

# Kane County Regional Planning Commission

Glenn Morgenroth, Chair  
Sue Harney, Vice Chair  
Steve Arnold  
Robert Palmer  
Ian Lamp  
Tom Armstrong  
Joe White  
Esther Steel



Corinne Pierog, Ex-Officio  
John Martin, Ex-Officio

Mark VanKerkhoff, Secretary

Kane County Government Center  
719 S. Batavia Ave. (Building A – 4<sup>th</sup> Floor Conference Room) - Geneva, Illinois 60134

## REGULAR MEETING

Wednesday, January 12, 2022 – 7:00 p.m.

Zoom Video Teleconference

(Members of the public may request an invitation with instructions to join the meeting remotely. Please email requests to join the meeting remotely to Matt Tansley at [tansleymatthew@co.kane.il.us](mailto:tansleymatthew@co.kane.il.us))

## AGENDA

1. **Call Meeting to Order**
2. **Roll Call**
3. **Approval of Minutes: October 13, 2021 (attached)**
4. **Land Use Petition - Thomas Property, Burlington Township (staff report attached)**
5. **Regional Update**
6. **Kane County Planning Cooperative Updates**
  - a. Development Department
    - i. *Kane County 2040 Plan Review & Update Discussion*
    - ii. *Land Conservation 2021 Donnelley Grant for Climate Smart Conservation Farm Activities in Kane County*
  - b. Transportation Division – *Bicycle and Pedestrian Plan Update*
7. **Other Business**
8. **Planning Division Monthly Report (attached)**
9. **Public Comment**
10. **Adjournment**

**Minutes of the  
Kane County Regional Planning Commission Meeting**

**Kane County Government Center  
719 S. Batavia Avenue, Building A  
Fourth Floor Conference Room & Zoom Video Teleconference,  
Geneva, Illinois 60134**

**October 13, 2021 - 7:00 PM**

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The Kane County Regional Planning Commission held a meeting on Wednesday, October 13, 2021, at 7:00 PM, in the Kane County Government Center, Building A, 4th Floor Conference Room and Zoom video teleconference.

Regional Planning Commissioners in attendance:

Chairman Glenn Morgenroth, Commissioners, Tom Armstrong, Robert Palmer, Joe White, Esther Steel

Commissioners absent:

Vice Chair Sue Harney, Steve Arnold, Ian Lamp

Development and Community Services staff attendees:

Director Mark VanKerkhoff  
Executive Planners Janice Hill, Karen Miller  
Planners Matt Tansley, Chris Toth, Tony Farruggia, Julia Thavong

Health Department staff attendees:

Health Planner Stacy Zeng

Transportation Division staff attendees:

Transportation Planner II Troy Simpson

Division of Environmental & Water Resources staff attendees:

Resource Management Coordinator Ivy Klee

Guest / Public Attendees:

None

**1. Call Meeting to Order**

Chairman Morgenroth called the meeting to order at 7:02 PM.

**2. Roll Call**

The roll was called and a quorum was established with five (5) voting members.

### **3. Approval of Minutes: May 17, 2021**

The May 17, 2021 minutes were approved on a motion by Commissioner Steel, seconded by Commissioner White. The motion to approve the minutes carried unanimously by voice vote.

### **4. Regional Update**

Director VanKerkoff summarized the County's involvement in the ongoing regional economic recovery effort, which is being overseen by the Chicago Metropolitan Agency for Planning (CMAP). CMAP is preparing to enter a consulting agreement with a firm to conduct a regional strategic plan and study to advance regional economic development interests. Planner Chris Toth participated in the review process leading to the selection of a consultant for the project. The study is expected to be completed in six months and provide recommendations as to how the region might best organize to support the regional economy.

VanKerkhoff continued noting that the County is supporting regional applications for the US Economic Development Administration's Build Back Better Challenge. One of the proposals is related to supporting a green energy cluster and workforce development, and another proposal from the region is related to health sciences. Janice Hill headed up an effort to contribute to the clean energy proposal which could create opportunities for carbon credit partnerships. If approved, a program application could bring tens of millions of dollars in funding to the regions supporting multiple projects.

Commissioner Palmer asked what the timetable was for applications to the Build Back Better Challenge. VanKerkhoff replied that entity applications must be submitted by October 26<sup>th</sup> and that the initial selections will happen by February. This short time frame for funding applications is consistent with other federal agency programs awarding funds allocated from the American Rescue Plan. There is also a requirement of the Challenge grant program that a minimum 10% funding match be provided that does not include other federal funding.

### **5. Kane County Planning Cooperative Updates**

#### **a. Development Department**

##### **i. American Rescue Plan Applications for Funding**

VanKerkhoff discussed the status of proposals that have been submitted for funding already awarded to the County through the American Rescue Plan Act. A portion of the funds may be used to offset revenue declines that occurred during the pandemic. The remainder of funds must be used for eligible activities as defined by the ARPA. The Kane County American Rescue Plan Committee has received applications for funding from the County's various departments. The Development Department submitted five applications related to economic recovery/development. The application proposals included a county-wide economic development study, agriculture recovery and sustainability, tourism, the Fabulous Fox Water Trail, and assistance for manufacturing businesses.

## **ii. Regenerative Agriculture Field Day**

Planner Tansley provided an overview of a grant proposal that was awarded to the County for the purpose of organizing a farmer training on regenerative grazing practices. The program will be implemented in partnership with the Kane County Forest Preserve District and All Grass Farms. Cliff McConville leases land from the Forest Preserve District on the Brunner Family Forest Preserve Property where he has successfully used a variety of regenerative grazing techniques for years. As part of the program Cliff will be giving a guided tour of his property and discuss the economic benefits of the grazing techniques that he uses with current and prospective livestock grazers.

Funding for the program was awarded through the Pasture Project, an initiative founded by the Wallace Center – an organization focused on supporting local/sustainable food production and building a shared base of knowledge in this effort. The Regenerative Agriculture Idea Network was developed by the Pasture Project to facilitate peer to peer learning opportunities and support learning programs with mini-grants.

Tansley noted that surveys conducted by staff in recent years informed the need for such a training program. According to the 2021 Farm Operators Survey, over a third of the food-producing farmers who responded indicated having a livestock operation. Some of those farmers have or are pursuing organic certification for their businesses. But many still view the costs of obtaining certification as outweighing the benefits for their particular businesses. The training is designed to introduce farmers to an array of potential techniques that could increase the sustainability of their operations as an alternative to pursuing full organic certification. The program was also developed with the understanding that farmers have indicated a preference for learning about new production methods from other farmers.

Implementation planning for the program started last month and staff has begun the process of marketing the event to the County's network of growers. The event will primarily be marketed to Kane County growers, but will be open to registration for farmers in the greater region. As with prior Growing for Kane trainings, staff will conduct a program evaluation and submit the reporting materials required by the granting organization.

Tansley highlighted a recent article published by the Illinois Farm Bureau featuring the Farm to School Program at the Kane County Juvenile Justice Center. He added that the USDA grant which had been funding the program ended in June. The project team was able to use the remaining funds to make some significant material investments in both the curriculum program and the indoor & outdoor gardens.

Commissioner White asked how staff identified and defined "food growing farmers." Tansley noted that the food producing farmers were identified through surveys and were generally categorized among farmers producing fruits, vegetables, dairy, and livestock/meat products. White asked if size was a consideration in classifying food farms. Tansley added that staff does not use any size criteria to classify food producing farms.

Commissioner Palmer asked for clarification on where the farm hosting the training is located. Tansley mentioned that All Grass Farms borders Carpentersville.

## **b. Transportation Division**

### **i. Federal Funding Awards for Kane County-based Projects**

Transportation Planner Troy Simpson shared updates on the 2021 CMAP Consolidated Call for Transportation Projects. Kane County did not receive any of the Surface Transportation Program (STP) dollars – although the latest round only extended the out-years of the current program to 2006-07. The County did receive Transportation Alternatives Program (TAP) funds for two KDOT projects, including improvements to Randall Rd. and Hopps Rd. KDOT is currently drafting possible configurations for the railroad crossing at Randall Rd. All of the different configurations include a bike path extension moving north through the intersection at Randall and Hopps, connecting to a segment near the Walmart on Randall Rd. The second project to be funded by TAP is a long-standing improvement project on Dauberman Rd. Funding was also awarded through the Illinois Transportation Enhancement Program (ITEP) to support existing STP projects managed by KDOT. One of those projects was the Montgomery Rd. bike path in the City of Aurora, extending the path along Montgomery Rd. Funding was also received to extend the Kautz Rd. bike path from the Geneva spur of the Prairie Path up to Route 64. Funds were also awarded for improvements to the Blackberry Creek bridge project in the Village of Sugar Grove, expected to commence in 2024-25. The Village was also able to use a share of their ITEP funds to pay for a Safe Routes to School project covering sidewalk extensions. Kendall County also received some ITEP funds to support a corridor project, Wolf's Crossing at Harvey Rd. The project would extend a pedestrian path through the intersection roundabout.

### **ii. Comprehensive Road Improvement Plan Update**

Simpson noted that the Comprehensive Road Improvement Plan Update is still underway and expected to be completed by the March 2022 deadline. The land use assumptions approved by the Impact Fee Advisory Committee and the County Board were used to create a traffic model out to the year 2030. The level of service methodology was used for roadway segments and intersections and determined which of those would operate below Level of Service D. The consultant working with KDOT provided a list of roadways with Levels of Service ranking E through F, and KDOT staff provided additional comments to the findings. The updated list will be presented to the Impact Fee Advisory Committee on October 19<sup>th</sup> and November 4<sup>th</sup>. After the October meeting the list will be shared with municipal partners requesting their feedback. There will be a public hearing on the draft ordinance for the Plan update on November 16<sup>th</sup>.

### **iii. Ride in Kane Paratransit Program Changes**

Simpson continued, sharing updates on the Ride in Kane Program. On January 21, 2022 Kane County will be taking over the financial and administrative functions of the Ride in Kane Program. KDOT recently hired a Ride in Kane Coordinator who will be starting next week. The new Coordinator is a former employee of the Association for Individual Development (AID) and is familiar with how the program has worked. Through the program change KDOT will become a Ride in Kane Sponsor, meaning that any Townships not currently covered by the service area may have their residents register for the program if they qualify. The program was formerly administered by AID which partnered with PACE for operational support.

Chairman Morgenroth asked how service area users will be made aware of the pending service changes. Simpson responded that the public notice process is among the details still being worked out with the RTA. Commissioner Steel mentioned receiving notice from the RTA to reach out to riders in her service area to let them know about upcoming program changes. Simpson added that the expanded service area will generally encompass some of the central townships and all of the western townships.

**c. Health Department – Community Health Assessment & Community Health Improvement Plan Updates**

Health Planner Stacy Zeng proceeded to provide updates on the Health Department's Community Health Assessment and Community Health Improvement Plan and process. She noted that the Department utilizes a process called Mobilizing for Action Through Planning & Partnerships or MAPP. It is the same process that was utilized in 2015 which led to the establishment of three action teams: Behavioral Health, Chronic Disease, and Income & Education. The current action teams are in the process of formulating goals and strategies. The MAPP process was initiated by a series of assessments to gather data in a variety of different ways, encompassing all areas of the county. This included a Forces of Change Assessment, which explores how current issues are impacting health. A Public Health System Assessment measured how well the local public health system is delivering 10 essential public health services. The Community Health Needs Assessment is a community survey designed to reach as many residents and workers in Kane County as possible. The Community Themes & Strengths Survey / Assessment gathers data through focus groups to reach individuals that might not have the means to provide responses through other survey channels, particularly minority and elderly adults.

Following the assessments the Department hosted a Prioritization Event to rank the issues identified through the assessment process. Mental health, access to health services, immunizations & infectious disease, substance abuse, and exercise, nutrition, & weight ranked among the highest priority issues. The prioritization results informed the creation of four new focus areas: Behavioral Health, Access to Health Services, Immunizations and Infectious Diseases, and Nutrition, Exercise, & Weight (NEW).

Zeng continued, highlighting some of the community input and secondary data that drove the creation of the NEW action team. Primary data gathered through surveys demonstrated that 30% of respondents worried about their food running out before having the money to purchase more within the past 12 months. In 2018, only 20.2% of respondents reported having this concern. It was reported recently that 24% of those surveyed indicated that the food they had did not last within the previous 12 months. It was also reported that 42% of respondents with children in their home experienced some form of food insecurity; whereas only 21% of respondents without children experienced food insecurity. Commissioner White asked if the higher rates of insecurity among households with children was due to the closure of schools. Zeng responded this was likely a consequence of the closures as many of the school meal programs were not fully operational at the time the survey responses were recorded.

Zeng added that much of the reporting information is available on the Kane Health Counts website. Commissioner White shared some recent findings published by the United Nations indicating that global food prices rose by 1.2% in September and that the food price index was up 32.8% from one year ago in September.

Commissioner Palmer asked if the Health Department tracks clients served by the Northern Illinois Food Bank. Zeng noted that a prior action team was supported by a member of the NIFB. She expressed hope that a representative of the NIFB would join an active action team to share relevant food security data.

#### **d. Environmental & Water Resources Division – Judicial Center Solar Project**

Resource Management Coordinator, Ivy Klee, proceeded to share updates on a new solar project to be located at the Kane County Judicial Center. The project will include a 2 megawatt solar array installed on 8 acres adjacent to the Judicial Center facilities. A prior energy audit determined that the Judicial Center consumed more electrical energy than any other County facility. The array will cover about 45% of the facility's electrical needs and generate 4.1 million kilowatt hours per year. The project term length is 25 years. The County has entered a power purchase agreement with GRNE Solar. Under the agreement GRNE will own the solar array and the County will purchase the electricity generated from it. This would save the County money on the transmission fees that it would otherwise pay to ComEd. It is estimated that the County would experience an energy cost savings of \$200,000 in the first year of implementation or \$5 million over the 25 year project term. The Adjustable Block Program provided funding assistance for this project which had been renewed by the Climate and Equitable Jobs Act. The program provides funding for Solar Renewable Energy Credits (SRECs), which are tax incentives obtained by participating solar companies. There are no up-front costs to the County. The project is set to enter the engineering phase with construction expected to be completed by September 2022.

Chairman Morgenroth asked if GRNE is operating additional solar projects in other counties. Klee replied that the company is managing other projects, adding that GRNE ranked highest among 8 vendors responding to the project RFP. She believed that the company had managed solar projects in Kendall County and at Fox Metro. Commissioner Palmer asked if the solar panels would be moveable. Klee confirmed that the panels would be moveable to track with the sun.

#### **7. Other Business**

Transportation Planner Simpson briefly introduced Heidi Lichtenberger, a new staff member with KDOT who will be managing the STP Local and Bridge programs.

#### **8. Planning Division Monthly Report**

There were no questions or comments.

#### **9. Public Comment**

There was no public comment.

#### **10. Adjournment**

Commissioner Steel issued a motion to adjourn the meeting, which was seconded by Commissioner Armstrong. The motion carried unanimously by a voice vote and the meeting adjourned at 8:03 PM.

# STAFF REPORT

TO: Kane County Regional Planning Commission

FROM: Mark VanKerkhoff, AIA, Director of Development & Community Services

DATE: January 12, 2022

RE: Thomas Property Land Use Petition – PIN: 04-35-200-005; Burlington Township

## OVERVIEW

The subject of this report is the proposed subdivision and rezoning of a 2.7 acre area within an existing 35 acre parcel in Burlington Township (see [Attachment 1 – Site Aerial Photo](#)). The subject site is located on the West side of Thomas Road, immediately northwest of the intersection with McDonald Road (see [Attachment 2 – Area Aerial Photo](#)). The existing parcel is situated approximately 1.4 miles southeast of the Village of Burlington’s corporate boundary and 1.3 miles northeast of the Village of Virgil’s boundary.

The petitioner, John Thornhill, has submitted a zoning map amendment application on behalf of the owners, Howard & Evelyn Thomas, requesting that the 2.7 acre site within the existing property be rezoned from F District-Farming to E2 District-Estate (see [Attachment 3 – Zoning Ordinance Sections](#)). The rezoning application and planned use of the site necessitates that the Regional Planning Commission review the proposed subdivision and rezoning for consistency with the Kane County 2040 Plan and Land Use Map. The proposed rezoning and subdivision would allow the creation of a new lot which would exceed the recommended density for residential properties within the Countryside / Estate Residential land use area identified by the 2040 Plan and Map.

The petitioner is seeking consideration and approval from the Regional Planning Commission for the proposed activities’ consistency with the 2040 Plan and Map.

The following Staff Report, prepared by Kane County Development and Community Services Department staff, provides the Regional Planning Commissioners with relevant background information, including the context of the subject area and the county’s applicable long-range planning policies.

## **BACKGROUND**

**PURPOSE:** Assess the proposed subdivision and rezoning for consistency with the 2040 Plan and Land Use Map.

**LOCATION:** The subject property is located on the west side of Thomas Road within the Southeast Quarter of the Northeast Quarter of Section 35, Township 41 North, Range 6 East (Burlington Township).

**ACREAGE:** 2.7

**EXISTING LAND USE:** The existing land use of the site area is residential, which includes a single-family dwelling and two outbuildings. The larger area of the existing parcel is agricultural. The parcel is currently zoned F District-Farming (see [Attachment 4 – Area Zoning Map](#)).

**FUTURE LAND USE:** The 2040 Land Use Map indicates that the subject site resides in the Countryside / Estate Residential area. The larger area of the existing parcel to the west of the subject site is designated as Agriculture (see [Attachment 5 – 2040 Land Use Map](#)).

**SURROUNDING LAND USES:** Adjoining properties to the north, south and west of the subject property are zoned F District-Farming. Adjoining properties to the east and southeast include areas zoned E1 District-Estate and F District-Farming. The 2040 Plan Map designates areas immediately north and west of the property as Agriculture, with areas to the south and east as Countryside / Estate Residential.

## **STAFF REVIEW**

### KANE COUNTY 2040 PLAN

The Kane County 2040 Land Use Map identifies the 2.7 acre subject site as within the Countryside / Estate Residential land use area. According to the Kane County 2040 Plan these areas are commonly “characterized by rolling, moraine hills separated by wetlands or small creeks and with large areas of woodlands and other native vegetation. These areas are often adjacent to existing low-density residential areas, may already have a limited degree of scattered, estate-type development, and sometimes include land used for equestrian activities or serve as a low density transition to important agricultural and green infrastructure resources.” The Plan goes on to recommend that low density criteria be applied “for future developments to preserve the character, wildlife base, and natural features of these areas.” It is further recommended that the gross density of these areas should generally not exceed an average of one dwelling unit per four acres of land.

The subject site also falls within the western corridor of the County’s Conceptual Land Use Strategy Map: the Agricultural / Food, Farm and Small Town Area (see [Attachment 6 – Conceptual Land Use Strategy Map](#)). The 2040 Plan establishes policy for this corridor which includes the protection of “productive farmland and the emergence of locally grown foods as a desirable goal.” The Plan also recognizes the adopted plans of municipalities in the western corridor calling for the “protection of farmland through the preservation of their small town character.”

The following objectives from applicable chapters of the 2040 Plan should be considered in issuing a recommendation on the subject site:

### ***Land Use and Built Environment***

*Objective 3:* To promote reinvestment in underutilized vacant properties, opportunities for compact, mixed-use development, and possibilities for suburban retrofits as preferred alternatives to new development that consumes more farmland and open space.

*Objective 4:* To support a countywide open space and green infrastructure network by prioritizing its protection, restoration, and enhancement through careful evaluation of natural resources prior to new development and utilizing techniques such as conservation design and low impact development.

### ***Housing***

*Objective 3:* To encourage the preservation and development of diverse and affordable housing near existing employment centers and public transportation.

*Objective 4:* To maintain and create a diverse and affordable housing stock in communities that have existing or planned infrastructure.

*Objective 5:* To encourage the removal of barriers in regulations that unnecessarily increase housing costs and discourage housing diversity.

### ***Agriculture: Food and Farm***

*Objective 1:* To protect farmland as a valuable natural resource and economically productive land use through land use policy in both municipal and County land use and transportation decisions.

*Objective 2:* To discourage projects that will have a detrimental impact on the preservation of agricultural lands and discourage the use of public funds for such projects.

*Objective 3:* To support incentives, policies and programs, along with technical assistance in maintaining agricultural lands and structures to ensure an ongoing food supply and to support those who choose farming as a way of life.

*Objective 5:* To encourage and promote agriculture and local food production and their related businesses as a valued element of the Kane County economy through supportive land use and economic development policy, programs and practice.

### ***Open Space and Green Infrastructure***

*Objective 1:* To preserve and protect Kane County open space and green infrastructure as the cornerstone of natural resource protection and community well-being.

*Objective 5:* To continue enhancing the County's visual identity and community character by preserving natural areas, landscapes, scenic vistas, and rustic roads and their historic, cultural and archaeological resources.

### ***Water Resources***

*Objective 3:* To protect and improve the water quality and beneficial uses of surface waters for ecosystem habitat and healthy living.

*Objective 4:* To promote Integrated Water Resource Planning as a tool for water supply, stormwater management, and water reclamation and reuse in order to strategically link the beneficial uses of water over a broad spectrum of human and ecosystem needs.

*Objective 7:* To promote water resource driven land use decisions when updating land use policies and ordinances.

*Objective 9:* To integrate water resource planning and management with energy, transportation, housing, wildlife habitat, open space and land use planning.

### ***Historic Preservation***

*Objective 1:* To protect Kane County's heritage and historic character through the preservation of historic and cultural resources that contributes to the County's unique sense of place and quality of life.

## **KANE COUNTY 2040 GREEN INFRASTRUCTURE PLAN**

Kane County's Green Infrastructure Plan establishes priorities and recommendations for protecting the County's natural resources, and includes a detailed inventory of resources incorporated into the County's Green Infrastructure Map (see [Attachment 7 – Green](#)

[Infrastructure Map](#)). According to the Green Infrastructure Map, the eastern side of the subject site is bordered by an Environmental Resource Area. The areas immediately east of the subject site are forested with larger residential lots, many of which include Remnant Oak Woodlands and some wetlands.

KANE COUNTY ENVIRONMENTAL & WATER RESOURCES (Staff Comments)

Detention will likely be required for the proposed development. A viable outfall will need to be determined by a Professional Engineer and may require cooperation with neighboring land owners and/or municipalities.

KANE COUNTY DIVISION OF TRANSPORTATION (Staff Comments)

None

VILLAGE OF VIRGIL – PLANNING JURISDICTION

The subject site does fall within the Village of Virgil’s mile and a half extra-territorial planning jurisdiction. According to Virgil’s Future Land Use Plan (see [Attachment 8 – Virgil Future Land Use Map](#)), the subject site is located within the Agriculture / Open Space Area. The Plan further recognizes the importance of agriculture in the regional economy, with emphasis on the growth of niche agricultural activities including nurseys, greenhouses, floriculture, and sod production. The Plan also echoes Kane County’s commitment to protecting farmland through agricultural conservation easements, preserving these lands from premature development.

No comments or concerns were received from Virgil Village Officials as of the publication of this report.

**STAFF RECOMMENDATION**

Kane County Planning Division staff recommends APPROVAL of the petitioner’s proposed subdivision and planned use of the site as land use activities aligned with the 2040 Plan and Map for the reasons below:

The subject site falls within the Countryside / Estate Residential area of the 2040 Land Use Map. The Map designated a roughly 0.25 x 0.75 mile area of Countryside / Estate Residential encompassing the subject site and at least 30 other properties to the south and east, stretching from Ramm Road to north of McDonald Road (see [Attachment 5 – 2040 Land Use Map](#)). It stands to reason that this Map area was designed to encompass a cluster of estate-sized residential lots existing at the time of the 2040 Map and Plan’s publication. Current land use activities within this area include residential, estate-residential, agricultural, and one business/commercial site. This includes 21 properties currently zoned for residential use (E-1, E-2, & R-1).

Although the proposed subdivision would exceed the 2040 Plan's recommended density minimum of one unit per four acres, the Countryside / Estate Residential corridor for the site already encompasses several properties with lesser acreages and higher densities, including 12 residential lots with acreages of less than one acre. Among the 21 area properties zoned for residential use, the average lot size is 2.0 acres, which is even less than the proposed site's 2.7 acre lot size. Therefore the density of the proposed subdivision would be consistent with the densities of neighboring residential properties.

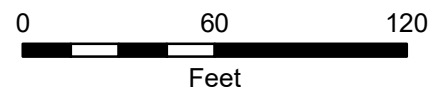
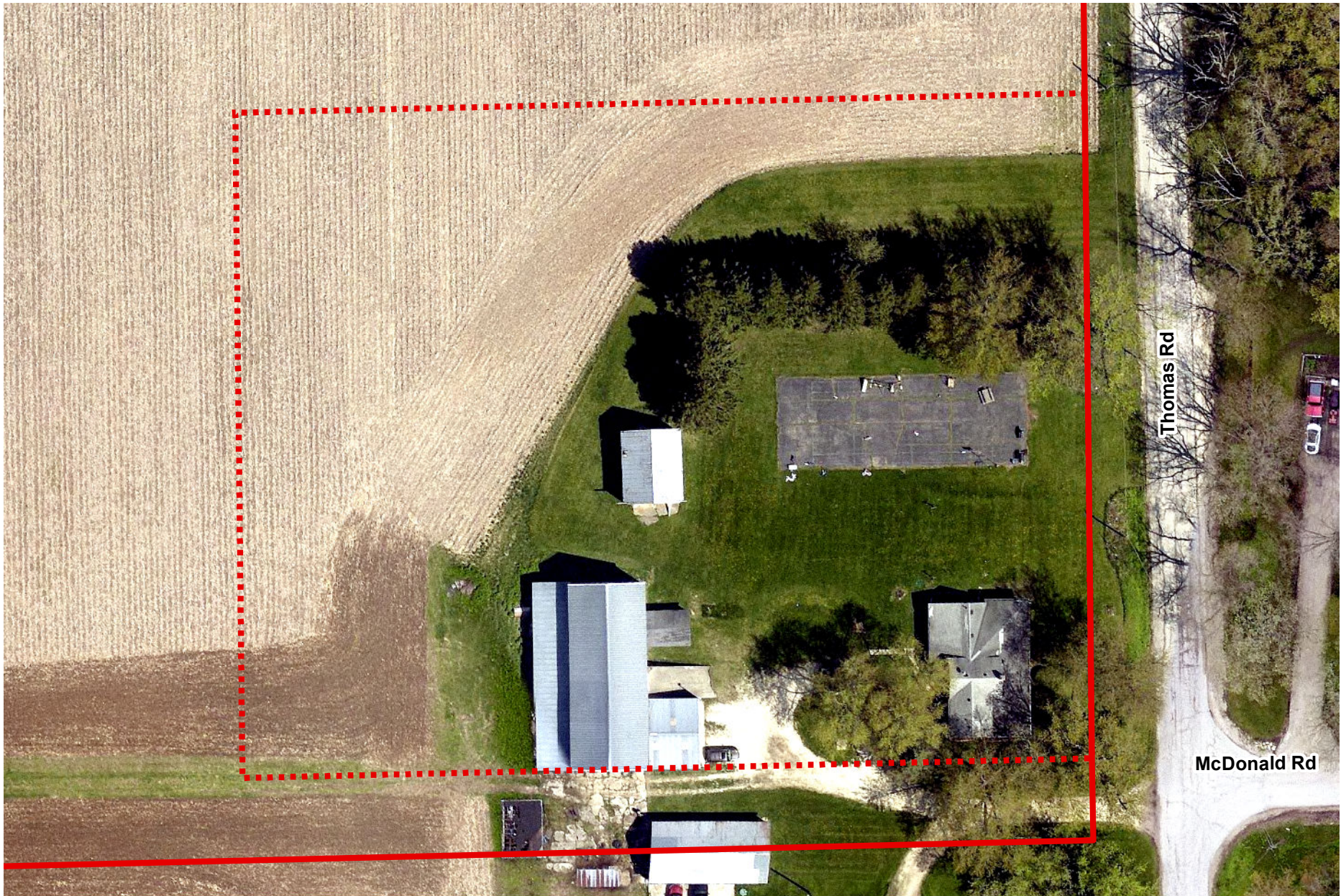
Furthermore, while the proposed 2.7 acre site is fully encompassed by a Countryside / Estate Residential corridor, most of the existing 35 acre parcel falls within the Agriculture land use area. Because the 2040 Map identifies the site as within the Countryside / Estate Residential area, the site is only eligible for rezoning as a residential district – E2 District-Estate, in this case. Had the subject site fallen within the Agriculture area, a case could have been made for rezoning the site into the F1 District-Rural Residential. This is because the Zoning Ordinance prescribes that F1 District zoning may only be applied to single-family residences identified by the 2040 Map as Agriculture and if underlying circumstances render the property unsuitable for agricultural activity. Traditionally the F1 District has provided eligible agricultural land owners the flexibility to continue living in their homes without having to maintain the adjoining farm acreage. But because site falls within the Countryside / Estate Residential area, it is not eligible for rezoning into an F1 District.

Also, the petitioner's proposal does not conflict with the County's Conceptual Land Use Strategy for the Agricultural / Food, Farm and Small Town Area. The Strategy emphasizes the importance of preserving productive agricultural lands and discourages the premature conversion of these lands to non-agricultural uses. The petitioner is not proposing to make improvements or changes to the subject site that would take prime farmland out of production. In this respect, the proposal also aligns with the desires of smaller villages in the western corridor to preserve their small town character. This is further reflected in the Village of Virgil's Future Land Use Map which identifies the subject site and neighboring properties as within the Agriculture / Open Space area.

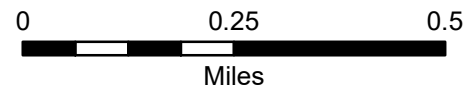
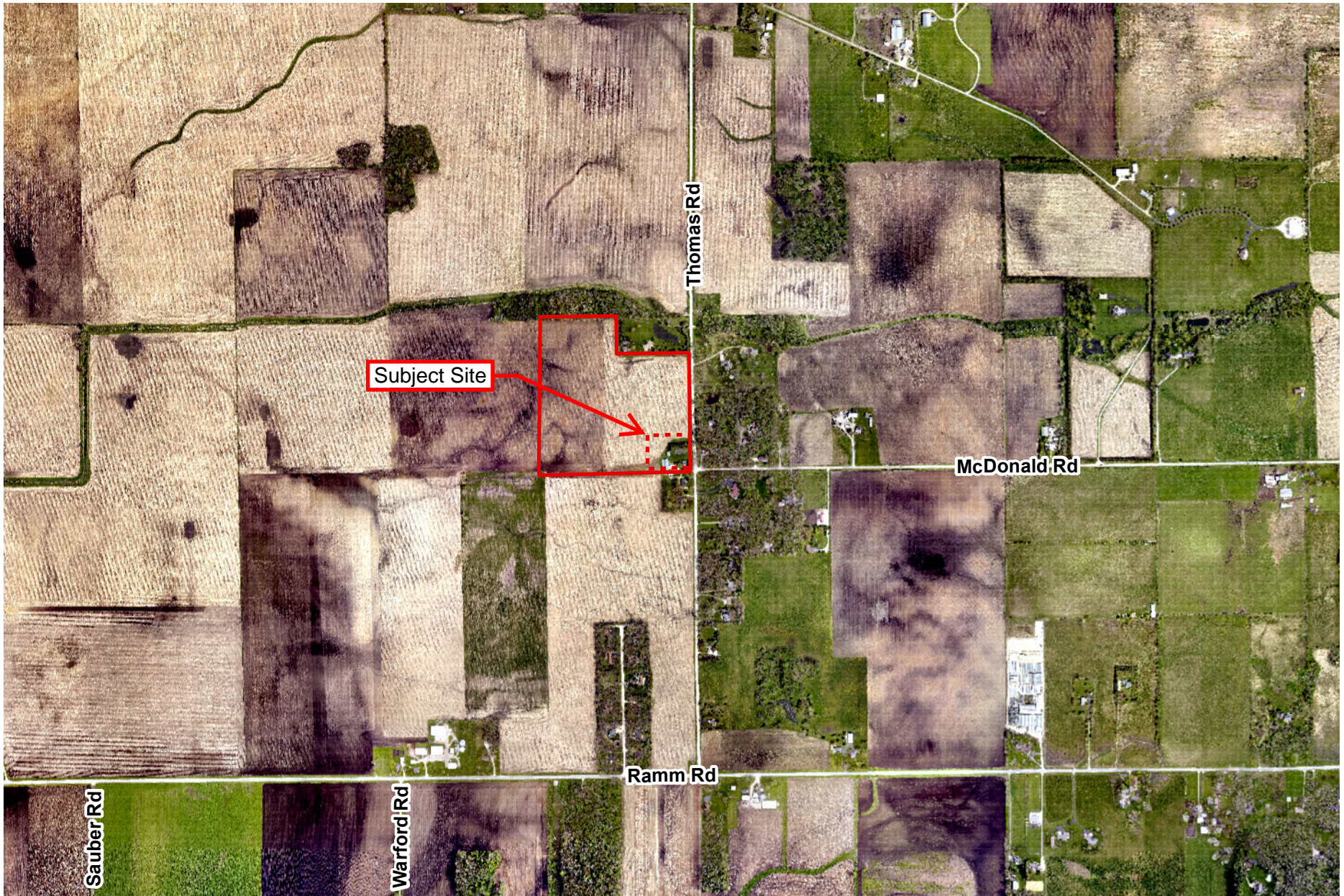
**Attachments:**

1. [Site Aerial Photo](#)
2. [Area Aerial Photo](#)
3. [Zoning Ordinance Sections](#)
4. [Area Zoning Map](#)
5. [2040 Land Use Map](#)
6. [Conceptual Land Use Strategy Map](#)
7. [Green Infrastructure Map](#)
8. [Virgil Future Land Use Map](#)

# Kane County 2021 Aerial Photo



# Kane County 2021 Aerial Photo



## Attachment 3

### APPENDIX B-ZONING

proper and not projecting over four feet (4') from building proper may be permitted, provided such canopy or awning does not come closer than three feet (3') from any adjoining property line, or closer than twenty feet (20') from any adjoining public or private street or highway right-of-way line.

- d. Telephone booths as provided for in estate districts and the residential districts.
- e. In LI District, the setback from right-of-way line shall be fifty feet (50').
- f. Light poles and standards for the lighting of the business areas, such as gasoline service stations and parking lots may be placed immediately outside the right-of-way line, providing no portion of said pole or standard or any bracket or any part attached thereto extends over the right-of-way line, and providing that the lights so supported are directed on to the business area and not toward the road or neighboring property in such fashion as would constitute a nuisance or a traffic hazard and provided the requirements of Article XIV, Section 14.1-6 of this Ordinance are met.
- g. Along all limited access roads, the setback of all buildings and structures shall be not less than fifty feet (50') from the existing or proposed road or street right-of-way line, except public informational sign permitted under Section 8.1-1, q., shall be not less than five feet (5') from existing road or street right-of-way line.

In the case of a corner lot officially on record at the time of passage of this Ordinance, or subsequently officially approved by the Development Committee of the County Board of Kane County, Illinois, this requirement shall not reduce the building area to less than twenty five feet (25') by eighty feet (80'), except that the minimum setback from the property lines of said lot, adjoining any public or private street or highway or right-of-way, shall in no case be less than the sideyard for said lot, as provided in Section 7.5-1 of this Ordinance.

#### *7.5-3 Minimum Setback for Fences and Hedges at Intersections.*

Within one hundred feet (100') of the center line of any intersecting road, street or railroad at grade, no fence or hedge which cannot be viewed through or over from a three foot (3') height above the traveled roadway shall be constructed, planted or allowed to grow nearer to the road or street center line than the dimensions set forth above in Section 7.5-2.

No fence equipped with or having barbed wire, spikes or any similar device, or any electrically charged fence, sufficient to cause shock, shall be erected, placed or maintained on or within any lot used for residential purposes. (Ord. No. 78-79, § 6, 6-13-78; Ord. No. 82-66, 5-11-82; Ord. No. 88-62, 5-10-88; Ord. No. 93-338, 12-14-93; Ord 02-81, 3-12-02)

**Cross reference**—Special setbacks for certain streets, § 17.4.

### ARTICLE VIII. FARMING DISTRICT

#### **Sec. 8.1. F District—Farming.**

##### *8.1-1 Permitted Uses.*

In the F District, the following uses are permitted:

- a. The uses as permitted in the R-1 District except for Section 9.5-1 a. and p. thereof. However single-family residential uses are permitted provided:
  - (1) The one-family residential use was an existing residential structure on December 11, 1979; provided, that the size of the zoning lot may not be reduced after December 11, 1979, unless done in compliance with this Ordinance;
  - (2) The land on which the one-family residential use is proposed is a parcel of land recorded with this County Recorder of Deeds prior to December 11, 1979, whether the recording is by a deed or deeds, or by a

## APPENDIX B-ZONING

contract to purchase or memorandum of purchase on which there is a detailed legal description; provided the parcel contains a minimum of twenty thousand (20,000) square feet and is at least seventy five feet (75') in width; provided further that all other zoning, waste water disposal and building ordinance requirements are complied with; or

- (3) The residence is located on a parcel of not less than fifteen (15) acres in area which parcel has been recorded with the Kane County Recorder between December 11, 1979 and 12:00 o'clock noon (CDT), September 8, 1992.
  - (4) The residence is located on a parcel of not less than forty (40) acres in an area recorded with the Kane County Recorder and with two hundred fifty feet (250') of frontage on a public right of way and the principal use of said zoning lot is agricultural as defined in this Ordinance.
- b. Agriculture as defined herein (see definition Article III), except that neither animals nor poultry may be housed; stabled, kenneled or yarded closer than one hundred feet (100') from any residence other than that of the owner or user of the property. Sale of seed shall also be permitted.
  - c. Carnivals and circuses (temporary) operating not longer than ten (10) days, and not including the sale of beer or alcoholic liquors.
  - d. Hunting, fishing, fish and game preserves.
  - e. Governmental and judicial centers.
  - f. Picnic grounds, groves and temporary refreshment and amusement stands.
  - g. Produce stand (one portable) for the display and sale of only products which are produced on the premises, provided:
    - (1) That such stand shall comply with the setback requirements.
    - (2) That adequate parking space be provided for the motor vehicles of customers off the highway right of way. (See Article XIV of this Appendix, Off Street Parking.)
    - (3) That the lot from which the sale of products are produced and sold shall contain not less than five (5) acres of land area.
  - h. Pigeon lofts and poultry farms as herein defined.
  - i. Pipelines, electric substations, or transformer stations, telephone repeater stations and automatic exchanges, radio stations and towers, etc. (See Sections 5.4-3 and 5.4-5 of this Appendix.)but shall not include electrical generation plants, "peaker" plants, and ancillary transmission and distribution facilities.
  - j. Sign, one, not larger than twenty (20) square feet in area, pertaining to the sale, lease, or identification of the premises upon which it is located or the sale of farm products produced thereon.
  - k. Sign, one, temporary and seasonal, not larger than two (2) square feet, which directs attention to and identifies different varieties of seeds and plants used in the production of food for animal and human use or identifies special conservation practices. Such sign must conform to established setback provisions and may only be displayed during the period between June 1 and December 1 of any given year.
  - l. Stables, boarding, as defined herein.
  - m. Stables, private, as defined herein.

## APPENDIX B-ZONING

- n. Truck gardening, nurseries, greenhouses, mushroom barns and apiaries.
- o. Waterways and such hydraulic power plants and terminals as may be erected by the County, State or Federal Government or public utilities for the use of the public.
- p. Weighing stations operated by the State of Illinois.
- q. Forest Preserve uses and activities at the Kane County Events Center, located at the corner of Kirk Road and Cherry Lane in Geneva Township, Illinois, related to educational, cultural, recreational, and sporting events, including public informational signs accessory to the use, provided said informational signs are not more than one hundred and fifty (150) square feet in display area per side and thirty feet (30') in height and are located on public property owned by the Forest Preserve District of Kane County. Furthermore, the size and setback of the public informational signs shall be reviewed by the Kane County Division of Transportation and a determination made that said signs do not interfere with any anticipated public highway improvements and do not create a hazard to public highway safety.
- r. Portable concrete plants, only for Kane County public road improvement projects, and approved by the Kane County Board, located on or immediately adjacent to the County public road right-of-way, and for a specified time period not to exceed one-hundred eighty (180) days.
- s. Country clubs, provided the country club use was existing prior to March 9, 1976.
- t. Migrant labor camps as defined in Section 3.1-1 and that are licensed by The State of Illinois Department of Public Health and comply with the Migrant Labor Camp Code 77 ILL. ADM. Code 935, and have established use with the Kane County Development Department in accordance with Section 4.3 of this Ordinance. The residence must comply with Section 8.1-1 a. of this Ordinance.
- u. Identification signs, deemed by the Kane County Board to be of interest to the general public, of an area not to exceed 6 square feet at the property line, which identify farmland that has been preserved through the Agricultural Conservation Easement Program. The location at the property line of these signs shall be reviewed by the Kane County Division of Transportation and a determination made that said signs do not interfere with any anticipated public highway improvements and do not create a hazard to public highway safety.

### 8.1-2 *Special Uses.*

- a. Special uses allowed in the R1 District are allowed in the F District.
- b. Private Landing Strips, as defined herein, subject to the following restrictions:
  - (1) Shall be located and be of such area, runway length and design as prescribed by the Illinois Department of Transportation, Division of Aeronautics and the provisions of Article V, Section 5.13 of this Ordinance;
  - (2) Shall be used in connection with a use permitted in this District;
  - (3) Shall base no more than two (2) airplanes; and
  - (4) Shall not be used by itinerant aircraft as defined herein except in cases of emergency.
- c. Asphalt plants, provided the principal ingredient is gravel mined on the premises where the plant is located, and operated from an active, licensed mining operation. Upon the exhaustion of the substance being mined for the aggregate, all mixing apparatus and equipment and other buildings and structures accessory thereto shall be removed from the premises.

## APPENDIX B-ZONING

- d. Bins, warehouses and other facilities for the storage of surplus grain by the Federal Government, or any of its duly designated agencies.
- e. Boat marinas and boat liveryes, as herein defined.
- e.5. Burial grounds, private, for family members only. This is the only district in which this use shall be permitted.
- f. Cemeteries for human beings, including therein mausoleums and/or crematory.
- g. Commercial swimming pools and beaches.
- h. Commercial tennis courts.
- h.5. Commercial TV and radio towers.
- i. Country clubs.
- j. Fair grounds.
- k. Garbage disposal, as defined herein, shall be conducted in accordance with the Kane County Sanitary Landfill Control Ordinance and in accordance with all other applicable ordinances and resolutions of the County of Kane.
- l. Golf courses, public, semi-public and private, including ancillary uses normally provided, such as, restaurants, including the sale and consumption of alcoholic beverages, pro-shops, swimming pools and tennis courts, but not including continually operating driving ranges or miniature golf courses.
- m. Government military reservations.
- n. Health and recreation clubs, as defined herein, and provided that a detailed plat of the proposed club and all proposed improvements shall be submitted to the Zoning Board for approval or amendment at the public hearing. Such plat, when approved by the County Board, shall become a part of this Ordinance and development of the site shall be in strict accordance with said plat.
- o. Kennels, as defined herein.
- p. Mining of topsoil, earth, clay, gravel, peat, sand and stone, and structures incidental to loading the same, also processing, screening and washing yards and plants of a quasi-temporary nature which are commonly removed when the available deposits are worked out, but not including plants, building and yards for the manufacture of clay or concrete products. If such mining operations are conducted upon a lot, piece, parcel or tract of land by the owner thereof for the purpose of improving said lot, piece parcel or tract of land, and the owner thereof shall file with and to the satisfaction of the Enforcing Officer his affidavit that the foregoing conditions are applicable, such mining operations may be conducted without a hearing before the Zoning Board, without approval for the County Board, provided the area involved does not exceed two (2) acres. Restrictions relative to the mining of topsoil, earth, clay, gravel, peat, sand, and stone set forth in Article XV hereof and the Kane County Soil Erosion and Sediment Control Ordinance are applicable to all mining operations.
- q. Monasteries, nunneries, religious retreats, nursing and convalescent homes, assisted living facilities, boarding schools and orphanages.
- r. Penal institutions.
- s. Pet cemeteries and crematory facilities for animals.

## APPENDIX B-ZONING

- t. Polo fields
- u. Pony riding tracks.
- v. Practice pistol and rifle ranges, skeet or trap shooting.
- w. Recreational camps, as defined herein, and provided that a detailed plat of the proposed camp and all proposed improvements shall be submitted to the Zoning Board for approval or amendment at the public hearing. Such plat, when approved by the County Board, shall become a part of this Ordinance and development of the site shall be in strict accordance with said plat.
- x. Repair of farm machinery and sales of feed and seed; provided, that these activities are accessory to the primary activity of farming, but not including sales of farm machinery.
- y. Sawmill operations.
- z. Sewage treatment works, publicly and/or privately owned.
- aa. Stables, public, as defined herein.
- bb. The sale and/or consumption of alcoholic beverages in conjunction with a permitted use or another special use.
- cc. In order to utilize existing land, structures and facilities which represent a valuable economic base, but which might remain idle or unused, out of spot zoning consideration, an "interim special use" is established for the F District classification only. Such use shall be in accordance with the requirements set forth in Section 4.8 of this Ordinance. In its recommendation to the County Board, the Zoning Board of Appeals shall specify time limitations and any other conditions they may deem appropriate for the protection of the area.
- dd. Other uses similar to those permitted herein as special uses.
- ee. In submitting a petition for any of the above special uses, a detailed plat of all improvements shall be submitted to the Zoning Board of Appeals for approval or amendment at the public hearing. Such plat, when approved by the County Board, shall become a part of this Ordinance and development of the site shall be in accordance with said plat.
- ff. Minor variations in the development of the approved plat may be authorized by the Development Committee.
- gg. Produce stand (one) for the display and sale of a minimum of five (5) products which are produced on the premises, plus, a maximum of ten (10) farm produce products, not grown on the site and not including any processed items of any kind, subject to the following restrictions:
  - (1) A temporary use permit upon proper application by such owner or operator is issued by the Zoning Enforcing Officer.
  - (2) Such permit shall not be valid for more than six (6) months (May 1 to November 1) out of each calendar year and a new permit shall be obtained each year during which the granted special use is in effect.
  - (3) Such permit shall require compliance with Article VIII, Section 8.1-1(g), subsection (1) and (2) of this Ordinance.
  - (4) Such permit shall not allow the serving or consumption of food on said premises.
  - (5) At the time the temporary use permit is applied for, the applicant shall submit a plot plan and sketch portraying an open-air structure, in detail, showing the construction of said structure for approval for the

## APPENDIX B-ZONING

display and retail sale of the farm products.

- (6) The application for such permit shall list the types of produce to be sold, or offered for sale, which are grown or are to be grown on said parcel and shall also list the types of produce proposed to be imported for sale.
- (7) Such special use, when granted, shall apply only to the original applicant.
- (8) Where all produce sold or offered for sale is produced on the immediate premises, see subsection 8.1-1(g).

hh. Concrete mixing plants, provided the principal ingredient is gravel mined on the premises where the plant is located, and operated from an active, licensed mining operation. Upon the exhaustion of the substance being mined for the aggregate, all mixing apparatus and equipment and other buildings and structures accessory thereto shall be removed from the premises.

### *8.1-3 Uses Expressly Prohibited.*

Uses prohibited in the R1 District are prohibited in the F District. (Ord. No. 78-79, § 9, 6-13-78; Ord. No. 79-229, §§ 7, 9, 12-11-79; Ord. No. 80-37, §§ 6, 7, 3-13-80; Ord. No. 82-66, 5-11-82; Ord. No. 92-187, 9-8-92; Ord. No. 92-214, 10-13-92; Ord. No. 93-338, 12-14-93; Ord. No. 94-79, 4-12-94; Ord. No. 97-240, 9-9-97; Ord. No. 02-81, 3-12-02; Ord. No. 07-299, 9-11-07)

## **Sec. 8.2. F1 District–Rural residential.**

### *8.2-1 Purpose.*

The Kane County Board has established and adopted as a long-range goal, the preservation of prime agricultural land and has implemented this long-range goal through the adoption of a Comprehensive Plan and a Zoning Ordinance. However, the County Board is aware that some of the land indicated as agriculture in the Comprehensive Plan and zoned for agriculture will not be utilized as such because of soil productivity, vegetation, topography, man-made barriers, etc. The Rural Residential District is intended only for single-family residences and only for those areas indicated in the Comprehensive Plan for agriculture and for those areas therein shown to be unsuitable for such use.

### *8.2-2 Permitted Uses.*

The following uses are permitted:

- a. Agricultural uses, as defined herein.
- b. One-family dwellings.
- c. Accessory uses to one-family dwellings.
- d. Signs permitted and as regulated in Section 9.5-1(b).

### *8.2-3 Conditions for Rezoning.*

The Zoning Board of Appeals shall not recommend a rezoning to this zone district classification unless the applicant shall present clear and convincing evidence to the Zoning Board of Appeals that the property sought to be rezoned is not suitable for agricultural use.

The Zoning Board of Appeals in determining suitability of property for agricultural use shall make findings of fact

## APPENDIX B-ZONING

or keeping of commercial equipment and supplies.

- b. The storage of keeping of more than one (1) truck or other commercial vehicle or the storage or keeping of commercial equipment and supplies in connection with each family dwelling unit within or without any building located on the premises.
- c. Garages or other accessory buildings shall not be permitted in this district except as accessory to a residential use.
- d. Storage of boats, recreational vehicles and recreational trailers of any kind closer than required setback line and required sideyard width.
- e. Mobile homes as defined herein. Storage of unoccupied mobile homes and/or conversion of mobile homes to another use. Occupied travel trailers or recreations vehicles. (Ord. No. 79-229, § 7, 12-11-79; Ord. No. 82-66, 5-11-82; Ord. No. 92-187, 9-8-92; Ord. No. 97-240, 9-9-97; Ord. No. 98-45, 4-14-98)

**Cross reference**—Erosion and sedimentation control ordinance, § 9-16 et seq.

### **Sec. 9.2. E2 District-Estate.**

#### *9.2-1 Permitted Uses.*

In the E2 District, the following uses are permitted:

- a. Any use permitted in the E1 Districts.
- b. Single-family residence, each one on a building lot or tract of not less than two hundred (200) feet in width at the recorded setback line and two and one-half ( $2\frac{1}{2}$ ) acres in area not including any portion of any public or private highway, street or alley.

#### *9.2-2 Special Uses.*

Special Uses allowed in the E1 District are allowed in the E2 District.

#### *9.2-3 Uses Expressly Prohibited.*

The uses expressly prohibited in the E1 District are expressly prohibited herein. (Ord. No. 79-229, § 7, 12-11-79)

### **Sec. 9.3. E2-A District-Estate.**

#### *9.3-1 Permitted Uses.*

In the E2-A District, the following uses are permitted:

- a. Any use permitted in the E-1 District and the E-2 District.
- b. Single-family residence, each one on a building lot or tract of not less than one hundred sixty-five (165) feet in width at the recorded setback line and two (2) acres in area not including any portion of any public or private highway, street or alley.

#### *9.3-2 Special Uses.*

Special Uses allowed in the E1 District are allowed in the E2-A District.

**Attachment 4**

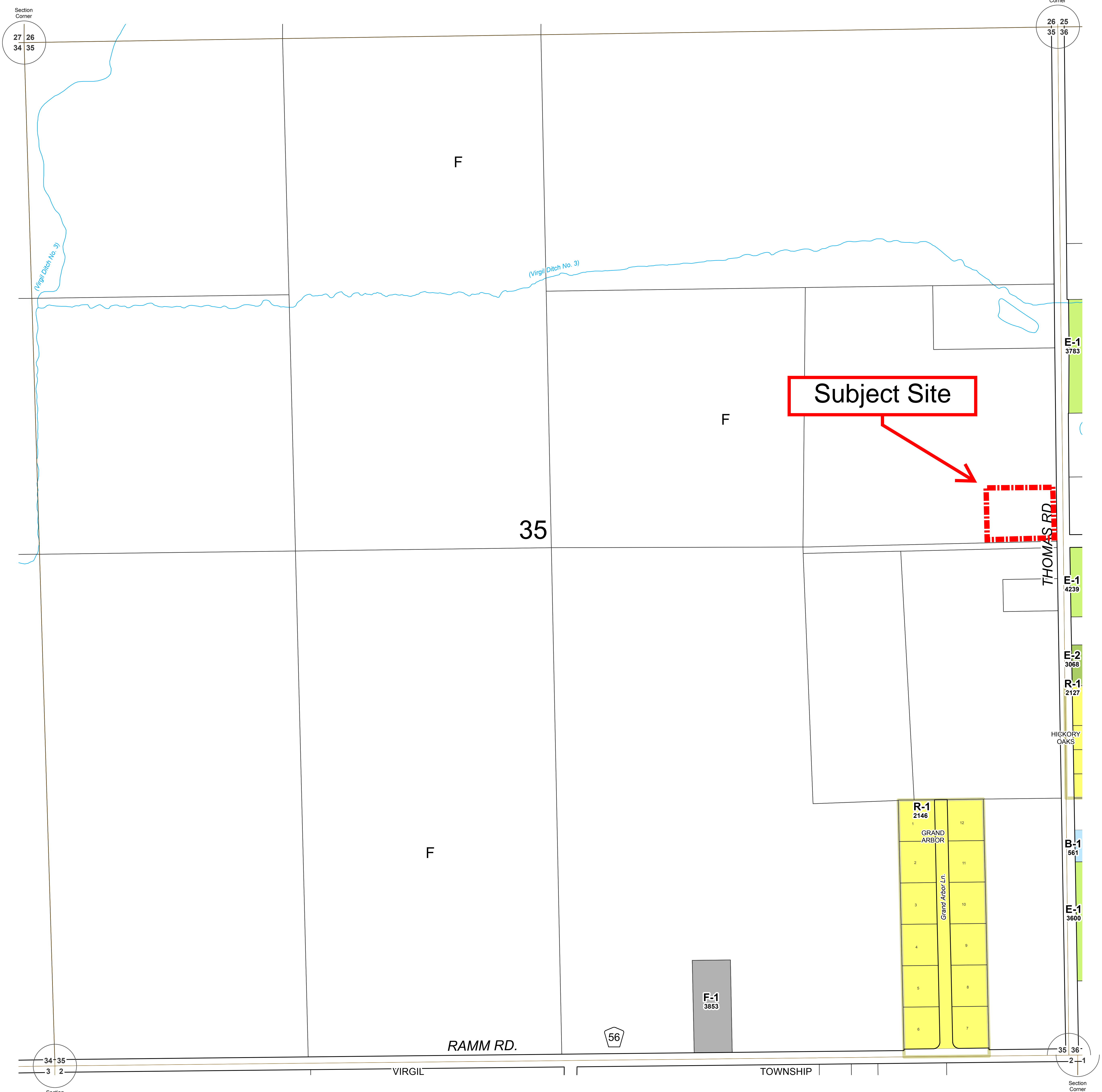
ZONING MAPS  
of  
KANE COUNTY, ILLINOIS  
MAP NO. BU-35  
MAP SCALE  
0 100 200 300 400 500  
FEET

**Kane County, Illinois**  
**Building and Zoning Division**

**Mark D. Vankerkhoff, AIA**  
**Zoning Enforcing Officer**

**Kane County**  
**Government Center**  
**719 S. Batavia Ave.**  
**Bldg. A, 4th Floor**  
**Geneva, IL 60134**

**Phone: 630.232.3492**



ZONING LEGEND		
FARMING DISTRICT	F	[White]
	F-1	[Grey]
	F-2	[Diagonal lines]
RESIDENTIAL DISTRICT	E-1	[Light Green]
	E-2	[Medium Green]
	E-2A	[Olive Green]
	E-3	[Dark Green]
	R-1	[Yellow]
	R-2	[Light Orange]
	R-3	[Orange]
	R-4	[Dark Orange]
	R-5	[Red]
R-6		
R-7		
R-8	[Brown]	
R-9		
BUSINESS DISTRICT	RB	[Light Blue]
	B-1	[Medium Blue]
	B-2	[Dark Blue]
	B-3	[Teal]
	B-4	[Dark Teal]
	B-5	[Dark Green]
SPECIAL INDUSTRIAL DISTRICT	LI	[Pink]
	I	[Purple]
SPECIAL DISTRICT	PUD	[Brown]
AIRPORT DISTRICT	A-1	[Light Green]
	A-2	[Dark Green]
OTHER	SU	[Diagonal lines]
	Incorporated	[Red]
	Forest Preserve	[Dark Green]

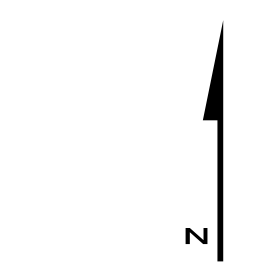
SECTION 35  
BURLINGTON TOWNSHIP

0 200 400 600 800  
Feet

Revisions	

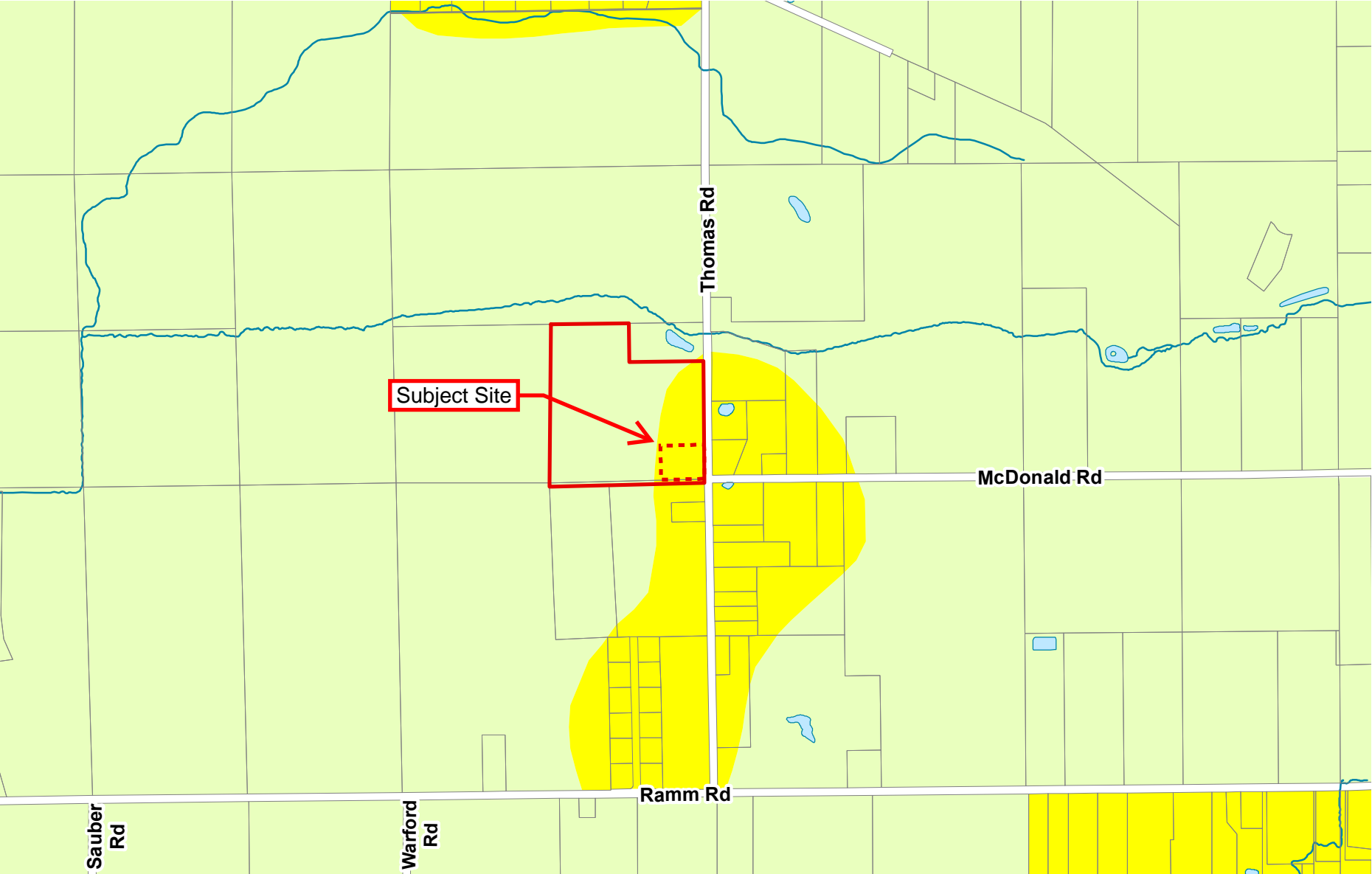
Digital Zoning Maps created September 9, 2003 (TMV, TJM)



Base data current as of November 30, 2018.

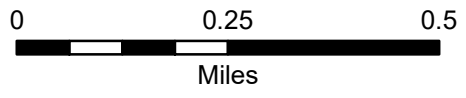


**BU-35 ZONING**

# Kane County 2040 Land Use

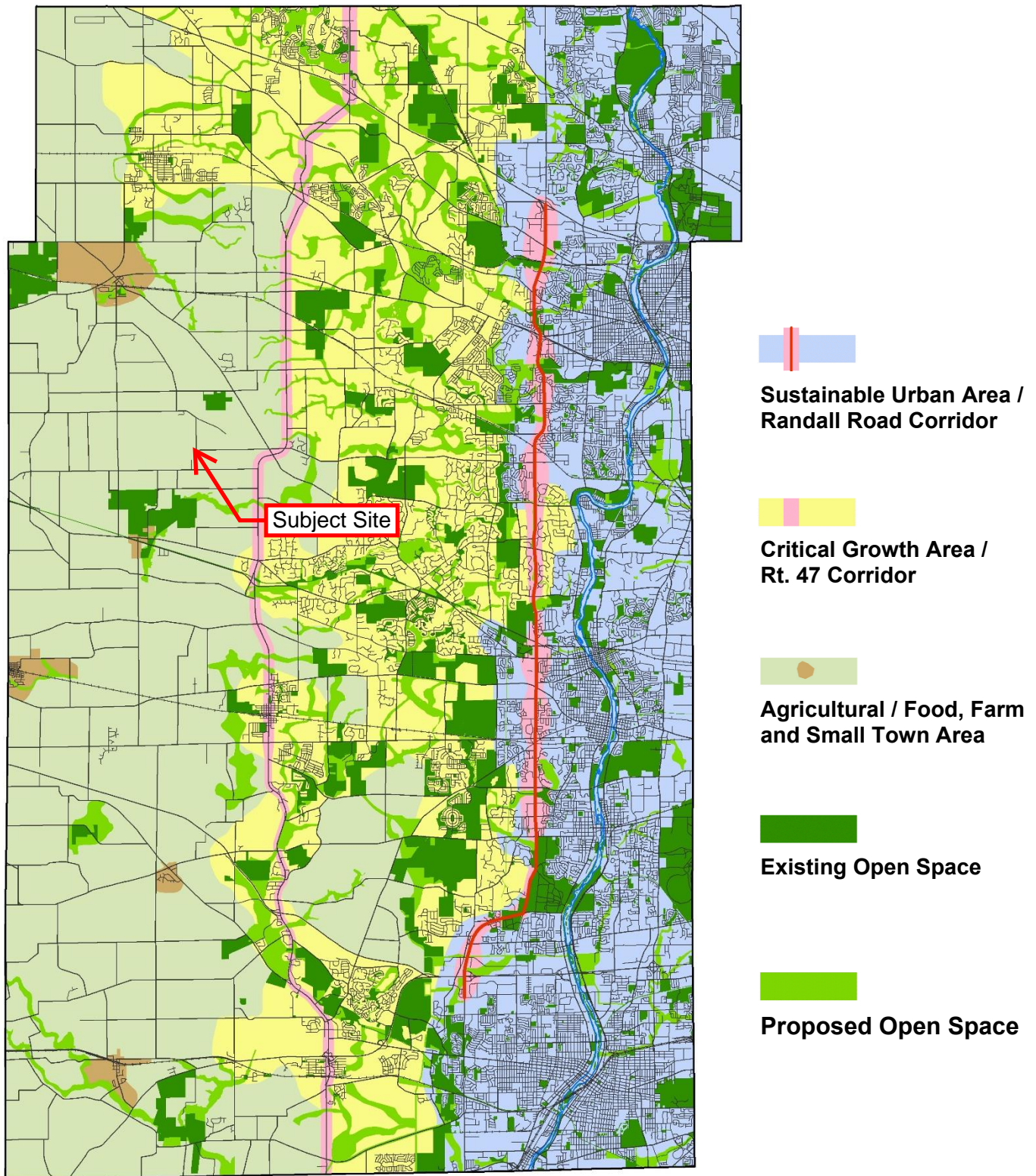


-  Agriculture
-  Estate Residential





# 2040 CONCEPTUAL LAND USE STRATEGY MAP



Adopted October 12, 2010

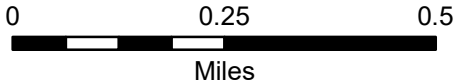


# Kane County 2040 Green Infrastructure



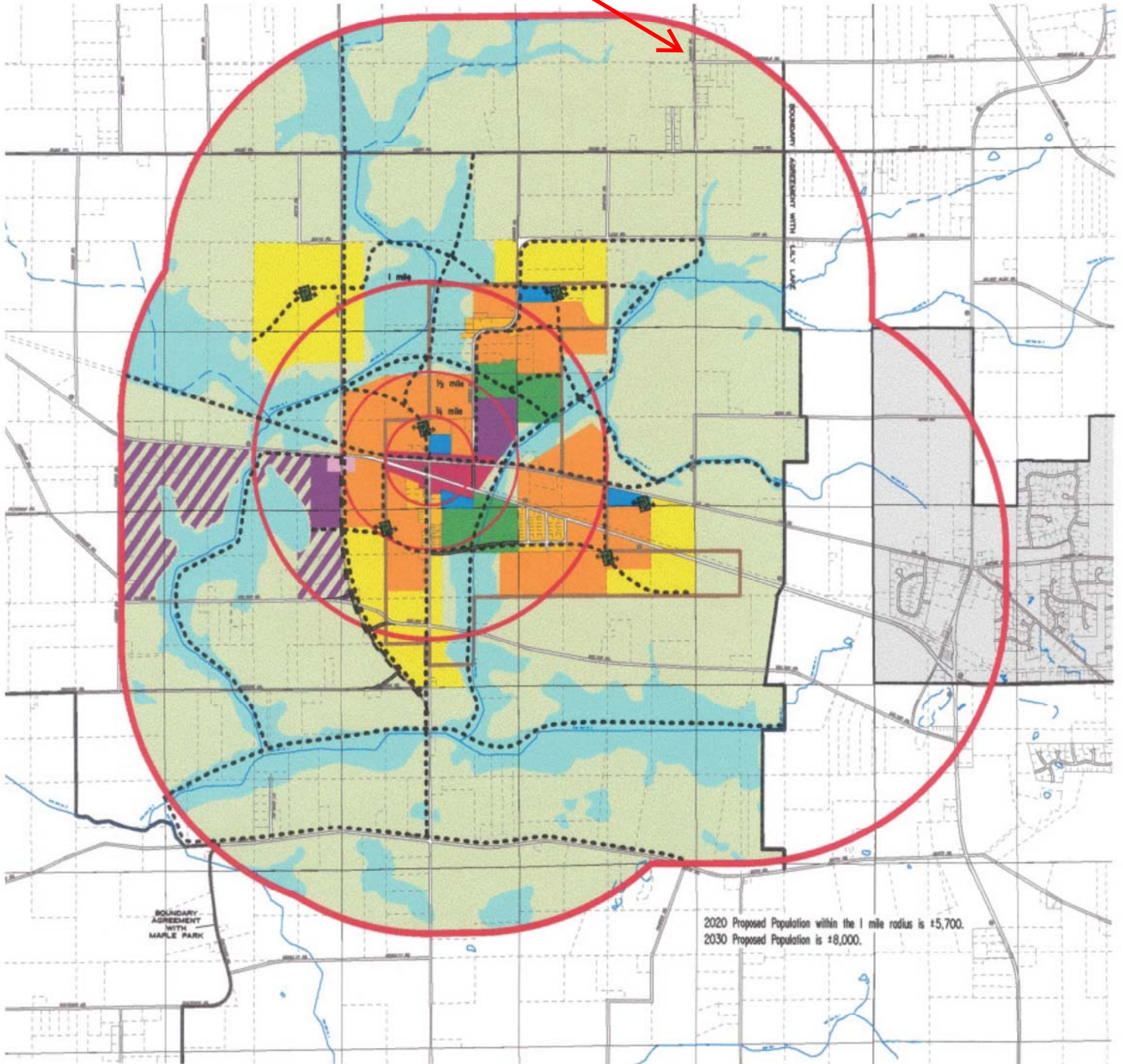
 Environmental Resource Area (with buffer)  
 Parks, Preserves & Conservation Areas (with buffer)

 ADID Wetland  
 Remnant Oak Woodland (2011)



Subject Site

Map: 2020 Future Land Use Plan



2020 Proposed Population within the 1 mile radius is +5,700.  
2030 Proposed Population is +8,000.

- |                                      |                       |                          |                   |                                    |
|--------------------------------------|-----------------------|--------------------------|-------------------|------------------------------------|
| EXISTING RESIDENTIAL CLUSTER         | POTENTIAL SCHOOL SITE | MANUFACTURING / BUSINESS | COMMUNITY PARK    | TRAIL                              |
| TRADITIONAL NEIGHBORHOOD DEVELOPMENT | TOWN CENTER MIXED USE | AGRICULTURE / OPEN SPACE | NEIGHBORHOOD PARK | PROPOSED PELOW-MEREDITH CONNECTION |
| CONSERVATION DESIGN DEVELOPMENT      | CROSSROAD COMMERCIAL  | AGRICULTURE / BUSINESS   | FLOODPLAIN        | PROPOSED STREET LINK               |



# Kane County Development & Community Services Department

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## Planning & Special Projects Division Monthly Report – December 2021

*In addition to regular on-going activities, the following are highlights of regional land, agriculture and other Planning Division activities of the past month grouped by category.*

### ENERGY AND ENVIRONMENTAL

#### **Metropolitan Mayors Caucus**

- Karen Miller attended the Environment Committee meeting on Nov. 16th to learn about building energy policies and the Clean Energy Jobs Act.

#### **Tyler Creek Watershed Coalition**

- On Nov. 17th and Dec. 15th Karen Miller participated in the meeting to discuss plans for 2022.

#### **Fox Valley Sustainability Network**

- Karen Miller attended the Policy, Planning and Practice: Moving Toward Net Zero Emissions webinar on November 18th.

#### **Fabulous Fox! Water Trail**

- As Illinois co-chair, Karen Miller hosted the Dec. 6th meeting where the Core Development Team discussed printing and distribution of brochures, developing signage, types of canoe/kayak storage and what is needed to complete the application to the National Park Service for designation.

#### **Forest in Cities**

- Karen Miller attended the meeting on Dec. 9th to discuss work for 2022.

#### **47th Annual Planners Holiday Forum**

- Along with her colleagues in the Development Dept., Karen Miller coordinated the forum held on Dec. 10th.

#### **Chicago Region Trees Initiative**

- Karen Miller, as co-chair of the Trees and Green Infrastructure Working Group, participated in the Joint Work Group meeting on Dec. 16th.

## FOOD AND AGRICULTURE

### **The Just Food Initiative of the Fox Valley**

- On November 30<sup>th</sup> Matt Tansley spoke with the Executive Director of the Just Food Initiative of the Fox Valley about a new effort to support and connect young minority residents with an interest in agriculture and local food production.

### **Chicago Food Policy Action Committee – Food System Working Group**

- Matt Tansley attended a virtual meeting of the CFPAC Food System Working Group on November 4<sup>th</sup>. The group discussed emerging challenges faced by area farms / food businesses, including food processing bottlenecks and high costs of liability insurance for agritourism farms. The Illinois Stewardship Alliance also previewed legislation pending at the state level addressing food access and other equity issues.

### **NEW Action Team**

- On November 4<sup>th</sup> Matt Tansley joined a virtual meeting of the Nutrition, Exercise, and Weight (NEW) Action Team. The group discussed the need for consultants and designers to create program publications and marketing materials, as well as gathering baseline data to assess the utilization of various community resources.

## HISTORIC PRESERVATION

### **Rustic Road Program** (article attached)

- Preservation Planner Julia Thavong was asked this summer to write an article on the County's Rustic Road program for the National Alliance of Preservation Commissions quarterly publication, The Alliance Review. Each edition of The Alliance Review is developed in response to issues facing local communities. This winter's issue is dedicated to Rural and Urban Landscapes. Julia was recruited by the guest editor, Barbara Wyatt, FASLA, Historian/Landscape Specialist at National Park Service, to write about the County's Rustic Road program as it is one of only a few programs like it across the US.

## JOBS AND ECONOMIC DEVELOPMENT

### **Invest Aurora**

- Chris Toth attended the monthly Invest Aurora Retention Committee meeting on December 7th.

A Quarterly Journal of  
the National Alliance of  
Preservation Commissions  
2021, No. 3

*Alliance*  
the  
review

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**COVER IMAGE**  
*Peace and Plenty Rural Historic District near New Market, Maryland. Photo by Wilson Coudon, courtesy of Frederick County Division of Planning and Permitting.*



A quarterly journal with news, technical assistance, and case studies relevant to local historic preservation commissions and their staff.

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NATIONAL  
ALLIANCE of  
PRESERVATION  
COMMISSIONS  
education • advocacy • training

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All current NAPC members who serve as city staff to preservation commissions are encouraged to distribute articles in *The Alliance Review* to commission members and other staff and elected officials within your member organization.

NAPC can provide additional digital copies of *The Alliance Review* to members of your commission. Simply email us at [director@napcommissions.org](mailto:director@napcommissions.org) with your commission member's name and email address.

# 2021 BOARD OF DIRECTORS:

The National Alliance of Preservation Commissions (NAPC) is governed by a board of directors composed of current and former members and staff of local preservation commissions and Main Street organizations, state historic preservation office staff, and other preservation and planning professionals, with the Chair, Vice Chair, Secretary, Treasurer, Assistant Treasurer and Chairs of the board committees serving as the Board's Executive Committee.

Updated: 11.18.21

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Iowa | *Chair*

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Commission North Carolina | *Secretary*

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Michigan Historic Preservation Network  
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Land Use Consultant  
Texas

### PHIL THOMASON

Thomason and Associates  
Tennessee

## NAPC NEEDS YOU!

NAPC is seeking volunteers to help advance its mission of providing education and technical assistance to local preservationists, particularly those involved in the work of local preservation commissions. Volunteers may serve on a variety of committees and in other capacities that take advantage of their individual skills and experiences. Editorial and production work on *The Alliance Review*, membership recruitment and retention, resources development, education programs and technical assistance are just a few of the possibilities. Join us today to make a difference in the future of preservation by contacting NAPC at 757-802-4141 or [director@napcommissions.org](mailto:director@napcommissions.org).

# In this Issue

BY BARBARA WYATT, FASLA, GUEST EDITOR

Six years ago, I guest edited “The Landscape Issue” of *The Alliance Review* and called my introduction “Landscapes and Commissions: Time for Action”. Since then, a movement that was already underway has garnered converts and introduced innovations that are re-mapping American notions of what, how, and why historic preservation commissions acknowledge landscapes. This edition encompasses rural and urban cultural landscapes, and the articles demonstrate how historic preservation commissions are broadening their scope and redefining their missions—or actualizing authorities they had not exercised. In the process, commissions are forging new alliances with diverse urban communities, groups with environmental missions, and advocates for rural resources. Landscape resources are varied but encompass rural historic districts, rustic roads, conservation areas, cemeteries, and urban landscapes. With new types of designations, commissions may need to redefine working relationships with long-standing partners and sometime adversaries like departments of public works, tourism, and planning.

How preservationists address pressing social and environmental concerns may have long-lasting impacts on a community’s appreciation for heritage resources. Communities have found that local responses to these issues can be transformative. Efforts in Arlington County, Virginia, to recognize and maintain African American cemeteries and Tucson’s survey innovations, undertaken by Latinx community members, have garnered new preservation advocates. Rising sea levels are already impacting Charleston, South Carolina, and the specter of greater impacts is real. With impressive historic resources and a well-known ambiance, the city is considering strategies to minimize the effects of inundation and flooding, understanding that some loss of historic resources may be inevitable. Cultural landscapes in all three communities are sites of innovative preservation strategies.

Initiatives in other communities demonstrate the potential for historic rural and urban landscapes to enhance leisure and recreational opportunities for residents and visitors. In Kane County, Illinois, parts of rustic roads, including their viewsheds, have been designated as local historic districts. Beloved by people on foot, bike, and car, residents and nearby Chicagoans enjoy the rural and restful experience of rustic road travel. In Frederick, Maryland, streets in the historic district have become part of the city’s attraction as a vibrant arts destination. Multiple media, including murals, sculpture, water features, and more, are juxtaposed against the city’s historic architectural fabric, punctuating the district with splashes of color, texture, and movement.

The featured organization in this issue of *The Alliance Review* is the Living Landscape Observer, LLO. While not an organization in a traditional sense, it is a venue for considering multiple issues related to large landscapes and their protection. Cultivating a wider perspective is a primary mission of this issue, and one of the most useful steps preservationists can take is to begin reading the delightful and informative articles offered online by the LLO. Another step is to consider Betsy Bradley’s “What if . . .” thoughts about incorporating UNESCO’s Historic Urban Landscape approach to historic districts in American cities. This approach focuses on both tangible and intangible resources, and addresses cultural diversity, environmental issues, socio-economic factors, and community values. Cities have found that expanded interest in heritage resources lends credence, enthusiasm, and innovation to conservation efforts, while enhancing social and economic vitality. Efforts described in this edition show steps toward this ethic and practice.

The featured preservationist in this issue is David Grignon, Historic Preservation Director of the Menominee Indian Tribe of Wisconsin and the Tribal Historic Preservation Officer and NAGPRA designate. Dave’s work to preserve Menominee culture and cultural landscapes has spanned more than 30 years, and his accomplishments are impressive. The profile highlights the diversity of preservation projects that are possible with the leadership of an energetic, dedicated, and inspired individual.

The articles in this issue of *The Alliance Review* demonstrate how historic preservation can be a partner in addressing troubling environmental and societal issues, particularly when rural and urban landscapes are regarded as significant historical resources. Featured communities demonstrate new paradigms for heritage preservation that have the potential to save and enhance resources through collaboration and thoughtful acknowledgement of the encompassing nature of local history. We hope you find them all rewarding and insightful.

**Tippsaukee Farm Rural Historic District, located near Port Andrew in Richland County, Wisconsin. Photo by Barbara Wyatt.**

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# Kane County Rustic Roads Program: Preserving its Rural History

By Julia Thavong

Forty-two miles west of the buzzy metropolis of Chicago is a busy suburban county whose roots are in its ability to grow produce and raise livestock to supply the “City”. Kane County was created in 1836 by the Illinois legislature due to of the number of pioneers who had staked claims there.<sup>i</sup> From 1839 to 1842 surveyors platted the sixteen townships of the county; this allowed the county to be surveyed, then officially claimed by the earliest settlers.

The 1841 Preemptive Act allowed prospective settlers to claim 160 acres of the surveyed land; if they improved it, after five years they could petition the U.S. General Land Office to receive a patent for the land from the United States Government.<sup>ii</sup> The fertile land with creeks that crossed the prairie and flowed into the Fox River was gobbled up quickly. By 1860 nearly all 522 square miles of the land had been claimed by settlers.<sup>iii</sup>

For the past thirty years, families moved to Kane County for a different reason. It offers an appealing suburban lifestyle, anchored by the river on the east and farms to the west. The land between the river and the county’s western boundary is rich with agriculture and history. When the Kane County Historic Preservation program was started in 1986, it was intended for the designation of historic buildings. In a few years, local interest

had grown with a focus on preserving the countryside, panoramic vistas, and scenic tree-covered roads. This initiated the Rustic Roads program. In 2000, the county updated its historic preservation ordinance to include a program to protect the elements of the landscape that its residents had come to appreciate. The purpose of the program was to promote a sense of place by preserving community identity and quality of life; resource preservation through protection of the significant scenic, natural and historic resources within road corridors; recreation, by providing enjoyment for those who drive or bike for pleasure; and heritage tourism and economic development by generating tourist revenue through promotion of the county’s scenic beauty.<sup>iv</sup>

The overall objective of the Rustic Roads program is to preserve and enhance Kane County’s rural



Photo by Kane County Development Department.

**Thurnau Road in north-central Kane County is gravel and runs through farm fields and old growth oak trees.**

As a part of the county's preservation program, a proposed Rustic Road must meet certain elements of eligibility. Beyond the usual historic and architectural significance, Rustic Roads must also have *scenic significance*, which is defined in the preservation ordinance as: "Importance as a result of appearance or character that remains relatively unchanged

character, while incorporating new development and addressing transportation needs as subtly as possible. The Program was developed in response to the County's comprehensive planning process. The guiding objectives were, "To maintain and preserve the natural beauty of Kane County" and "To promote responsible, managed growth patterns through intergovernmental planning agreements".<sup>v</sup>

### Overview of the Designation Process

The Rustic Roads program was established to preserve both roads and the surrounding features that create their character, defined as the "road corridor". Designated road corridors minimally include the road right-of-way and can also include properties and features adjacent to the right-of-way. The program applies to roads located in unincorporated Kane County and can include municipal roads through intergovernmental agreements. Rustic Road designation does not "freeze" roads in time. During the designation process, a Corridor Management Plan (CMP) is developed to define the significant features of the road corridor that should be protected and enhanced, while continuing to address traffic and life safety issues.

from and embodies the essential appearance related to a culture from an earlier historic or prehistoric period; as a result of a unique location, appearance, or physical character that creates an established or familiar vista or visual feature; or as a geologic or natural feature associated with the development, heritage or culture of the community, County, State or Nation".<sup>vi</sup>

To be an eligible Rustic Road, the Historic Preservation Commission must find that the potential Rustic Road has maintained a sense of place. Using the framework of the historic preservation ordinance, a Rustic Road could be nominated by anyone, but requires the consent of at least 51% of the property owners included in the boundaries of the nomination. Rustic Road program nominations shall include or be accompanied by the following:

- (1) The name, distance and location of the road corridor nominated;
- (2) A written description of the character of the road corridor and those factors which make it suitable for preservation and eligible for designation;

## Corridor Management Plan Map (highlighted area indicates protected road corridor)



The Pouley Road Corridor Management Plan map.

- (3) A written description of the vision for the road corridor in the future;
- (4) A written statement of what will be achieved by the designation;
- (5) Maps showing:
  - a. The location of the road corridor in Kane County, and
  - b. The boundaries of the road corridor and adjacent properties
- (6) Color prints eight inches by ten inches (8" x 10") showing the significant features of the road corridor.

Because there is potential for a proposed Rustic Road to impact future transportation or development plans, the nomination will be placed on the

- Feature 1  
110910002  
110920007
- Feature 2  
110920017
- Feature 3  
110920009
- Feature 4  
110940010
- Feature 5  
110940011
- Feature 6  
110940009
- Feature 7  
110940008  
111620001  
111610020
- Feature 8  
111610021



agendas of the Development and Transportation committees of the County Board for initial review and discussion of any issues or questions related to the nomination. This initial review provides an opportunity for all involved to consider if the road can truly maintain its rustic appeal. Comments from the committee reviews will be forwarded with the nomination to the Historic Preservation Commission prior to its initial review.<sup>vii</sup>

After an initial review and approval by the Historic Preservation Commission, the real work of the Rustic Road designation begins. Public comment is taken from property owners within and adjacent to the nominated road corridor, and additional comments are provided by the appropriate highway authority officials, other governmental jurisdictions that may have an interest

in the road, the Division of Transportation planner, and the Historic Preservation planner. Together, this group develops the Corridor Management Plan (CMP), a document that serves as the design guidelines for the Rustic Road. A "Road Corridor" is defined as a type of preservation district in which the geographic area is identified with a nominated or designated road. The road corridor minimally includes the area within the right-of-way, including the road pavement, any structures such as bridges and signs, shoulders and vegetation, and may also include: 1) all or portions of adjacent properties, 2) features located on adjacent properties, such as buildings, structures, or vegetation, 3) potential conservation easements or other

easements that would protect scenic vistas and viewsheds, and/or 4) existing easements protecting privately owned drives or lanes.<sup>viii</sup>

The CMP shall include the following:

- (1) An inventory in the form of maps, photographs, graphics, or written documents of the following:
  - a. Physical features;
  - b. Property ownership, parcel boundaries, zoning boundaries and local government jurisdictional boundaries;
  - c. Existing road classification, conditions and any budgeted and planned improvements; and
  - d. Adopted land use plans, transportation plans and other related documents.
- (2) A statement of purpose to reflect the inspiration and aspiration of the nomination, articulating why the road corridor should be designated and what designation may accomplish in the long term.
- (3) Enhancement strategies for the following:
  - a. The preservation, maintenance and alteration of the road, right-of-way, properties, structures and features in the nominated

road corridor;

- b. Adjacent properties and features that contribute to the road corridor but are not included in the nomination; and
- c. Enhancing the long-term preservation of the road corridor through partnerships and public policy actions.

The CMP defines the significant features of each included parcel along the road corridor that is to be protected, such as old growth trees, views of expansive farm fields, the Fox River and its tributaries, farmhouses, barns and farm structures. The CMP identifies how much of a parcel is included in the protected areas of the corridor, such as only the right-of-way, 300 feet from the right-of-way into the parcel, or the entire parcel.<sup>ix</sup>

Enhancement strategies are provided for each parcel included in and adjacent to the road corridor. These strategies provide recommendations for how the road corridor should be maintained, such as a tree trimming schedule, road maintenance, and alterations along the road. The Division of Transportation provides strategies to address potential improvements should they become necessary.<sup>x</sup>



Photo by author, 2021.

**Brundige Road winds through corn fields, two Community Supported Agriculture programs and a wild mustang rescue.**



Photo by Kane County Development Department, 2007.

**Ke-De-Ka Road is narrow and tree-lined; it was named by the Boy Scout troop that used it to reach their lodge.**

The last part of the document includes maps and graphics of the area, designed to depict the areas that are to be protected. Other recommended strategies are offered for further protection, such as conservation easements and the purchase of development rights. Additionally, any long-term transportation and/or development plans from nearby municipalities and the county are included to clarify that the Corridor Management Plan was developed to address the road's treatment in the future. Once the CMP is completed, the parties obligated to follow the plan must sign the document showing consent. This includes property owners, the area highway authority, and other local governments that have an interest in the plan, if necessary.<sup>xi</sup>

The nomination and Corridor Management Plan are then the subject of a public hearing held by the Historic Preservation Commission. Provided the nominated road meets the requirements of the Rustic Road program and at least 51% of the included property owners consent to the designation, the nomination will be forwarded to the Develop-

ment and Transportation committees of the County Board, and finally to the County Board itself for approval and designation.

The corridor management plan is then used by the property owners and local government jurisdictions when planning a change or alteration to the road corridor. The document is consulted when making applications for certificates of appropriateness, for guiding proposed changes that do not require a certificate of appropriateness, and for responding to future transportation and community needs.

### **Designated Roads and Program Success**

Since its inception, Kane County has designated four Rustic Roads, each one in a different part of the county. Thurnau Road in the north-central part of the county was the first Rustic Road, designated in February 2004. Pronounced "Turner" by area residents, the 1.79-mile designated portion of Thurnau Road is a gravel road that meanders through cropland and stands of mature oak trees, passing by horses and 100-year-old barns. An old windmill base provides a place for a Swainson's hawk nest, an endangered species in Illinois.<sup>xii</sup>

The second designation was Brundige Road in the easternmost part of an unincorporated part of the county. The designated portion is nearly the entire length of the road at 1.36 miles. Brundige Road is located in two townships and boasts multiple agricultural businesses, including two Community Supported Agriculture farms and a mustang rescue. A bridge over Mill Creek provides the lucky passerby with a chance to see Blanding's turtles sunning themselves on rocks, another endangered species in Illinois.<sup>xiii</sup>

Ke-De-Ka Road, the County's third and shortest Rustic Road at 3400 feet, was named by the Boy Scout lodge that was located on the road. The Boy Scouts used the name of the three counties that the boys came from to camp: Kendall,

DeKalb, and Kane. Much of this narrow old farm lane is treelined and is part of the Bliss Woods Forest Preserve. Blackberry Creek and part of the Virgil Gilman trail cross the road at its western end. The National Register-listed Ephraim Smith House and its six-acre setting are protected features of the road corridor.<sup>xiv</sup>

In the center of the county is Pouley Road. The 1.3-mile designated portion of the gravel road is home to two Kane County individual landmarks, the Pouley Estate and Blackberry Farm. This Rustic Road has vast expanses of farmland and a view of Johnson's Mound, the largest glacial kame in Kane County. Additionally, Pouley Road has abundant native plants and wildlife. Residents and visitors to the road regularly see multiple types of birds like hawks, herons, cranes, bald eagles, and vultures.<sup>xv</sup>

The Rustic Road program and the Corridor Management Plan created as part of a roads' designation are multi-disciplinary efforts that provide a detailed plan for the treatment of a road in the future. Kane County has created its program in an effort to address the needs of its growing community. Road preservation programs, like all

unique planning strategies, are not "one size fits all". Kane County's Rustic Road program seeks to preserve the rural character of the county where it is able, blending the preservation of local history, architecture, and natural places. The residents who live along designated Rustic Roads and those who enjoy travelling on them recognize the important story road corridors tell and the importance of preserving them for future generations of their community and county. ■

<sup>i</sup> Kane County Development Department. "Built for Farming: A Guide to the Historic Rural Architecture of Kane County." (May 1991): page 8.

<sup>ii</sup> Potter, Lee Ann and Wynell Schamel. *The Homestead Act of 1862. Social Education* 61, 6 (October 1997): 359-364.

<sup>iii</sup> *Built for Farming*, page 9

<sup>iv</sup> Kane County Historic Preservation Ordinance.

<sup>v</sup> Kane County 2020 Land Use Plan.

<sup>vi</sup> Kane County Historic Preservation Ordinance, page 3

<sup>vii</sup> Kane County Historic Preservation Ordinance, page 12

<sup>viii</sup> Kane County Historic Preservation Ordinance, page 4.

<sup>ix</sup> *Ibid* 17.

<sup>x</sup> *Ibid* 18.

<sup>xi</sup> *Ibid*.

<sup>xii</sup> Thurnau Road Rustic Road Nomination

<sup>xiii</sup> Brundige Road Rustic Road Nomination

<sup>xiv</sup> Ke-De-Ka Rd. Rustic Road Nomination

<sup>xv</sup> Pouley Rd. Rustic Road Nomination



Photo by Jan Jorstadt.

**Pouley Road, in central Kane County, is a gravel road with two local landmarks and home to abundant wildlife.**