KENDALL COUNTY AD HOC ZONING
ORDINANCE COMMITTEE

Kendall County Office Building
Rooms 209 & 210
111 W. Fox Street, Yorkville, Illinois
5:02 p.m.
Meeting Minutes of March 25, 2014

Present: Larry Nelson (Chairman), Bill Ashton and Jeff Wehrli
Members absent: Elizabeth Flowers, John Shaw and Scott Gryder
Others present: Mike Hoffman from Teska Associates, Planning & Zoning Manager Angela Zubko, Andy Meyer (Kendall Township), Ken Hostart (NaAuSay Township), Steve Curatti, Aaron Rybski (Director of Environmental Health), Todd Drefcinski (Assistant Director of Environmental Health & Well and Septic Coordinator), Craig Johnson (NaAuSay Township) Kim Rieckert and one lady who did not speak.

Chairman Larry Nelson called the meeting to order at 5:02 p.m.

1. **APPROVAL OF MINUTES**
   Jeff Wehrli made a motion to approve the minutes from June 24, 2013. Bill Ashton seconded the motion. All agreed and the meeting minutes were approved.

2. **Open discussion on possible changes to the LRMP for Kendall and NaAuSay Township**
   Planner Zubko gave some brief background on where this subject came up and why we asked the Health Department to attend the meeting. Planner Zubko suggested maybe allowing R-2 and R-3 lots back and do straight zoning. The Health Department including Aaron, Todd and Steve gave a brief synopsis of the upgraded codes that were adopted September 2013 and stated they do not believe the new codes will affect lot sizes with regards to septics. There was some discussion that perc tests are no longer permitted. Aaron Rybski stated if you’ve got the money and space you can make a septic system work anywhere. Designing the system really depends on the type of soils and water table in the area. There was some discussion on septic systems and how long they work and maintenance of them. In the subdivision regulations there are some guidelines as to the size of septic system areas based on soil type and it can be as large as needing 24,000 square feet for a septic in the worst type of soils. Steve Curatti touched a little with regards to the back-up septics on open space land. He stated the State requires an easement to the property owner.

   Mr. Wehrli asked if the new codes discuss curtain drains. Mr. Todd Drefcinski stated they are in discussions currently with the state regarding curtain drains. He also stated
there are a lot of items that are still being discussed with the State regarding the new
codes. Mr. Wehrli asked if we could show where the septic envelop is. Planner Zubko
stated the regulations now require a septic envelope on the plat and also a chart
showing if a conventional vs. alternative system would work on that particular lot due to
the soils. There was a very brief discussion on sprinkler systems and the building permit
process and how the Health Department is involved in each permit now.

Ken Hostert stated his issues are the open spaces become no man’s land if the HOA
disband. Who’s responsible and who’s going to maintain the open space if it’s still the
developer who really doesn’t exist? Like in Henneberry Woods, who’s responsible for
the secondary septic area if it’s used and it needs to be repaired. He also asked about
conventional systems and mechanical systems. There was discussion on the SSA’s and
back-up SSA’s if maintenance is needed. To date we have not had to yet but might need
to look into it. There was much discussion on systems and education.

Andy Meyer’s main goal is a minimum of 1 acre lots in Kendall Township. It’s not just
septic issues. He also suggests having a larger setback due to sight issues. He would like
to go back to 50’ front yard setbacks so there is room for cars to park and to fix sight
distance. Sump pumps are also an issue and surface and sub-surface water runoff,
which might be solved by larger lots. Andy is fine with open space, he wants bigger lots.
Planner Zubko asked about road commissions and if there are open space issues
currently. Andy stated no one is taking care of the open space and adding an SSA is not
going to help anything. There was a brief discussion on storm water detention and the
Countywide Ordinance. Andy’s main concerns are to have a minimum of 1 acre and 50’
front setback from the roads. He’s fine with the ordinances on side and rear yard
setbacks. There was some discussion on drain tiles and laws regarding tile. Drain ties
are part of the drainage law. Andy suggested possibly adding a curtain drain around the
perimeter of the subdivision and tying in all drain tiles to the curtain drains. Andy
suggested counting the retention ponds and bike trails as open space so they can get
the density needed. A community system might change things a little like bioreactors.

Mr. Hostert wanted to state they are not against open space but how they are being
handled. Mr. Wehrli asked if the HOA’s are in place and the economy is better does he
think in his opinion they will work. Mr. Hostert stated no, he feels HOA’s just won’t
work, everyone gets home and doesn’t want to work outside to maintain open space.
Mr. Meyers stated the HOA in Fields of Farm Colony subdivision is working but they
have had to cut out some things they were doing, like algae treatment of the ponds.
The other issue with open space is who controls it? Like if someone is snowmobiling
who’s to say they can or can’t and the Sheriff’s office won’t help since there is not one
owner to say they can or can’t do those things on the property.

There was a minor discussion on retention vs. detention and how they’re designed.
There was some discussion of having R-2 and R-3 and have them be a PUD vs. RPD with conservation areas, etc. and get rid of the credit system. Fox, NaAuSay and Kendall Township are all on board with a change.

The conclusion is Planner Zubko will get Craig from NaAuSay Township the word document of the LRMP and will leave it up to them to make some corrections. They will contact Planner Zubko when they have some answers and modifications and want to reconvene.

3. **Chicken Ordinance Discussion on revisions**

Planner Zubko stated the PBZ Committee sent this to the Ad-hoc committee as there were some concerns about allowing chickens in the residential districts. Kim Rieckert stated she lives in a subdivision that butts up to city limits. This Ordinance was passed 3.5 years ago and she has spent the last year having an extremely bad experience with this ordinance and her neighbors. Mr. Wehrli gave some background stating there are current violations out there that staff is working on. Ms. Rieckert stated there are so many unintended consequences due to this ordinance. She would like us to delete the ordinance in R-2 and R-3 districts. The consequences are the amount of predators going through her yard to get to the chickens, these animals are within 5’ of her front door and this ordinance takes away the harmony and peace that did exist in the subdivision. The neighbor had 40 chickens at one point and they are dying from disease or predators. Planner Zubko stated the Department of Agriculture have been out there twice and have not made contact with the owner. The 2nd time the Department of Agriculture went out they walked in the back yard and did not smell or see any evidence of chickens which could be because they are kept in the barn during the winter. There was some discussion on the hearing officer. Planner Zubko stated they are working on a new way to possibly have Brian write tickets but that’s another subject. Mr. Hoffman asked Planner Zubko if anyone else has complained about this ordinance. Planner Zubko stated they’ve received some complaints but once the PBZ Department goes out there and give them the regulations they fix them and it is fine, this is an extreme case.

Planner Zubko wanted to clarify a few items, Ms. Rieckert did not formally complain until October and Planner Zubko talked to the States Attorney’s Office (SAO) and the SAO stated we can raise/modify the fence height to whatever you’d like but it still falls under a previous condition that it must contain the chickens so we can leave it at 4 feet and still be safe.

After more information the Ad-hoc Committee stated they understand this is an extreme case but decided they did not want to modify the ordinance and will follow up on the current violations out there.

**Adjournment:**
The next meeting will be April 23, 2014. Jeff Wehrli made a motion to adjourn the meeting. Bill Ashton seconded the motion. All were in favor and the meeting was adjourned at 7:44 p.m.

Respectfully submitted,
Angela L. Zubko
Planning & Zoning Manager