



Rebecca Huntley
Ogle County Clerk & Recorder

February 20, 2015

The Ogle County Board, at their regular meeting held on Tuesday, February 17, 2015, Janes presents the petition from Michael Reibel, Ogle County Planning & Zoning Administrator, 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*, as follows:

Add the following to Section 5.07 (B-1 Business District), Section D. (Accessory Land Uses) AND Section 5.08 (B-2 Business Recreation District), Section D. (Accessory Land Uses):

5. Single-family dwelling unit above the first floor of a building devoted to a permitted use(s), provided no business/commercial uses are conducted above first floor. For purposes of this section, the "first floor" of the building is the building entrance opening to ground level, and shall not include a basement or floor below grade. There can be only one first floor per building. Not more than one single-family dwelling unit pursuant to this provision shall be allowed per building.

Janes makes a motion to approve O-2015-0201 as presented and McKinney seconds. A roll call vote is called:

YES: Colson, Finrock, Fritz, Griffin, Gronewold, Heuer, Hopkins, Janes, Kenney, McKinney, Meyers, Nordman, Oltmanns, Simms, Sparrow, Typer, Bolin, Brooks, Colbert and Gouker

NO: None

ABSENT: O'Brien, Saunders, Welty and Bowers



Rebecca Huntley

Rebecca Huntley
Ogle County Clerk

The contents of this letter are a portion of the tentative Ogle County Board minutes pertaining to your zoning request. These minutes are subject to approval at the next Ogle County Board meeting.

Clerk: 105 S. 5th St., Suite 104, Oregon, IL 61061 • Phone (815) 732-1110 • Fax (815) 732-3477
Recorder: 105 S. 5th St., Suite 212, Oregon, IL 61061 • Phone (815) 732-1115 • Fax (815) 732-1189
www.oglecounty.org

STATE OF ILLINOIS)
) SS
COUNTY OF OGLE)

ORDINANCE NO. 2015-0201

**AN ORDINANCE APPROVING AN AMENDMENT TO THE TEXT OF THE
*OGLE COUNTY AMENDATORY ZONING ORDINANCE***

WHEREAS, Michael Reibel, Ogle County Planning & Zoning Administrator, under the direction of the Supervisor of Assessments and Planning & Zoning Committee of the Ogle County Board, has filed a petition for an Amendment to the Text of the *Ogle County Amendatory Zoning Ordinance* (Petition No. 12-14AM), as indicated in Exhibit “A” appended hereto, in accordance with the applicable requirements of the *Ogle County Amendatory Zoning Ordinance* and the laws of the State of Illinois; and

WHEREAS, the Ogle County Regional Planning Commission, at its January 22, 2015 monthly meeting, recommended that the requested Text Amendment be adopted as presented, said requested Text Amendment being consistent with the goals and objectives of the *Ogle County Amendatory Comprehensive Plan*; and

WHEREAS, following due and proper notice by publication in the Ogle County Life, Rochelle News-Leader, Ogle County News, Dixon/Sterling Telegraph, and Tempo, newspapers of general circulation within the County of Ogle, at least fifteen (15) days prior thereto, and by mailing notice to all municipalities within the County of Ogle, and by mailing notice to all Township Supervisors and Township Planning Commissions within the County of Ogle, the Ogle County Zoning Board of Appeals conducted a public hearing as required by law on January 29, 2015; and,

WHEREAS, the Zoning Board of Appeals, having considered the evidence, testimony and exhibits presented has made its report and findings of fact, and has recommended that the requested Text Amendment be adopted as set forth in the Findings of Fact and Recommendation of the Ogle County Zoning Board of Appeals dated January 29, 2015, a copy of which is appended hereto as Exhibit “B”; and,

WHEREAS, the Supervisor of Assessments and Planning & Zoning Committee of the Ogle County Board has reviewed the testimony presented at the aforesaid public hearing and has considered the findings of fact and recommendation of the Zoning Board of Appeals, and has forwarded a recommendation to the Ogle County Board that the proposed amendments to the text of the *Ogle County Amendatory Zoning Ordinance* be adopted by the Ogle County Board.

WHEREAS, the Ogle County Board has considered the recommendation of the Regional Planning Commission, the findings of fact and recommendation of the Zoning Board of Appeals and the recommendation of the Supervisor of Assessments and Planning & Zoning Committee, and has determined that adoption of the requested Text Amendment (Petition No. 12-14AM) as indicated in Exhibit "A" appended hereto is consistent with the public interest, is consistent with the goals and objectives of the *Ogle County Amendatory Comprehensive Plan*, and is in the best interests of the citizens of the County of Ogle.

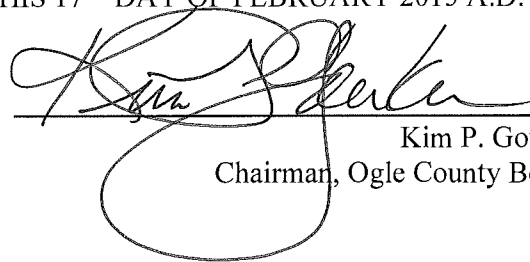
NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF OGLE COUNTY, ILLINOIS, as follows:

SECTION ONE: The Findings of Fact and Recommendation of the Ogle County Zoning Board of Appeals, Exhibit "B" appended hereto, is hereby accepted, and the finding of fact set forth above are hereby adopted as the findings of fact and conclusions of the Ogle County Board.

SECTION TWO: The proposed amendments to the text of the *Ogle County Amendatory Zoning Ordinance* as indicated in Exhibit "A" appended hereto are hereby adopted by the Ogle County Board.

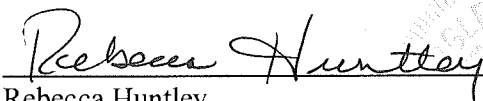
SECTION THREE: This amendment to the text of the *Ogle County Amendatory Zoning Ordinance* shall be in full force and effect immediately upon its adoption and passage by the County Board of Ogle County, Illinois.

PASSED BY THE OGLE COUNTY BOARD THIS 17TH DAY OF FEBRUARY 2015 A.D.



Kim P. Gouker
Chairman, Ogle County Board

ATTEST:



Rebecca Huntley
Ogle County Clerk and
Ex Officio Clerk of the Ogle County Board

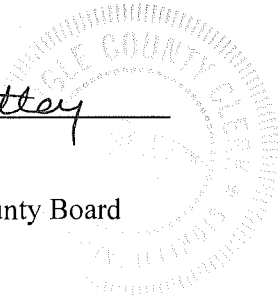


EXHIBIT "A"

**PROPOSED AMENDMENTS TO THE
OGLE COUNTY AMENDATORY ZONING ORDINANCE
DECEMBER 2014**

**Add the following to Section 5.07 (B-1 Business District), Section D. (Accessory Land Uses)
AND Section 5.08 (B-2 Business Recreation District), Section D. (Accessory Land Uses):**

5. Single-family dwelling unit above the first floor of a building devoted to a permitted use(s), provided no business/commercial uses are conducted above first floor. For purposes of this section, the "first floor" of the building is the building entrance opening to ground level, and shall not include a basement or floor below grade. There can be only one first floor per building. Not more than one single-family dwelling unit pursuant to this provision shall be allowed per building.

Exhibit "B"
Findings of Fact and Recommendation
of the Ogle County Zoning Board of Appeals

Ogle County Zoning Board of Appeals

911 W. Pines Road
Oregon, IL 61061
(815) 732-1190
Fax: (815) 732-2229

FINDINGS OF FACT AND RECOMMENDATION OF THE OGLE COUNTY ZONING BOARD OF APPEALS

This is the findings of fact and the recommendation of the Ogle County Zoning Board of Appeals concerning an application of Michael Reibel, Ogle County Planning & Zoning Administrator, under the direction of the Supervisor of Assessments and Planning & Zoning Committee of the Ogle County Board in case #12-14 AM. The applicant is proposing to amend the text of the *Ogle County Amendatory Zoning Ordinance* as indicated in Exhibit "A" attached hereto.

After due notice, as required by law, the Zoning Board of Appeals held a public hearing in this case on January 29, 2015 in the County Board Room, 3rd Floor of the Ogle County Courthouse, Oregon, Illinois and hereby report their findings and recommendation as follows:

FINDINGS: The Zoning Board of Appeals hereby finds that the proposed amendments to the text of the *Ogle County Amendatory Zoning Ordinance*, Exhibit "A" attached hereto, are consistent with the public interest and the goals and objectives of the *Ogle County Amendatory Comprehensive Plan*, and are in the best interests of the citizens of the Ogle County, Illinois.

RECOMMENDATION: The Zoning Board of Appeals hereby recommends that the proposed amendments to the text of the *Ogle County Amendatory Zoning Ordinance*, Exhibit "A" attached hereto, be adopted by the Ogle County Board.

ROLL CALL VOTE: The roll call vote was 5 members for the motion to recommend adoption of the proposed amendments to the text of the *Ogle County Amendatory Zoning Ordinance*, 0 opposed.

Respectfully submitted this 29th day of January 2015 by the Ogle County Zoning Board of Appeals.

Jason Sword, Chairman
Maynard Stivers
Paul Soderholm
Randy Ocken
Dennis Williams

Jason Sword, Chair

ATTEST:



Michael Reibel, Secretary

EXHIBIT "A"

**PROPOSED AMENDMENTS TO THE
OGLE COUNTY AMENDATORY ZONING ORDINANCE
DECEMBER 2014**

**Add the following to Section 5.07 (B-1 Business District), Section D. (Accessory Land Uses)
AND Section 5.08 (B-2 Business Recreation District), Section D. (Accessory Land Uses):**

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1 STATE OF ILLINOIS }
 2 COUNTY OF OGLE } SS
 3
 4
 5 In the Matter of the Petition
 6 of
 7 Text Amendment
 8 Ogle County, Illinois
 9
 10
 11 Testimony of Witnesses
 12 Produced, Sworn and
 13 Examined on this 29th day
 14 of January A.D. 2015
 15 before the Ogle County
 16 Zoning Board of Appeals
 17
 18 Present:
 19 Paul Soderholm
 20 Maynard Stivers
 21 Randy Ocken
 22 Dennis Williams
 23
 24 Jason Sword, Chairman
 Michael Reibel, Zoning Administrator

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1 MR. SWORD: I'd like to call this January
 2 meeting of the Ogle County Zoning Board of
 3 Appeals to order.
 4 Mr. Reibel, please read the roll.
 5 (Roll call was taken and all were
 6 present.)
 7 MR. REIBEL: Five present.
 8 MR. SWORD: We have five members. There
 9 is a quorum.
 10 Please rise for the Pledge of Allegiance.
 11 (The Pledge of Allegiance was
 12 recited.)
 13 MR. SWORD: The verbatim transcript
 14 serving as minutes from the last meeting is on
 15 file and will not be read at this time.
 16 I'll entertain a motion to approve the
 17 minutes of the last ZBA.
 18 MR. OCKEN: So moved.
 19 MR. SWORD: Is there a second?
 20 MR. SODERHOLM: Second.
 21 MR. SWORD: It's been moved and seconded.
 22 All those in favor.
 23 (All those simultaneously
 24 responded.)
 In Totidem Verbis, LLC (ITV)

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 20 End 23
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 24
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1 MR. SWORD: Opposed?
 2 (No verbal response by the Board
 3 members.)
 4 MR. SWORD: Motion carries.
 5 All testimony will be taken under oath.
 6 Please come forward to testify. State your name
 7 and address to the recording secretary. Please
 8 spell your last name. When testifying, please
 9 speak clearly and loud enough to be heard. This
 10 hearing is the only opportunity to place
 11 testimony and evidence on the record. There
 12 will not be another opportunity beyond tonight's
 13 hearing to submit evidence or testimony for
 14 consideration. Please turn off or silence all
 15 cell phones and pagers.
 16 Procedure on the hearings that we will be
 17 following tonight is as found in the ZBA Rules
 18 of Procedures or Citizen's Guide to Zoning Board
 19 of Appeals, which are available at the desk near
 20 the entrance to this room.
 21 If anyone has any trouble hearing, please
 22 let us know.
 23 Mr. Reibel, what's the first order of
 24 business?
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1 MR. REIBEL: The first order is to
 2 consider the request filed December 16th, 2014,
 3 of Mike Reibel, Ogle County Planning and Zoning
 4 Administrator, under the direction of the
 5 Planning and Zoning Committee of the Ogle County
 6 Board for an Amendment to the text of the Ogle
 7 County Amendatory Zoning Ordinance as follows:
 8 Add the following to Section 5.07 (B-1
 9 Business District), Section D (Accessory Land
 10 Uses) and Section 5.08 (B-2 Business Recreation
 11 District), Section D (Accessory Land Uses:
 12 Single-family dwelling unit above the
 13 first floor of a building devoted to a
 14 permitted use, provided no
 15 business/commercial uses are conducted
 16 above the first floor. For purposes of
 17 this section, the "first floor" of the
 18 building is the building entrance opening
 19 to ground level, and shall not include a
 20 basement or floor below grade. There can
 21 be only one first floor per building. Not
 22 more than one single-family dwelling unit
 23 pursuant to this provision shall be
 24 allowed per building.
 For the record, there are no adjoining
 property owners -- it is a text amendment -- and
 no sign posting is applicable. But publication
 statutory requirements have been complied with,
 in that a legal notice was published at least 15
 days prior to this hearing, on various dates, in
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1 the Ogle County Life, Oregon Republican, Byron
 2 Tempo, Rochelle Newsleader, Sauk Valley
 3 News/Dixon Telegraph.
 4 And that's all I had.
 5 MR. SWORD: Let's see. Well, I guess next
 6 it would be to see if there's anyone here as far
 7 as filing for an appearance?
 8 MR. REIBEL: Yes. And I can just briefly
 9 testify as well as far as the commentary or the
 10 executive summary. That essentially serves a
 11 Staff Report, I guess. So I'll just briefly
 12 read the commentary into the record. It's
 13 short.
 14 The commentary for the proposed text
 15 amendment is as follows:
 16 This proposed text amendment would allow
 17 limited single-family residential use of a
 18 commercial building in the B-1 Business District
 19 and B-2 Business Recreation District as a
 20 permitted accessory use. Allowing limited
 21 single-family residential use will assist in
 22 maintaining the viability of a commercial
 23 building by allowing business owners to also
 24 reside on the premises where their business is
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1 located or will allow a building owner to
 2 establish a single-family dwelling up for lease.
 3 A zoning certificate would be required by the
 4 zoning administrator in order to construct a
 5 single-family dwelling unit as a portion of the
 6 commercial building pursuant to the above or
 7 convert space within existing commercial
 8 building to a single-family dwelling unit
 9 pursuant to the above.
 10 Health department review would also be
 11 required to ensure that sewage disposal is
 12 adequate and, if not, is capable of being
 13 modified or expanded to accommodate any
 14 additional loads that would be placed upon it.
 15 And I can also ensure that off-street
 16 parking requirements are met by any additional
 17 parking demand.
 18 So that really is all I have.
 19 MR. SWORD: Should we have a discussion
 20 among us first or should I --
 21 MR. REIBEL: Just have -- Tom is present
 22 to support this Amendment, so.
 23 MR. SWORD: Filed for a -- to testify,
 24 filed for an appearance?
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1 MR. REIBEL: He has not filed for an
 2 appearance, but he can just testify.
 3 MR. SWORD: Would you like to come
 4 forward?
 5 MR. BALSER: Sure. Where would you like
 6 me?
 7 MR. SWORD: You can just stand up there.
 8 That would be fine.
 9 Raise your right hand -- wait. State your
 10 name and address, please.
 11 MR. BALSER: Thomas Balsler, 844 North
 12 Ottawa, Dixon, Illinois.
 13 MR. SWORD: Raise your right hand.
 14 THOMAS BALSER,
 15 being first duly sworn, testified as follows:
 16 MR. SWORD: Very good. All right. Go
 17 ahead.
 18 MR. BALSER: I'm in a situation which I
 19 own a property in Grand Detour, the old Landmark
 20 property. It's owned in joint tenancy with my
 21 ex-wife. We're trying to sell the property.
 22 Most of the people that are looking at it want
 23 to use it as a commercial business downstairs
 24 but live above it, and it's kind of set up for
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1 that. And, actually, for most of its years --
 2 it was built around the Civil War, with the
 3 second floor added around the turn of the 20th
 4 Century -- that's the way it's been used.
 5 Probably at the time that the Code was put in
 6 place it might have been commercial downstairs
 7 and commercial upstairs, but we would like to
 8 return to its more typical use of commercial
 9 downstairs and residential upstairs.
 10 Mike was nice enough to come out and visit
 11 the property when we had some people looking at
 12 it and listen to kind of the dynamics of what
 13 was going on, did a nice job of kind of cracking
 14 the solution.
 15 And it is not atypical. You know, from
 16 listening to the Regional Planning Commission,
 17 there are other situations in the county, it's
 18 a -- you know, it's a county-wide change. But
 19 for -- in this case it's particular to us, and
 20 it would give us a better chance at selling it.
 21 MR. REIBEL: And the photos I'm passing
 22 around, of course, are of the old Landmark that
 23 Tom is referring to. It's each a different
 24 angle.
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1 This is a universal --
 2 universally-applicable text amendment throughout
 3 the county, county-wide, but this situation at
 4 the old Landmark in Grand Detour typifies what
 5 we are envisioning for the type of use that this
 6 Amendment would allow.
 7 MR. SWORD: So is there an issue as far as
 8 for him to sell it? I guess I'm a little bit
 9 confused of why -- what brought the need for
 10 this in the first place?
 11 MR. REIBEL: Right now, since the dwelling
 12 on the second floor in this building has not
 13 been utilized as such for an extended period of
 14 time, it's non-conforming. It can't be
 15 re-established unless we change the ordinance to
 16 now allow it.
 17 MR. SWORD: Because obviously this type of
 18 situation, you know, it's been common ever
 19 since, you know, the Europeans have been here.
 20 You know, I mean, the store fronts, usually the
 21 owners live upstairs, that kind of thing.
 22 MR. REIBEL: In downtown areas, certainly.
 23 MR. SWORD: Right. Exactly.
 24 Is that mainly because this is an
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1 unincorporated area?
 2 MR. REIBEL: Yes. And we don't have a
 3 lot of -- we don't have really any active
 4 downtowns in Ogle County anymore, but there are
 5 maybe a handful of other buildings that are used
 6 as a downtown -- or first-floor business and an
 7 upstairs dwelling. Just a handful. Like, I
 8 can't think of -- but a couple.
 9 MR. SWORD: Right.
 10 MR. SODERHOLM: What's the current ruling
 11 on this property -- or property that's similar
 12 to that? You can't live above your business?
 13 MR. REIBEL: Right.
 14 MR. SODERHOLM: Whose rule is that? The
 15 County's rule?
 16 MR. REIBEL: The Zoning Ordinance does not
 17 allow residential uses in a business district.
 18 MR. OCKEN: But how does that work? I
 19 mean, downtown Polo I know there's several
 20 apartments above businesses.
 21 MR. REIBEL: Right. They have their own
 22 building ordinances. That's a City ordinance.
 23 MR. OCKEN: So within the City that's
 24 different. Okay.
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1 MR. SWORD: Why is it -- it says here
 2 that it shall not include a basement. Why does
 3 that make a difference? Shall not include a
 4 basement.
 5 MR. REIBEL: Well, the first floor and any
 6 of the basements are for business use. And
 7 being an accessory use, the dwelling should be
 8 above the business so that the commercial use
 9 remains the principal use of the Business
 10 District.
 11 MR. OCKEN: But there can be a basement?
 12 MR. REIBEL: Oh, absolutely.
 13 MR. OCKEN: It just can't be considered
 14 the first floor.
 15 MR. SODERHOLM: Could somebody live in
 16 that basement?
 17 MR. REIBEL: No. Only above the first
 18 floor in a commercial building.
 19 MR. WILLIAMS: Mike, the history with the
 20 text the way it's written now, what was the
 21 thought that they wouldn't allow the residence
 22 on this? Was it because of fire -- fear of fire
 23 or --
 24 MR. REIBEL: I think simply to ensure that
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1 business districts are exclusively for
 2 businesses and are not encroached by residential
 3 uses.
 4 Being unincorporated, we just don't have a
 5 lot of situations where we're going to see this.
 6 MR. STIVERS: It says here "residential."
 7 So even though -- the owner, he could rent out
 8 the upstairs, right?
 9 MR. REIBEL: Yes.
 10 MR. STIVERS: Okay.
 11 MR. OCKEN: So this site is zoned
 12 Business --
 13 MR. REIBEL: Yes.
 14 MR. OCKEN: -- in an unincorporated area?
 15 MR. REIBEL: Yes.
 16 MR. STIVERS: But right now the owner
 17 wants to live upstairs; is that correct?
 18 MR. BALSER: Well, if it doesn't sell I
 19 will be living upstairs. And, quite honestly,
 20 historically, two years at my present location,
 21 but for the 20 years before that my family and
 22 I, until my wife left me, did live upstairs.
 23 So, I guess, we would have been ruled
 24 noncompliant.
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1 So -- but, you know, as -- in discussions
 2 with people that are interested in the property
 3 and then their discussions with banks, I think
 4 the banks really wanted to see that this issue
 5 is cleared up one way or the other. They
 6 wouldn't lend money to somebody if it wasn't
 7 zoned properly, I think is probably the best --
 8 you know, a poor way to say it, but maybe just
 9 kind of from the -- you know, from the person
 10 trying to sell the house's perspective.
 11 But, you know, it's such a challenging
 12 time for unincorporated areas. I mean, you guys
 13 talked about the fact that there's so few --
 14 there aren't any business districts. I really
 15 hope -- I mean, this building was built in 1870
 16 or 1860. It's reinvented itself probably 30
 17 times over the course of that -- at one point I
 18 think they used it to store IDOT plow trucks
 19 because the plow trucks were only 4 foot wide.
 20 So I hope -- it's got a -- and it was the
 21 Landmark I think because, you know, they told
 22 people in 1875 when you're going from Dixon to
 23 Oregon, they'd say, you know, you get to a big
 24 stone building, you take a left and you go to
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1 Mt. Morris or keep going and you'll hit Oregon.
 2 So the "Landmark" name had actually been
 3 associated with it for quite some time.
 4 You know, and the value of it has changed
 5 so much from the days when there were, you know,
 6 two or three restaurants in that area and that
 7 was one of them. You know, the footing of the
 8 restaurant is still in. So, you know, some
 9 people see it as an opportunity to -- it gets
 10 great traffic. I think probably 5,000 cars a
 11 day go past there. It's a neat town. You know,
 12 most beautiful stretch of highway I think, and a
 13 lot of motorcycles agree because, you know, we
 14 see quite a few motorcycles in the summer from
 15 really Grand Detour through Oregon and up to
 16 Byron on Route 2. You know, that's just a
 17 gorgeous stretch of highway.
 18 So I am hoping that those kind of things
 19 can come together to let it have another life
 20 again. You know, whether it's a coffee shop or
 21 an art gallery, an antique shop -- you know, I
 22 was reading some of the tourism information, and
 23 that's one of the things that people are
 24 interested in. And it could be office space
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1 downstairs, you could put a real estate office
 2 down there, or a bike shop, a kayak, you know,
 3 kind of place. It's got some river access and
 4 it's got access to the slough, and then Ron Lang
 5 cut a little channel through to get to the main
 6 channel of the river. It's a little bit
 7 controversial, but not the purview of this
 8 Board.
 9 But what we found was typically people
 10 wanted to live upstairs and then over the course
 11 of time develop a business plan that would fit
 12 for the downstairs. It's got great parking,
 13 great visibility.
 14 So -- and, really, I appreciate Mike's
 15 help on this, because it was really kind of him
 16 listening to the discussions and the dynamics
 17 that really kind of formulated this solution.
 18 So I appreciate the County's support all the way
 19 through this process.
 20 MR. STIVERS: Do you feel like you have --
 21 like you lived above there, it's a security
 22 asset to live upstairs?
 23 MR. BALSER: You know, it probably is.
 24 Actually, about three months after I moved out
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1 was when Casey's -- or the Shell Station,
 2 somebody threw that cinder block through the
 3 door that night, and my guess is that that
 4 probably was a dynamic.
 5 ComEd maintains -- or, actually, we paid
 6 for it, but ComEd put a light -- you know, a
 7 street light right on the pole outside of there,
 8 which helps as well.
 9 And then, you know, I think it's -- except
 10 for Shell, there's not much going on and you
 11 don't see as much traffic in the evening
 12 especially as you used to. You know, when gas
 13 got to be four-and-a-half dollars you really saw
 14 a huge drop in kind of discretionary travel.
 15 You know, at certain times, about 10 o'clock at
 16 night, you can go out and get a game of jacks
 17 going on the center line of the road if you
 18 think about it. But -- so it is -- it certainly
 19 is a security.
 20 And it's a neat place to live. I mean,
 21 it's one of the tallest structures in Grand
 22 Detour. It does have kind of a third floor, and
 23 we have got a bedroom up on that third floor
 24 area and that's really kind of the nicest
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1 because it's up away from the highway noise.
 2 So, you know, we're just trying to -- you
 3 know, with your help, try to give it its best
 4 chance at reinventing itself one more time and
 5 really on into the future.
 6 Those walls are 3-foot thick with
 7 limestone, and then there's plaster on top --
 8 you know, on the inside of that as well. So
 9 it's not going anywhere. I remember talking to
 10 somebody that was interested in buying it, he
 11 goes, I think I will put some bollards out here.
 12 I think with 3-foot thick walls you don't need
 13 many bollards. It would have to be a pretty big
 14 rig. It's a neat space.
 15 Just kind of listening to -- between the
 16 banks and the little bit of interest there has
 17 been in the property, it seemed like it was
 18 important to get the zoning straightened out.
 19 MR. SWORD: It sounds like it's got a lot
 20 of possibilities, so yeah.
 21 Any further comments or questions?
 22 MR. SODERHOLM: This doesn't pertain to
 23 his property, but would a ruling such as this --
 24 how would that affect bed and breakfast
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1 operations, say, for example, the old restaurant
 2 that Jeff owned --
 3 MR. BALSER: Yeah, Colonial Rose.
 4 MR. SODERHOLM: I don't know if
 5 conceivably they could have stayed on one floor
 6 or stayed on the second floor, the owner? Would
 7 that impact the B and B operations potentially
 8 around the county?
 9 MR. REIBEL: Well, if there's a business.
 10 Usually they're not zoned Business.
 11 MR. SODERHOLM: Oh, they aren't?
 12 MR. REIBEL: Usually they're zoned
 13 Residential District with a Special Use in
 14 unincorporated Ogle County. I don't know how
 15 the cities are.
 16 MR. SODERHOLM: I think anything we can do
 17 to promote business in this area is very, very
 18 important and we ought to do that.
 19 MR. SWORD: All right. Anyone here
 20 opposed to this petition?
 21 (No verbal response by any
 22 audience members.)
 23 MR. SWORD: Anyone in favor?
 24 MR. BALSER: I am.
 In Totidem Verbis, LLC (ITV)

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1 MR. SWORD: Okay. Any further discussion
 2 by the Board?
 3 MR. STIVERS: I have none.
 4 MR. SWORD: I think it's -- it would be a
 5 good idea to get this straightened out, kind of
 6 clarify it a little bit more and do whatever we
 7 can to kind of help any type of rural
 8 development.
 9 How do we do this?
 10 MR. REIBEL: I sent out some direction,
 11 kind of the analysis for a text amendment.
 12 Really the standards -- since there's no
 13 specific standards in the Zoning Ordinance, the
 14 standard really is, is this text amendment in
 15 the best interest of the citizens of Ogle County
 16 and is it consistent with the goals and
 17 objectives? And the Comprehensive Plan will be
 18 a secondary consideration.
 19 MR. SODERHOLM: So moved.
 20 MR. REIBEL: Okay.
 21 MR. SWORD: We have a motion. Is there a
 22 second on that?
 23 MR. STIVERS: Second.
 24 MR. SWORD: All right. It's been moved
 In Totidem Verbis, LLC (ITV)

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1 and seconded.
 2 Any other further discussion?
 3 (No verbal response by the Board
 4 members.)
 5 MR. SWORD: Seeing none, we'll have the
 6 roll call vote.
 7 MR. REIBEL: Williams?
 8 MR. WILLIAMS: Yes.
 9 MR. REIBEL: Ocken?
 10 MR. OCKEN: Yes.
 11 MR. REIBEL: Soderholm?
 12 MR. SODERHOLM: Yes.
 13 MR. REIBEL: Stivers?
 14 MR. STIVERS: Yes.
 15 MR. REIBEL: Sword?
 16 MR. SWORD: Yes.
 17 (By voice vote five ayes.)
 18 MR. REIBEL: Five voted yes.
 19 MR. SWORD: Motion carries.
 20 MR. BALSER: Thank you, gentlemen, and
 21 thank you for your service. I was 11 years on
 22 the Dixon School Board, so I know that democracy
 23 happens in little bits that people don't really
 24 notice and notice how much it takes time out of
 In Totidem Verbis, LLC (ITV)

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1 your lives and so forth, but it's nice to know
 2 that it's here and listens to the people. So my
 3 compliments to you on your service.
 4 I like the blue truck, Randy.
 5 MR. OCKEN: Thank you, Tom.
 6 MR. SWORD: Any other business.
 7 MR. REIBEL: No further business?
 8 (No verbal response by the Board
 9 members.)
 10 MR. SWORD: Seeing none, meeting
 11 adjourned.
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 In Totidem Verbis, LLC (ITV)

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1 Now on this 29th day of January, A.D.
 2 2015, I do signify that the foregoing testimony
 3 was given before the Ogle County Zoning Board of
 4 Appeals.
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 6
 7
 8
 9 Jason Sword, Chairman
 10
 11
 12
 13 Michael Reibel,
 14 Zoning Administrator
 15
 16
 17
 18 Callie S. Bodmer
 19 Certified Shorthand Reporter
 20 Registered Professional Reporter
 IL License No. 084-004489
 P.O. Box 381
 Dixon, Illinois 61021
 21
 22
 23
 24 In Totidem Verbis, LLC (ITV)

Ogle County Regional Planning Commission



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REGIONAL PLANNING COMMISSION REPORT JANUARY 22, 2015

The regular monthly meeting of the Ogle County Regional Planning Commission was held on Thursday, January 22, 2015 at 6:00 P.M. at the Old Ogle County Courthouse, First Floor Conference Room #100, 105 S. Fifth St., 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 6:00 P.M. Roll call indicated that six members of the Regional Planning Commission were present: Lloyd Funk, Paul White, Dale Flanagan, Harold Wetzel, Doug Creason and Wayne Reising. Cody Considine was absent.

2. READING AND APPROVAL OF REPORT OF NOVEMBER 20, 2014 AS MINUTES.

Chairman Funk asked for changes, corrections and/or additions to the November 20, 2014 Regional Planning Commission report. Hearing none, Chairman Funk declared the report approved as presented.

3. UNFINISHED BUSINESS (CONSIDERATION AND POSSIBLE ACTION)

There was no "Unfinished Business" for consideration.

4. OLD BUSINESS (CONSIDERATION AND POSSIBLE ACTION)

There was no "Old Business" for consideration.

5. NEW BUSINESS

A. DECISIONS (CONSIDERATION AND POSSIBLE ACTION)

#12-14 TEXT AMENDMENT – Michael Reibel, Ogle County Planning & Zoning Administrator, 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*, as follows:

Add the following to Section 5.07 (B-1 Business District), Section D. (Accessory Land Uses) AND Section 5.08 (B-2 Business Recreation District), Section D. (Accessory Land Uses):

5. Single-family dwelling unit above the first floor of a building devoted to a permitted use(s), provided no business/commercial uses are conducted above first floor. For purposes of this section, the "first floor" of the building is the building entrance opening to ground level, and shall not include a basement or floor below grade. There can be only one first floor per building. Not more than one single-family dwelling unit pursuant to this provision shall be allowed per building.

Mr. Reibel reviewed the petition with the Commission. Tom Balsler was present - he owns property in Grand Detour (the former "Stan Hack's Landmark" restaurant property) that would be effected by this text amendment. He gave some background on the property and its previous uses, one of which was a restaurant and the owners lived up above the restaurant. He stated that he is trying to sell the property and interested prospects want to be able to live in the second story of the building. Mr. Reising stated that in the incorporated areas, this is generally an allowable use; we don't have that many areas in the county that would be effected by this change. Discussion ensued regarding other sites that this text amendment would apply to, and sites that are currently non-conforming in this regard.

Mr. Reibel stated that Tim Lichty, Monroe Township Supervisor, informed him that Monroe Township has no objection to the proposed text amendment, and he has not heard from any other township or municipality at this time. Mr. Reibel added that the ZBA is instructed that, unlike map amendments, special uses and variations, there are no specific standards in the Zoning Ordinance for text amendments. The question is determining if the proposed text amendment is consistent with the goals and objectives of the Comprehensive Plan, and is in the best interests of the citizens of Ogle County.

Mr. Funk asked for any further questions or comments; hearing none, he asked for a motion. Mr. White made a motion to recommend approval of #12-14 Text Amendment as it is consistent with the goals and objective of the Ogle County Comprehensive Plan and is in the best interests of the citizens of Ogle County; seconded by Mr. Creason. Motion carried unanimously via roll vote.

6. OTHER BUSINESS (CONSIDERATION AND POSSIBLE ACTION)

Copies if the 2014 annual statistics were given to the Committee and reviewed. Discussion ensued regarding the lack of population growth in Rochelle and the effects the lower tax assessment of the Exelon facility will have on the County.

O-2015-0203
 DIVISION 1
 ADMINISTRATIVE PROVISIONS
 ARTICLE D. ENVIRONMENTAL FEE SCHEDULE

SECTION:

- 10-1D-1: Purpose 10-1D-2: Fee Schedule
- 10-1D-3: Unconstitutionality Clause
- 10-1D-4: Repeal and Date of Effect

10-1D-1: PURPOSE:

The purpose for implementing fees is to help supplement state grant and local tax levy dollars that are used to provide both regulatory and voluntary environmental health services that are currently being provided by the Ogle County Health Department.

The Ogle County Health Department Administrator has the authority to revise or amend fees with the approval from the Ogle County Health Board. The Ogle County Health Department Administrator also has the authority to, transfer, waive, or reduce any of the fees if the situation warrants it (i.e. public health emergency, hardship cases, overpayment, or other circumstances which would require a fee alteration).

10-1D-2: Fee Schedule

Food Service License Fees

<u>Fee Description</u>	<u>Fees:</u>
Facility	
• Type III Facility (low)	\$ 125.00
• Type II Facility (medium)	\$ 200.00
• Type I Facility (high)	\$ 250.00
• Late Renewal Penalty Fee	50% of Lic. Cost
Mobile Units	
• Type III Facility (low)	\$ 50.00
• Type II Facility (medium)	\$ 75.00
• Type I Facility (high)	\$ 100.00
• Late Renewal Penalty Fee	50% of Lic. Cost

Temporary Food Service Permit

• Type III Facility (low)	\$ 30.00
• Type II Facility (medium)	\$ 50.00
• Type I Facility (high)	\$ 70.00
• Late filing fee (Less than 1 week before event)	50% of fee
• Onsite Temporary Permit	Double the regular fee

Seasonal (open < 6 months/year)

• Type III Facility (low)	\$ 100.00
• Type II Facility (medium)	\$ 150.00
• Type I Facility (high)	\$ 200.00
• Late filing fee	50% of fee

Other Food Service Fees

<u>Fee Description</u>	<u>Fees:</u>
Reinspection (Due to violations and/or closure)	
	\$ 50.00 First Visit
	\$ 75.00 Second Visit
	\$ 100.00 Third Visit
Plan Reviews (new or renovation)	
• Low Priority Facility	\$ 95.00
• Medium Priority Facility	\$ 175.00
• High Priority Facility	\$ 315.00
(Plan review fee includes: application review, design review, 2 site visits, pre-opening visit)	
• Additional site visits	\$ 25.00

Private Sewage Disposal Fees

<u>Fee Description</u>	<u>Fees:</u>
Annual Private Sewage Contractor License	\$ 150.00
License Reinstatement after 1 year lapse	\$ 50.00
License Reinstatement after 3 year lapse (includes retaking the test)	\$ 75.00
Annual Sewage Pumper Contractor License	\$ 125.00
Each truck	\$ 50.00
Annual Sewage Land Application Permit	\$ 50.00
Original Land Application Review Permit	\$ 100.00
Late Renewal Penalty Fee	50% of fee

Private Sewage Disposal Permit

• Residential Dwelling (new construction)	\$ 300.00
• Residential Dwelling (repair)	\$ 225.00
• Commercial Facility	\$ 300.00
• Mechanical Units	\$ 300.00
• Training Session for Homeowner Installation	\$ 150.00
• Engineering Plan review	\$ 100.00
• Septic Permit Variance Change	\$ 50.00
• Mechanical Unit Annual Registration fee	\$ 50.00
• Mechanical Unit Code Non-Compliance Penalty Fee (assessed per month)	\$ 25.00
Private Sewage disposal Installers Licensure Exam	\$ 100.00
Private Sewage Disposal Pumpers Licensure Exam	\$ 75.00
Septic Permit Transfer	\$ 50.00

Private Well Water Fees

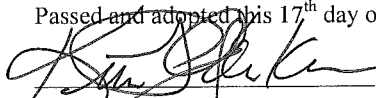
<u>Fee Description</u>	<u>Fees:</u>
Water Well Construction Permit Fee	\$ 100.00
Dewatering Wells as defined by State Code	\$100 for first 10 wells \$10 ea. for added well
Abandoned Well Sealing/Plugging Permit Fee	\$ 100.00
If obtained at the same time as new well permit	\$ 50.00
Vertical Geothermal Well	\$100 for first 10 wells \$10 ea. for added well
Private Water Analytical Fees	
• Bacteria	\$ 20.00
• Nitrate	\$ 15.00
• Iron	\$ 15.00
• Hardness	\$ 15.00
• Other Chemicals (lab cost +postage+handling 5%)	
Private Water Sample Collection	\$ 50.00+lab fees
(Sampling will be done within 2 weeks of request)	

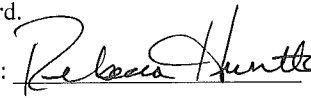
Other Service Fees

<u>Fee Description</u>	<u>Fees:</u>
<u>Sanitary Property Evaluation</u>	
• Water & Sewage	\$ 150.00
• Water Only	\$120.00 + lab fees
• Sewage Only	\$ 120.00
• Feasibility Study	\$ 75.00
• Follow-up Site Visit	\$ 20.00 + lab fees
One-Two Day Service for above (No refunds for sanitary evaluation)	\$100.00
Subdivision Plat - Well & Septic Feasibility Review Fee	\$30.00/lot, \$150.00 min.
Freedom of Information Requests	\$.10/page
Returned Checks (NSF)	\$ 25.00
License Replacement	\$ 10.00

This Division shall be in full force and effect from and after February 17, 2015.
At that time all resolutions and parts of resolutions in conflict with this division are hereby repealed.

Passed and adopted this 17th day of February, 2015 By the Ogle County Board.

 Chairman, Ogle County Board

Attest:  Ogle County Clerk

Article D.
Environmental Fee Schedule

Revised: 2/4/2015

W:\COUNTY BOARD PACKETS\2015 County Board Packets\Resolutions in WORD\February\Ordinance -

Environmental Fee Schedule - O-2015-0203.doc