Ogle County Regional Planning Commission

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REGIONAL PLANNING COMMISSION REPORT
NOVEMBER 19, 2009

The regular monthly meeting of the Ogle County Regional Planning Commission was held on Thursday, November 19, 2009 at 7:00 P.M. at the Ogle County Farm Bureau, 421 W. Pines Rd., Oregon, IL.

The Order of Business is as follows:

1. ROLL CALL AND DECLARATION OF A QUORUM.

   Chairman Funk called the meeting to order at 7:00 P.M. Roll call indicated seven members of the Regional Planning Commission were present: Chairman Lloyd Funk, Paul White, Ron Colson, Wayne Reising, Randy Ocken, David Poole and Don Conn.

2. READING AND APPROVAL OF REPORT OF OCTOBER 22, 2009 AS MINUTES.

   Chairman Funk asked for any changes or corrections to the report of the October 22, 2009 meeting of the Ogle County Regional Planning Commission. Hearing none, Chairman Funk declared the minutes approved as read.

3. UNFINISHED BUSINESS (CONSIDERATION AND POSSIBLE ACTION)

Mr. Reibel reported on the County's on-line Planning Preference Survey. He stated that there have been over two hundred completed surveys. He explained that his goal was two hundred and the results have exceed that. He stated that the results are holding similar to the report he gave a couple of months ago.

Mr. Ocken asked about more publications regarding the survey. Mr. Reibel responded that a publication was in the paper a week or two ago and another would be published announcing the end of the survey in about a week.

Mr. Funk asked if the survey company will provide the county with a count summarizing the responses. Mr. Reibel responded that a report will be generated and he will present that to the Planning Commission.

Mr. Funk stated that he feels this has been a good opportunity to gather public opinions from citizens in the county. He continued that it will be good to know when a development boom hits the county in the future.

Discussion ensued regarding development trends and effects on local business in the county.

4. NEW BUSINESS

   A. DECISIONS (CONSIDERATION AND POSSIBLE ACTION)

#9-09 AMENDMENT -- JNASA Holding, LLC, %Jerald Aarvig, 12680 Ashfield Rd., Caledonia, IL for an Amendment to the Zoning District to rezone from AG-1 Agricultural District to R-1 Rural Residence District on property described as follows and owned by the petitioner:

> Part of the S1/2 G.L. 2 NW1/4 Fractional Section 7 Byron Township 25N, R11E of the 4th P.M., and part of the SE1/4 of the NE1/4 Section 12 Byron Township 25N, R10E of the 4th P.M., Ogle County, IL, 18.0 acres, more or less
> Property Identification Number: Part of 05-07-100-013, -014, & -016 and part of 04-12-200-012, -013, & -015
> Common Location: 11490 N. Tower Rd.

Mr. Reibel read the staff report. The LESA score of 199.55 (LE = 75.55; SA = 124) indicates a medium rating for protection. The Natural Resources Review by IDNR contains no record of State-listed threatened or endangered species in the vicinity of the project location. The consultation was terminated.

David Aarvig and his father Jerald Aarvig were present. He explained that he is requesting the board rezone his property from agricultural to residential to be in compliance with the Zoning Ordinance. He explained that he has purchased and rearranged the property lines to make the parcel rectangular instead of the odd shape it was when he originally purchased it. He stated that the property was taken over by two different banks after a foreclosure; he originally purchased the house and five acres, and he has recently purchased adjacent land from Byron Bank to square up the property. He stated that three of the neighboring properties are residential sites on forty plus acres but the residents do not farm. He stated that he does not know if the tillable acreage of his parcel will remain farmed.

Mr. White asked what happened to the rest of the property that was foreclosed on. Mr. Aarvig responded that it was sold off in several parcels some of which was purchased by adjoining property owners. He stated that he worked with the banks involved to obtain the required three hundred feet of road frontage and to square up his parcel.

Mr. Funk asked how many acres were with the original parcel. Mr. Aarvig responded he believed there was around eighty one acres. Mr. Reibel stated that part of the property was sold to an adjoining owner and a forty acre parcel, which meets zoning requirements, was sold to someone who intends to build.

Mr. Funk asked Mr. Aarvig if he has purchased all the land that is available. Mr. Aarvig responded that there is no additional adjoining land for sale.

Mr. Aarvig explained that Midwest Bank had a note on the five-acre parcel with the house and Byron Bank had a note on the remaining acreage when the property was foreclosed on. Discussion ensued regarding adjoining residential properties.

Mr. Poole asked who is living in the house. Mr. Aarvig responded that he stopped moving into the house until this situation is resolved.

Mr. White asked if the bank holds any responsibility to the situation. A brief discussion ensued.

Mr. Funk read the following statement prepared by himself:

"Among other things zoning changes must not contribute to the conversion of agriculture to scattered non-farm development which, when unmanaged unnecessarily increases the cost to all citizens in Ogle County and premature disinvestment in agriculture this can create unforeseen problems in the future.

Our objective must be to prevent scattered haphazard, or premature urbanization by guiding growth in a logical and orderly fashion.

It is difficult for me to come to a conclusion that this "change of zoning" meets the requirements of the Ogle County Regional Comprehensive Plan.

In addition; at the Byron (City of,) Planning Committee meeting Wednesday November 18 2009 the zoning of the parcels included in Ogle County - Amendment No. 9-09 AM was rejected by the committee. A letter in this regard is being forwarded to the Ogle County Zoning office for the record."

Mr. Colson stated that during the Zoning Board of Appeals process there is a standard which addresses hardship situations. He explained that without a pre-existing condition like this he would not approve of a rezoning. He stated that the house will continue to exist and will not be torn down so he is somewhat sympathetic with this situation.

Mr. Ocken asked what would happen if the petition is denied. Mr. Reibel stated that it will be a non-conforming parcel and would be difficult to sell.

Mr. Colson stated that if the parcel had more road frontage it could be rezoned to IA Intermediate Agricultural District.

Discussion ensued regarding how this non-conforming parcel was created. Mr. Conn stated that the recorders office should have caught this non-compliance and there should not be any debate regarding the approval of this request. Mr. Reibel stated that the recorders office was required to accept the deed and they do not look for zoning compliance. More discussion ensued.

Jerald Aarvig explained that they were mislead as to where the property lines were when the property was originally purchased.

Discussion ensued.

Mr. Funk stated that he agrees this request is complicated but approval would establish a precedent and he is cautious of situation like that. Mr. Ocken stated that he assumes there will not be many situations like this one. Mr. Reibel stated that there was another similar situation recently - a rezoning to intermediate agriculture by Dennis Borgman.

Mr. Aarvig explained that he has done business with the bank involved in the foreclosure in the past and he was approached by them regarding this property. He decided that the home fit the needs and would be an upgrade for his family. He stated that he would never have thought that a bank could hold a deed to a non-conforming property. He explained that he does not know where the ball was dropped in this case but can't imagine that there are a lot of cases like this in the county and would hope this could be resolved by the approval of the rezoning.

Mr. Ocken asked if Mr. Aarvig would be willing to walk away from the property. Mr. Aarvig responded that he is tied to it by a signed contract and he prefers to stay at the house.

Discussion ensued regarding the previously odd-shaped parcel and tillable acreage.

Mr. Reibel stated that the existing house was built in compliance with the zoning ordinance. Discussion ensued.

Mr. Ocken asked how this situation was discovered. Mr. Reibel responded that a real estate agent for the Byron Bank approached him with questions regarding selling surrounding land, and brought this situation to his attention.

Mr. Funk asked what problems may come in the future in regards to approval of this request. Mr. Aarvig responded that there will not be any land left in non-compliance.

Mr. Conn made a motion to recommend approval of Petition No. 9-09 Amendment; seconded by Mr. Ocken. Mr. Funk called for a roll call vote; Mr. White, no; Mr. Colson, yes; Mr. Reising, yes; Mr. Ocken, yes; Mr. Poole, yes; Mr. Conn, yes; Mr. Funk, no. The motion was approved 5-2

5. OTHER BUSINESS (CONSIDERATION AND POSSIBLE ACTION)

   There was no “Other Business” for consideration.

6. PUBLIC COMMENT

   There was no public comment.

7. Chairman Funk declared the November meeting of the Ogle County Regional Planning Commission adjourned at 7:34 P.M.

The next meeting of the Ogle County Regional Planning Commission is scheduled for December 17, 2009, 7:00 P.M. at the Ogle County Farm Bureau, 421 W. Pines Rd., Oregon, IL.

Respectfully submitted,

Michael Reibel
Planning & Zoning Administrator