

February 2014 County Board Resolutions & Ordinances

Resolutions

R-2014-0201	Appointment - Byron Museum District - Alan Schabacker
R-2014-0202	Road & Bridge - 2014 County Pipe Supply
R-2014-0203	Road & Bridge - 2014 Crack Sealing
R-2014-0204	Road & Bridge - 2013 Supplemental - 13-00000-0X-GM
R-2014-0205	Grand Prairie Gateway
R-2014-0206	Dedication of Right of Way - Pines Rd - 08-00251-00-RS
R-2014-0207	LRP Bills
R-2014-0208	

Ordinances

O-2014-0201	#10-13 Amendment - John B Franklin - Byron Twp
O-2014-0202	Seizure and Impoundment of Vehicles - Tow Fund Ordinance Amendment
O-2014-0203	



Rebecca Huntley
Ogle County Clerk & Recorder

February 26, 2014

The Ogle County Board, at their regular meeting held on Tuesday, February 18, 2014, Colson presents the petition of John B. Franklin, 8827 N. Conger Rd., Leaf River, IL for an Amendment to the Zoning District to rezone from AG-1 Agricultural District to IA Intermediate Agricultural on property described as follows and owned by the petitioner: Part of the N1/2 of the NW1/4 of Section 26 Byron Township 25N, R10E of the 4th P.M., Ogle County, IL, 30.925 acres, more or less. P.I.N.: Part of 04-26-100-004 - Common Location: 8827 N. Conger Rd. Colson moves to approve O-2014-0201, Bowers seconds and the motion carries on a voice vote.(Placed on file)



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
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STATE OF ILLINOIS)
) SS
COUNTY OF OGLE)

ORDINANCE NO. 2014-0201

AN ORDINANCE APPROVING A ZONING MAP AMENDMENT ON
PROPERTY LOCATED AT 8827 N. CONGER ROAD IN BYRON TOWNSHIP

WHEREAS, John B. Franklin, 8827 N. Conger Rd., Byron, IL has filed a petition for a Map Amendment (Petition No. 10-13AM) to re-zone from AG-1 Agricultural District to IA Intermediate Agricultural District on property located at 8827 N. Conger Road in Byron Township, and legally described as shown in Exhibit “A” attached hereto; and

WHEREAS, following due and proper notice by publication in the Tempo at least fifteen (15) days prior thereto, and by mailing notice to all owners of property abutting the subject property at least fifteen (15) days prior thereto, the Ogle County Zoning Board of Appeals conducted a public hearing on January 30, 2014 at which the petitioners presented evidence, testimony, and exhibits in support of the requested Map Amendment, and no member(s) of the public spoke in support of or in opposition to the petition; and

WHEREAS, the Zoning Board of Appeals, having considered the evidence, testimony and exhibits presented has made its findings of fact and recommended that the requested Map Amendment be approved as set forth in the Findings of Fact and Recommendation of the Ogle County Zoning Board of Appeals dated January 30, 2014, a copy of which is appended hereto as Exhibit “B”; and

WHEREAS, the Planning and Zoning Committee of the Ogle County Board has reviewed the testimony and exhibits presented at the 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 requested Map Amendment be approved; and

WHEREAS, the Ogle County Board has considered the findings of fact and recommendation of the Zoning Board of Appeals and the recommendation of the Planning and Zoning Committee, and has determined that granting the Map Amendment would be consistent with the requirements established by Section 9.07(G) of the *Ogle County Amendatory Zoning Ordinance*;

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

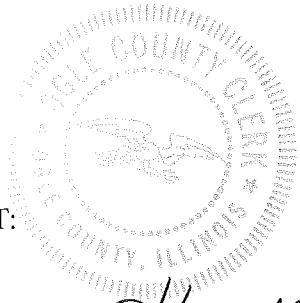
SECTION ONE: The report of the Ogle County Zoning Board of Appeals, Exhibit “B” attached hereto, is hereby accepted and the findings set forth therein are hereby adopted as the findings of fact and conclusions of the Ogle County Board.

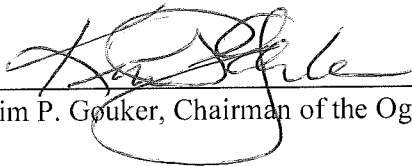
SECTION TWO: Based on the findings of fact as set forth above, the petition of John B. Franklin, 8827 N. Conger Rd., Byron, IL for a Map Amendment (Petition No. 10-13AM) to re-zone from AG-1 Agricultural District to IA Intermediate Agricultural District on property located at 8827 N. Conger Road in Byron Township, and legally described as shown in Exhibit "A" attached hereto, is hereby approved, and the Ogle County Zoning Map shall be amended to reflect said zone change.

SECTION THREE: This Ordinance shall be in full force and effect upon its adoption by the County Board of Ogle County, Illinois and attestation by the Ogle County Clerk.

SECTION FOUR: Failure of the owners of other party in interest to comply with the terms of this Ordinance, after execution of such Ordinance, shall subject the owners or party in interest to the penalties set forth in Section 9.10 of the Ogle County Amendatory Zoning Ordinance.


PASSED BY THE COUNTY BOARD THIS 18TH DAY OF FEBRUARY 2014 A.D.





Kim P. Gouker, Chairman of the Ogle County Board

ATTEST:



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

EXHIBIT "A"
LEGAL DESCRIPTION

Part of the North Half (½) of the Northwest Quarter (1/4) of Section 26, Township 25 North, Range 10 East of the Fourth principal Meridian, bounded and described as follows:

Beginning at the Northwest corner of the Northwest Quarter (1/4) of said Section 26; thence North 90 degrees 00'00" East along the North line of said Northwest Quarter (1/4), a distance of 1,503.54 feet to an existing fence; thence South 2 degrees 03'33" East along said existing fence, a distance of 560.30 feet; thence South 62 degrees 47'04" East along said existing fence, a distance of 486.72 feet; thence South 48 degrees 51'51" East along said existing fence, a distance of 640.61 feet; thence South 89 degrees 59'26" West parallel with the South line of the North Half (½) of said Northwest Quarter (1/4), a distance of 1,186.78 feet to an existing fence; thence North 0 degrees 50'39" East along said existing fence, a distance of 278.26 feet; thence South 89 degrees 47'14" West along said existing fence, a distance of 1,272.97 feet to the West line of the Northwest Quarter (1/4) of said Section 26; thence North 1 degree 01'32" East along said West line, a distance of 930.80 feet to the point of beginning, containing 41.845 acres, more or less; situated in the County of Ogle and State of Illinois.

EXCEPTING THEREFROM THE FOLLOWING PARCEL OF LAND:

Part of the North Half (½) of the Northwest Quarter of Section 26, Township 25 North, Range 10 East of the Fourth Principal Meridian, bounded and described as follows:

Beginning at the Northwest Corner of the Northwest Quarter (1/4) of said Section 26; Thence North 90 degrees 00 minutes 00 seconds East along the North Line of said Northwest Quarter, a distance of 817.88 feet; thence Southeasterly at an angle of 106 degrees 17 minutes 04 seconds as measured counter-clockwise from the last described course, a distance of 592.42 feet; thence Southwesterly at an angle of 77 degrees 39 minutes 26 seconds as measured counter-clockwise from the last described course, a distance of 167.98 feet; thence Northwesterly at an angle of 169 degrees 37 minutes 15 seconds as measured counter-clockwise from the last described course, a distance of 573.92 feet; thence Northwesterly at an angle of 161 degrees 09 minutes 26 seconds as measured counter-clockwise from the last described course, a distance of 280.02 feet to the West Line of said Northwest Quarter (1/4); thence North 1 degree 01 minute 32 seconds East along said West Line, a distance of 396.33 feet to the point of beginning, containing 10.92 acres, more or less, subject to that land being used for public road purposes and also subject to all easements, agreements, county codes and/or ordinances of record if any, all situated in the Township of Byron, the County of Ogle and the State of Illinois.

Property Identification Numbers (PIN): Part of 04-26-100-004

Common Location: 8827 N. Conger Road

EXHIBIT "B"

**FINDINGS OF FACT AND RECOMMENDATION
OF THE 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 John B. Franklin, 8827 N. Conger Rd., Byron, IL, in case #10-13AM. The applicant is requesting a map amendment to change the zoning classification of part of Parcel Identification No. 04-26-100-004, a 30.925 acre parcel, from AG-1 Agricultural District to IA Intermediate Agricultural District. Said parcel is part of Section 26, Township 25N, Range 10E of the 4th Principal Meridian and is located in Byron Township at 8827 N. Conger Road.

After due notice, as required by law, the Zoning Board of Appeals held a public hearing in this case on January 30, 2014 in the County Board Room, 3rd Floor, Ogle County Courthouse, Oregon, Illinois and hereby report their findings of fact and their recommendation as follows:

SITE INFORMATION: See Staff Report (attached herewith).

ANALYSIS OF SIX STANDARDS: After considering all the evidence and testimony presented at the public hearing, this Board makes the following analysis of the six standards listed in Section 9.07(G) (Standards for Map Amendments) of the *Ogle County Amendatory Zoning Ordinance* that must all be found in the affirmative prior to recommending granting of the petition.

1. That the proposed amendment will allow development that is compatible with existing uses and zoning of nearby property. **Continued residential and agricultural use of the property is compatible with the existing uses and zoning of nearby property, as the residential use has been established since 2006 and no material change in the use will occur as a result of the proposed amendment. Standard met.**
2. That the County of Ogle and other service providers will be able to provide adequate public facilities and services to the property (including, but not necessarily limited to, schools, police and fire protection, roads and highways, water supply and sewage disposal), while maintaining adequate public facilities and levels of service to existing development. **The continued use of the site for one dwelling and agriculture use will not create a burden on the County of Ogle and other public service providers due to the low intensity of development. Standard met.**
3. That the proposed amendment will not result in significant adverse impacts on other property in the vicinity of the subject site or on the environment, including air, noise, stormwater management, wildlife and natural resources. **No material change in the use of the property is proposed as a result of the proposed amendment, and no significant adverse impact on other property or on the environment have occurred or are likely to occur. Standard met.**

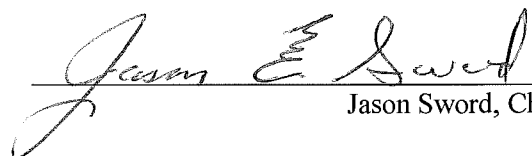
4. That the subject property is suitable for the proposed zoning classification. **The site is suitable for the IA zoning district, as the proposed amendment conforms to the Purpose and Intent of the IA zoning district. Standard met.**
5. That the proposed zoning classification is consistent with the trend of development, if any, in the general area of the subject property including changes, if any, which have taken place since the day the property in question was placed in its present zoning classification. **There is no trend of development in the general area other than agricultural uses, and a residential use has been established on the subject property. Continued use of the site for large-lot residential use with the site being maintained as open space and wildlife habitat is consistent with this trend. Standard met.**
6. That the proposed amendment is consistent with the public interest and not solely for the interest of the applicant, giving due consideration to the stated purpose and intent of the Amendatory Zoning Ordinance as set forth in Division 1 therein, the Land Evaluation and Site Assessment (LESA) findings (if applicable), and the recommendation(s) of the Ogle County Regional Planning Commission with respect to the *Ogle County Amendatory Comprehensive Plan*. **The proposed amendment is consistent with the public interest and not solely for the interest of the applicant. The proposed amendment is consistent with the purpose and intent of the Amendatory Zoning Ordinance; the Zoning Board of Appeals has considered the recommendation of the Regional Planning Commission that the petition be approved. Standard met.**

RECOMMENDATION: We find that the proposed map amendment requested meets all the standards for recommending granting as found in Section 9.07(G) of the *Ogle County Amendatory Zoning Ordinance* and that such request is in the public interest. Therefore, the Zoning Board of Appeals hereby recommends that the zoning district classification of the property described above be changed from AG-1 Agricultural District to IA Intermediate Agricultural District.


ROLL CALL VOTE: The roll call vote was 4 members for the motion to recommend granting, 0 opposed.

Respectfully submitted this 30th day of January 2014 by the Ogle County Zoning Board of Appeals.

**Jason Sword, Chairman
Randall Anderson
Randy Ocken
Paul Soderholm**



Jason Sword, Chair

ATTEST:


Michael Reibel, Secretary

O-2014-0202

Whereas, the Ogle County Board adopted O-2011-1008:

AN ORDINANCE AMENDING CHAPTER 12 OF THE CODE OF ORDINANCES OF OGLE COUNTY, ILLINOIS, TO INCORPORATE A DIVISION 4, PROVIDING FOR THE SEIZURE AND IMPOUNDMENT OF VEHICLES USED IN CONNECTION WITH CERTAIN OFFENSES, THE IMPOSITION OF AN ADMINISTRATIVE FEE FOR THE RELEASE OF SUCH VEHICLES, AND IMPLEMENTATION OF ADMINISTRATIVE REVIEW OF SUCH ADMINISTRATIVE FEES

Whereas, the Ogle County Board would like to amend Section 12-4-6-D:

- D. Any funds collected under this Division as an Administrative Fee shall be used at the discretion of the Sheriff, and may be used for law enforcement related activities including the purchase or maintenance of police vehicles, equipment, or training.

Whereas, the Ogle County Board presents to amend to Section 12-4-6-D as follows:

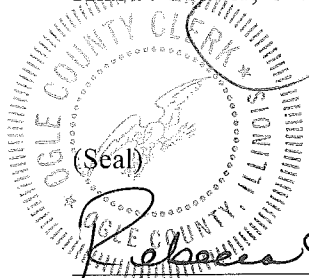
- D. Any funds collected under this Division as an Administrative Fee shall be deposited to the Sheriff's Tow Fund, as established by the Ogle County Board, and shall be used for law enforcement related activities limited to the purchase, repair or maintenance of police vehicles, vehicle equipment, or fuel. The purchase of police vehicles, while at the discretion of the Sheriff, shall be done only with the advice and consent of the County Board Committee to which the Sheriff's General Fund budget is reviewed on a regular, monthly basis. Monthly reports of expenditures from the Tow Fund will be made to the same committee at its regular monthly meetings.

THEREFORE, BE IT RESOLVED, that the Ogle County Board adopts the amendment to Section 12-4-6-D as presented at the February 18, 2014 Ogle County Board meeting.

Approved by the Ogle County Board on February 18, 2014.



Kim P. Gouker, Chairman





Rebecca Huntley, Ogle County Clerk