

AGENDA OF THE LEE COUNTY BOARD

April 19, 2005

6:00 P.M.

**3RD FLOOR BOARDROOM, OLD LEE COUNTY COURTHOUSE
112 E. SECOND STREET, DIXON, ILLINOIS**

OPEN MEETING WITH INVOCATION OR PLEDGE OF ALLEGIANCE

ROLL CALL

ANNOUNCEMENTS

APPROVAL OF BOARD MINUTES OF PREVIOUS MINUTES

Judge Fritts

PUBLIC/VISITOR COMMENT:

- A. ITEMS ON THE AGENDA – VISITORS ALLOWED 10 MINUTES
- B. ITEMS NOT ON THE AGENDA – VISITORS ALLOWED 5 MINUTES

TO ZONING BOARD:

-0-

TO PLANNING COMMISSION:

-0-

FROM ZONING BOARD: 05-P-1401 - Lee County - Zoning, Subdivision & Flood Control
(Hold until May)

FROM PLANNING COMMISSION:

-0-

REPORTS OF COMMITTEE:

FINANCE

R.C.&D. – BLACKHAWK HILLS

CLAIMS

COUNTY SERVICES

SOLID WASTE/HEALTH & WELFARE

911 BOARD

ROAD & BRIDGE

ADMINISTRATIVE SERVICES

COMMITTEE CLAIMS

EXECUTIVE/JUDICIAL/LAW ENFORCEMENT

COUNTY PROPERTIES

COUNTY OFFICERS REPORTS, REQUEST FOR DEPOSIT OF FUNDS, ORDERS PAID IN VACATION

OLD BUSINESS

NEW BUSINESS

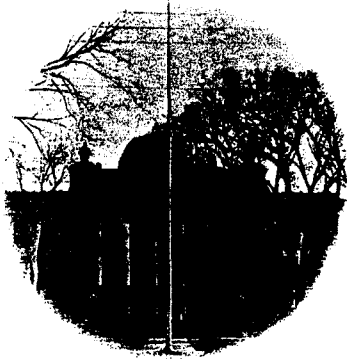
APPOINTMENTS Lee County Housing Authority - Mary Jane Spinden
ETSB - Mark Callison

State's Atty. - Ordinance - Youth Division Fee
Highway - Ordinance - Altered Speed Zones (hold until May)
Highway - Resolution - County Matching Funds - Rock Island Road
Highway - Resolution - MFT Rock Island Road
Highway - Resolution - County Special Bridge - Rock Island Road
Highway - Local Agency Agreement - Shaw Road
Highway - Resolution - County Matching Funds - Shaw Road
Highway - Resolution - National Incident Management System
Sheriff - Ordinance - ETSB - Amendment (hold until May)
ETSB - Ordinance - ETSB - Amendment (hold until May)
Health - Ordinance - Food Service Facilities (hold until May)

MILEAGE & PER DIEM

ALL BILLS & APPROPRIATIONS ALLOWED BY ROLL CALL

ADJOURN



Lee County Board

OLD LEE COUNTY COURT HOUSE
112 EAST 2ND STREET
DIXON, ILLINOIS 61021

ZONING REPORT FOR MARCH 2004

There were a total of 12 permits issued for the month of March with a total dollar volume of \$929,300. There were 4 permits issued for single-family homes in the amount of \$770,000.

The Zoning Board of Appeals met on Thursday, April 7, 2005 for the purpose of hearing Petition No. 05-P-1401 to adopt a revised Zoning Ordinance, Subdivision Ordinance, Flood Control Ordinance, creation of a new Stormwater Management Ordinance and Greenways and Trail Plan. This petition will be held over for a vote until the May 17th County Board meeting.

Respectfully submitted,

Chris Henkel

Chris Henkel
Zoning Administrator

LEE COUNTY ZONING BOARD OF APPEALS

Ron Conderman, Chairman
Craig Buhrow, Member
Gene Hardiek, Member
Tom Fassler, Member
Mike Pratt, Member

Chris Henkel, Zoning Officer
Erica Scheidecker, Clerk

The Lee County Zoning Board of Appeals met on Thursday, April 7, 2005 at 7:00 p.m. in the Lee County Courthouse, Dixon, Illinois. Chairman Ron Conderman called the meeting to order and the clerk Erica Scheidecker called roll. The following members were present: Ron Conderman, Mike Pratt, Tom Fassler, and Gene Hardiek. Those not present: Craig Buhrow and Gene Bothe.

Chairman Conderman asked if there were any changes or corrections to last month's meeting. There were not and Mike Pratt made a motion to approve and Tom Fassler seconded it. All were in favor.

The hearing began for petition 05-P-1401 to adopt a revised Zoning Ordinance, Subdivision Ordinance, Flood Control Ordinance, and creation of a new Stormwater Management Ordinance and Greenways and Trail Plan.

Ron Conderman swore in Bill O'Keefe, the chairman of the Lee County Planning Commission. Mr. O'Keefe provided a summary of the changes and new additions to the Zoning Ordinance.

He explained that the proposed Zoning Regulations, Title 10, will replace the existing Title 10. The revisions are designed to simplify the zoning process for the average person and to be as informative as possible. The definitions have been reexamined and revised to reflect the same term definitions as are used in other sections of the Lee County code, state statutes, and federal statutes, where applicable.

As an example, the Concentrated Livestock Production District is an important definition not previously used in the old ordinance. It describes generally everything that can be done in AG-1 and AG-2. This is the term used in the state regulations. The term Food Service Establishment is also used to highlight any use which is regulated by the County Health Code and to advise applicants that they must comply with health regulations as well as zoning regulations.

Definitions have been eliminated that are no longer appropriate or obsolete in today's environment. The County Board's adult entertainment establishment's ordinance and all related definitions have been incorporated into the new zoning ordinance.

Mr. O'Keefe went on to say that Zoning District classifications have been divided into Underlying Principal Uses, meaning what you are zoned for on a particular site, and

Overlay Districts, meaning overall regulations which may be applicable to your site, regardless of how you are zoned. The names of the Principal zoning classifications and principal uses have been changed to reflect the names of zoning districts suggested in the Lee County Comprehensive Plan adopted March 28, 2000.

The Zoning Ordinance incorporates references to the Greenways and Trails Plan which will be adopted as an amendment to the Comprehensive Plan. There are bonuses provided in the zoning ordinance to developers who comply with the provisions of the Greenways and Trails Plan.

Mr. O'Keefe said there are a few changes in the sections relating to the boards dealing with zoning and subdivision regulation. The Zoning Board of Appeals will remain the same. The Regional Planning commission will be reduced from nine members to five. He said the regulations regarding hearings haven't changed except for broadened notice provisions.

Municipalities, township planning commissions, township supervisors, and township road commissioners are given greater opportunities to participate in the planning process. Each of them will receive notice when action is being taken, either for zoning and planning, in areas within their jurisdiction

Mr. O'Keefe stated there will be expanded powers for the Zoning Administrator under the zoning ordinance including the ability to issue temporary zoning permits. The Administrator may issue short term permits (90 days) without a hearing for temporary or seasonal uses which previously would have required a hearing before the Zoning Board of Appeals. Examples include farm stands and short term bazaars. The Administrator is also permitted to issue variations and permits without a hearing where the variation requested is insignificant (defined as less than 10%). Both of these changes unclutter the agenda of the Zoning Board of Appeals and provide a monetary and time saving benefit to the applicant.

The new Zoning Ordinance and the Subdivision Control Ordinance tightens up and regulates the number of access points per lot and number of new residential units per section. The ordinance reduces the size of residential lots in the Ag-1 District from five acres to two, not to encourage more building, but to preserve more farmland. The ordinances also encourage the clustering of the allowable new units per section rather than spreading them out and again fragmenting farming areas.

Specific standards have been removed from the body of the zoning ordinance and incorporated into appendices. The use of the appendices eliminates redundancy in the body of the ordinance and permits the applicant to quickly determine what applies to his particular proposal.

Mr. O'Keefe continued to summarize the appendices of the proposed Zoning Ordinance.

Appendix A establishes principal uses, special uses, temporary uses, and restricted uses. If a use is designated "R", the applicant is on notice that someplace in the ordinance there are additional restrictions beyond "S" or "P."

Appendix B sets out accessory uses in every district and in overlay districts.

Appendix C establishes bulk and use regulations. These are generally coverage and set back regulations.

Appendix D establishes parking requirements. These are more comprehensive than the County has imposed in the past and are based on the professional planner's suggestions.

Appendix E regulates signage, and was developed in conjunction with a local signage company.

Appendix F Landscaping is based on Dixon's landscaping ordinance. In order to make the regulations appropriate for county wide application the Dixon requirements have been reduced in many instances.

Appendix G Fencing is pretty standard, using the model provided by our professional planner. The fencing, landscaping and parking appendices usually should be reviewed together because they will all apply in most applications.

Appendix H is the most important change from the current zoning ordinance. It sets forth standards for potential universal hazards and nuisances, such as noise, fire, hazardous materials, lighting, vibration, glare and odors. Farming uses are generally excluded from the application of many of the performance standards.

Appendix I Extractions is based on the Kendall County ordinance. All extraction is regulated, even on agricultural properties.

Appendix J is the SIC codes. The main purpose of including these is to provide a method for the Zoning Administrator to permit a use which is not included on Appendix A without amending the zoning ordinance. The Zoning Administrator can refer to the U.S. Department of Commerce SIC codes, find the suggested use listed, and then apply the same district regulations which would apply to similar uses listed in that SIC category. Whiteside County applies a similar system.

Member Craig Buhrow joined the meeting at this time.

Lee County Board Member Beverly Power was sworn in. Ms. Power asked what steps would be taken under the new ordinance if an illegal road is built before the zoning office became aware of it.

Bill O'Keefe stated that under the proposed ordinance, once the matter was brought to the zoning officer's attention, he would investigate and confirm that there had been a violation. The zoning officer would post notice stating that the activity had violated the zoning ordinance and the land owner was subject to daily fines. The notice would also state if there were to be any further activity the matter would be referred to the States Attorney for action.

There were no further visitors to speak, so Mr. Conderman stated that public comment was closed for the Zoning Ordinance.

Bill O'Keefe provided a brief summary of the changes and new additions to the Subdivision Control, Storm Water Management, and Flood Control Ordinance.

He explained that prior to adoption of this ordinance (Title 12), Lee County did not have a subdivision ordinance. It had regulations which were adopted by the County Board and put into place. There was neither a Storm Water Management Ordinance nor any regulations in that area at all. There was a Flood Plain Ordinance which was incorporated in the present Title 12 of the County Code. The proposed Subdivision, Flood Control and Storm Water Management Ordinance incorporate all these things and LESA regulations into a new Title 12. These are the components which generally affect the development process on a day to day basis. Mr. O'Keefe stated that development is the key term. When one does anything to land in Lee County, except for purely agriculture purposes, he is subject to regulation under Title 12. For consistency and simplicity, the terms used have been defined the same throughout all sections of Title 12 and cross-referenced where used also in Title 10- Zoning.

Mr. O'Keefe stated that the Flood Plain Ordinance generally mirrors the latest regulations proposed by the State of Illinois. The flood plain portion of Title 12 will replace the former regulations. These provisions also clarify what the current situation in the County is in terms of flood plains and compliance with federal regulations regarding FEMA and flood insurance eligibility.

Mr. O'Keefe explained that the LESA section reinforces the County's commitment to the preservation of "Prime Farmland". The LESA score is the encompassing concept that underlies all development.

He continued to say that the function of the County Administrative officials have been expanded in both the proposed Subdivision Control and Zoning Ordinances. The Zoning Administrator may also be the Plat Officer and/or the Zoning Enforcement Officer. In the Subdivision Control Ordinance, both the County Engineer and the Plat Officer have expanded functions necessitated by the storm water and flood plain provisions.

Mr. O'Keefe stated that the County is adopting a Development Manual which will provide guidance, forms and fee schedules for matters that are considered perfunctory by the planning department. These matters previously were codified in the subdivision

regulations or zoning ordinance. It will be used to relate to matters that come up on a daily basis. The Development Manual will not be adopted by ordinance but will be subject to change by the planning department as conditions change from time to time. Copies of the Development Manual will be available at the County Planner's office.

Russ Renner, the county engineer, was present to discuss the Storm Water Management and Flood Plain Control. Mr. Renner stated that the Storm Water Management Ordinance had been created by combining the Whiteside and Ogle Counties' Ordinances. Prior to this, Lee County had no existing ordinance. The purpose will be to help control storm water and address issues before they become major problems.

Lee County Board Member Judy Truckenbrod was sworn in. Ms. Truckenbrod asked who would be responsible for checking that all the new requirements and restrictions in the ordinance are being met.

Bill O'Keefe stated that the county currently does not have a process for reviewing the adequacy of plats or surveys that are submitted for recording. He stated that some counties have plat review committees. The new ordinance allows for a committee to take on this function or to be created. The proposed ordinance does not specify who this has to be.

Mr. O'Keefe explained that the new ordinance does require that we keep all original plats after they're recorded. The final plat, once approved, remains with someone under the control of the county board. It is then delivered to the committee to be reviewed prior to being recorded. This prevents changes being made by the developer after the approval without anyone's knowledge.

Mr. O'Keefe stated that the review process for the ordinary plat starts with the sketch review committee. They review it and circulate it to the township road commissioner, to municipalities within a mile and a half, to townships with planning commissions, and to local fire protection districts. The purpose is to solicit comments early on so the developer can change his plans before he's spent too much money.

Mr. O'Keefe also stated the proposed ordinance requires that a sketch plan include measurements locating the building, if it's in a flood plain, and if it's in wetlands. This requires getting an engineer involved early in the process. The preliminary plat procedure will also require that utility letters be obtained at the start so the developer and the zoning administrator know if gas, sewer, and electric are available.

The health department will be notified when septic and well are going to be used. The configuration of the lot is based on whether the soil is adequate for septic. Mr. O'Keefe stated that if this is addressed initially, the developer can lay out some sensible lots.

Ms. Truckenbrod asked for an explanation regarding the “Garages or Sheds” section in Article III on page 41. It states that the garage must have at least one permanent opening on each wall no more than one foot above grade.

Mr. O’Keefe replied that the opening does not refer to windows. He stated that the opening is below the flood plain level, so that water can flow through the understructure so the building is not lifted up.

Visitor Verle Burhen, the Reynolds Township Supervisor, was sworn in. Mr. Burhen stated that they have a planning commission in Reynolds Township, and that Reynolds and Alto Townships belong to the Rochelle Greater Planning Commission. Mr. Burhen stated that Reynolds is right next to the airport in Rochelle. He also stated there was an instance where land was sold for \$10,000 an acre and he doesn’t believe it will remain farmland.

Bill O’Keefe answered that the primary question is under what jurisdiction it will be developed. Lee County cannot stop Rochelle from annexing. If the property is contiguous to Rochelle, it can annex regardless of the county. Mr. O’Keefe stated this follows the state law.

Mr. Burhen was also concerned that the Rochelle airport would like to make a runway north and south, which would close Conrad Road. He asked if they had any way of stopping that.

Mr. O’Keefe replied that they did. He stated that under 620-ILCS-5025 titled “Roads and streets within or adjoining airports, jurisdiction over,” Lee County is responsible for and has jurisdiction over all public roads and streets within and adjoining the site of any airport, and to exercise and be vested with the same powers and duties with respect thereto as is now conferred upon township highway commissioners and county boards over such public roads and streets. Mr. O’Keefe concluded that the jurisdiction is Lee County, unless they actually annex the property beyond the road.

There were no further visitors to speak, so Mr. Conderman stated that comment was closed for the Subdivision Control Ordinance.

Ron Conderman stated the next portion of the petition was the Greenways and Trails plan. This is included in the petition to be appended to the Comprehensive Plan.

Dean Sheaffer, from Sheaffer Landscape Architects, was sworn in.

Mr. Sheaffer gave a brief presentation to provide an overview of the plan. He stated that the initiative for this began in 2001 by the citizens of Lee County. The plan was funded by the Illinois Department of Natural Resources, and they used those funds to hire the consultant, Dean Sheaffer. The funds provided for the production of the written plan and the plan map. It is the first of a series. One of the primary purposes was to respond to

