vegetative ground cover consistent with State law and the guidelines of the Illinois Department of Natural Resources' vegetative management plans. The vegetation management plan shall be required at the time of application submittal. The vegetation management plan, including timelines for planting and maintenance of the vegetation was provided. Additional planting information was included in the site plan. Because of the role that the vegetation will play in stormwater management at the property, WBK Engineering requested, and the Petitioner agreed to provide, annual performance standards and reports to verify these standards for the first five (5) growing seasons.
- n. The facility owner shall enter into a road use agreement with the jurisdiction having control over the applicable roads. The road use agreement shall follow applicable law. The facility owner shall supply the Kendall County Planning, Building and Zoning Department with a copy of the road use agreement. This provision shall be waived if the jurisdiction having control over the applicable roads does not wish to enter into an agreement. No road use agreement was requested. The permit application from IDOT was provided. The site plan shows one (1) twenty foot (20') wide gravel driveway approximately fourteen feet (14) west of the eastern property line at its closest point to the property line. The existing driveway is approximately thirteen feet (13') wide at its narrowest point.
- o. The facility owner shall repair or pay for the repair of all damage to the drainage system caused by the construction of the commercial solar energy system within a reasonable time after construction of the commercial solar energy facility is complete. The specific time shall be set in the special use permit. Drain tile study information was provided as part of the stormwater report and a separate aerial was provided. The foundations for the racking will be placed in a manner that minimizes impacts on the drain tile and drain tile will be repaired per the AIMA.

No buildings are planned for the site. Any structures proposed for the site, including the solar arrays, shall obtain applicable permits.

The property is presently farmland. No wells, septic systems, or refuse collection points were identified.

The Petitioner provided a health and safety study.

The property drains to the south. The Petitioners submitted an application for a stormwater management permit.

On November 19, 2025, WBK Engineering submitted comments regarding the proposal. In particular, WBK requested additional informational clarifying drainage on the property, the addition of drain tiles to additional pages in the site plan, and a more robust vegetative management plan with annual reporting requirements for the first five (5) years after planting and germination. These comments were provided. Subsequent correspondence which led to the revised site plan and vegetative management plan were provided.

Per the site plan, the Petitioner proposes one (1) twenty foot (20') wide access road.

The site plan shows two (2) twelve foot (12') wide sliding vehicular access gates.

Knox box information will be provided to the County.

No permeant parking was proposed.

No lighting was proposed.

Though not shown on the site plan, the Petitioners were agreeable to installing one (1) non-illuminated sign stating emergency contact information along Route 126.

The Petitioner provided a glare study.

The Petitioner provided a property values study. The same firm that prepared the property value study for this proposal also provided the property value study for the solar projects on Simons Road and Ament Road.

No odors were foreseen.

The Petitioner provided a noise study.

If approved, this would be the fifth special use permit for a commercial solar energy facility in unincorporated Kendall County.

The Petitioner has agreed to enter into a community benefits agreement. In that agreement, the Petitioner agreed to pay the County approximately Three Thousand Dollars (\$3,000) per megawatt annually with five percent (5%) increases every five (5) years. The Petitioners for the proposals on Ament Road, Corneils Road, and Route 71 agreed to a similar agreement, which was provided.

The Findings of Fact for the special use permit were as follows; Chairman Mohr dissented on these Findings:

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 Project

will generate clean, renewable electricity while producing no air, noise, or water pollution, or ground contamination. The front portion of the parcel closest to Route 126 will be retained for agricultural use and serve as a buffer to the floodplain. The Petitioner submitted a vegetative management plan outlining the types of vegetation that will be planted, the timing of planting, and a maintenance plan for the vegetation.

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 makes 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 proposal will not interfere with the use and enjoyment of nearby properties. The surrounding properties are zoned primarily A-1 and A-1 with a special use permit and will not be prevented from continuing any existing use or from pursuing future uses. The proposal's operations would be quiet and minimal traffic will occur after installation is completed. The solar panels are setback from Route 126 and screened to avoid negative visual impacts.

Adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. The proposal will have adequate utility interconnections designed in collaboration with ComEd. The proposal does not require water, sewer, or any other public utility facilities to operate. The Petitioner will also secure applicable permits from IDOT and a stormwater management permit. After initial construction traffic, landscape maintenance and maintenance to the project components are anticipated to occur on an as-needed basis, consistent with the vegetative management plan. Existing traffic patterns will not be impacted in the post-construction operations phase. A drain tile survey has been completed and foundation design will work around or reroute any identified drain tiles to ensure proper drainage. Annual reporting for the first five (5) years after planting and germination was included in the vegetative management plan.

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 Zoning Board of Appeals. If the requested variance is granted, the proposal meets all applicable regulations.

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 proposal is also consistent with a goal and objective found on page 3-4 of the Land Resource Management Plan, "Support the public and private use of sustainable energy systems (examples include wind, solar, and geo-thermal)." However, the Village of

Oswego requested the County to deny the special use permit because the proposal could negatively impact the Village's ability to grow and Na-Au-Say Township request that the proposal be denied because of the impact of the proposal on the watershed, the high LESA Score, the request from the Village of Oswego to deny the proposal, the incompatibility of the proposal with the County and Township's plans, and potential disruption of future development along Schlapp Road. The Kendall County Regional Planning Commission recommended approval of the proposal with conditions.

The Findings of Fact for the variance were as follows; Chairman Mohr dissented on these findings:

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 subject property is located within one point five (1.5) miles of the Village of Oswego and the Village of Plainfield. The subject property is on the Village of Oswego's side of the boundary agreement. The Village of Oswego submitted a letter stating they did not wish to annex the property or enter into a pre-annexation agreement.

The conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. Other A-1 zoned properties within one point five (1.5) miles of a municipality could request a similar variance, if the municipality refuses to annex or enter into a pre-annexation agreement.

The alleged difficulty or hardship has not been created by any person presently having an interest in the property. The difficulty was created because the Village of Oswego did not wish to enter into a pre-annexation agreement or annex the property.

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. Granting the variance would not be detrimental to the public or substantially injurious to other properties.

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 variance would not impair light or air on adjacent property, cause congestion, increase the danger of fire, or negatively impact property values.

Given that the Kendall County Regional Planning Commission recommended denial of similar proposals on lands planned to be Rural Residential and because of lack of clarity in State law regarding using the LaSalle and Sinclair Factors in evaluating applications of special use permits for commercial solar facilities, Staff's recommendation is neutral. Assuming that conditions can be imposed on the special use permit, the proposed conditions and restrictions are as follows:

1. The site shall be developed substantially in accordance with the submitted site plan, vegetative management plan, including performance reporting requirements contained therein, decommissioning plan, and Agricultural Impact Mitigation Agreement.
2. A variance to section 36-282(17)(a) of the Kendall County Code is hereby granted allowing a commercial solar energy facility within one point five (1.5) miles of a municipality without an annexation or pre-annexation agreement.
3. The developer and/or owner of the subject property allowed by this special use permit shall enter into a community benefits agreement with Kendall County.
4. None of the vehicles or equipment parked or stored on the subject property allowed by the special use permit shall be considered agricultural vehicles or agricultural equipment.
5. All of the vehicles and equipment stored on the subject property allowed by the special use permit shall be maintained in good condition with no deflated tires and shall be licensed if required by law.
6. Any structures, included solar arrays, constructed, installed, or used allowed by this special use permit shall not be considered for agricultural purposes and must secure applicable building permits.
7. One (1) warning sign shall be placed near the access on Route 126. This sign shall include, at minimum, the address of the subject property and a twenty-four (24) hour emergency contact phone number. Additional signage may be installed, if required by applicable law.
8. KenCom and other applicable public safety agencies shall be supplied the access code to the Knox Box/security gate.
9. Damaged drain tile will be repaired on a timeframe approved by the Kendall County Planning, Building and Zoning Department.
10. The operators of the use allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
11. The property owner and operator of the use allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of use.
12. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permit.
13. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

14. This special use permit and variance shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns as to the same special use conducted on the property.

The draft ordinance was provided.

Member Rodriguez made a motion, seconded by Member DeBolt, to recommend approval of Petition 25-22 with the conditions proposed by Staff.

Member DeBolt asked if the Petitioners agreed to the conditions proposed in the special use permit. Kyle Barry, Attorney for the Petitioner, responded that the Petitioner was in agreement with the conditions.

Member Koukol noted that he and the property owner discussed this proposal in person at the beginning of the process. He said that three-phase power would be run down Route 126 because of this project.

Member DeBolt discussed growing crops beneath solar farms.

Member Rodriguez discussed the location of the proposed solar in relation to neighbors. He commended the Petitioners for their presentation at previous meetings.

Discussion occurred regarding the loop road within the development.

The votes were as follows:

Yeas (3): DeBolt, Rodriguez, and Wormley  
Nays (0): None  
Abstain (1): Koukol  
Absent (1): Flowers

The motion carried. The proposal goes to the Kendall County Board on February 17, 2026, on the regular agenda.

**NEW BUSINESS:**

*Approval of a Community Benefits Agreement Between East Schoolhouse Road Community Energy Initiative LLC and Kendall County, Illinois Pertaining to the Solar Project on Property East of 3485 Route 126, Oswego*

Mr. Asselmeier summarized the request.

This proposal requires the developer of the solar project east of 3485 Route 126 to pay the County to offset the loss of property tax revenue caused by the development of a solar farm instead of other uses on the subject property.

The developer shall pay the County Fifteen Thousand Dollars (\$15,000), the equivalent of approximately Three Thousand Dollars (\$3,000) per megawatt, annually. The payment shall increase five percent (5%) every five (5) years. The first payment is due within thirty

(30) days after the project achieves commercial operation and subsequent payments are due by the anniversary of the first payment or on a mutual agreed date.

This proposal has similar terms to the Community Benefit Agreements for the solar projects in the 10000 block of Ament Road, 9000 block of Corneils Road, and 17000 block of Route 71.

Staff recommended approval of the agreement.

Member DeBolt made a motion, seconded by Member Rodriguez, to recommend approval of the agreement.

The votes were as follows:

Yeas (4): DeBolt, Koukol, Rodriguez, and Wormley  
Nays (0): None  
Abstain (0): None  
Absent (1): Flowers

The motion carried. The proposal goes to the Kendall County Board on February 17, 2026, on the consent agenda.

*Approval of Annual Renewal of Mobile Home Permit at 13443 Fennel Road*

Mr. Asselmeier stated the Petitioner's original paperwork got lost in the mail.

Member Rodriguez made a motion, seconded by Member Koukol, to approve the renewal.

The votes were as follows:

Yeas (4): DeBolt, Koukol, Rodriguez, and Wormley  
Nays (0): None  
Abstain (0): None  
Absent (1): Flowers

*Approval of Publishing the Annual Noxious Weed Notice in the Kendall County Record at a Cost Not to Exceed \$125.00; Related Invoice(s) to Be Paid from the PBZ Legal Publications Line Item 11001902-62090*

Mr. Asselmeier summarized the request.

Kendall County is required by Illinois law to publish a noxious weed notice at least one (1) time per year in a newspaper of general circulation within the County. Kendall County's Noxious Weed Work Plan, adopted in October 2025, called for the publication of the notice within the first quarter of 2026.

The fee is unchanged from 2025.

Staff recommended approval of the proposal.

Member Rodriguez made a motion, seconded by Member DeBolt, to recommended approval of publishing the notice.

The votes were as follows:

Yeas (4): DeBolt, Koukol, Rodriguez, and Wormley  
Nays (0): None  
Abstain (0): None  
Absent (1): Flowers

The motion carried. The proposal goes to the Kendall County Board on February 17, 2026, on the consent agenda.

*Approval of a Resolution Approving an Intergovernmental Agreement for Reciprocal Building Inspection Services between Kendall County, Illinois and the United City of Yorkville, Illinois*

Mr. Asselmeier summarized the request.

The Intergovernmental Agreement between Kendall County and the United City of Yorkville for reciprocal building inspection services expires February 27, 2026.

A renewal proposal was provided. Other than dates and changing the address of the County offices, no other changes are proposed.

In 2025, Yorkville conducted twenty-five (25) inspections for the County and the County conducted zero (0) inspections for Yorkville.

The United City of Yorkville will be reviewing the proposal during their meetings in February.

Staff recommended approval of the proposal.

Member Rodriguez made a motion, seconded by Member Koukol, to recommended approval of the Agreement.

The votes were as follows:

Yeas (4): DeBolt, Koukol, Rodriguez, and Wormley  
Nays (0): None  
Abstain (0): None  
Absent (1): Flowers

The motion carried. The proposal goes to the Kendall County Board on February 17, 2026, on the consent agenda.

*Approval of a Proposal from WBK Engineering for Work Related to the Submittal of the Annual Report for the 2025 NPDES – MS 4 Requirements in an Amount Not to Exceed \$3,000 Plus Reimbursable Costs (Costs + 10%)*

Mr. Asselmeier summarized the proposal.

Kendall County is required to submit an Annual Report to the State as part of the County's National Pollution Discharge Elimination Systems (NPDES) Permit by June 1st of each year.

Historically, WBK Engineering has prepared this document because they already possess most of the information needed to complete the report due to the inspections that they perform on the County's behalf at work sites.

The cost to prepare the 2024-2025 Report is Three Thousand Dollars (\$3,000). The cost to prepare the 2023-2024 Report was Two Thousand Eight Hundred Dollars (\$2,800). The cost to prepare the 2023-2024 Report was Two Thousand Six Hundred Fifty Dollars (\$2,650).

Staff recommended approval of the proposal.

Member Rodriguez made a motion, seconded by Member DeBolt, to recommended approval of the proposal.

The votes were as follows:

Yeas (4): DeBolt, Koukol, Rodriguez, and Wormley  
Nays (0): None  
Abstain (0): None  
Absent (1): Flowers

The motion carried. The proposal goes to the Kendall County Board on February 17, 2026, on the consent agenda.

*Approval of a Proposal from WBK Engineering for Work Related to Updating the Kendall County Stormwater Management Plan in an Amount Not to Exceed \$20,900*

Mr. Asselmeier summarized the proposal.

Kendall County last updated its Stormwater Management Plan in 2012.

The Planning, Building and Zoning Department was planning to update the Plan in FY25-26.

However, on December 15, 2025, the Illinois Environmental Protection Agency conducted an inspection of the County and advised the County that the Plan needed to be updated by August 1, 2026, in order to comply with the County's MS4 Permit.

Also at the December 15th meeting, discussion occurred regarding the County's MS4 jurisdiction. Four (4) townships (Oswego, Bristol, Na-Au-Say, and Kendall) are MS4s. In its Annual Reports, the County had claimed jurisdiction over the entire unincorporated area and this may not be the case. To date, the Department is still waiting to receive clarity from IEPA on the County's area of jurisdiction.

The provided proposal covers planning for the entire unincorporated area. WBK also prepared a quote to plan for the unincorporated area outside of the four (4) MS4 townships. The cost to prepare this plan is Fifteen Thousand, Four Hundred Fifty Dollars (\$15,450).

The scope of work for the two (2) proposals is the same with the exception that the proposal to plan for the entire unincorporated area includes related work inside the four (4) MS4 townships.

Staff recommended approval of the larger dollar amount (\$20,900) in order to start the process of updating the plan before the August 1st deadline.

Chairman Wormley favored doing the plan covering the entire unincorporated area and asking the four (4) MS4 townships to pay a portion of the costs.

Member DeBolt made a motion, seconded by Member Rodriguez, to recommend approval of the proposal in the amount not to exceed Twenty Thousand, Nine Hundred Dollars (\$20,900) with the anticipation that some of the MS4 Townships will contribute financially to the project.

The votes were as follows:

Yeas (4): DeBolt, Koukol, Rodriguez, and Wormley

Nays (0): None

Abstain (0): None

Absent (1): Flowers

The motion carried. The proposal goes to the Kendall County Board on February 17, 2026, on the consent agenda.

*Follow-Up on Kendall County Regional Planning Commission Annual Meeting*

Member DeBolt noted all of the development coming into Kendall County. He discussed expansion of courthouse, Sheriff's Department, Animal Control, and KenCom.

Chairman Wormley discussed the importance of planning and budgeting as the County grows.

Member Rodriguez discussed the information provided by the municipalities. He discussed the February 10, 2026, ribbon cutting for 504 S. Main Street.

Member Koukol discussed the activities going on in Shorewood and solar projects throughout the County.

*2025 County-Wide Building Permit Memos*

The Committee reviewed the memos.

**OLD BUSINESS:**

*Short-Term Rental Renewal Update*

Mr. Asselmeier provided a list of all of the short-term rentals on the registry. The listed properties renewed placement on the registry for 2026. There are fifteen (15) properties on the registry and one (1) property recently submitted an application to be on the registry.

**Special Use Enforcement Update**

At the January meeting, the PBZ Department reported that we were working with property owners on Route 71, Boulder Hill Market, Budd Road, Ament Road, Collins Road, and Fennel Road to address these certain special use permit issues. The special use permit issues on the properties at Route 71 and Fennel Road have been resolved. The Department is still investigating the issue at Boulder Hill Market and Collins Road. The owners of the properties on Budd Road and Ament Road continue to work with the County to come into compliance.

The Department will start investigating the list of licensed daycare centers provided by the Circuit Clerk's Office to confirm compliance with applicable zoning regulations.

The property on Collins Road is 2073/2093 Collins Road. The owner is considering revoking the special use permit.

Member Koukol asked about 1038 Harvey Road. The property has a lien and the request for a special use permit was rejected by the County Board.

**REVIEW PRE-VIOLATION AND VIOLATION REPORT:**

The Committee reviewed the report.

**UPDATE FROM HISTORIC PRESERVATION COMMISSION:**

Mr. Asselmeier reported that the historic preservation organization meeting will be February 18, 2026, at 5:30 p.m., at the Kendall County Historic Courthouse. Natalia Borowska from the Administration Department will discuss America 250 and Ken Itle will discuss the structure surveys of Seward Township and Na-Au-Say Township.

**REVIEW PERMIT REPORTS:**

The Committee reviewed the report.

**CORRESPONDENCE**

None

**COMMENTS FROM THE PRESS:**

None

**EXECUTIVE SESSION**

None

**ADJOURNMENT:**

Member DeBolt made a motion, seconded by Member Rodriguez, to adjourn. With a voice vote of four (4) ayes, the motion carried.

Chairman Wormley adjourned the meeting at 7:45 p.m.

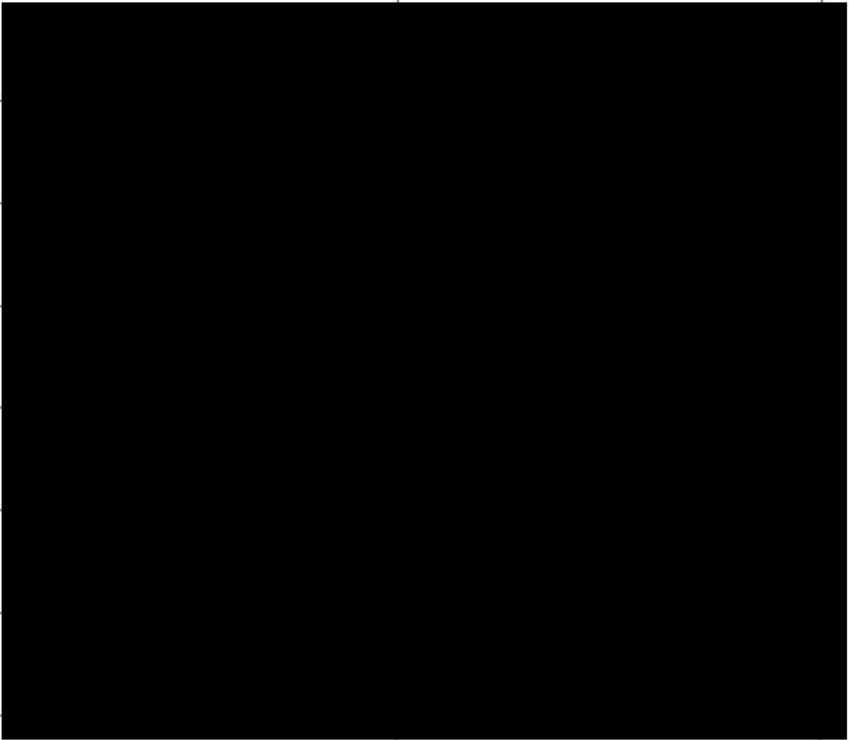
Minutes prepared by Matthew H. Asselmeier, AICP, CFM Director

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**KENDALL COUNTY  
PLANNING, BUILDING, & ZONING COMMITTEE  
FEBRUARY 9, 2026**

IF YOU WOULD LIKE TO BE CONTACTED ON FUTURE MEETINGS REGARDING THIS TOPIC, PLEASE PROVIDE YOUR ADDRESS OR EMAIL ADDRESS

NAME	ADDRESS (OPTIONAL)	EMAIL ADDRESS (OPTIONAL)
Patrick McCrimmon		
Ken Schneider		
Doug Winger		
Miriam Schneider		
Nate Bronski		
Danielle Smits		



**DEPARTMENT OF PLANNING, BUILDING & ZONING**

807 West John Street • Yorkville, IL • 60560  
 (630) 553-4141 Fax (630) 553-4179

**MEMORANDUM**

**To:** Planning, Building and Zoning Committee  
**From:** Matthew H. Asselmeier, AICP, CFM, Director  
**Date:** 2/9/2026  
**Subject:** 2025 Residential Building Permit Information

Staff contacted the municipalities located within Kendall County to obtain their single-family and multi-family building permit information for 2025. A table with this information is below. For those municipalities located in more than one county, only the Kendall County information is provided.

Municipal Residential Construction Information 2025

Municipality	2025 New Construction (Single-Family)	2025 New Construction (Multi-Family)	2024 New Construction (Single-Family)	2024 New Construction (Multi-Family)
Aurora	6 (\$3,228,581)	4 (\$1,582,080) No Unit Number Provided	0 (\$0)	0 (\$0)
Joliet	98 (\$32,023,000)	62 Units (\$13,991,000)	53 (\$16,759,000)	10 Units (\$2,230,000)
Lisbon	0 (\$0)	0 (\$0)	0 (\$0)	0 (\$0)
Millbrook	0 (\$0)	0 (\$0)	0 (\$0)	0 (\$0)
Millington	0 (\$0)	0 (\$0)	0 (\$0)	0 (\$0)
Minooka	0 (\$0)	0 (\$0)	0 (\$0)	0 (\$0)
Montgomery	22 (\$3,600,000)	0 (\$0)	0 (\$0)	0 (\$0)
Newark	0 (\$0)	0 (\$0)	0 (\$0)	0 (\$0)
Oswego	371 (\$85,782,835)	0 (\$0)	299 (\$62,471,072)	0 (\$0)
Plainfield	31 (\$6,500,000)	0 (\$0)	37 (\$7,716,743)	0 (\$0)
Plano	1 (\$100,000)	0 (\$0)	2 (\$1,200,000)	0 (\$0)
Plattville	0 (\$0)	0 (\$0)	0 (\$0)	0 (\$0)
Sandwich	0 (\$0)	0 (\$0)	2 (\$705,000)	0 (\$0)
Shorewood	0 (\$0)	0 (\$0)	0 (\$0)	0 (\$0)
Yorkville	277 (\$44,640,613)	0 (\$0)	201 Detached (\$36,536,500) 6 Attached (\$930,000)	48 Units (Not Provided)
Unincorporated	40 (\$24,635,061)	0 (\$0)	42 (\$31,684,668)	0 (\$0)
Total	846 (\$200,510,090)	\$15,573,080	642 (\$158,002,983)	58 Units (\$2,230,000)

\* Oswego's dollar amount is total residential investment.

2025 Grant Total - \$216,083,170    2024 Grand Total - \$160,232,983    2023 Grand Total - \$219,914,074  
 2022 Grand Total - \$211,675,674    2021 Grand Total - \$157,056,114    2020 Grand Total - \$163,476,546  
 2019 Grand Total - \$108,042,333    2018 Grand Total - \$135,058,319



**DEPARTMENT OF PLANNING, BUILDING & ZONING**

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**MEMORANDUM**

**To:** Planning, Building and Zoning Committee  
**From:** Matthew H. Asselmeier, AICP, CFM, Director  
**Date:** 2/9/2026

**Subject:** 2025 Commercial and Industrial Building Permit Information

Staff contacted the municipalities located within Kendall County to obtain their commercial and industrial permit information for 2025. A table with this information is below. For those municipalities located in more than one county, only the Kendall County information is provided.

Municipal Commercial and Industrial Construction Information 2025

Municipality	2025 New Construction	2025 Remodel	2024 New Construction	2024 Remodel
Aurora	0 (\$0)	0 (\$0)	0 (\$0)	3 (\$162,226)
Joliet	0 (\$0)	4 (\$357,450)	0 (\$0)	2 (\$325,000)
Lisbon	3 (Solar Projects)	0 (\$0)	0 (\$0)	0 (\$0)
Millbrook	0 (\$0)	0 (\$0)	0 (\$0)	0 (\$0)
Millington	0 (\$0)	0 (\$0)	0 (\$0)	0 (\$0)
Minooka	3 (\$16,329,807)	0 (\$0)	0 (\$0)	0 (\$0)
Montgomery	1 (\$2,940,000)	5 (\$1,848,500)	0 (\$0)	4 (\$1,737,500)
Newark	0 (\$0)	0 (\$0)	1 (\$390,000)	0 (0)
Oswego	4 (\$8,076,027)	25 (\$5,449,926)	5 (\$14,364,500)	34 (\$7,895,203)
Plainfield	1 (\$52,000,000)	0 (\$0)	0 (\$0)	0 (\$0)
Plano	0 (\$0)	10 (\$750,000)	0 (\$0)	3 (\$135,000)
Plattville	0 (\$0)	0 (\$0)	0 (\$0)	0 (\$0)
Sandwich	2 (\$9,000,000)	2 (\$275,000)	1 (\$500,000)	0 (\$0)
Shorewood	2 (\$205,000)	0 (\$0)	2 (\$658,000)	0 (\$0)
Yorkville	8 (\$57,860,704)	6 (\$8,633,493)	4 (\$70,221,108)	16 (\$9,923,396)
Unincorporated	7 (\$15,045,587)	1 (\$11,097,500)	3 (\$3,653,090)	1 (\$250,000)
Total	31 (\$161,457,125)	53 (\$28,411,869)	16 (\$89,786,698)	63 (\$20,428,325)