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

SUPERVISOR OF ASSESSMENTS AND
PLANNING & ZONING COMMITTEE REPORT
FEBRUARY 10, 2010

The regular monthly meeting of the Supervisor of Assessments and Planning & Zoning Committee of the Ogle County Board was held on February 10, 2010 in the Ogle County Sheriff Department, Training Room, 103 Jefferson St., 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 1:00 P.M. Roll call indicated six members of the Committee were present; Chairman Hopkins, Mel Messer, Jim Barnes, Larry Boes, Marcia Heuer, and Dennis Williams. Mr. Diehl was absent. Mr. Hopkins declared a quorum present.

2. READING AND APPROVAL OF REPORT OF JANUARY 13, 2010 MEETING AS MINUTES

   Mrs. Heuer made a motion to approve the report of January 13, 2010 as minutes; seconded by Mr. Messer. 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 $1,243.66. Mrs. Heuer made a motion to approve the payment of the bills in the amount of $1,243.66; seconded by Mr. Boes. The motion carried by a voice vote.

4. OLD BUSINESS

   Discussion took place regarding assessment appeals and hearings held by the Board of Review. Mr. Harrison reported there were 59 hearings on 99 properties. The Board of Review had hired Dennis Riley to act as hearing officer for the Orchard Hills landfill hearing. Discussion ensued regarding the Property Tax Appeal Board decision on the 2003 value of the Orchard Hills landfill. That decision is being appealed to the appellate court.

5. NEW BUSINESS

   Mr. Harrison stated the tax cycle is on schedule and Board of Review should conclude its business by the end of February.

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)

#4-09 SPECIAL USE -- Keith E. Wilson, 6931 N. Alcott, Chicago, IL by Attorney Deborah S. Mass, Smith, Hahn, Morrow & Floski P.C., 129 S. 4th St., PO Box 10, Oregon, IL for a Special Use permit to allow a heliport in the AG-1 Agricultural District on property described as follows and owned by the petitioner:

Part of the W1/2 of the SE1/4 and part of the SE1/4 of the SW1/4 Section 32 Oregon-Nashua Township 23N, R10E of the 4th P.M., Ogle County, IL, 32.70 acres, more or less
Property Identification Number: 16-32-400-004
Common Location: 1255 W. Star Rd., Oregon, IL

Mr. Messer asked does Mr. Wilson do crop dusting. Mr. Hopkins answered no, he works for the City of Chicago. Mr. Messer made a motion to approve #4-09 Special Use; seconded by Mr. Boes.

Mrs. Heuer added this petition was approved unanimously by the Regional Planning Commission and 4 to 1 by the Zoning Board of Appeals. I would also like to state that I was appalled by how this petitioner was treated by the adjoining property owners at the Zoning Board of Appeals meeting. I do not want what happened at that meeting to be a reflection on the rest of the County government. Mr. Messer asked what was their main objection? Mr. DeArvil answered hunting. The neighbors are worried that Mr. Wilson will be hunting on his own property. The neighbors hunt on their property but do not want Mr. Wilson to be able to hunt on his.

The motion carried unanimously by a roll call vote of 6-0.

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 $774.66. Mr. Boes made a motion to approve the payment of the bills in the amount of $774.66; seconded by Mr. Messer. The motion carried by a voice vote.

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

#1-10 VARIATION -- Donna Martin, 2369 S. Lowden Rd., Oregon, IL for a Variation to allow the construction of an additional accessory building to exceed the maximum allowable accessory building area due to parcel size pursuant to the *Ogle County Amendatory Zoning Ordinance* on property described as follows and owned by the petitioner:

Lot 5 Davis Subdivision and adjacent 1.01 acre, part of the W1/2 of the SW1/4 Section 4 Oregon-Nashua Township 23N, R10E of the 4th P.M., Ogle County, IL
Property Identification Number: 16-14-302-001 & -002
Common Location: 2369 S. Lowden Rd.

#1-10 TEXT AMENDMENT -- Michael Reibel, Planning & Zoning Administrator, Ogle County Planning & Zoning Department, 911 W. Pines, Rd., Oregon, IL under the direction of the Planning & Zoning Committee of the Ogle County Board, for an Amendment to the text of the *Ogle County Amendatory Zoning Ordinance*, involving the following:

Division 5, Section 5.01 AG-1 Agricultural District; Paragraph A. (Purpose and Intent);
Division 5, Section 5.01 AG-1 Agricultural District; Paragraph C. (Special Uses);
Division 5, Section 5.02 IA Intermediate Agricultural District; Paragraph A. (Purpose and Intent);
Division 5, Section 5.02 IA Intermediate Agricultural District; Paragraph B. (Permitted Uses);
Division 5, Section 5.02 IA Intermediate Agricultural District; Paragraph C. (Special Uses);
Division 5, Section 5.03 R-1 Rural Residence District; Paragraph A. (Purpose and Intent);
Division 5, Section 5.04 R-2 Single-Family Residence District; Paragraph A. (Purpose and Intent);
Division 5, Section 5.05 R-3 Mobile Home Subdivision District; Paragraph A. (Purpose and Intent);
Division 5, Section 5.06 R-4 Mobile Home Park District ; Paragraph A. (Purpose and Intent);
Division 5, Section 5.07 B-1 Business District; Paragraph A. (Purpose and Intent);
Division 5, Section 5.08 B-2 Business Recreation District ; Paragraph A. (Purpose and Intent);
Division 5, Section 5.09 B-3 Restricted Interstate Highway Area Business District; Paragraph A. (Purpose and Intent);
Division 5, Section 5.10 I-1 Industrial District; Paragraph A. (Purpose and Intent);
Division 5, Section 5.11 PD Planned Development District; Paragraph A. (Purpose and Intent);
Division 6, Section 6.06 Accessory Buildings, Structures and Uses; Paragraph G (Private Swimming Pools)

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

11. OTHER BUSINESS (CONSIDERATION AND POSSIBLE ACTION)

Committee discussion and possible action regarding procedural policy for request from municipalities for granting governmental jurisdiction with regards to land/property located more than 1.5 miles from a municipal boundary and subject to an annexation agreement

Mr. Reibel stated the Village of Davis Junction is considering entering into an annexation agreement involving land that is outside their 1.5 mile jurisdiction. They want to extend sanitary sewer and water service to facilitate development in this area and that could be of benefit to the County. Last year, the County Board passed an ordinance stating that Ogle County will retain authority over any area outside a municipality's 1.5 mile jurisdiction. In order to proceed, Davis Junction will need to come before the County and ask to have jurisdiction over this area. My question to the Committee is, when a request is submitted, should it be heard by the Regional Planning Commission first and then by the Planning & Zoning Committee, or should the petition go directly to the Planning & Zoning Committee for a recommendation to the County Board? Mr. Williams stated as they review a petition's effect on the Comprehensive Plan, this should go before the Regional Planning Commission for consideration before the Planning & Zoning Committee considers it. Mr. Boes agreed. Discussion ensued regarding the location to Monroe Center and overlapping mile and half area.

The consensus was that when an annexation petition is submitted, it will go before the Regional Planning Commission for consideration and a recommendation prior to being placed on the agenda of the Planning & Zoning Committee. Notice will be given to all adjoining property owners and any other affected municipalities about the Regional Planning Commission meeting. Mr. Reibel stated the petition would not need to be heard by the Zoning Board of Appeals.

Mrs. Heuer made a motion that requests from municipalities for granting governmental jurisdiction with regards to land/property located more than 1.5 miles from a municipal boundary and subject to an annexation agreement will first be presented to the Regional Planning Commission and then the Planning & Zoning Committee prior to County Board consideration; provided, all property owners adjoining the parcels proposed for annexation agreement and affected municipalities receive notice of the Regional Planning Commission meeting; seconded by Mr. Messer. The motion carried by a voice vote.

Discussion - Wind Farms (ordinance, procedure and policy)

Mr. Reibel stated that in light of the recent meeting held in Kings, there have been some statements made implying that Ogle County is not prepared for a wind farm petition as we do not have any current ordinances in place. We have addressed wind farms in the zoning ordinance; however, it may be appropriate to re-visit the issue. The zoning ordinance does not contain standards or performance requirements for wind farms. I provide wind farm companies with a copy of the conditions that were adopted for the Baileyville Wind Farm petition, and inform them that they can expect a very similar set of conditions to be applied to any future wind farm application. The wind companies would like to have something more specific in an ordinance. A major issue is sound/noise created by the turbines and the possible effect it can have on the people living near the turbine, both audible and inaudible, or "low frequency" noise. While there is no conclusive evidence, there are legitimate concerns regarding the low frequency component of sound. While the sound is inaudible, the vibrations created can be felt thru structures and have been known to effect some people. These occurrences happen most often in the evening and during certain weather or atmospheric conditions.

Mr. Messer stated there was this same concern regarding residences being located near power lines. Mr. Barnes asked what is the current setback? Mr. Reibel answered that the special use permit conditions applied to the Baileyville wind farm required a setback of 1000' from a non-participating residence. Discussion ensued regarding the setback requirements in DeKalb county and how only 1000' from a residence could limit how a non-participating land owner can to use their property. Mr. Reibel added that the required setback from property lines, road right-of-way lines, etc. is 1.1 times the turbine height.

Mr. Messer asked what happens if the turbines are abandoned.? Mr. Reibel answered as part of the Special Use conditions, if the turbine is abandoned for over 12 months, it must be removed. A decommissioning plan is part of the process and would be guaranteed through a financial assurance.

Discussion continued regarding noise effects, set back requirements and application fees.

The consensus of the Committee is for Mr. Reibel to draft a wind farm ordinance for the Committee to review next month.

12. PUBLIC COMMENT

Mr. Williams stated the Byron Township Board of Trustees wants to adopt a Comprehensive Plan for the City of Byron and will be contacting Mr. Reibel for assistance.

13. ADJOURN

The regular monthly meeting of the Supervisor of Assessments and Planning & Zoning Committee of the Ogle County Board adjourned at 1:59 P.M. The next meeting of the Supervisor of Assessments and Planning & Zoning Committee is scheduled for Wednesday, March 10, 2010 at 1:00 P.M.

Respectfully submitted,

Michael Reibel
Planning & Zoning Administrator