SUPERVISOR OF ASSESSMENTS AND PLANNING &
ZONING COMMITTEE
of the
OGLE COUNTY BOARD

SUPERVISOR OF ASSESSMENTS AND
PLANNING & ZONING COMMITTEE REPORT
FEBRUARY 11, 2009

The regular monthly meeting of the Supervisor of Assessments and Planning & Zoning Committee of the Ogle County Board was held on Wednesday, February 11, 2009 in the County Board Room, Third Floor, Ogle County Courthouse, Oregon, IL.

The Order of Business is as follows:

1. ROLL CALL AND DECLARATION OF A QUORUM

   Chairman Lyle Hopkins called the meeting to order at 1:01 P.M. Roll call indicated six members of the Committee were present; Chairman Lyle Hopkins, Larry Boes, Ben Diehl, Marcia Heuer, Dennis Williams and Jim Barnes. Mel Messer was absent.

2. READING AND APPROVAL OF REPORT OF JANUARY 14, 2009 MEETING AS MINUTES

   Mrs. Heuer made a motion to approve the report of January 14, 2009 as minutes; seconded by Mr. Williams. The motion carried by a voice vote

SUPERVISOR OF ASSESSMENTS PORTION OF MEETING:

3. CONSIDERATION OF MONTHLY BILLS OF SUPERVISOR OF ASSESSMENTS, AND ACTION

   Monthly bills of the Supervisor of Assessments were presented to the Committee for consideration. The bills totaled $626.72. Mr. Boes made a motion to approve the payment of the bills in the amount of $626.72; seconded by Mr. Diehl. The motion carried by a voice vote.

4. OLD BUSINESS

   Mr. Harrison stated the Board of Revue meetings were held January 14, 15, 22 and 23. Board adjourned for the year February 9th to finish the 2008 assessment year. All is on schedule.

   Mr. Harrison informed the Committee that on January 28th he spoke to the Rochelle Kiwanis Club regarding real estate taxes.

5. NEW BUSINESS

   There was no new business for consideration.

PLANNING & ZONING PORTION OF MEETING:

6. UNFINISHED BUSINESS (CONSIDERATION AND POSSIBLE ACTION)

   There was no unfinished business for consideration.

7. NEW BUSINESS

A. DECISIONS (CONSIDERATION AND POSSIBLE ACTION)

#9-08 SPECIAL USE -- David & Paijit Ancona, 12488 E. Utility Rd., Davis Junction, IL for a Special Use Permit to allow a Small Rural Business (dumpster storage & rental/general hauling of non-hazardous materials including furniture, appliances, construction debris, etc.) in the AG-1 Agricultural District on property described as follows and owned the petitioners:

Part of the SE1/4 of the SW1/4 Section 15 Scott Township 42N, R1E of the 3rd P.M., Ogle County, IL, 5.0 acres, more or less
Property Identification Number: 11-15-300-003
Common Location: 12488 E. Utility Rd.

Mr. Reibel handed out a letter received from Attorney David Silverman on behalf of the Village of Davis Junction with the recommendation that the Village of Davis Junction would like to have considered and a memo from Mr. Reibel regarding same.

Mr. Barnes asked have there been any requests to have the property cleaned up? Mr. Reibel answered yes. There have been administrative warning notices issued by the Solid Waste department, and a violation file from the Zoning office in 1997 for storage of inoperable vehicles and junk. There is an active violation now for the running of the business without a Special Use permit and storage of junk, inoperable motor vehicles and unlicensed motor vehicles. Mr. Barnes asked when were notices sent to him? Were they within the last year. Mr. Reibel answered October of 2007; Mr. Barnes asked did he cooperate? Mr. Reibel stated that he has of late. The case was referred to the States Attorney and now has a stay in the case while he is going through the Special Use process. Mr. Barnes asked if Davis Junction and Scott Township both have filed objections to this request, to which Mr. Reibel answered that they have. Mr. Hopkins stated this business was there before Davis Junction adopted a Comprehensive Plan.

Mr. Williams asked is the fence to border the entire property and what will it look like? Mr. Reibel referred to the concept plan and stated the fence would only be for around the area where the dumpsters are stored, not the entire site.

Mr. Barnes stated I'm not trying to put anyone out of business, but I would like to see the fence in and the place cleaned up before the Special Use is granted.

Mrs. Heuer stated if my understanding is right, if the recommendations given by Attorney Silverman were put in place, it would satisfy the Village of Davis Junction. Mr. Reibel answers that the letter states, "These conditions will ensure that the Anconas' proposed special use is not inadvertently converted to a junkyard and also preserve the environmental quality of the property and surrounding areas, as well as aquifers."

Mr. Hopkins stated I feel the Zoning Board of Appeals recommendations are what we should stick with. The time for public comment and testimony was at the Zoning Board of Appeals meeting and their recommendations have covered these issues. This business has been there for 17 years. The Township and Village put in ordinances after he was there. If he doesn't follow the ZBA recommendation, we can pull the Special Use permit.

Mr. Boes stated they have been asked repeatedly to clean up the property and have ignored each request. This concerns me as he may ignore future requests. I feel that before I can vote in favor of this request, he needs to clean up the property. Mr. Hopkins stated the issue at hand is his proposed business and the Special Use Permit, not his lifestyle.

Mr. Diehl asked how long is the Special Use good for? Mr. Reibel answered the ZBA recommends five years. Mrs. Heuer stated Attorney Silverman requests two (2) years with only a two (2) year extension. The sunset point is automatic if the site is annexed into the Village. Mr. Reibel stated that his only concern is if the property would be forcibly annexed.

Mrs. Heuer stated I make motion to amend staff recommendation #5 and insert valid for two (2)years and appear before Zoning Administrator for extension not to exceed two (2) years. Mr. Reibel stated I don't believe that I have the authority to approve an extension. The State's Attorney has reviewed and approved the condition as drafted.

Mrs. Heuer stated two (2) year for review and two (2) year extension not to exceed four (4) years total rather than five (5) as recommended by the ZBA. Mr. Hopkins asked if they would have to come back after four (4) years. Mrs. Heuer stated Attorney Silverman recommends four (4) years total. Mr. Hopkins stated if there is no problem after four (4) years, we shouldn't put him out of business. I want to leave that open ended.

Discussion ensued regarding the request for total of four (4) years by the Village of Davis Junction. Mr. Diehl stated he should have option to renew if he's doing a good job.

Mr. Williams stated I have a concern regarding the environmental issues as the County does not have the resources to monitor this. Discussion ensued. Mr. Hopkins stated he doesn't take anything home unless it is late in the day. It all goes right to land fill and they have their criteria for disposing of improper materials.

Mr. Reibel read the revised recommendation #5 as follows: *This special use permit shall be valid for a period of <u>two (2)</u> years from the data of approval by the Ogle County Board. The Supervisor of Assessments and Planning & Zoning Committee of the Ogle County Board shall have the delegated responsibility and authority to either extend or discontinue the Special Use Permit upon the expiration of said <u>two (2)</u> year period, giving due consideration to the continued compatibility of the authorized use with the surrounding area and other applicable factors as determined by the Committee. The Committee shall give notice of its intent to act on this matter as provided herein to the owner of the land to which the Special Use Permit applies, to all adjacent land owners, to the Village of Davis Junction, and to Scott Township. <u>The Committee may renew the Special Use Permit for successive periods of time, provided any single extension shall not exceed two (2) years.</u>*

Mrs. Heuer moved to approve the amendment to condition number 5 as read; seconded by Mr. Diehl; Mr. Hopkins asked for a roll call vote, the vote being as follows: Heuer - yes, Boes - no, Barnes - no, Diehl - yes, Williams - no, Hopkins - yes. The motion was defeated by a tie vote of 3-3.

Mr. Hopkins asked to I have a motion for approval of the Special Use with the original ZBA recommended conditions. Mr. Diehl stated the environmental issue is not up to us and I move to approve; seconded by Mrs. Heuer. Mr. Hopkins stated we are only talking about the business regarding the storage of dumpsters that are usually empty, not on his total lifestyle. Can I have a roll call vote, the vote being as follows: Mr. Boes - no, Mr. Williams - no, Mrs. Heuer - yes, Mr. Diehl - yes, Mr. Barnes - no, Mr. Hopkins - yes. The motion to recommend approval was defeated by a tie vote of 3-3.

Mr. Hopkins stated the petition with be referred to the County Board for action.

B. MOBILE HOME APPLICATIONS - (CONSIDERATION AND POSSIBLE ACTION)

There were no mobile home applications for consideration.

8. SUBDIVISION PLATS (CONSIDERATION AND POSSIBLE ACTION)

There were no subdivision plats for consideration.

9. CONSIDERATION OF MONTHLY BILLS OF PLANNING & ZONING DEPARTMENT, AND ACTION

Monthly bills of the Planning & Zoning Department were presented to the Committee for consideration. The bills totaled $403.59. Mrs. Heuer made a motion to approve the payment of the bills in the amount of $403.59; seconded by Mr. Barnes. The motion carried by a voice vote.

10. REFERRAL OF NEW PETITIONS TO THE ZONING BOARD OF APPEALS FOR PUBLIC HEARING

#1-09 SPECIAL USE - Eswood School District #269, %Dwight Mayberry, Superintendent, 304 N. Main St., Lindenwood, IL to allow a private wind energy conversion system in the R-2 Single-Family Residence District on property described as follows and owned by the petitioner:

S 25' Lot 4, Lots 5&6, and part of vacated Galena St., Block 6 Lynnville (Original Town); and Lots 1-5 Block 2 Perry's Addition; and a 3.58 acre westerly adjoining parcel; all part of the SW1/4 Section 5 Lynnville Township 41N, R2E of the 3rd P.M., Ogle County, IL
Property Identification Number: 19-05-326-001, -011, & -015
Common Location: 304 N. Main St.

Mrs. Heuer made a motion to refer the above new requests to the Zoning Board of Appeals for public hearing; seconded by Mr. Williams. The motion carried by a voice vote.

11. OTHER BUSINESS (CONSIDERATION AND POSSIBLE ACTION)

Election of Vice Chairman for Ogle County Supervisor of Assessments and Planning & Zoning Committee

Mr. Hopkins asked are there any nominations for the Vice Chairman position? Mr. Diehl stated I nominate Mrs. Heuer; Mr. Boes seconded. Mr. Boes moved to close nominations; the motion was seconded by Mr. Barnes. The motion to close nominations carried by a voice vote. The motion to elect Mrs. Heuer to the position of Vice Chair of the Supervisor of Assessments and Planning & Zoning Committee carried by a voice vote.

12. PUBLIC COMMENT

Mr. Hopkins stated that due to construction at the old courthouse we need to find a new place to hold our meeting as well as the Regional Planning Commission and Zoning Board of Appeals meetings. I have checked with the Sheriff's office and they have no problem with us using their training room. Mr. Reibel stated I have spoken with Mr. Cook and he has no problem with us using the meeting room at the Highway Department for the Regional Planning Commission and Zoning Board of Appeals meetings. Mr. Hopkins stated it does not matter to me, whatever works best for you. It was the common consensus of the Committee that the Committee will begin meeting at the Sheriff's Training Room and the Regional Planning Commission and Zoning Board of Appeals will meet at the Highway Department through the duration of the Old Courthouse remodel project.

Mr. Reibel stated last week Mr. Cook and I attended a wind farm seminar. There was not a lot of new information available. I have the book from the seminar at my office if anyone would like to review it. Discussion ensued regarding current wind farm companies doing research in Ogle County.

13. ADJOURN

The regular monthly meeting of the Supervisor of Assessments and Planning & Zoning Committee of the Ogle County Board adjourned at 1:41 P.M. The next meeting of the Supervisor of Assessments and Planning & Zoning Committee is scheduled for March 11, 2009 at 1:00 P.M.

Respectfully submitted,

Michael Reibel
Planning & Zoning Administrator