Ogle County Zoning Board of Appeals

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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 Amy & Todd Branham, 8613 N. Limestone Rd., Rockford, IL, in case #02-12SU. The applicants are requesting a Special Use Permit to permit an equine-assisted counseling and equine psychotherapy facility; and, horse riding instruction (lessons) in the AG-1 Agricultural District on Parcel Identification Nos.12-05-200-023 and 12-04-100-004, an 11.03 acre parcel which is part of Section(s) 4 & 5, Township 42N, Range 2E of the 3rd Principal Meridian and is located in Monroe Township at 8613 N. Limestone Road.

After due notice, as required by law, the Zoning Board of Appeals held a public hearing in this case on April 26, 2012 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 SEVEN 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 9.08© (Standards for Special Use Permits) 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 special use will not be unreasonably detrimental to the value of other property in the neighborhood in which it is to be located or the public health, safety, morals, comfort or general welfare at large. **The proposed special use will not be unreasonably detrimental to the value of other property in the neighborhood in which it is to be located or the public health, safety, morals, comfort or general welfare, as the proposed use is in a rural area on a hard surfaced road, is located on a large parcel, and is small in scale and intensity. STANDARD MET.**

2. That the location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the special use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the special use will so dominate the immediate neighborhood, consideration shall be given to:

   a. The location, nature and height of building, structures, walls and fences on the site; and,

   b. The nature and extent of proposed landscaping and screening on the proposed site.

   The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the special use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the AG-1 zoning district regulations, as the proposed use is relatively small in scale an intensity, it is located on a hard surfaced road, and it will utilize existing buildings on the site. STANDARD MET.

3. That off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations. **The site has adequate off-street parking and loading areas. STANDARD MET.**

4. That adequate utilities, ingress/egress to the site, access roads, drainage and other such necessary facilities have been or will be provided. **Adequate utilities, ingress/egress to the site from N. Limestone Road, access roads, drainage and other such necessary facilities have been or will be provided. STANDARD MET.**

5. That the proposed use can be operated in a manner that is not detrimental to the permitted developments and uses in the zoning district; can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area; and is deemed essential or desirable to preserve and promote the public health, safety and general welfare of Ogle County. **The proposed use can be operated in a manner that is not detrimental to the permitted developments and uses in the AG-1 zoning district; can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area; and is deemed essential or desirable to preserve and promote the public health, safety and general welfare of Ogle County, provided the proposed use will be operated in conformance to the recommended conditions of the Special Use Permit. STANDARD MET.**

6. That the proposed special use complies with all provisions of the applicable district regulations. **The proposed special use appears to comply with all provisions of the AG-1 district regulations. STANDARD MET.**

RECOMMENDATION: After considering all the evidence and testimony presented, this Board finds that the application meets all the standards as found in Section 9.08© of the *Ogle County Amendatory Zoning Ordinance.*

Therefore, the Zoning Board of Appeals hereby recommends that a Special Use Permit be granted to allow an equine-assisted counseling and equine psychotherapy facility; and, horse riding instruction (lessons) in the AG-1 Agricultural District subject to the following conditions:

1. Property boundary fence(s) shall be maintained to identify the boundary of the site and to deter guests from leaving the property.
2. All requirements of the Ogle County Health Department and Illinois Department of Public Health shall be complied with in regards to water supply and sewage disposal.
3. All facilities shall comply with the Illinois Accessibility Code as applicable.
4. There shall be no parking along the roadway or within the right-of-way of N. Limestone Road.

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

Respectfully submitted this 26th day of April 2012 by the Ogle County Zoning Board of Appeals.

Bruce McKinney, Chairman
Jason Sword
Randall Anderson
Curtis Freeberg
Randy Ocken

Bruce McKinney, Chairman

ATTEST:

Michael Reibel, Secretary

STATE OF ILLINOIS)
)SS
COUNTY OF OGLE)

In the Matter of the Petition

of

Amy & Todd Branham, Monroe Township

Ogle County, Illinois

Testimony of Witnesses
Produced, Sworn and
Examined on this 26th day
of April A.D. 2012
before the Ogle County
Zoning Board of Appeals

Present:

Randy Ocken
Curtis Freeberg
Randall Anderson
Jason Sword
Bruce McKinney, Chairman

Michael Reibel, Zoning Administrator

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CHAIRMAN MCKINNEY: Next order of business.

MR. REIBEL: The next order of business is to consider the request filed March 14th of Amy and Todd Branham, 8613 North Limestone Road, Rockford, Illinois, for a Special Use Permit to allow an equine-assisted counseling and equine psychotherapy facility and horse riding instruction (lessons)in AG-1 Agricultural District on property described as follows and owned by the petitioners:
Part of E1/2 GL1SE1/2 of NE1/4 of Fractional Section 5 and Part of W1/2 GL1S1/2 of NW1/4 Fractional Section 4 Monroe Township, 42N, R2E of the 3rd P.M., Ogle County, 11.03 acres, more or less.
Property Identification Numbers: 12-05-200-023 and 12-04-100-004.
Common Location: 8613 N. Limestone Road.

For the record, all adjoining property owners to this petition have been notified by certified mail of the hearing this evening and the specifics of the petition.

A legal notice was published in the April 2nd, 2012 edition of the Ogle County Life, again notifying the public of the hearing this evening on the specifics of the petition and a sign has been posted along the frontage of the

premises indicating that a zoning hearing is to be held.

Under the Staff Report, a copy which is on file and the board members have received, I will point out under general information that the site is located on the -- both the east and the west side of North Limestone Road. And the existing land use is large lot rural residential. Surrounding land use and zoning, this site is located within a predominately agricultural area. Approximately 37.7 percent of the site is adjoined by non-farm residential uses, and the remainder 62.3 percent is adjoined by agricultural uses. There are three non-farm dwellings within a quarter mile of the site, and six non-farm dwellings with a half mile of the site. All adjoining land is zoned AG-1.

No previous zoning history on the site.

Application regulations: The proposed use is agriculturally-related and similar in nature to two other special use permits granted in the past ten years for therapeutic farm program and Equine Arts Center.

Special information: Public utilities,

none. Transportation: North Limestone Road is a seal coat surfaced road under the jurisdiction of Monroe Township. Physical characteristics: The site is part of an upland ridge top. The site is gently sloping and well drained, there are no areas of ponding or flooding, and no mapped wetlands within the site. According to the digital soil survey, the soil types are 503B - Rockton silt loam; and 622B - Wyanet silt loam. All of the soils identified on the site are classified as prime farmland, and are rated as very limited for septic fields due to depth of bedrock and slow water movement.

Under the LESA program, the LESA score of 201.6 indicates a medium rating for protection. Land evaluation being 87.6; site assessment 114.

The following are recommended conditions for approval: 1. One property boundary fence or fences shall be maintained to identify the property -- the boundary of the site and to deter guests from leaving the property. 2. All requirements of the Ogle County Health Department and Illinois Department of Public Health shall be complied with in regards to

water supply and sewage disposal. 3. All facilities shall comply with the Illinois Accessibility Code as applicable. 4. There shall be no parking along the roadway or within the right-of-way to North Limestone Road.

The Illinois Department of Natural Resources, Illinois National Heritage database contains no record of statements of threatened or endangered species, etcetera, and the consultation process with IDNR has been terminated.

At the April 19th, 2012 meeting of the Regional Planning Commission, Mr. White made a motion to recommend approval of the petition, along with the recommended conditions, stating that it's an acceptable use in an agricultural area and serving unique needs of the area. Second by Mr. Baumgarten and it carried unanimously by roll call vote.

I also have a letter on file from Monroe Township which indicates that Monroe Township has no objection to the petition.

That's all I have.

CHAIRMAN MCKINNEY: We already gone into a

public hearing?

THE REPORTER: Yes.

CHAIRMAN MCKINNEY: Okay. We're in a public hearing, so petitioners, whoever's going to speak on this petition can come up to the podium. Please raise your right hand.

AMY BRANHAM and DONNA KASPER, having been first duly sworn, testified as follows:

CHAIRMAN MCKINNEY: Give Doris your names and addresses.

MS. BRANHAM: Amy Branham, 8613 Limestone Road, Rockford, Illinois 61109.

MS. KASPER: Donna Kasper, that's K-A-S-P-E-R, 4879 Forest Drive, Rockford, Illinois 61109.

THE REPORTER: Excuse me. You go into a public for each meeting, correct?

CHAIRMAN MCKINNEY: Yes.

THE REPORTER: You did not do it for this one.

CHAIRMAN MCKINNEY: Okay. Entertain a motion to go into a public hearing.

MR. FREEBERG: So move.

MR. ANDERSON: So move.

CHAIRMAN MCKINNEY: Curt moved; Randy seconded. All those in favor signify by saying aye.

(All members voted in favor.)

CHAIRMAN MCKINNEY: Any opposed say nay. Motion carried.

Tell us about your petition.

MS. KASPER: Basically, we are petitioning to have a non-profit business at Amy's residence on Limestone. It will be for alternative counseling solutions. It will include individual counseling for kids, therapeutic riding, regular riding, possibly parenting coaching, the whole gamut of things that can be offered on the farm. Uhm, possibly some art therapy, also music therapy, and primarily focus is with abused and neglected kids, but we are really open to all realms at this point.

MS. BRANHAM: Yes, I would be helping a lot, and so I just kind of second everything she says. We will do a few normal riding lessons, I do like to help local 4-H kids with their projects, and that's about all I have to add to it, so...

MS. KASPER: She also does horse rescue.

MS. BRANHAM: We also do horse rescue. Usually, I get one or two in a year. We do some dog rescue, just privately, so we would not get big. But every once in awhile someone -- if there was a horse that was abused or starving or something, we would take it in. Hopefully, have the kids help to work it and then re-home it. So we would not be keeping all the rescue animals. Our goal, whenever I rescue something, is to kind of rehab it, and then re-home it, so. We do have our four rescue dogs that we have kept, but everything else goes. And we do have a couple rescue horses on our property right now.

CHAIRMAN MCKINNEY: Have you read, understand the recommendations -- staff recommendations, there's four of them?

MS. KASPER: Those are the ones that you read earlier?

CHAIRMAN MCKINNEY: Yes.

MS. BRANHAM: Yes.

CHAIRMAN MCKINNEY: Okay. Are you going to allow people to ride the horses on their own,

like off into the pasture or will there always be somebody with?

MS. BRANHAM: There should always be -- especially with therapy, there will always be someone with. We have friends, I may have a few students that could ride; and then if I have a boarder or two, they could ride on their own; but pretty much, most riders will be supervised. Our whole property right now is fenced in, so that's not an issue. They won't be running amuck. And with the counseling too, it has to be very, very supervised. So all our workers will have to have background checks. It will be very low key.

MR. ANDERSON: You'll be registered with the State then as a not-for-profit organization?

MS. KASPER: We already are.

MR. ANDERSON: Okay, and that means they'll have some sort funding that will come in to help --

MS. KASPER: Yes, that's what we're hoping for.

MR. ANDERSON: Well, that's why I'm asking. I want that to happen, is what I'm

getting at here.

MS. BRANHAM: Yeah, we have to apply for grants.

MR. ANDERSON: Exactly.

MS. BRANHAM: Hopefully some local businesses might want to help out, because there's no way by doing normal riding lessons that you would pay for extra things we want to do, so we would have to get some corporations hopefully involved, things like that.

MR. ANDERSON: That's kind of what I was driving at, if you're going through all of this to get to that point, if you get the funding to keeping it going once you get there.

MS. BRANHAM: That's right.

CHAIRMAN MCKINNEY: What's the maximum number of horses you could have out there?

MS. BRANHAM: I could have out there? Well, I guess -- you told me I could have, like, any amount I want right now. But we don't want a ton, so. Uhm, right now we have nine large horses, and we have four miniature horses and two ponies, so we might possibly get a few more horses, but we're not going to need a large

number. Less horses than if I were going to board, which I could do now. I could board, but then to bring in income, you would have to board a lot. So we want to keep the numbers of horses not very high, because it's just more to take care of. We do have plenty of room, we have plenty of land, but yeah, I wouldn't say over 20 horses, and that would include miniatures too, so kind of like a dog, they don't take up much room.

CHAIRMAN MCKINNEY: If you need more horses, I think Dixon has horses.

MS. BRANHAM: They do, they do, and money there, it's a nice facility.

MR. SWORD: Yeah.

CHAIRMAN MCKINNEY: Any other questions?

MR. OCKEN: Will riders be going from one side to the other across Limestone Road?

MS. BRANHAM: No. The only thing that's on the other side is pasture. So sometimes a couple times a day, like this morning, I moved the horses over there, and then I move them back, or if it's going to storm. And there was also a question too about a building, if we're

going to do anything over there. About the most we do over there is possibly build another lean-to. I would like to just do right now. A simple lean-to or a coverall, just so they have more shelter, so we're not constantly going across the road. But there's like no traffic anyway, so it doesn't really bother anybody except us, it's more work.

MS. KASPER: There are regulations with therapy horses, too. They can only work so many days a week, and they have to be able to relax and be, you know, in a private area.

MS. BRANHAM: Yeah, so we like the pasture across the street then, too, because it's private.

MR. OCKEN: But you're the one that would be moving these horses back and forth.

MS. BRANHAM: Yeah, and sometimes the kids would be helping, but if kids were involved then we'd have to supervise.

MR. OCKEN: Supervise, okay.

MS. BRANHAM: Unless somebody has a horse there, it's their own horse, or a riding student that leases and does a lot, then they would be

able to. Yeah, but anyone in any therapy program would always be assisted with that. They couldn't be allowed to move the horses by themselves.

MR. OCKEN: Okay.

CHAIRMAN MCKINNEY: I would suggest work with the township on the road to have some caution signs put up on each side.

MS. BRANHAM: Okay.

CHAIRMAN MCKINNEY: Especially if there's going to be people crossing, and then also put up some no parking signs along the -- Limestone Road --

MS. BRANHAM: Okay.

CHAIRMAN MCKINNEY: -- so one of the requirements is no parking on the road.

MS. BRANHAM: Right.

CHAIRMAN MCKINNEY: May just save you from going out and telling me people they can't park there.

MS. BRANHAM: Yes.

CHAIRMAN MCKINNEY: On the property, how many parking spaces do you think you'll have?

MS. BRANHAM: Oh, I have quite a few

people over sometimes now. We could probably park as many cars as 40 or, uhm, 50 even on the gravel, along the gravel, and on -- we have several parking spots, because I'm kind of -- I kind of like a big circle driveway and lots of different parking spots, so we have a lot of parking, so we would never fill that all up.

CHAIRMAN MCKINNEY: You would never be having like a bus load of people coming out, would you?

MS. BRANHAM: No, not that we know of. I mean, yeah, we don't plan on doing that.

CHAIRMAN MCKINNEY: How about semi trucks or anything?

MS. BRANHAM: Uhm, only -- we only have semi trucks now just to like deliver gravel, deliver mulch, and that's it, that we do use now, so that would all be all that we would have. So we wouldn't have any semis --

CHAIRMAN MCKINNEY: Do you raise your own alfalfa?

MS. BRANHAM: What?

CHAIRMAN MCKINNEY: Do you raise your own alfalfa and feed or --

MS. BRANHAM: No. Generally we just buy it. We did on more land, but we ended up selling it off, because that was just a hassle, so usually we just buy our own hay and buying more in big square bales so we can just get it delivered and then it's done. So we don't have to have legs and tractors all the time, and so it's pretty low maintenance.

MR. SWORD: Have you had to go through any kind of State training or certification to work with -- in this field?

MS. KASPER: Yes, I have. I went through the equine training skills through NARA, which basically I'm accredited to do equine skills training; and I'm also HOOAH (sic) certified, which is the actual dealing with kids that have physical disabilities and do the riding, but that's not what we're planning on doing right now.

MR. SWORD: Do you have agencies that recommend the clients to you, or how do clients get to you?

MS. KASPER: Basically -- right now I am the director of Children's Home and Aid in

Rockford, so I'm --

MR. SWORD: Oh, okay.

MS. KASPER: -- familiar with all the other agencies, Lutheran Social Services, I'm an Illinois mentor, DCFS, they all have kids that would benefit from this program.

MR. SWORD: True.

CHAIRMAN MCKINNEY: Is Monroe Center the closest, like, ambulance if needed or --

MS. BRANHAM: Yes. I would say, but it's really not too far from St. Anthony either.

MS. KASPER: Yeah, and Blackhawk also has --

MS. BRANHAM: Yeah, Blackhawk's very close and Cherry Valley's close, so I guess we're pretty close to quite a few.

MR. FREEBERG: You've mentioned kids several times. What age group are you targeting, or do you expect to have here?

MS. BRANHAM: Well, most of the children that would come out for riding pretty much be 9 to 16, 17, you know, in that age group.

You're probably about that range.

MS. KASPER: Same.

MR. FREEBERG: Any of them do any work out there or anything or --

MS. BRANHAM: I do and -- her children and my children. We kind of call it a working farm, so that probably be -- you want to explain what they do?

MS. KASPER: Basically we start off with equine therapy, a child would come out and meet the different horses, and there's also dogs on the property, there's cats. We may get a few additional animals as time goes by.

They learn safety with the horses they're going to work with. They would learn all the different body parts. They'd learn how to groom that horse. They would learn about medical care for that horse. And then when they finally get to a certain point, then that's where Amy would come in, and we would start doing therapeutic riding.

MS. BRANHAM: So they actually have to work and achieve something. And also my barn, anyone who rides there, friends, whoever right now, they're expected to clean some, feed some, because it's all part of having the horses.

It's not -- you just don't go ride, have fun, and then leave, it's responsibility.

MR. OCKEN: I assume these kids would be there only during the day not overnight?

MS. BRANHAM: Yes, not overnight. Correct, yeah, we wouldn't have any camping facilities or any overnights, no, nothing like that. We don't plan on doing any food catering, camping, staying, it would just be the daytime.

MR. OCKEN: What would be your typical hours of the operation?

MS. BRANHAM: Most people, for me, would not come out before probably 8, 8:30 in the morning. And generally the barn would start slowing down at 6:30, 7. In the summer, it might go a little bit later. But there would be breaks throughout the day, and all of our neighbors -- well, we only have two and they can't really see our house from where they live and they're gone a lot anyway, so that's good. And we wouldn't be creating noise they would even be able to hear, so yeah --

MR. OCKEN: Okay.

MS. BRANHAM: -- basically not bothering

anyone.

MR. FREEBERG: There is a -- I think it's a proposed regulation coming out of Washington, D.C. regarding young people working on farms.

MS. BRANHAM: Uh-huh.

MR. FREEBERG: You keep them away from dangerous equipment and the animals that can hurt them and all that stuff, are you aware of that?

MS. BRANHAM: No, but we don't have equipment, and they wouldn't be, like, working with cattle or, you know, we could check into that, but --

MR. FREEBERG: Okay.

MS. BRANHAM: -- that would probably affect all the riding stables and -- we do have some laws passed now where hopefully people can't sue as much, because people realize that horses can cause injuries, so but yeah, that would be something good for us to check into just so --

MR. FREEBERG: I mean, I grew up on a farm, but it's --

MS. BRANHAM: Right, so did I.

MR. FREEBERG: -- the non-agricultural community pretty agitated, and I just wondered if you were.

MS. BRANHAM: Yeah.

MR. FREEBERG: -- familiar with it, how much that would affect your operation if --

MS. BRANHAM: I'm hoping not at all. It seems a little ridiculous. I grew up on a farm, too; and I think you learn to stay away from the shafts and the things and -- you know, so I think -- I don't know, I think it was a good experience for me, but our kids would not be around anything as dangerous as we grew up with, but they still will be around animals, which they need to learn that animals are animals, you know, they're not -- they're not little robots, so. Yeah, that's kind of a crazy law, I don't know.

MR. SWORD: Do you have any agencies that come out and inspect your facilities at all, like through the State or something?

MS. BRANHAM: Do we have anything with yours?

MS. KASPER: Yes, I will be basically

under, they call COA for the counseling, and so I will have people coming out to audit all my paperwork, all the funding. We have to keep emaculate records.

MR. SWORD: Okay.

MS. KASPER: So yeah, there's going to be quite a bit of oversight.

MR. SWORD: Okay.

CHAIRMAN MCKINNEY: For the therapeutic, will a child have the same horse each time or will they be switching whatever horse is available?

MS. KASPER: So far what I've learned that really works with the kids is they like that relationship with that one animal. I know that the young lady we have with us here tonight, she's been work being with Vegas, who came in as a rescue at Amy's, and she's out there, three, four times a week working with that animal, and you can't pry her away from her, and that's pretty much how all the kids are. They look at it as their horse.

CHAIRMAN MCKINNEY: Any other questions?

MR. SWORD: No.

CHAIRMAN MCKINNEY: Anything else to add?

MS. BRANHAM: No.

CHAIRMAN MCKINNEY: Thank you.

MS. BRANHAM: Thank you.

CHAIRMAN MCKINNEY: Is there anybody here that wishes to testify in favor of the petition?

Please come forward. Please raise your right hand.

MS. MAJERNIK: Barbara Majernik, M-A-J-E-R-N-I-K, 8712 Sheffield Drive, Belvidere, Illinois.

CHAIRMAN MCKINNEY: Please raise your right hand.

BARBARA MAJERNIK,

having been first duly sworn, testified as follows:

MS. MAJERNIK: I'm a retired associate director of Catholic Charities Diocese of Rockford, that's where I met Donna Kasper, was her supervisor for child welfare and counseling, watched her get all her degrees and all her training, etcetera, etcetera, and I'm here to say that she would follow through and do right, the things that she says she will do.

I also met Amy with my granddaughter

taking lessons out at Amy's and visited the farm, felt that she was appropriate with the children and with the safety issues. I also observed her at the Ogle County Fair where she worked with teens and younger children and felt that she was very appropriate.

So I suggested to Donna Kasper that she contact Amy and maybe they could put something together, and I think they will put together a very good business. Thank you.

CHAIRMAN MCKINNEY: Thank you. Anybody have any questions for --

MR. SWORD: No.

CHAIRMAN MCKINNEY: Okay. Thank you.

Anybody else wishes to testify in favor of the petition?

Come forward. Please raise your right hand.

JAMIE PEARRE,

having been first duly sworn, testified as follows:

CHAIRMAN MCKINNEY: Give us your name and address.

MS. PEARRE: Jamie Pearre, P-E-A-R-R-E, 1014 Arcadia Drive, Apartment No. 4, DeKalb

Illinois 60115.

I just want to say through my life I've been through some counseling and stuff, and it's provided a large benefit for me personally, and then on top of it working with the animals and being out at Amy's has provided even more counseling and therapy, more so, than I ever could have gotten in an office.

Knowing Amy and knowing Donna well, I think the two really work good together. What they're offering to bring to the table is a really cool and unique opportunity that a lot of kids should have. And as long as I've known Amy, she's always been safe. She's always been responsible. I never felt she's put anyone in danger around the animals or around the farm or anything, and the same with Donna.

That's all I have to say.

CHAIRMAN MCKINNEY: Does anybody have any questions?

MR. SWORD: Nope.

CHAIRMAN MCKINNEY: Thank you. Anybody else wish to testify in favor of the petition?

Anybody wishes to testify opposing the

petition?

Seeing none, we'll go back into open session with a motion.

MR. ANDERSON: I'll make a motion.

CHAIRMAN MCKINNEY: Is there a second?

MR. FREEBERG: Second.

CHAIRMAN MCKINNEY: Randy's moved, Curt's seconded it. All those in favor signify by saying aye.

(All members voted in favor.)

CHAIRMAN MCKINNEY: Any opposed say nay? Motion carries.

Go through the findings of fact.

MR. REIBEL: Standard 1. That the proposed special use will not be unreasonably detrimental to the value of other property in the neighborhood in which it is to be located or the public health, safety, morals, comfort or general welfare at large.

MR. FREEBERG: The proposed special use will not be unreasonably detrimental to the value of other property in the neighborhood in which it is to be located or the public health, safety, morals, comfort or general welfare, as

the proposed use is in a rural area on a hard surfaced road, is located on a large parcel, and is small in scale and intensity. I believe the standard's met.

(All members agree.)

MR. REIBEL: 2. That the location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the special use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the special use will so dominate the immediate neighborhood, consideration shall be given to a. The location, nature and height of buildings and structures, walls and fences on the site; and b. The nature and extent of proposed landscaping and screening on the proposed site.

MR. SWORD: The location and size of the special use, the nature and intensity of the

operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the special use will not dominate the immediate neighborhood so to prevent development and use of neighboring property in accordance with the AG-1 zoning district regulations, as the proposed use is relatively small in scale and intensity, it is located on a hard surfaced road, and it will utilize existing buildings on the site. I feel this standard is met.

(All members agree.)

MR. REIBEL: That off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations.

MR. ANDERSON: The site has adequate off-street parking and loading areas. I find this standard is met.

(All members agree.)

MR. REIBEL: 4. That adequate utilities, ingress/egress to the site, access roads, drainage and other such necessary facilities have been or will be provided.

MR. OCKEN: Adequate utilities, ingress/egress to the site from North Limestone Road, access roads, drainage and other such necessary facilities have been or will be provided. I feel the standard's met.

(All members agree.)

MR. REIBEL: 5. That the proposed use can be operated in a manner that is not detrimental to the permitted developments and uses in the zoning district; can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area; and is deemed essential or desirable to preserve and promote the public health, safety and general welfare of Ogle County.

MR. FREEBERG: The proposed use can be operated in a manner that is not detrimental to the permitted developments and uses in the AG-1 zoning district; can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area; and is deemed essential or desirable to preserve and promote the public health, safety and general welfare of Ogle County, provide the proposed use

will be operated in conformance to the recommended conditions of the Special Use Permit. I believe this standard's met.

(All members agree.)

MR. REIBEL: 6. That the proposed special use complies with all provisions of the applicable district regulations.

MR. ANDERSON: The proposed special use appears to comply with all provisions of the AG-1 district regulations. I find that standard's met.

(All members agree.)

CHAIRMAN MCKINNEY: Gone through the finding of facts and found all six standards have been met, I will entertain a motion.

MR. SWORD: I make a motion we recommend to the County Board to approve this special use permit of Amy and Todd Branham, 2-12, in lieu of all standards have been met, with staff report recommendations.

MR. ANDERSON: I'll second that.

CHAIRMAN MCKINNEY: Jason's moved; Randy Anderson has seconded to recommend to the County Board to approve No. 2-12 Special Use for Amy

and Todd Branham with the recommendations -- staff recommendations and all standards having been met.

Roll call.

MR. REIBEL: Ocken?

MR. OCKEN: Yes.

MR. REIBEL: Freeberg?

MR. FREEBERG: Yes.

MR. REIBEL: Anderson?

MR. ANDERSON: Yes.

MR. REIBEL: Sword?

MR. SWORD: Yes.

MR. REIBEL: McKinney?

MR. MCKINNEY: Yes.

MR. REIBEL: Five voted yes.

The petition will go on to the Planning and Zoning Committee for the County Board on May 8th, at 2:00 p.m., right here in this room; and to the County Board for a decision on May 15th at 5:30 p.m., also right here in this room.

MR. HOPKINS: Correction, the meeting will be at the Focus House on May 15th.

MR. REIBEL: Oh, oh, thank you. So the County Board meeting in May, on May 15th will

actually be at Focus House, north of Rochelle, on Route 251. If you have any questions on the location you want to attend that meeting, just give me a call.

MS. BRANHAM: Okay. On May 15th.

MR. REIBEL: Yes, that would be a County Board decision.

MS. BRANHAM: Is there a meeting before that meeting also?

MR. REIBEL: The Planning and Zoning Committee of the County Board meets May 8th and that's right here at 2:00 p.m.

MS. BRANHAM: Is that 2 o'clock?

MR. REIBEL: Yeah.

CHAIRMAN MCKINNEY: You won't be able to testify or anything, but you're welcome to attend.

MS. BRANHAM: Should we be here, should we attend?

MR. REIBEL: It's up to you. It's not required, but you're welcome.

MS. BRANHAM: Okay. Thank you.

MS. KASPER: Thank you.

CHAIRMAN MCKINNEY: Do you understand the

County Board meeting is the same for your petition.

MR. REIBEL: Thanks a lot.

(The hearing was concluded at 6:50 p.m.)

Now on this 30th day of April, A.D. 2012, I do signify that the foregoing testimony was given before the Ogle County Zoning Board of Appeals.

Bruce McKinney, Chairman

Michael Reibel,
Zoning Administrator

Doris J. Kennay
Certified Shorthand Reporter
Registered Professional Reporter
IL License No. 084-002725
P.O. Box 8977
Rockford, Illinois 61126

Ogle County Planning & Zoning Department

911 W. Pines Rd.
Oregon, IL 61061
(815) 732-1190
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COPY

STAFF REPORT

To: Zoning Board of Appeals	**File #2-12SU**
Date: March 26, 2012	**Prepared By: Michael Reibel**

GENERAL INFORMATION:

Applicant:	Amy & Todd Branham, 8613 N. Limestone Rd., Rockford, IL
Status of Applicant:	Owners
Requested Action:	Special Use Permit in AG-1 Agricultural District
Purpose:	Equine-assisted counseling and equine psychotherapy facility; and, horse riding instruction (lessons).
Location:	Part of the E ½ G.L. 1 S ½ NE1/4 Fractional Sec. 5 and part of the W ½ G.L. 1 S ½ NW 1/4 Fractional Sec. 4 Monroe Township 42N, R2E of the 3rd P.M.
Size:	11.03 Acres (6.03 acres on west side of N. Limestone Road and 5.00 acres on east side of N. Limestone Road)
Existing Land Use:	Large-lot rural residential
Surrounding Land Use and Zoning:	The site is located within a predominately agricultural area. Approximately 37.7% of the site as adjoined by non-farm residential uses, and the remainder (62.3%) is adjoined by agricultural uses. There are three non-farm dwellings within 1/4 mile of the site, and six non-farm dwellings within ½ mile of the site. All adjoining land is zoned AG-1 Agricultural District.
Comprehensive Plan:	The site is not located within 1.5 miles of an incorporated city of village. Monroe Township has a township plan commission and an adopted plan document ("Monroe Township Comprehensive Plan" dated February 2, 2002). Both the "Monroe Township Comprehensive Plan" and the "Ogle County Amendatory Comprehensive Plan" designate the site and surrounding area for continued agricultural use.
Zoning History:	None.
Applicable Regulations:	The proposed use is agriculturally-related and similar in nature to two other special use permits granted in the past ten years (#08-06SU Therapeutic farm program and #06-10SU Equine Arts Center).

SPECIAL INFORMATION:

Public Utilities:	None.
Transportation:	N. Limestone Road is a seal coat surfaced road under the jurisdiction of Monroe Township.
Physical Characteristics:	The site is part of an upland ridge top. The site is gently sloping and well drained; there are no areas of ponding or flooding, and no mapped wetlands present on the site. According to the Ogle County Digital Soil Survey, soil types on the site are: 503B - Rockton silt loam, 2-5% slopes; and 622B Wyanet silt loam, 2-5% slopes. 100% of the soils identified on site are classified as "Prime farmland", and are rated as "Very limited" for septic fields due to depth to bedrock and slow water movement.
LESA:	The LESA score of 201.6 indicates a MEDIUM RATING FOR PROTECTION (LE = 87.6; SA = 114).

ATTACHMENTS:

LESA Summary Sheet

RECOMMENDATIONS:

The following are recommended conditions for approval of this Special Use Permit:

1. Property boundary fence(s) shall be maintained to identify the boundary of the site and to deter guests from leaving the property.
2. All requirements of the Ogle County Health Department and Illinois Department of Public Health shall be complied with in regards to water supply and sewage disposal.
3. All facilities shall comply with the Illinois Accessibility Code as applicable.
4. There shall be no parking along the roadway or within the right-of-way of N. Limestone Road.

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

Site Assessment Factors		Maximum Points per Factor	Score Assigned
Agricultural Land Use			
1.	Percent of land in agriculture within 1.5 mile of site	16	16
2.	Percent of land in agriculture adjacent to site 54% ±	16	10
3.	Percent of site suitable for agricultural use	16	8
Zoning			
4.	Number of non-farm dwellings within 0.5 mile of site 8	12	5
5.	Percent of land zoned AG-1 within 1.5 miles of site	16	16
6.	Availability of zoned land for proposed use	10	0
7.	Number of similar map amendments and/or special use permits approved within 1.5 miles of site within last ten years	12	12
Compatibility/Impact of Use(s)			
8.	Distance from fire/ambulance protection	11	5
9.	Distance from school (high school)	11	5
10.	Impact on the environment and unique historical/cultural factors	10	0
11.	Compatibility with surrounding area	10	4
Urban Infrastructure			
12.	Degree to which the affected transportation routes can bear the traffic that the proposed use may generate	10	4
13.	Availability of central sewer	8	8
14.	Availability of public water	8	8
Land Use Feasibility			
15.	Soil suitability for on-site disposal 1% CAT. 3	10	0
16.	Size of site 11.03	10	3
17.	Future need for more land	5	5
Adopted Plans			
18.	a) Consistency with County "Comprehensive Plan"; or b) consistency with city/village plan if within 1.5 miles of city/village limits	9	5
SITE ASSESSMENT SUB-TOTAL		200	114

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

1 Soil Type	2 Agricultural Group	3 Relative Value	4 Acres	5 Product (Relative Value x Acres)
503B	4	75	0.1	7.5
622B (2210)	3	87	10.7	930.9
TOTAL	-----	-----	10.8	945.9

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.

945.9 / 10.8 = 87.6
Total of Column 5 / Total of Column 4 — **Land Evaluation Sub-Total (Maximum 100 points possible)**

Site Assessment Sub-Total (Max. 200 pts.) = 114 mm

Total Points Accrued (Max. 300 pts.) = 201.6 **(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: BRANHAM, AMY + TODD

File No.: # 2-12 SU

Date: 3-26-12 Prepared By: MM