



Laura J. Cook
Ogle County Clerk & Recorder

August 28, 2020

The Ogle County Board, at their regular meeting held on Tuesday, August 18, 2020, Fritz presents #003-20 AMENDMENT – Daniel C. Miller, 1043 Parkview Dr., Rochelle, IL; and Brian W. & Caroline Ballard, 3333 N. Seminary Ave., #1, Chicago, IL for an Amendment to the Zoning District to rezone from AG-1 Agricultural District to IA Intermediate Agricultural District on property described as follows, owned by Daniel C. Miller and being purchased by Brian W. & Caroline Ballard: Part of the Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4) of Section 31, Township 25 North, Range 9 East of the 4th P.M., Maryland Township; and part of G.L. 2 of the Northeast Quarter (NE1/4) Fractional Section 6, Township 24N, Range 9 East of the 4th P.M., Mt. Morris Township, Ogle County, IL, 10.0 acres, more or less - P.I.N.: 03-31-400-007 & 08-06-200-007 - Common Location: 8060 W. Town Line Rd.

Fritz moves to approve 0-2020-0801, Bowers seconds and roll call was taken:

Youman shared that he believes that the policy needs to be reviewed to help explain process on decisions such as these. Chairman Finrock explained that concerns or clarity would need to be discussed at the Zoning Board of Appeals committee at their monthly meeting. Chairman Finrock also shared that if Youman was uncomfortable with it he certainly has the right to vote against the Ordinance.

YES: Sulser, Typer, Whalen, Youman, Asp, Billeter, Boes, Bowers, Corbitt, Droege, Fox, Fritz, Griffin, Heuer, Hopkins, Janes, Kenney, McKinney, Nordman, Oltmanns, Reising, Smith, Sparrow, and Finrock

NO: None

ABSENT: None

Motion carries on roll call vote. (Placed on file)



Laura J. Cook

Laura J. Cook
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.

STATE OF ILLINOIS)
) SS
 COUNTY OF OGLE)

ORDINANCE NO. **2020-0801**

AN ORDINANCE APPROVING A MAP AMENDMENT ON PROPERTY
 LOCATED AT 8060 W. TOWN LINE ROAD
 IN MARYLAND AND MT. MORRIS TOWNSHIPS

WHEREAS Brian W. & Caroline Ballard, 3333 N. Seminary Ave., #1, Chicago, IL have filed a petition for a Map Amendment (Petition No. 03-20AM) to re-zone part of Parcel Numbers 03-31-400-007 and 08-06-200-007 from AG-1 Agricultural District to 10.0 acres IA Intermediate Agricultural District on property located on part of the Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4) of Section 31, Township 25 North, Range 9 East of the 4th P.M., Maryland Township; and part of G.L. 2 of the Northeast Quarter (NE1/4) Fractional Section 6, Township 24N, Range 9 East of the 4th P.M., Mt. Morris Township, Ogle County, IL, 10.0 acres, more or less, and legally described as shown in Exhibit “A” attached hereto; and

WHEREAS, following due and proper notice by publication in the Ogle County Life 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 July 30, 2020 at which the petitioners presented evidence, testimony, and exhibits in support of the requested Map Amendment, no member(s) of the public spoke in support of the petition, and no member(s) of the public spoke 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 August 3, 2020, a copy of which is appended hereto as Exhibit “B”; and

WHEREAS, the Ogle County Board has considered the findings of fact and recommendation of the Zoning Board of Appeals, and has determined that granting the Map Amendment would be consistent with the requirements established by Section 16-9-7G 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.

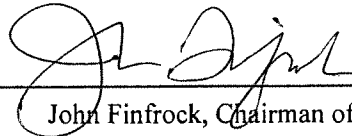
SECTION TWO: Based on the findings of fact as set forth above, the petition of Brian W. & Caroline Ballard, 3333 N. Seminary Ave., #1, Chicago, IL for a Map Amendment (Petition No. 03-20AM) to re-zone part of Parcel Numbers 03-31-400-007 and 08-06-200-007 from AG-1 Agricultural District to 10.0 acres IA Intermediate Agricultural District on property located part of the Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4) of Section 31, Township 25 North, Range 9 East of the 4th P.M., Maryland Township; and part of G.L. 2 of the Northeast Quarter (NE1/4) Fractional Section 6, Township 24N, Range 9 East of the 4th P.M., Mt. Morris Township, Ogle County, IL, 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 zoning 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.

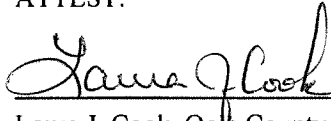
SECTION FOUR: Failure of the owners or other party in interest to comply with the terms of this Ordinance, after execution of such Ordinance, shall subject the owners or party in interest to the penalties set forth in Section 16-9-10 of the *Ogle County Amendatory Zoning Ordinance*.

PASSED BY THE COUNTY BOARD THIS 18th DAY OF August 2020 A.D.



John Finfrock, Chairman of the Ogle County Board

ATTEST:



Laura J. Cook, Ogle County Clerk and
Ex Officio Clerk of the Ogle County Board



EXHIBIT "A"
LEGAL DESCRIPTION

Part of the Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4) of Section 31, Township 25 North, Range 9 East of the 4th P.M., Maryland Township; and part of G.L. 2 of the Northeast Quarter (NE1/4) Fractional Section 6, Township 24N, Range 9 East of the 4th P.M., Mt. Morris Township, Ogle County, IL, 10.0 acres, more or less, and located at 8060 W. Town Line Rd, Leaf River, IL 61047.

Part of Property Identification Numbers: 03-31-400-007 and 08-06-200-007

Common Location: 8060 W. Town Line Rd, Leaf River, IL 61047

EXHIBIT B

**FINDINGS OF FACT AND RECCOMENDATION
OF THE ZONING BOARD OF APPEALS**

O-2020-0801

OGLE COUNTY ZONING BOARD OF APPEALS

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 Brian W. & Caroline Ballard, 3333 N. Seminary Ave., #1, Chicago, IL in case #03-20AM. The applicant is requesting a map amendment to change the zoning classification of Parcel Numbers 03-31-400-007 and 08-06-200-007 from AG-1 Agricultural District to 10 acres IA Intermediate Agricultural District. Said parcel is described as follows: Part of the Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4) of Section 31, Township 25 North, Range 9 East of the 4th P.M., Maryland Township; and part of G.L. 2 of the Northeast Quarter (NE1/4) Fractional Section 6, Township 24N, Range 9 East of the 4th P.M., Mt. Morris Township, Ogle County, IL, 10.0 acres, more or less, and located at 8060 W. Town Line Rd, Leaf River, IL 61047.

After due notice, as required by law, the Zoning Board of Appeals held a public hearing in this case on July 30th, 2020 in the County Board Room, 3rd Floor, Ogle County Courthouse, Oregon, Illinois and hereby reports its findings of fact and 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 16-9-7G (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.

The site is currently zoned AG-1 Agricultural District, and zoning the parcel IA Intermediate Agricultural District will ensure that the use site remains compatible with the existing agricultural and residential uses of near by parcels. 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.

Due to the low density of the proposed development, an existing driveway access to Town Line Rd., and soils suitable for on-site sewage disposal, Ogle and other service providers will be able to provide adequate services to the property. 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.

Little or no 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 are anticipated from rezoning of the site. Standard met.

4. That the subject property is suitable for the proposed zoning classification.

The proposed site meets the lot area, lot width, and road frontage requirements of the Intermediate Agricultural 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.

Rezoning to the Intermediate Agricultural District is consistent with the agricultural uses surrounding the site, keeping the integrity of the agricultural zoning districts intact. 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 the purpose and intent of the Amendatory Zoning Ordinance. The Zoning Board of Appeals has given due consideration that the Regional Planning Commission has recommended approval. Standard met.

RECOMMENDATION: We find that the proposed map amendment requested meets all the standards for recommending granting as found in Section 16-9-7G 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 10.0 acres IA Intermediate Agricultural District.

ROLL CALL VOTE: The roll call vote was 5 members for the motion to recommend granting, 0 opposed.

Respectfully submitted this 3rd day of August 2020 by the Ogle County Zoning Board of Appeals.

**Randy Ocken, Chairman
Paul Soderholm
David Williams
Rob Urish
Randy Bulthaus**

Randy Ocken, Chairman

ATTEST:

Harry Adams, Secretary

Ogle County Planning & Zoning Department

911 Pines Rd.
Oregon, IL 61061
(815) 732-1190
Fax: (815) 732-3709

STAFF REPORT

To: Zoning Board of Appeals

File #03-20AM

Date: June 9th, 2019

Prepared By: Harry Adams & Mark Miller

GENERAL INFORMATION:

Applicant: Daniel C. Miller, 1043 Parkview Dr., Rochelle, IL; and Brian W. & Caroline Ballard, 3333 N. Seminary Ave., #1, Chicago, IL

Status of Applicant: Dan Miller= Owner
Brian Ballard= Contractual Purchaser

Requested Action: Map Amendment

Purpose: Rezone 10 acres of parcel 03-31-400-007 and 08-06-200-007 currently zoned AG-1 Agricultural District to IA Intermediate Agricultural District

Location: Part of the Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4) of Section 31, Township 25 North, Range 9 East of the 4th P.M., Maryland Township; and part of G.L. 2 of the Northeast Quarter (NE1/4) Fractional Section 6, Township 24N, Range 9 East of the 4th P.M., Mt. Morris Township, Ogle County, IL, 10.0 acres, more or less

Property Identification Number: 03-31-400-007 & 08-06-200-007

Common Location: 8060 W. Town Line Rd.

Size: 10 acres

Existing Land Use: Crop land, mature trees, and storage facility for Dan Miller

Surrounding Land Use and Zoning: The site is located in an area of mostly of agricultural uses with some limited residential uses. There are 6 dwellings within one-half mile of the site. The parcel adjacent to the north is zoned AG-1 Agricultural District and is in ag use. Land to the west is in open space use and zoned AG-1 Agricultural District. The land adjacent to the south is in agricultural and open space use and zoned AG-1 Agricultural District. A residence owned by Dan Miller is the parcel adjacent to the east of the parcel and zoned AG-1.

Comprehensive Plan: The subject parcel is not located within a 1.5 mile radius of a municipality and is subject to the Amendatory Comprehensive Plan 2012 Update of Ogle County Illinois.

The Ogle County Amendatory Comprehensive Plan 2012 Update designates the property for agricultural and open space uses with only limited residential uses permitted.

O-2020-0801

Applicant:	Daniel C. Miller, 1043 Parkview Dr., Rochelle, IL; and Brian W. & Caroline Ballard, 3333 N. Seminary Ave., #1, Chicago, IL
Zoning History:	The parcel had been zoned AG-1 from the adoption of the first Ogle County Zoning Ordinance in 1965.
Applicable Regulations:	<p>IA Intermediate Agricultural District Purpose and Intent:</p> <p>This district is intended to help implement the goals and objectives of the Ogle County Amendatory Comprehensive Plan and is established to preserve the integrity of the "AG-1" district by clearly indicating that, in the "AG-1" district, agriculture is the primary use of the land. Agriculture in the "IA" district, while important, is not regarded as necessarily the primary use. The "IA" district is intended to be an intermediate zoning district between the "AG-1" district and the "R-1" Rural Residential District.</p> <p>It is the intent that this district be designed so that land less suited for agricultural use (but which still represents a valuable economic base), that otherwise might remain idle or unused out of "spot zoning" consideration, may be utilized for residential purposes. All activities within this district shall be compatible with surrounding agricultural operations, and shall maintain, preserve and enhance agricultural land. Agricultural activities are allowed in this district; however, the raising of livestock shall be in compliance with the Ogle County Health Code and all Illinois Environmental Protection Agency requirements regarding agriculture related pollution.</p>

Public Utilities:	None available.
Transportation:	W. Townline Rd. is a seal coat road functionally classified as a minor collector.
Physical Characteristics:	<p>The site is located in an area of sloping terrain. There are no floodplain or wetland areas on the site. According to the Ogle County Digital Soil Survey, soil types on the site are: 23% 280B Fayette Silt Loam, 50% 419C2 Flagg Silt Loam, eroded, 25% 509C2 Whalan Loam, eroded, and 2% 403F Elizabeth Silt Loam, eroded. The soil types identified on the site have the following selected characteristics:</p> <ul style="list-style-type: none"> • 100% of the soils are classified as being well to excessively drained • 83% of the soils are classified as suitable for septic fields.
LESA:	The LESA score of 207 indicates a Medium RATING FOR PROTECTION (LE = 67.6 ; SA = 140).

ATTACHMENTS:

LESA Summary Sheet

SITE ASSESSMENT WORK SHEET - OGLE COUNTY, IL "L.E.S.A."

<u>Site Assessment Factors</u>	<u>Maximum Points per Factor</u>	<u>Score Assigned</u>
<i>Agricultural Land Use</i>		
1. Percent of land in agriculture within 1.5 mile of site	16	<u>16</u>
2. Percent of land in agriculture adjacent to site	16	<u>14</u>
3. Percent of site suitable for agricultural use	16	<u>8</u>
<i>Zoning</i>		
4. Number of non-farm dwellings within 0.5 mile of site 6	12	<u>5</u>
5. Percent of land zoned AG-1 within 1.5 miles of site	16	<u>16</u>
6. Availability of zoned land for proposed use	10	<u>5</u>
7. Number of similar map amendments and/or special use permits approved within 1.5 miles of site within last ten years	12	<u>12</u>
<i>Compatibility/Impact of Use(s)</i>		
8. Distance from fire/ambulance protection	11	<u>11</u>
9. Distance from school (high school)	11	<u>5</u>
10. Impact on the environment and unique historical/cultural factors	10	<u>6</u>
11. Compatibility with surrounding area	10	<u>4</u>
<i>Urban Infrastructure</i>		
12. Degree to which the affected transportation routes can bear the traffic that the proposed use may generate	10	<u>4</u>
13. Availability of central sewer	8	<u>8</u>
14. Availability of public water	8	<u>8</u>
<i>Land Use Feasibility</i>		
15. Soil suitability for on-site disposal 27% CAT. 3	10	<u>5</u>
16. Size of site	10	<u>3</u>
17. Future need for more land	5	<u>5</u>
<i>Adopted Plans</i>		
18. a) Consistency with County "Comprehensive Plan"; or b) consistency with city/village plan if within 1.5 miles of city/village limits	9	<u>5</u>
SITE ASSESSMENT SUB-TOTAL	200	<u>140</u>

LAND EVALUATION WORK SHEET AND L.E.S.A. SUMMARY SHEET - OGLE COUNTY, IL "L.E.S.A."

1	2	3	4	5
Soil Type	Agricultural Group	Relative Value	Acres	Product (Relative Value x Acres)
1 280B	4	75	2.3	172.5
3 403F (504F)	8	44	0.2	8.8
2 419C2	6	74	5.0	370.0
3 509C2	7	50	2.5	125.0
TOTAL	-----	-----	10.0	676.3

Note:

"Agricultural Group" is obtained from Table 1.

"Relative Value" is obtained from Table 2.

To calculate # acres, use a planimeter or dot grid on a soil survey map or consult with the Ogle county Soil and Water Conservation District or Ogle County Planning & Zoning Department.

$$\frac{676.3}{10.0} = 67.6$$

Total of Column 5 / Total of Column 4 = Land Evaluation Sub-Total
(Maximum 100 points possible)

Site Assessment Sub-Total (Max. 200 pts.) = 140

Total Points Accrued (Max. 300 pts.) = 207.6 (L.E.S.A. Score)

In most cases, the site should be protected for agriculture when the points exceed 200.
The following point scale should be observed:

- 0 - 199 = Low rating for protection
- 200 - 210 = Medium rating for protection
- 211 - 300 = High rating for protection

Petitioner: MILLER/BALLARD

File No.: 3-204M.

Date: 6-10-20 Prepared By: MM



Laura J. Cook
Ogle County Clerk & Recorder

August 28, 2020

The Ogle County Board, at their regular meeting held on Tuesday, August 18, 2020, Fritz presents #004-20 AMENDMENT - Marty & Christie Cox, 5680 S. Bogey Dr., Polo, IL for an Amendment to the Zoning District to rezone from AG-1 Agricultural District to IA Intermediate Agricultural District (30.75 acres; more or less); and R-1 Rural Residential District (5.0 acres, more or less) on property described as follows and owned by the petitioners: Part of the East Half (E1/2) of the Southwest Quarter (SW1/4) of Section 35, Township 23 North, Range 8 East of the 4th P.M., Woosung Township, Ogle County, IL, 35.75 acres, more or less - P.I.N.: 14-35-326-007 - Common Location: 5680 S. Bogey Dr. Fritz moves to approve 0-2020-0802, Hopkins seconds and roll call was taken:

Heuer, Whalen, and Youman expressed their concern with this Ordinance being passed and the possibility of holding this over until they can reach further clarity on the use of the property.

Reising stated that the Board has to go by the sworn testimony by the ZBA and that the Board cannot go out and get more information without the petition going back to the ZBA for another hearing.

Nordman shared that it is not the responsibility of the County Board to tell people what they can and cannot do with their properties. Nordman stated the purpose of the County Board isn't to determine what someone may or may not do with their property. Nordman expressed it is the Zoning Board of Appeals purpose to do the questioning and then provide the County Board with their recommendation based on it.

Sulser asked what the ZBA vote was. Fritz shared that this passed Zoning Board 5 to nothing.

Griffin calls for question and roll call was taken:

YES: Typer, Asp, Billeter, Boes, Bowers, Corbitt, Droege, Fox, Fritz, Griffin, Hopkins, Janes, Kenney, McKinney, Nordman, Oltmanns, Smith, Sparrow, Sulser, and Finfrock

NO: Whalen, Youman and Heuer

ABSTENSIONS: Reising (clients of his)

ABSENT: None

Motion carries on roll call vote. (Placed on file)

Laura J. Cook
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.

STATE OF ILLINOIS)
) SS
COUNTY OF OGLE)

ORDINANCE NO. 2020-0802

AN ORDINANCE APPROVING A MAP AMENDMENT ON PROPERTY
LOCATED AT 5680 S. BOGEY DRIVE
IN WOOSUNG TOWNSHIP

WHEREAS Marty & Christie Cox of 5680 S. Bogey Dr., Polo, IL have filed a petition for a Map Amendment (Petition No. 04-20AM) to re-zone Parcel No. 14-35-326-007 from AG-1 Agricultural District to 5.0 acres R-1 Rural Residence District and 30.75 acres IA Intermediate Agricultural District on property located in part of the East Half (E1/2) of the Southwest Quarter (SW1/4) of Section 35, Township 23 North, Range 8 East of the 4th P.M., Woosung Township, Ogle County, IL, 35.75 acres, more or less, and legally described as shown in Exhibit “A” attached hereto; and

WHEREAS, following due and proper notice by publication in the Ogle County Life 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 July 30, 2020 at which the petitioners presented evidence, testimony, and exhibits in support of the requested Map Amendment, no member(s) of the public spoke in support of the petition, and no member(s) of the public spoke 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 August 3, 2020, a copy of which is appended hereto as Exhibit “B”; and

WHEREAS, the Ogle County Board has considered the findings of fact and recommendation of the Zoning Board of Appeals, and has determined that granting the Map Amendment would be consistent with the requirements established by Section 16-9-7G of the *Ogle County Amendatory Zoning Ordinance*;

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

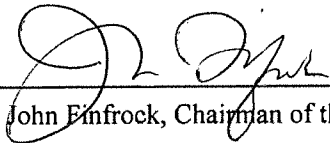
SECTION ONE: The report of the Ogle County Zoning Board of Appeals, Exhibit “B” attached hereto, is hereby accepted and the findings set forth therein are hereby adopted as the findings of fact and conclusions of the Ogle County Board.

SECTION TWO: Based on the findings of fact as set forth above, the petition of Marty & Christie Cox of 5680 S. Bogey Dr., Polo, IL for a Map Amendment (Petition No. 04-20AM) to re-zone Parcel No. 14-35-326-007 from AG-1 Agricultural District to 5.0 acres R-1 Rural Residence District and 30.75 acres IA Intermediate Agricultural District on property located in part of the East Half (E1/2) of the Southwest Quarter (SW1/4) of Section 35, Township 23 North, Range 8 East of the 4th P.M., Woosung Township, Ogle County, IL, 35.75 acres, more or less, 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 zoning change.

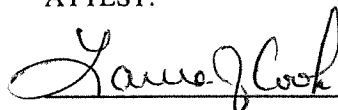
SECTION THREE: This Ordinance shall be in full force and effect upon its adoption by the County Board of Ogle County, Illinois and attestation by the Ogle County Clerk.

SECTION FOUR: Failure of the owners or 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 16-9-10 of the *Ogle County Amendatory Zoning Ordinance*.

PASSED BY THE COUNTY BOARD THIS 18th DAY OF August 2020 A.D.


John Einfrock, Chairman of the Ogle County Board

ATTEST:


Laura J. Cook, Ogle County Clerk and
Ex Officio Clerk of the Ogle County Board

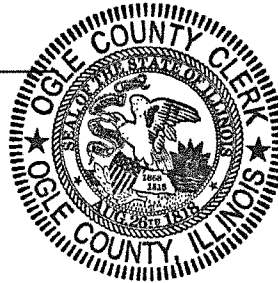


EXHIBIT "A"
LEGAL DESCRIPTION

Part of the East Half (E1/2) of the Southwest Quarter (SW1/4) of Section 35, Township 23 North, Range 8 East of the 4th P.M., Woosung Township, Ogle County, IL, 35.75 acres, more or less

Property Identification Number: 11-07-100-018

Common Location: 5680 S. Bogey Dr., Polo, IL 61064

EXHIBIT B

**FINDINGS OF FACT AND RECCOMENDATION
OF THE ZONING BOARD OF APPEALS**

OGLE COUNTY ZONING BOARD OF APPEALS

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 Marty & Christie Cox of 5680 S. Bogey Dr., Polo, IL in case #04-20AM. The applicant is requesting a map amendment to change the zoning classification of Parcel No. 14-35-326-007 from AG-1 Agricultural District to 5.0 acres R-1 Rural Residence District and 30.75 acres IA Intermediate Agricultural District. Said parcel is described as follows: Part of the East Half (E1/2) of the Southwest Quarter (SW1/4) of Section 35, Township 23 North, Range 8 East of the 4th P.M., Woosung Township, Ogle County, IL, 35.75 acres, more or less, and located at 5680 S. Bogey Dr., Polo, IL 61064.

After due notice, as required by law, the Zoning Board of Appeals held a public hearing in this case on July 30th, 2020 in the County Board Room, 3rd Floor, Ogle County Courthouse, Oregon, Illinois and hereby reports its findings of fact and 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 16-9-7G (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.

The site is currently zoned AG-1 Agricultural District, and zoning part of the parcel to IA Intermediate Agricultural District will ensure that the site remains compatible with the existing agricultural activities of the nearby AG-1 parcels, while zoning the 5 acres nearest the R-2 zoned subdivision to the south will ensure the R-1 portion will be compatible with the residential uses of the subdivision. 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.

Due to the low density of the proposed development when compared to the subdivision to the south, and having soils suitable for on-site sewage disposal, Ogle and other service providers will be able to provide adequate services to the property. 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.

Little or no 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 are anticipated from rezoning of the site. Standard met.

4. That the subject property is suitable for the proposed zoning classification.

The proposed site meets the lot area and lot width requirements of the Intermediate Agricultural District and R-1 Rural Residence 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.

Rezoning part to the Intermediate Agricultural District is consistent with the agricultural uses surrounding the site, keeping the integrity of the agricultural zoning districts intact. Additionally, rezoning part to R-1 Rural Residence District is consistent with the neighboring subdivision to the south. 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 the purpose and intent of the Amendatory Zoning Ordinance. The Zoning Board of Appeals has given due consideration that the Regional Planning Commission has recommended approval/denial. Standard met.

RECOMMENDATION: We find that the proposed map amendment requested meets all the standards for recommending granting as found in Section 16-9-7G 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 5.0 acres R-1 Rural Residence District and 30.75 acres IA Intermediate Agricultural District.

ROLL CALL VOTE: The roll call vote was 5 members for the motion to recommend granting, 0 opposed.

Respectfully submitted this 3rd day of August 2020 by the Ogle County Zoning Board of Appeals.

**Randy Ocken, Chairman
Paul Soderholm
David Williams
Rob Urish
Randy Bulthaus**

Randy Ocken, Chairman

ATTEST:

Harry Adams, Secretary

STAFF REPORT

To: Zoning Board of Appeals

File #04-20AM

Date: July 9th, 2020

Prepared By: Harry Adams & Mark Miller

GENERAL INFORMATION:

Applicant:	Marty & Christie Cox, 5680 S. Bogey Dr., Polo, IL
Status of Applicant:	Owner
Requested Action:	Map Amendment
Purpose:	Rezone 5 acres of parcel 14-35-326-007 currently zoned AG-1 Agricultural District to R-1 Rural Residence District, and 30.75 acres to IA Intermediate Agricultural District
Location:	Part of the East Half (E1/2) of the Southwest Quarter (SW1/4) of Section 35, Township 23 North, Range 8 East of the 4th P.M., Woosung Township, Ogle County, IL, 35.75 acres, more or less Property Identification Number: 14-35-326-007 Common Location: 5680 S. Bogey Dr.
Size:	35.75 acres
Existing Land Use:	Owners residence with and mature trees and creek
Surrounding Land Use and Zoning:	The site is located in an area of residential and agricultural uses. There are 15 dwellings within one-quarter mile of the site. The parcel adjacent to the north is zoned AG-1 and heavily wooded. Land to the east is a cow pasture and zoned AG-1. The land adjacent to the south is in residential use and zoned R-2 Single Family Residence District. Land to the west is in agricultural row crop use and zoned AG-1 Agricultural District.
Comprehensive Plan:	The subject parcel is not located within a 1.5 mile radius of a municipality. The Ogle County <u>Amendatory Comprehensive Plan 2012 Update</u> designates the property for agricultural and open space uses.
Zoning History:	The parcel had been zoned AG-1 from the adoption of the first Ogle County Zoning Ordinance in 1965.

Applicant:

Marty & Christie Cox, 5680 S. Bogey Dr., Polo, IL

Applicable Regulations:

16-5-3 "R-1" Rural Residence District:

A. Purpose and Intent.

The "R-1" district is intended to help implement the goals and objectives of the Ogle County Amendatory Comprehensive Plan and is established for low-density residential uses. It is designed for areas with few or no public improvements and where general conditions are not conducive to other than low-density development. (5/18/10)

E. Lot Area Requirements.

1. The minimum lot area for permitted uses shall be three (3) acres, with a minimum lot width measured at the building line of three hundred feet (300').

16-5-2 "IA" Intermediate Agricultural District:

A. Purpose and Intent.

This district is intended to help implement the goals and objectives of the Ogle County Amendatory Comprehensive Plan and is established to preserve the integrity of the "AG-1" district by clearly indicating that, in the "AG-1" district, agriculture is the primary use of the land. Agriculture in the "IA" district, while important, is not regarded as necessarily the primary use. The "IA" district is intended to be an intermediate zoning district between the "AG-1" district and the "R-1" Rural Residential District. (5/18/10)

It is the intent that this district be designed so that land less suited for agricultural use (but which still represents a valuable economic base), that otherwise might remain idle or unused out of "spot zoning" consideration, may be utilized for residential purposes. All activities within this district shall be compatible with surrounding agricultural operations, and shall maintain, preserve and enhance agricultural land. Agricultural activities are allowed in this district; however, the raising of livestock shall be in compliance with the Ogle County Health Code and all Illinois Environmental Protection Agency requirements regarding agriculture related pollution.

E. Lot Area Requirements.

1. The minimum lot area for permitted uses shall be ten (10) acres, with a minimum lot width measured at the building line of five hundred feet (500'). (05/20/03)

Applicant:

Marty & Christie Cox, 5680 S. Bogey Dr., Polo, IL

Public Utilities:

None available.

Transportation:

S. Bogey Rd. is a seal coat Woosung Township road functionally classified as a minor collector.

**Physical
Characteristics:**

The site is located in an area of flat to highly sloping terrain. There are no floodplain or wetland areas on the site, however Seven Mile Branch Creek does run on the property. According to the Ogle County Digital Soil Survey, soil types on the site are: 4.5% 233B Birkbeck silt loam, 16% 233C2 Birkbeck silt loam eroded, 7% 280B Fayette silt loam, 44.5% 3451A Lawson silt loam, 4.5% 403F Elizabeth loam eroded, and 23.5% 618D2 Senachwine loam eroded. The soil types identified on the site have the following selected characteristics:

- 57% of the soils are classified as being well drained
- 52% of the soils are classified as suitable for septic fields.

LESA:

The LESA score of 196.2 indicates a Low RATING FOR PROTECTION (LE = 73.2 ; SA = 123).

ATTACHMENTS:

LESA Summary Sheet

SITE ASSESSMENT WORK SHEET - OGLE COUNTY, IL "L.E.S.A."

<u>Site Assessment Factors</u>	<u>Maximum Points per Factor</u>	<u>Score Assigned</u>
<i>Agricultural Land Use</i>		
1. Percent of land in agriculture within 1.5 mile of site	16	<u>16</u>
2. Percent of land in agriculture adjacent to site	16	<u>14</u>
3. Percent of site suitable for agricultural use	16	<u>0</u>
<i>Zoning</i>		
4. Number of non-farm dwellings within 0.5 mile of site	12	<u>0</u>
5. Percent of land zoned AG-1 within 1.5 miles of site	16	<u>16</u>
6. Availability of zoned land for proposed use	10	<u>5</u>
7. Number of similar map amendments and/or special use permits approved within 1.5 miles of site within last ten years	12	<u>12</u>
<i>Compatibility/Impact of Use(s)</i>		
8. Distance from fire/ambulance protection	11	<u>5</u>
9. Distance from school (high school)	11	<u>5</u>
10. Impact on the environment and unique historical/cultural factors	10	<u>6</u>
11. Compatibility with surrounding area	10	<u>4</u>
<i>Urban Infrastructure</i>		
12. Degree to which the affected transportation routes can bear the traffic that the proposed use may generate	10	<u>4</u>
13. Availability of central sewer	8	<u>8</u>
14. Availability of public water	8	<u>8</u>
<i>Land Use Feasibility</i>		
15. Soil suitability for on-site disposal 4 B% CAT 3+4	10	<u>5</u>
16. Size of site	10	<u>5</u>
17. Future need for more land	5	<u>5</u>
<i>Adopted Plans</i>		
18. a) Consistency with County "Comprehensive Plan"; or b) consistency with city/village plan if within 1.5 miles of city/village limits	9	<u>5</u>
SITE ASSESSMENT SUB-TOTAL	200	<u>123</u>

LAND EVALUATION WORK SHEET AND L.E.S.A. SUMMARY SHEET - OGLE COUNTY, IL "L.E.S.A."

	<u>1</u> Soil Type	<u>2</u> Agricultural Group	<u>3</u> Relative Value	<u>4</u> Acres	<u>5</u> Product (Relative Value x Acres)	
2	233B	4	75	1.6	120.0	4.5%
2	233C2	6	74	5.8	429.2	16%
1	280B	4	75	2.5	187.5	7%
4	3451A (451)	5	75	15.5	1162.5	44.5%
3	403F (504F)	8	44	1.6	70.4	10.5%
2	618D2 (27C2)	6	74	8.4	621.6	23.5%
	TOTAL	-----	-----	35.4	2591.2	

Note:

"Agricultural Group" is obtained from Table 1.

"Relative Value" is obtained from Table 2.

To calculate # acres, use a planimeter or dot grid on a soil survey map or consult with the Ogle county Soil and Water Conservation District or Ogle County Planning & Zoning Department.

$$\frac{2591.2}{35.4} = 73.2 \text{ mm}$$

Total of Column 5 / Total of Column 4 = Land Evaluation Sub-Total (Maximum 100 points possible)

Site Assessment Sub-Total (Max. 200 pts.) = 123 mm

Total Points Accrued (Max. 300 pts.) = 196.2 (L.E.S.A. Score)

In most cases, the site should be protected for agriculture when the points exceed 200. The following point scale should be observed:

- 0 - 199 = Low rating for protection
- 200 - 210 = Medium rating for protection
- 211 - 300 = High rating for protection

Petitioner: Cox, Marty + Christie

File No.: 4-20 AM

Date: 7-6-20 Prepared By: MM