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

SUPERVISOR OF ASSESSMENTS AND
PLANNING & ZONING COMMITTEE REPORT
JANUARY 13, 2010

The regular monthly meeting of the Supervisor of Assessments and Planning & Zoning Committee of the Ogle County Board was held on January 13, 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, Ben Diehl, and Dennis Williams. Mr. Hopkins declared a quorum present.

2. READING AND APPROVAL OF REPORT OF DECEMBER 9, 2009 MEETING AS MINUTES

   Mr. Messer made a motion to approve the report of December 9, 2009 as minutes; seconded by Mr. Barnes. 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 $6,158.21. $3,000 is quarterly software license split between three offices. Mr. Boes asked if the price of the software has increased? Mr. Harrison answered no. Mr. Barnes made a motion to approve the payment of the bills in the amount of $6,158.21; seconded by Mr. Diehl. The motion carried by a voice vote.

4. OLD BUSINESS

   There was no old business for discussion.

5. NEW BUSINESS

   Mr. Harrison stated the Board of Review is meeting for tax assessment appeals on Tuesday & Thursdays in January. Number of appeals is up from last year – 120 total; last year more like 90. The meet on the 4th floor of the Watt building. It is important that these meeting are held close to my office so we have access to any necessary paperwork.

   Marcia Heuer entered the meeting at 1:08 P.M.

   Mr. Harrison stated that a decision was finally issued regarding the Orchard Hills land fill tax appeal that was filed in 2003. The property was valued at $26 million by the County's appraiser, but the landfill's appraisal put a value of $10 million on it. The Property Tax Appeal Board decided in favor of the landfill. The decision is 72 pages long. Discussion

ensued regarding the property value and appraisals done. The County is represented by the States Attorney's office. Whitt Law, who represented Exelon during their tax appeal, represented Orchard Hills.

Mr. Harrison stated that the Meridian School may want to appeal this decision and we may want to meet with them and join in on their appeal. There is no decision of the Committee to make, I just wanted to keep you informed of what is going on.

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)

#10-09 AMENDMENT -- Joseph J. & Julie A. Ebens, 946 N. IL Rte. 2, Oregon, IL for an Amendment to the Zoning District to rezone from R-2 Single-Family Residence District to R-1 Rural Residence District on property described as follows and owned by the petitioners:

North part of E1/2 of NE1/4 Fractional Section 4 and North part of W1/2 of the NW1/4 Fractional Section 3 Oregon-Nashua Township 23N, R10E of the 4th P.M, 5.07 acres, more or less
Property Identification Number: 16-04-226-014 and 16-03-101-028
Common Location: 946 N. IL Rte. 2

Mr. Hopkins stated they mainly want to have lambs for their kids 4-H project and want to be zoned properly. This request was passed unanimously by Regional Planning Commission and Zoning Board of Appeals.

Mr. Messer made a motion to approve #10-09 Amendment; seconded by Mr. Diehl.

Mr. Barnes asked does the city of Oregon had any objections? Mr. Ebens answered no. Mr. Hopkins stated there have been no objections to this request.

The motion carried unanimously by a roll call vote of 7-0.

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 $344.82. Mr. Boes made a motion to approve the payment of the bills in the amount of $344.82; seconded by Mrs. Heuer. The motion carried by a voice vote.

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

#16-09 VARIATION -- BP Pipelines North America, Inc., 28100 Torch Parkway, 6th Floor, Warrenville, IL for a Variation to allow a building to be constructed 18' from a side lot line in lieu of 25' as required pursuant to the *Ogle County Amendatory Zoning Ordinance* on property described as follows and owned by the petitioners:

> Part of the E1/2 of G.L. 5 in the NE1/4 Fractional Section 01 Oregon-Nashua Township 23N, R10E of the 4th P.M., Ogle County, IL, 3.50 acres, more or less
> Property Identification Number: 16-01-226-001
> Common Location: 980 N. German Church Rd.

#4-09 SPECIAL USE -- Keith E. Wilson, 6931 N. Olcott, Chicago, IL by Attorney Deborah S. Maas, 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

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)

DISCUSSION REGARDING LAND USE TASK FORCE TEXT AMENDMENT PROPOSAL

Mr. Boes stated I think the proposed changes are in line and make a motion that Mr. Reibel prepare an application for text amendment to send this proposal to the Zoning Board of Appeals for public hearing; the motion was seconded by Mr. Messer. The motion carried by voice vote.

ATTORNEY DENNIS SCHUMACHER REGARDING AMENDING AG-1 SPECIAL USE FOR "COMMERCIAL KENNEL"

Attorney Schumacher was present representing his client, Todd McLester. Mr. McLester built his home off of Tower Rd. in Byron and then got permit for an accessory building. Mr. McLester did not inform zoning that he intended to run a dog kennel in this building. The existing ordinance for this Special Use in the AG-1 Agricultural District states that the buildings need to be 1000' away from any other residences. When Mr. McLester found this out, it was too late; the building had already been constructed Attorney Schumacher stated while the building must be that distance away, there are still sound issues that could disturb the adjoining property owners. What I am proposing is that the existing ordinance be changed to read that a proposed commercial kennel needs to be 500' from other residences, the dogs must be kept in an enclosed structure, and that the surrounding land owners would agree to have no objections to the request. I am asking you to consider making these changes to the existing ordinance.

Mr. Hopkins asked are there any state rules that would conflict with this change? We would not want to do anything against the State. Mr. Reibel stated the Department of AG regulates kennels but there are no setbacks regulations that he is aware of; the regulations are more operational standards. The State licenses kennels that have four or more breedable females. Mr. Williams asked can this be handled with a variation? Mr. Reibel answered that a variation does not apply since this is a Special Use provision/requirement. Mr. Schumacher answered the County can dictate the use better with a Special Use permit. Mr. Barnes asked so the dogs will never be allowed outside? Mr. Schumacher stated the building is for boarding purposes and everything will be inside the building. Mr. Boes asked

how many dogs does he plan to have at any given time? Attorney Schumacher answered I don't know.

Discussion ensued regarding the proposed terminology used regarding the sound issues.

It was the common consensus of the Committee that Mr. Reibel draft a proposal to amend the Zoning Ordinance regarding AG-1 Special Use for "commercial kennel" to reduce the 1,000' setback requirement to 500' provided the animals are kept within a completely enclosed building, with a minimum 6" insulated exterior walls. Mr. Reibel is to supplement the proposal as he deems necessary.

Mr. Reibel asked do you want me to incorporate this proposed text amendment into the previously discussed Text Amendment that will be filed? The Committee consensus was yes.

12. PUBLIC COMMENT

County Board member Lynn Kilker stated that the TV tower on Stone Hill Road has no lights and it should as it could be an issue with aircraft. Discussion ensued regarding the current property owners. Mr. Reibel stated I will check into this situation.

13. ADJOURN

The regular monthly meeting of the Supervisor of Assessments and Planning & Zoning Committee of the Ogle County Board adjourned at 1:53 P.M. The next meeting of the Supervisor of Assessments and Planning & Zoning Committee is scheduled for Wednesday, February 10, 2010 at 1:00 P.M.

Respectfully submitted,

Michael Reibel
Planning & Zoning Administrator