STATE OF ILLINOIS

) SS

COUNTY OF OGLE

) ORDNANCE NO. 2014-0701

AN ORDINANCE APPROVING A ZONING MAP AMENDMENT ON
PROPERTY LOCATED AT 110 COMMERCIAL STREET IN FORRESTON TOWNSHIP

WHEREAS, Jeffrey J. Schlamp, Administrator of the Barry G. Schlamp Estate, 1975
Spinnaker Ct., Aurora, IL has filed a petition for a Map Amendment (Petition No. 4-14AM) to
re-zone from B-1 Business District to R-2 Single Family Residence District on property located
at 110 Commercial Street in Forreston Township, 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 June 26, 2014 at which the petitioner 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 June 26, 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
Ordnance;

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 Jeffrey J. Schlamp, Administrator of the Barry G. Schlamp Estate, 1975 Spinnaker Ct., Aurora, IL for a Map Amendment (Petition No. 4-14AM) to re-zone from B-1 Business District to R-2 Single Family Residence District on property located at 110 Commercial Street in Forreston 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 15TH DAY OF JULY 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

Lot 1 Block 13 Original Town of Baileyville, located in part of the NE 1/4 Fractional Section 5, Township 25 North, Range 8 East of the 4th Principal Meridian, Ogle County, IL.

Part of Property Identification Number (PIN): 02-05-233-003

Common Location: 110 Commercial Street
EXHIBIT “B”

FINDINGS OF FACT AND RECOMMENDATION
OF THE 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 Jeffrey J. Schlamp, Administrator of the Barry G. Schlamp Estate, 1975 Spinnaker Ct., Aurora, IL, in case #4-14AM. The applicant is requesting a map amendment to change the zoning classification of Parcel Identification No. 02-05-233-003 from B-1 Business District to R-2 Single Family Residence District. Said parcel is described as Lot 1 Block 13 Original Town of Baileyville, located in part of NE 1/4 Fractional Section 5 Forreston Township 25N, Range 8E of the 4th Principal Meridian and is located in Forreston Township at 110 Commercial Street (Baileyville).

After due notice, as required by law, the Zoning Board of Appeals held a public hearing in this case on June 26, 2014 in the County Board Room, 3rd Floor, Ogle County Courthouse, Oregon, Illinois and hereby reports its findings of fact and recommendation(s) 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. Rezoning of the site to R-2 to allow continued residential use of the site is compatible with the existing uses and zoning of nearby property, as the site is adjoined by residential uses on three sides, and although the surrounding residential properties are zoned B-1, all other residential properties in Baileyville west of Main Street are zoned R-2. 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. Continued residential use of the site will not create a burden on the County of Ogle and other public service providers, as no change in the intensity of use is proposed. 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 adverse impacts or impact on the environment will result from the proposed map amendment, as no change to the property will occur. Standard met.
4. That the subject property is suitable for the proposed zoning classification. The site is suitable for the R-2 zoning district, as it is currently, and has been used for single-family residential purposes. 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. The trend of development in the general area is of existing and established residential uses. The proposed zoning classification of R-2 Single Family Residence District 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, as it will make an existing and established use consistent with the Zoning Ordinance and surrounding uses; the proposed amendment is also consistent with 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 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 B-1 Business District to R-2 Single Family Residence District.

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

Respectfully submitted this 26th day of June 2014 by the Ogle County Zoning Board of Appeals.

Jason Sword, Chairman
Maynard Stivers
Randy Ocken
Dennis Williams
David Williams

____________________________________
Jason Sword, Chairman

ATTEST:

____________________________________
Michael Reibel, Secretary
STATE OF ILLINOIS  
COUNTY OF OGLE  

In the Matter of the Petition  
of  
Jeffrey J. Schlamp, Administrator of the Barry G. Schlamp Estate, Forreston Township  
Ogle County, Illinois  

Testimony of Witnesses  
Produced, Sworn and  
Examined on this 26th day  
of June 2014  
before the Ogle County  
Zoning Board of Appeals  

Present:  
Randy Ocken  
Dennis Williams  
David Williams  
Maynard Stivers  
Jason Sword, Chairman  
Michael Reibel, Zoning Administrator  

INDEX  
Witness  
David Shockey  

End  

In Totidem Verbis, LLC (ITV)  

MR. SWORD: I'd like to call this June  
meeting of the Ogle County Zoning Board of  
Appeals to order. Mr. Reibel, please read the  
roll.  
(Roll call was taken and all  
were present.)  
MR. REIBEL: Five present.  
MR. SWORD: We do have a quorum. All  
right. Please rise for the Pledge of  
Allegiance.  
(WHEREUPON the Pledge of  
Allegiance was recited.)  
MR. SWORD: The verbatim transcripts  
serving as minutes from the last meeting are on  
file and will not be read at this time. I'll  
entertain a motion to approve the minutes of the  
last ZBA meeting.  
MR. OCKEN: So moved.  
MR. SWORD: It's been moved. Is there a  
second?  
MR. STIVERs: Second.  
MR. SWORD: It's been moved and seconded.  
All those in favor?  
(All those simultaneously  
In Totidem Verbis, LLC (ITV)  

(815) 453-2260
is to consider the request filed May 15th, 2014 of Jeffrey L. (sic) Schlamp, Administrator of the Barry G. Schlamp Estate, 1975 Spinnaker Court, Aurora, Illinois for an Amendment to the Zoning District to rezone from B-1 Business District to R-2 Single-Family Residence District on property described as follows and owned by Barry G. Schlamp:

Lot 1, Block 13, Original Town of Baileyville, part of the NE1/4 Fractional Section 5, Forreston Township 25N, R& E of the 4th P.M., Ogle County, Illinois.

Property Identification Number: 02-05-233-003. Common Location: 110 Commercial Street.

For the record, a legal notice was published in the Monday, June 2nd, 2014 edition of the Ogle County Life notifying the public of the hearing this evening and the specifics of the petition. All adjoining property owners to the petition have been notified by certified mail of the hearing this evening and a sign was posted along the frontage of the premises, again, indicating that a zoning hearing is to be held.

Under the staff report, which is on file and the Board members have received, I will point out under general information that the site is located at the southwest corner of the intersection of North Commercial Street and West Olive Street in Baileyville. Size of the parcel is 66 feet by 123.75 feet or 8,169 and a half square feet. Existing land use is residential. Surrounding Land Use and Zoning: Land adjacent to the north, west and south of the site is in residential use. Land to the east of the site is in commercial use. All surrounding land is zoned B-1 Business District. Zoning History: The site and surrounding area were zoned B-1 in 1965 upon adoption of the first Ogle County Zoning Ordinance. Special Information, Public Utilities: None. The site is served by a private, on-site well and septic system. Transportation: Commercial Street and Olive Street are seal coat surface roads under the jurisdiction of Forreston Township. Physical Characteristics: The site contains a single-family dwelling and detached garage. The site is located on a convex side slope in an area of gently sloping topography and is well drained. There are no wetlands or floodplains.

In Totidem Verbis, LLC (ITV)

At the June 19th, 2014 meeting of the Ogle County Regional Planning Commission, Mr. Reising made a motion to approve the petition as it is the correct zoning for the use of the property and conforms to the County's Comprehensive Plan. Seconded by Mr. White and the motion carried unanimously by a roll call vote.

And the Illinois Department of Natural Resources reports that the Illinois Natural Heritage Database contains no record of state-listed threatened or endangered species, etcetera, in the vicinity of the project and consultation with IDNR has been terminated.

That's all I have.

MR. SWORD: Okay. Will the Petitioner please come forward. You can stay at the podium, that's fine. If you'll raise your right hand, I'll swear you in.

DAVID SHOCKEY, being first duly sworn, testified as follows:

MR. SWORD: Spell your name and give your address and spell your last name for the record please.


Jeffrey Schlamp, as Administrator of the Barry Schlamp Estate, is my client and we're seeking to have the property at 110 Commercial Street changed from B-1 to R-2 zoning. The property is under contract to be sold and actually the buyer, Mr. Michael Kephorn (phonetic) is here tonight. And as is the nature of things today in residential lending, his lender very much desires to have the property in conforming use by an R-2 zoning in the event the property is ever destroyed and needs to be replaced. We think it adds to the value and is certainly consistent with the use of the property since the house was built some 50 years ago and we think it is in keeping with the character of the neighborhood and the continued use of residential purposes and we seek your approval. I'd be happy to answer any questions.

In Totidem Verbis, LLC (ITV)

(815) 453-2260
MR. SWORD: How long has the current owner owned it, do you know?

MR. SHOCKEY: Barry Schlamp has owned it --


MR. SHOCKEY: -- since 1978. Barry is deceased, but this is his son who's petitioning.

MR. SWORD: Sure, exactly. Well, it's definitely something to be done that would fit with the area. There's not a lot of commercial development happening in Baileyville.

MS. SHOCKEY: I would concur with that, Mr. Chairman.

MR. SWORD: Does the Board have any questions at this time? It's a pretty straightforward matter at hand here, so --

MR. SHOCKEY: Thank you.

MR. SWORD: Well, all right. I guess you can have a seat then. Thanks. Has anyone filed for an appearance in this matter?

MR. REIBEL: No, they have not.

MR. SWORD: Anyone here in favor of this petition? Anyone opposed? Okay. Seeing none, I guess we'll go through the standards.

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MR. REIBEL: Amendment Standard 1) That the proposed amendment will allow development that is compatible with existing uses and zoning of nearby property.

MR. OCKEN: Rezoning the site to R-2 to allow continued residential use of the site is compatible with the existing uses and zoning of nearby property as the site is adjoined by residential uses on three sides and although the surrounding residential properties are zoned B-1, all of the residential properties in Baileyville west of Main Street are zoned R-2.

I feel the standard is met.

(All those agreed.)

MR. REIBEL: 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.

DENNIS WILLIAMS: A continued residential

In Totidem Verbis, LLC (ITV)

use of the site will not create a burden on the County of Ogle and other public service providers as no change in the intensity of the use of -- of use is proposed. I believe this standard is met.

(All those agreed.)

MR. REIBEL: 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.

DAVID WILLIAMS: No adverse impacts or impact on the environment will result from the proposed map amendment, as no change to the property will occur. I feel the standard has been met.

(All those agreed.)

MR. REIBEL: 4) That the subject property is suitable for the proposed zoning classification.

MR. STIVERS: The site is suitable for the R-2 zoning district, as it is currently, and has been used for single-family residential.

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purposes. I believe the standard has been met.

(All those agreed.)

MR. REIBEL: 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.

MR. OCKEN: The trend of development in the general area is of existing and established residential uses. The proposed zoning classification of the R-2 Single-Family Residence District is consistent with this trend. I feel this standard is met.

(All those agreed.)

MR. REIBEL: 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 Amenity Zoning Ordinance as set forth in Division 1 therein, the Land Evaluation and Site Assessment findings, if applicable and in this case they

In Totidem Verbis, LLC (ITV)
are not and the recommendations of the Regional
Planning Commission with respect to the
Comprehensive Plan.
DENNIS WILLIAMS: The proposed amendment
is consistent with the public interest and not
solely for the interest of the applicant, as it
will make an existing and established use
consistent with the Zoning Ordinance and the
surrounding uses. The proposed amendment is
also consistent with the purpose and intent of
the Amending Ordinance. The Zoning
Board of Appeals has given due consideration
that the Regional Planning Commission has
recommended approval. I believe that standard
has been met.
(All those agreed.)
MR. REIBEL: And have the Board members
read and considered the LaSalle factors as
applied to this petition?
(All those responded
affirmatively.)
MR. SWORD: All right. Going through the
standards, I'll entertain a motion at this time.
MR. OCKEN: I'll move to approve Amendment
In Totidem Verbis, LLC (ITV)

4-14 to rezone this property from B-1 Business
District to R-2 Single-Family Residence District
as all of the standards have been met. The
LaSalle factors have been considered and this is
an appropriate use for this property.
MR. STIVERS: I second.
MR. SWORD: All right. Any further
discussion by the Board at this time? It's been
moved by Randy to approve, seconded by Maynard.
Roll call vote.
MR. REIBEL: Dennis Williams?
DENNIS WILLIAMS: Yes.
MR. REIBEL: David Williams?
DAVID WILLIAMS: Yes.
MR. REIBEL: Maynard Stivers?
MR. STIVERS: Yes.
MR. REIBEL: Mr. Ocken?
MR. OCKEN: Yes.
MR. REIBEL: And Mr. Sword?
MR. SWORD: Yes.
(By voice vote five ayes.)
MR. REIBEL: Five voted yes.
MR. SWORD: Motion carries.
MR. REIBEL: This petition will go on to
In Totidem Verbis, LLC (ITV)

Now on this 26th day of June 2014, I do
signify that the foregoing testimony was given
before the Ogle County Zoning Board of Appeals.

Jason Sword, Chairman
Michael Reibel,
Zoning Administrator
Julie K. Edeus
Certified Shorthand Reporter
IL License No. 084-003820
P.O. Box 381
Dixon, Illinois 61021

In Totidem Verbis, LLC (ITV)
### GENERAL INFORMATION:

<table>
<thead>
<tr>
<th>Category</th>
<th>Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant</td>
<td>Jeffrey J. Schlamp, Administrator of the Barry G. Schlamp Estate, 1975 Spinnaker Ct., Aurora, IL</td>
</tr>
<tr>
<td>Status of Applicant</td>
<td>Owner</td>
</tr>
<tr>
<td>Requested Action</td>
<td>Map Amendment</td>
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<tr>
<td>Purpose</td>
<td>Rezone from B-1 Business District to R-2 Single Family Residence District</td>
</tr>
<tr>
<td>Location</td>
<td>Lot 1 Block 13 Original Town of Baileyville, part of the NE 1/4 Fractional Section 5 Forreston Township 25N, R8E of the 4th P.M., Ogle County, IL (located at the southwest corner of intersection of N. Commercial St. and W. Olive St. in Baileyville). Common Location: 110 Commercial Street</td>
</tr>
<tr>
<td>Size</td>
<td>66' x 123.75' (8,167.5 sq. ft / 0.19 acre)</td>
</tr>
<tr>
<td>Existing Land Use</td>
<td>Residential</td>
</tr>
<tr>
<td>Surrounding Land Use and Zoning:</td>
<td>Land adjacent to the north, west and south of the site is in residential use; land to the east of the site is in commercial use. All surrounding land is zoned B-1 Business District.</td>
</tr>
<tr>
<td>Comprehensive Plan</td>
<td>The Housing and Residential Development Goal of the Ogle County Amendatory Comprehensive Plan is to preserve or improve the quality and integrity of existing residential housing and neighborhoods, and encourage the provision of an adequate, affordable supply and choice of housing for all residents; and, encourage residential development that is compatible with the existing rural character of the County, provides a safe, attractive and “livable” environment for persons of all income levels, and promotes the public health, safety and general welfare.</td>
</tr>
</tbody>
</table>
Applicant: Jeffrey J. Schlamp, Administrator of the Barry G. Schlamp Estate, 1975 Spinnaker Ct., Aurora, IL

Zoning History: The site and surrounding area were zoned B-1 in 1965 upon adoption of the first Ogle County Zoning Ordinance.

Applicable Regulations: The B-1 Business District does not allow a single-family dwelling as a permitted or special use. The R-2 Single Family Residence District is intended to help implement the goals and objectives of the Ogle County Amendatory Comprehensive Plan and is established to provide areas in which the principal use of the land is for single-family dwellings. In this district public water supply and sewer facilities, essential to public health, should be available and/or provided for at the time of development.

Furthermore, it is the intent of this Ordinance that the “R-2" Single-Family Residence District be located within the one and one-half (1.5) mile area surrounding incorporated cities and villages in order that public facilities may be utilized, and on land that is less suitable for agricultural use and better suited for residential use due to factors such as, but not necessarily limited to, the following:

- Suitability of the land for agricultural use (as indicated by the Land Evaluation and Site Assessment [LESA] System);
- Trend(s) of development;
- Need for additional residential land;
- Consistency with County and municipal land use plans;
- Availability of adequate public facilities and infrastructure;
- Impact on existing public facilities and infrastructure.

SPECIAL INFORMATION:

Public Utilities: None. The site is served by a private, on-site well and septic system.

Transportation: Commercial Street and Olive Street are seal coat surface roads under the jurisdiction of Forreston Township.

Physical Characteristics: The site contains a single-family dwelling and detached garage. The site is located on a convex side slope in an area of gently sloping topography, and is well drained. There are no wetlands or floodplains present on the site.
STATE OF ILLINOIS  
) SS
COUNTY OF OGLE  

ORDINANCE NO. 2014-0702

AN ORDINANCE APPROVING A SPECIAL USE PERMIT
ON PROPERTY LOCATED AT 700 E. IL ROUTE 72 IN BYRON TOWNSHIP

WHEREAS, Gene & Vicki Miller, 7318 Stone School Rd., Leaf River, IL have filed a petition
for a Special Use Permit in the AG-1 Agricultural District (Petition No. 3-14SU) to allow an Agribusiness
(sale of seed, livestock/animal feed, bird food, pet food, salt, farm/agricultural products & supplies, and
farm/country-related items) on property located at 700 E. IL Route 72 in Byron Township 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 June 26, 2014, at which the petitioners presented evidence, testimony, and exhibits in
support of the requested Special Use Permit, 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 Special Use Permit
be granted subject to seven conditions as set forth in the Findings of Fact and Recommendation of the
Ogle County Zoning Board of Appeals dated June 26, 2014, a copy of which is appended hereto as
Exhibit “B”; and

WHEREAS, the Planning & 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 Special Use Permit be granted; 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 & Zoning Committee, and has
determined that granting the Special Use Permit in the AG-1 Agricultural District (Petition No. 3-14SU)
to allow an Agribusiness (sale of seed, livestock/animal feed, bird food, pet food, salt, farm/agricultural
products & supplies, and farm/country-related items) would be consistent with the requirements
established by Section 9.08(C) 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 set forth above, the request of Gene & Vicki Miller, 7318 Stone School Rd., Lea' River, IL for a Special Use Permit in the AG-1 Agricultural District (Petition No. 3-14SU) to allow an Agribusiness (sale of seed, livestock/animal feed, bird food, pet food, salt, farm/agricultural products & supplies, and farm/country-related items) on property located at 700 E. IL Route 72 in Byron Township and legally described as shown in Exhibit “A” attached hereto, is hereby approved:

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 or a subsequent owner 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 9.10 of the Ogle County Amendatory Zoning Ordinance.

PASSED BY THE COUNTY BOARD THIS 15TH DAY OF JULY 2014 A.D.

Kim P. Geuiker, 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 Southwest Quarter of the Southeast Quarter of Section 27, Township 25 North, Range 10 East of the 4th P.M. described as follows: Commencing on the East line of said Quarter-Quarter Section at a point which is 47,400 feet North of the Southeast corner of said Quarter-Quarter Section, said point also being on the North right of way line of Ill. Route 72 and running thence West on and along said North right of way line of Route 72 a distance of 430.38 feet to a point; thence Northeasterly at an angle of 76° 21' 30" measured counterclockwise from last named course a distance of 889.57 feet to the South line of the Chicago, Milwaukee, St. Paul and Pacific Railroad; thence Easterly on and along said South line of the Railroad a distance of 232.88 feet to the East line of aforesaid Southwest Quarter of the Southeast Quarter of Section 27; thence South on and along last named line a distance of 856.26 feet to the point of commencement; containing 6.56 acres, situated in the Township of Byron, County of Ogle, State of Illinois.

Part of Property Identification Number 04-27-400-002

Common Location: 700 E. IL Route 72
EXHIBIT “B”

FINDINGS OF FACT AND RECOMMENDATION
OF THE 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 Gene & Vicki Miller, 7318 Stone School Rd., Leaf River, IL, in case #3-14SU. The applicants are requesting a Special Use Permit in the AG-1 Agricultural District to allow an Agribusiness (sale of seed, livestock/animal feed, bird food, pet food, salt, farm/agricultural products and supplies, and farm/country-related items) on Parcel Identification No. 04-27-400-002, a 6.58 acre parcel which is part of Section 27, Township 25N, Range 10E of the 4th Principal Meridian and is located in Byron Township at 700 E. IL Route 72.

After due notice as required by law, the Zoning Board of Appeals held a public hearing in this case on June 26, 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 9.08© (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 at large, as the proposed use will utilize the office building of a former fertilizer facility that has been abandoned for many years, and is located within a predominately agricultural area with only two dwellings within 1/4 mile of the site. 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 proposed 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 will utilize an existing former fertilizer facility office building that has been abandoned, and the proposed use will serve the agricultural community. STANDARD MET.
3. That off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations. **Evidence indicates the site is large enough so that adequate off-street parking and loading areas can be provided, and there is adequate area existing. 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. **Evidence indicates that adequate utilities, ingress/egress to the site from IL Route 72, 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. **Evidence indicates that 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 and is essential and desirable, as the proposed use will provide a service to the agricultural community in the area. The proposed use will be visually compatible with the area, as it is utilizing a former fertilizer facility office building that has been abandoned. 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 (C) of the **Ogle County Amendatory Zoning Ordinance.**

Therefore, the Zoning Board of Appeals hereby recommends that a Special Use Permit in the AG-1 Agricultural District be granted to allow an an Agribusiness (sale of seed, livestock/animal feed, bird food, pet food, salt, farm/agricultural products and supplies, and farm/country-related items).

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

Respectfully submitted this 26th day of June 2014 by the Ogle County Zoning Board of Appeals.

**Jason Sword, Chairman**
**Maynard Stivers**
**Randy Ocken**
**David Williams**
**Dennis Williams**

____________________________________
Jason Sword, Chairman

**ATTEST:**

____________________________________
Michael Reibel, Secretary
MR. SWORD: Next order of business?
MR. REIBEL: The next order of business is to consider the request filed May 15th, 2014 of Gene and Vicki Miller, 7318 Stone School Road, LeafRiver, Illinois for a Special Use Permit to allow an agri business, sale of seed, livestock/animal feed, bird food, pet food, salt, farm/agricultural products and supplies and farm/country-related items in the AG-1 Agricultural District on property described as follows and owned by the Petitioners:
Part of the SW1/4 of the SE1/4 of Section 27, Byron Township 25N, R10E of the 4th P.M., Ogle County, IL, 6.58 acres, more or less. Property Identification Number: 04-27-400-002. Common Location: 700 East Illinois Route 72.

For the record, all adjoining property owners to the 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 Monday, June 2nd edition of the Ogle County Life, again notifying the public of the hearing this evening and the specifics of the petition and a sign has been posted along the frontage of the premises in Totidem Verbis, LLC (ITV)

notifying the public that a zoning hearing is to be held.
Under the staff report, which is on file and the Board members have received, I will point out under general information that the site is located on the north side of East Illinois Route 72 beginning approximately one-quarter mile west of North Conger Road and nine-tenths of a mile east of North Stone School Road. Existing Land Use: Vacant, former fertilizer facility. Surrounding Land Use and Zoning: The site is located within a predominately agricultural area. Land adjacent to the north, south and east of the site is in agricultural use zoned AG-1. Land adjacent to the west of the site is in residential use zoned AG-1. There are two dwellings and a commercial building, Norup Trenching, within a half mile of the site. There are six dwellings, four non-farm and two farm dwellings within a half mile of the site. The site is not located within 1.5 miles of an incorporated city or village. Byron Township has a township planning commission. Zoning History: The site was in Totidem Verbis, LLC (ITV)

In Totidem Verbis, LLC (ITV)
approved for a special use permit, No. 2-77S, on March 8th, 1977 for the following uses: the installation of an office and warehouse with fertilizer sales including bulk storage and mixing along with petroleum products and anhydrous ammonia, equipment, containers and storage facilities. Applicable Regulations: Agribusiness is a listed Special Use in the AG-1 Agricultural District. Special Information, Public Utilities: None. The site is served by a private, on-site well and septic system. Transportation: Illinois Route 72 is a state-Maintained highway classified as a minor arterial. Physical Characteristics: The site is located on a convex upland side slope in an area of rolling terrain. Slopes on site range from gently sloping to steep and the site is well drained to somewhat excessively drained. The site contains no wetlands or floodplains. The soil types present, according to the Ogle County Digital Soil Survey, are 86B - Osco silt loam; 403D - Elizabeth loam; and 506C2 - Osco silt loam. The soils on-site are not subject to ponding or flooding and depth to water table ranges from greater than 59 inches to greater than 79 inches. Approximately 31 percent of the soils on site are "Prime farmland", 20 percent are "Farmland of statewide importance", and 49 percent are "Not prime farmland". Approximately 31 percent of the soils on-site are rated as: "Somewhat limited" for septic fields, and the remainder are "Very limited". Under the LESA program, the LESA score 185.8 indicates a low rating for protection. Land Evaluation of 61.8.

In Totidem Verbis, LLC (ITV)

Department to approve this Special Use Permit No. 3-14SU as presented. Signed by Mike Lewis, Supervisor of Byron Township. I have a letter on file from the Illinois Department of Transportation dated June 3rd, 2014 which states that the petitioners must apply to this office for an access permit for a new entrance or a modification to an existing entrance onto a State-maintained road. Currently the department has no roadway construction plans for this area that would affect this rezoning request. Signed by Kevin Marshang, PE, Engineer of Program Development. And the Illinois Department of Natural Resources reports that the Illinois Natural Heritage Database contains no record of state-listed threatened or endangered species, etcetera and the consultation process with IDNR is terminated. That's all I have.

MR. SWORD: Okay. Does the Petitioner want to come forward? Raise your right hand and I'll swear you in.

In Totidem Verbis, LLC (ITV)

GENE and VICKI MILLER, being first duly sworn, testified as follows:

MR. SWORD: State your name and address and spell your last name for the recorder please.

MS. MILLER: Gene and Vicki Miller, 7318 Stone School Road, Leaf River, M-I-L-L-E-R.

MR. SWORD: If you'll go ahead and tell us about your plans.

MS. MILLER: Okay. Well, we're excited about the opportunity to open -- have regular store hours and have a feed store in the building and we think that Gene has got the agricultural background and feed sales experience and my career has changed -- my career of 17 years has changed and so I've got a little bit more time to devote to some regular store hours and we just think it will be an asset to the community that -- to have a good business in there instead of a vacant building, so --

MR. SWORD: Now, you say, Gene, that you've had experience with feed sales or what exactly --

In Totidem Verbis, LLC (ITV)
MR. MILLER: Well, we farm, livestock and we've sold hay for 10, 15 years, so --
MR. SWORD: Okay. So you've got some experience.
MR. MILLER: I've got a little bit.
MR. SWORD: Very good. You mentioned, you know, being open. Do you have as far as a plan of how many hours or days, that kind of thing?
MS. MILLER: Right now I'm going to start out slow and do like Tuesday, Thursday, Saturday so that way then people will know that those are the set hours and -- and we'll go from there.
MR. SWORD: See how the demand is.
MR. MILLER: The feed business is open 365 days a year, 24 hours a day.
MS. MILLER: Yeah, he's going to have his name on there that if you need after-hour feed then -- and I think we'll bring in more people from the community. It's a great location. And having regular store hours I think will really be a good thing, so --
MR. SWORD: As far as, you know, average agricultural livestock, are you going to try to cater to, you know, like -- there's a lot of In Totidem Verbis, LLC (ITV)
specialty things nowadays as well. Are you going to try to cover the whole gamut or --
MR. MILLER: Yes, dogs and cats and cows and pigs and whatever.
MS. MILLER: It will bring people in from the city too and --
MR. MILLER: Parakeets.
MR. SWORD: Very good, good. Now, this being an old fertilizer site, is there any concern or anything as far as any type of cleanup or old, you know, fertilizer and petroleum or anything like that around or tanks or anything like that?
MR. MILLER: No.
MR. SWORD: Okay. Is there a well and septic there now?
MR. MILLER: Yes.
MR. SWORD: There is, okay. And as far as the entrance with IDOT, have you been in discussion with them about that or --
MR. MILLER: It's never changed since 1977, so --
MR. REIBEL: You're not planning on modifying it?
In Totidem Verbis, LLC (ITV)

MS. MILLER: No, no, it's a nice entrance to the highway.
MR. SWORD: They're not requiring anything, right?
MR. REIBEL: No, no, not unless it's modified.
MR. SWORD: Right. Okay. Very good. Okay. Does the Board have questions of them at this time?
MR. OCKEN: How long has that property -- that building been vacant?
MS. MILLER: Since the early '90s.
MR. OCKEN: Okay. And you own that property, right?
MR. MILLER: Well, it still belongs to the co-op and there's kind of a fine line. We've been paying the taxes ever since 1990, so --
MR. OCKEN: So the co-op just quit paying the taxes on it?
MR. MILLER: Right.
MR. STIVERS: Do you plan to remove any of that -- it seems to me to be quite expensive, but a lot of that -- like bins that are probably no longer usable and I don't know what some of that machinery is --
MS. MILLER: Where the chemicals were down -- is that what you mean, in the back?
MR. STIVERS: Right, in the back.
MR. MILLER: You say we are going to move any of that?
MR. STIVERS: Are your plans to remove any of that?
MR. MILLER: No.
MS. MILLER: The office buildings and where we're going to have the store is closer to the highway and that's -- there's a pretty good distance. They're not really close.
MR. STIVERS: Okay.
MR. OCKEN: And you had adequate parking there for a store, right, it seems like that's a pretty good-sized parking lot there?
MS. MILLER: Yes.
MR. SWORD: It would be a good use for the site instead of just sitting there vacant.
MR. OCKEN: Oh, yeah.
MR. SWORD: Any other questions from the Board? Thank you. You can have a seat. Do we have anyone that's filed for an appearance? In Totidem Verbis, LLC (ITV)

(815) 453-2260
MR. REIBEL: No, we do not.

MR. SWORD: Anyone here in favor of this petition? Anyone opposed? All right. Any other discussion by the Board? I think it's pretty -- once again, a clearcut case. It's good to see it being put into use again instead of sitting vacant. We'll go through the standards.

MR. REIBEL: Special Use 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. OCKEN: 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 as the proposed use will utilize the office building of a former fertilizer facility that has been abandoned for many years and is located within a predominately agricultural area with only two dwellings within a quarter mile of the site. I feel the standard has been met.

(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, structures, walls and fences on the site. And B) The nature and extent of proposed landscaping and screening on the proposed site.

DENNIS WILLIAMS: The proposed 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 proposed -- as proposed.

In Totidem Verbis, LLC (ITV)

use will utilize an existing former fertilizer facility office building that has been abandoned and the proposed use will serve the agriculture community. I believe the standard has been met.

(All those agreed.)

MR. REIBEL: 3) That off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations.

MR. STIVERS: Evidence indicates the site is large enough so that adequate off-street parking and loading areas can be provided, and there is adequate area existing. I believe this standard has been met.

(All those agreed.)

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.

DAVID WILLIAMS: Evidence indicates that adequate utilities, ingress/egress to the site from Illinois Route 72, access roads, drainage and other such necessary facilities have been or will be provided. I feel the standard has been met.

In Totidem Verbis, LLC (ITV)
applicable district regulations.

DENNIS WILLIAMS: The proposed special use appears to comply with all provisions of the AG-1 district regulations. I believe that standard is met.

(All those agreed.)

MR. SWORD: Going through the standards, at this time I'll entertain a motion.

DENNIS WILLIAMS: I would make a motion to approve this amendment.

MR. SWORD: Is there a second?

DAVID WILLIAMS: I second.

MR. SWORD: It's been moved by Dennis, second by David. Any further discussion?

MR. STIVERS: No.

MR. SWORD: All right. Roll call vote.

MR. REIBEL: Ocken?

MR. OCKEN: Yes.

MR. REIBEL: Stivers?

MR. STIVERS: Yes.

MR. REIBEL: David Williams?

DAVID WILLIAMS: Yes.

MR. REIBEL: Dennis Williams?

DENNIS WILLIAMS: Yes.

In Totidem Verbis, LLC (ITV)

Now on this 26th day of June 2014, I do signify that the foregoing testimony was given before the Ogle County Zoning Board of Appeals.

Jason Sword, Chairman

Michael Reibel, Zoning Administrator

Julie K. Edeus
Certified Shorthand Reporter
IL License No. 084-003820
P.O. Box 381
Dixon, Illinois 61021

In Totidem Verbis, LLC (ITV)

MR. REIBEL: Sword?

MR. SWORD: Yes.

(By voice vote five ayes.)

MR. REIBEL: Five voted yes.

MR. SWORD: Motion carries.

MR. REIBEL: Once again, this petition will go to the Planning and Zoning Committee on July 8th at 2 p.m. in this room for a recommendation and to the County Board for a final decision on July 15th at 5:30 p.m. also right here in this room.

In Totidem Verbis, LLC (ITV)

(815) 453-2260
**STAFF REPORT**

To:       Zoning Board of Appeals  
Date:     May 30, 2014  
Prepared By:  Michael Reibel  

**GENERAL INFORMATION:**

<table>
<thead>
<tr>
<th>Applicant:</th>
<th>Gene &amp; Vicki Miller, 7318 Stone School Rd., Leaf River, IL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Status of Applicant:</td>
<td>Owners</td>
</tr>
<tr>
<td>Requested Action:</td>
<td>Special Use Permit in the AG-1 Agricultural District</td>
</tr>
<tr>
<td>Purpose:</td>
<td>Agribusiness (sale of seed, livestock/animal feed, bird food, pet food, salt, farm/agricultural products &amp; supplies, and farm/country-related items)</td>
</tr>
<tr>
<td>Location:</td>
<td>Part of the SW 1/4 SE 1/4 Section 27 Byron Township 25N, R10E of the 4th P.M., Ogle County, IL (located on the north side of E. IL Route 72 beginning approximately 1/4 mile west of N. Conger Road and 0.9 mile east of N. Stone School Road). Common Location: 700 E. IL Route 72</td>
</tr>
<tr>
<td>Size:</td>
<td>6.58 acres</td>
</tr>
<tr>
<td>Existing Land Use:</td>
<td>Vacant (former fertilizer facility).</td>
</tr>
<tr>
<td>Surrounding Land Use and Zoning:</td>
<td>The site is located within a predominately agricultural area. Land adjacent to the north, south and east of the site is in agricultural use zoned AG-1; land adjacent to the west of the site is in residential use zoned AG-1. There are two dwellings and a commercial building (Norup Trenching) within 1/4 mile of the site; there are six dwellings (4 non-farm dwellings; 2 farm dwellings) within 1/2 mile of the site.</td>
</tr>
<tr>
<td>Comprehensive Plan:</td>
<td>The site is not located within 1.5 miles of an incorporated city/village. Byron Township has a township plan commission. Both the Byron Township Comprehensive Plan and the Ogle County Amendatory Comprehensive Plan designate the site and surrounding area for continued agricultural and agriculturally-related uses.</td>
</tr>
<tr>
<td><strong>Applicant:</strong></td>
<td>Gene &amp; Vicki Miller, 7318 Stone School Rd., Leaf River, IL</td>
</tr>
<tr>
<td>----------------</td>
<td>----------------------------------------------------------</td>
</tr>
<tr>
<td><strong>Zoning History:</strong></td>
<td>The site was approved for a Special Use Permit (No. 2-77S) on March 8, 1977 for the following use(s): the installation of an office and warehouse with fertilizer sales, including bulk storage &amp; mixing, along with petroleum products &amp; anhydrous ammonia, equipment, containers and storage facilities.</td>
</tr>
<tr>
<td><strong>Applicable Regulations:</strong></td>
<td>“Agribusiness” is a listed Special Use in the AG-1 Agricultural District. “Agribusiness” is defined as: Agriculturally related business such as, but not limited to, anhydrous ammonia facilities; bulk fertilizer facilities, grain elevators, grain storage, sale and repair of farm implements; liquid petroleum products; animal feed storage; seed research and production; sale of seed, wholesale and retail; preparation, grinding and mixing, wholesale and retail; livestock depots and buying or sale yards, provided sufficient evidence accompanies the application that adjoining or neighboring properties will not be adversely affected by the pollution of air or water.</td>
</tr>
</tbody>
</table>

**SPECIAL INFORMATION:**

<table>
<thead>
<tr>
<th><strong>Public Utilities:</strong></th>
<th>None. The site is served by a private, on-site well and septic system.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Transportation:</strong></td>
<td>IL Route 72 is a State-maintained highway classified as a minor arterial.</td>
</tr>
<tr>
<td><strong>Physical Characteristics:</strong></td>
<td>The site is located on a convex upland side slope in an area of rolling terrain. Slopes on site range from gently sloping to sloping, and the site is well drained to somewhat excessively drained. The site contains no wetlands or floodplains. According to the Ogle County Digital Soil Survey, soil types on the site are: 86B - Osco silt loam, 2-5% slopes; 403D - Elizabeth loam, 10-18% slopes; and 506C2 - Osco silt loam, 2-5% slopes, eroded. The soils on site are not subject to ponding or flooding, and depth to water table ranges from greater than 59 inches to greater than 79 inches. Approximately 31% of the soils on site are “Prime farmland”, 20% are “Farmland of statewide importance”, and 49% are “Not prime farmland”. Approximately 31% of the soils on site are rated as “Somewhat limited” for septic fields, and the remainder are “Very limited”.</td>
</tr>
</tbody>
</table>

**LESA:**

The LESA score of 185.8 indicates a LOW RATING FOR PROTECTION (LE = 61.8; SA = 124).

**ATTACHMENTS:**

LESA Summary Sheet
### Site Assessment Factors

<table>
<thead>
<tr>
<th>Agricultural Land Use</th>
<th>Maximum Points per Factor</th>
<th>Score Assigned</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Percent of land in agriculture within 1.5 mile of site</td>
<td>16</td>
<td>16</td>
</tr>
<tr>
<td>2. Percent of land in agriculture adjacent to site</td>
<td>16</td>
<td>10</td>
</tr>
<tr>
<td>3. Percent of site suitable for agricultural use</td>
<td>16</td>
<td>0</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Maximum Points per Factor</th>
<th>Score Assigned</th>
</tr>
</thead>
<tbody>
<tr>
<td>200</td>
<td>124</td>
</tr>
</tbody>
</table>
# LAND EVALUATION WORK SHEET AND L.E.S.A. SUMMARY SHEET - OGLE COUNTY, IL "L.E.S.A."

<table>
<thead>
<tr>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
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</thead>
<tbody>
<tr>
<td>Soil Type</td>
<td>Agricultural Group</td>
<td>Relative Value</td>
<td>Acres</td>
<td>Product (Relative Value x Acres)</td>
</tr>
<tr>
<td>8668 (36B)</td>
<td>7</td>
<td>98</td>
<td>2.0</td>
<td>196.0</td>
</tr>
<tr>
<td>10310 (504B)</td>
<td>8</td>
<td>4.4</td>
<td>3.2</td>
<td>140.8</td>
</tr>
<tr>
<td>5662 (606C)</td>
<td>7</td>
<td>50</td>
<td>1.3</td>
<td>65.0</td>
</tr>
</tbody>
</table>

**TOTAL**

| 6.5 | 401.8 |

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.

\[
\frac{401.8}{6.5} = \frac{61.8}{100}
\]

**Land Evaluation Sub-Total (Maximum 100 points possible)**

<table>
<thead>
<tr>
<th>Site Assessment Sub-Total (Max. 200 pts.)</th>
<th>124</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Points Accrued (Max. 300 pts.)</td>
<td>185.8</td>
</tr>
</tbody>
</table>

**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

**File No.:** 3-14 50

**Date:** 5-30-14   **Prepared By:** MM
STATE OF ILLINOIS  )
COUNTY OF OGLE  )

ORDINANCE NO. 2014-0703

AN ORDINANCE APPROVING A ZONING MAP AMENDMENT ON
PROPERTY LOCATED AT 1674 E. TOWNLINE ROAD IN BYRON TOWNSHIP

WHEREAS, Joan Hanlin, 1674 E. Townline Rd., Byron, IL has filed a petition for a Map
Amendment (Petition No. 5-14AM) to re-zone from AG-1 Agricultural District to R-1 Rural
Residence District on property located at 1674 E. Townline 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 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 June 26, 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 June 26, 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 Joan Hanlin, 1674 E. Townline Rd., Byron, IL for a Map Amendment (Petition No. 5-14AM) to rezone from AG-1 Agricultural District to R-1 Rural Residence District on property located at 1674 E. Townline 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 15TH DAY OF JULY 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 West Half (W ½) of the Southeast Quarter (SE 1/4) of Section Thirty-five (35), Township Twenty-five (25) North, Range Ten (10) East of the Fourth Principal Meridian, Ogle County, Illinois, described as follows, to-wit:

Commencing at the Southwest corner of the Southeast Quarter (SE 1/4) of said Section Thirty-five (35); thence easterly, along the south line thereof, a distance of 652.32 feet to the Point of Beginning of the following described parcel; thence northerly perpendicular with the last described course a distance of 427.1 feet; thence westerly perpendicular with the last described course a distance of 152.5 feet; thence northerly perpendicular with the last described course a distance of 290.1 feet; thence easterly perpendicular with the last described course a distance of 188.4 feet; thence southeasterly a distance of 409.4 feet to a point on the west line of the parcel conveyed by William R. Hanlin, Sr. to William R. Hanlin, Jr. and Cynthia Hanlin on via Warranty Deed and recorded with the Ogle County Recorder on January 5, 2004 as Document No. 200400142, said point being 404.5 feet northerly of the south line of said Section Thirty-five (35); thence southerly along the west line of the parcel conveyed by William R. Hanlin, Sr. to William R. Hanlin, Jr. and Cynthia Hanlin on via Warranty Deed and recorded with the Ogle County Recorder on January 5, 2004 as Document No. 200400142 a distance of 404.53 feet; thence westerly along the south line of said Section Thirty-five (35), a distance of 300.0 feet to the Point of Beginning, containing 5.0 acres more or less.

Part of Property Identification Number (PIN): 04-35-400-032

Common Location: 1674 E. Townline Road
EXHIBIT “B”

FINDINGS OF FACT AND RECOMMENDATION
OF THE 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 Joan Hanlin, 1674 E. Townline Rd., Byron, IL, in case #5-14AM. The applicant is requesting a map amendment to change the zoning classification of part of Parcel Identification No. 04-35-400-032 from AG-1 Agricultural District to R-1 Rural Residence District. Said parcel is located in part of the SW 1/4 SE 1/4 Section 35, Township 25N, Range 10E of the 4th Principal Meridian and is located in Byron Township at 1674 E. Townline Road.

After due notice, as required by law, the Zoning Board of Appeals held a public hearing in this case on June 26, 2014 in the County Board Room, 3rd Floor, Ogle County Courthouse, Oregon, Illinois and hereby reports its findings of fact and recommendation(s) 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 Amenity 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. **Use of the site for residential use is compatible with the existing uses and zoning of nearby property, as residential use of the site will not adversely affect surrounding agricultural operations, there are nine non-farm dwellings within 1/4 mile of the site and 54 non-farm dwellings within ½ mile of the site, and the site is within 1.5 miles of the corporate limits of the City of Byron. 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 residential use will not create a burden on the County of Ogle and other public service providers due to its location on a seal coat surface road, relative proximity to public service providers, and the low density of development that will be generated on the site. 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 the development of the site. Standard met.**

4. That the subject property is suitable for the proposed zoning classification. **The site is suitable for the R-1 zoning district, as it is located in a semi-rural area that contains several scattered non-farm residential uses within 1/4 mile of the site, is adjacent to an existing residential parcel, is located on a seal coat...**
surfaced Township road, is close proximity to the City of Byron, and has a low LESA score. **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 a trend of development in the vicinity of large-lot residential uses. The proposed zoning classification of R-1 Rural Residence District 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 as the LESA score indicates a low rating for protection, and the proposed amendment is consistent with 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 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 R-1 Rural Residence District.

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

Respectfully submitted this 26th day of June 2014 by the Ogle County Zoning Board of Appeals.

Jason Sword, Chairman
Maynard Stivers
Randy Ocken
Dennis Williams
David Williams

____________________________________
Jason Sword, Chairman

ATTEST:

____________________________________
Michael Reibel, Secretary
<table>
<thead>
<tr>
<th>Testimony of Witnesses</th>
<th></th>
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<tbody>
<tr>
<td>Produced, Sworn and</td>
<td></td>
</tr>
<tr>
<td>Examined on this 26th day</td>
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<tr>
<td>of June 2014</td>
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<td>before the Ogle County</td>
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<td>Zoning Board of Appeals</td>
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</table>

Present:
- Randy Ocken
- Dennis Williams
- David Williams
- Maynard Stivers
- Jason Sword, Chairman
- Michael Reibel, Zoning Administrator

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<table>
<thead>
<tr>
<th>Witness</th>
<th>Page</th>
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<tbody>
<tr>
<td>Bill Hanlin</td>
<td>8</td>
</tr>
</tbody>
</table>

End 18

In Totidem Verbis, LLC (ITV)

MR. SWIFT: All right. Next order of business?

MR. REIBEL: The next order of business is to consider the request filed May 20th, 2014 of Joan Hanlin, 1674 East Town Line Road, Byron, Illinois for an amendment to the zoning district to rezone from AG-1 Agricultural District to R-1 Rural Residential District on property described as follows and owned by the Petitioner:

Part of the SW1/4 of the SE1/4 of Section 35 Byron Township 25N, R10E of the 4th P.M., Ogle County, Illinois, 5.0 acres, more or less. Part of Property Identification Number: 04-35-400-032.

Common Location: 1674 East Town Line Road.

For the record, all adjoining property owners to the 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 Monday, June 2nd, 2014 edition of the Ogle County Life, again, notifying the public of the hearing this evening and the specifics of the petition and a sign was posted along the frontage of the premises notifying the public that there would be a hearing in reference to the property.

Under the staff report, which is on file and the Board members have received, I will point out that the site is located on the north side of East Town Line Road. The size of the parcel is 5 acres. Existing Land Use: Single-family dwelling with associated lawn area. 42 percent of the total site area is in dwelling and lawn area and cropland which accounts for 54 percent of the total site area and road right-of-way which accounts for approximately 4 percent of the total site area.

Surrounding Land Use and Zoning: The site is located within an area that contains a mixture of cropland, non-farm residential uses and recreational uses, the Byron Sportsman's Club and Ripplinger-Gouker Preserve. There are nine non-farm dwellings within one-quarter mile of the site and 54 non-farm dwellings within a half mile of the site. Land adjacent to the north and west of the site is in agricultural use. Land adjacent to the east is in residential use.

Land to the south is in forest preserve use. All adjacent land is zoned AG-1. Zoning

In Totidem Verbis, LLC (ITV)
History: The dwelling on the site was constructed in 2001 as a farm dwelling. Special Information, Public Utilities: None. The dwelling on the site is served by a private on-site well and septic system. Transportation: East Town Line Road is a seal coat surface road under the jurisdiction of Byron Township. Physical Characteristics: The site is part of an upland ridge top/side slope system. The site is gently sloping and well drained. According to the Ogle County Digital Soil Survey, the soil type on the site is 419B - Flagg silt loam. This soil is classified as "Prime farmland" and is somewhat limited for septic fields due to slow water movement. It is not subject to ponding or flooding. Depth to water table is greater than 79 inches. Under the LESA program, the LESA score of 171.0 indicates a low rating for protection. Land Evaluation being 75. Site Assessment 96.

I have a letter on file from Byron Township that states that at the regular board meeting on June 12th, 2014, the board unanimously approved the decision of the In Totidem Verbis, LLC (ITV)

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Page 7

accompanies the resource report from the Soil and Water Conservation District in which the Soil and Water Conservation District lists the following facts that are derived from the soils and the land evaluation and any other additional site facts that could be a concern to the protection of our County's natural resources and they note that the land evaluation score is 75 out of 100 and there is severe limitations for proposed use based on the following characteristics of the soils: low strength for supporting loads and high potential frost action. That letter is signed by Phil Fossler, Soil and Water Conservation District Chairman and Brian Lindquist, Resource Conservationist.

And that's all I have.

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not very high for prime farmland, that's on the lower end of prime farmland, but the Site Assessment is 96 out of 200 points, so that really brings down the total LESA score, yes. So it's mostly I would say due to the site factors.

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(815) 453-2260
MR. STIVERS: Okay. Which would leave, what did you think, 35 acres in probably?
MR. HANLIN: Approximately. I think she owns about 50 I believe, so it will leave about 40 acres, 45 acres.
MR. OCKEN: And you currently farm the land around that now?
MR. HANLIN: I farm the hay ground and another guy rents the crop ground.
MR. OCKEN: Oh, okay.
MR. HANLIN: I've got the cows. I don't know if when you were out there you saw the white cows, but the white cows are mine.
MR. SWORD: This is the way they separated it off, correct?
MR. REIBEL: Yeah.
MR. SWORD: Any other questions from the Board? All right. You can have a seat. Thank you. Did we have anyone file for appearance?
MR. REIBEL: No.
MR. SWORD: Anyone here in favor? Anyone against? Any discussion by the Board? All right. Then we'll go through the standards.
MR. REIBEL: Amendment Standard 1) That In Totidem Verbis, LLC (ITV)
the proposed amendment will allow development that is compatible with existing uses and zoning of nearby property.
MR. OCKEN: Use of the site for residential use is compatible with the existing uses and zoning of nearby property as residential use of the site will not adversely affect surrounding agricultural operations. There are nine non-farm dwellings within one-quarter mile of the site and 654 non-farm dwellings within one-half mile of the site and the site is within one and a half miles of the corporate limits of the city of Byron. I feel the standard is met.
(All those agreed.)
MR. REIBEL: Yeah, that was actually 54 and not 654.
MR. OCKEN: I was thinking does that get clear up into Byron.
MR. REIBEL: 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,
In Totidem Verbis, LLC (ITV)

(815) 453-2260
roads and highways, water supply and sewage
disposal while maintaining adequate public
facilities and levels of service to existing
development.

DENNIS WILLIAMS: The continued use of the
site for residential use will not create a
burden on the County of Ogle and other public
service providers due to its location on a seal
ccoat surfaced road, relative proximity to public
service providers and low density of development
that will be generated on the site. I believe
the standard is met.

(All those agreed.)

MR. REIBEL: 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.

MR. STIVERS: 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 the
In Totidem Verbis, LLC (ITV)

development of this site. I believe this
standard has been met.

(All those agreed.)

MR. REIBEL: 4) That the subject property
is suitable for the proposed zoning
classification.

DAVID WILLIAMS: The site is suitable for
the R-1 zoning district, as it is located in a
semi-rural area that contains several scattered
non-farm residential uses within one-quarter
mile of the site, is adjacent to an existing
residential parcel, is located on a seal coat
surfaced township road, is in close proximity to
the city of Byron and has a low LESA score. I
believe the standard has been met.

(All those agreed.)

MR. REIBEL: 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.

MR. OCKEN: There is a trend of
In Totidem Verbis, LLC (ITV)

development in the vicinity of large-lot
residential uses. The proposed zoning
classification of R-1 Rural Residence District
is consistent with this trend. I feel the
standard has been met.

(All those agreed.)

MR. REIBEL: 6) That the proposed
amendment is consistent with the public interest
and not solely for the interest of applicants
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 findings and the
recommendation of the Ogle County Regional
Planning Commission with respect to the Ogle
County Amendatory Comprehensive Plan.

DENNIS WILLIAMS: The proposed amendment
is consistent with the public interest and not
solely for the interest of the applicant as the
LESA score indicates a low rating for protection
and the proposed amendment is consistent with
the purpose and intent of the Amendatory Zoning
Ordinance. The Zoning Board of Appeals has
given due consideration that the Regional
In Totidem Verbis, LLC (ITV)

Planning Commission has recommended approval. I
believe that standard has been met.

(All those agreed.)

MR. REIBEL: And have the Board members
read and considered the LaSalle factors as
applied to this petition.

(All those responded
affirmatively.)

MR. SWORD: At this time I'll entertain a
motion.

MR. STIVERS: I make a motion that the
application applying for the rezoning of AG-1 to
R-1 to the residence in question made by Joan
Hanlin be approved as written.

DENNIS WILLIAMS: I'll second that.

MR. SWORD: Maynard has moved to approve,
Dennis seconds. Any further discussion? Seeing
none, we'll have the roll call vote.

MR. REIBEL: Dave Williams?

DAVID WILLIAMS: Yes.

MR. REIBEL: Randy Ocken?

MR. OCKEN: Yes.

MR. REIBEL: Maynard Stivers?

MR. STIVERS: Yes.

In Totidem Verbis, LLC (ITV)

(815) 453-2260
MR. REIBEL: Dennis Williams?
DENNIS WILLIAMS: Yes.
MR. REIBEL: Jason Sword?
MR. SWORD: Yes.
(By voice vote five ayes.)
MR. REIBEL: Five voted yes.
MR. SWORD: Motion carries.
MR. REIBEL: And then once again, this petition will go to the Planning and Zoning Committee of the County Board on July 8th at 1:30 right here in this room. And to the Ogle County Board for a final decision on July 15th at 5:30 p.m. also right here in this room. You're welcome to attend those meetings, but you're not required to by any means.
MR. SWORD: Any other further business?
MR. REIBEL: No further business.
MR. SWORD: Seeing none, meeting adjourned.
(The zoning hearing was concluded at 6:45 p.m.)

In Totidem Verbis, LLC (ITV)

Now on this 26th day of June 2014, I do signify that the foregoing testimony was given before the Ogle County Zoning Board of Appeals.

Jason Sword, Chairman

Michael Reibel,
Zoning Administrator

Julie K. Edeus
Certified Shorthand Reporter
IL License No. 084-003820
P.O. Box 381
Dixon, Illinois 61021

In Totidem Verbis, LLC (ITV)

(815) 453-2260
STAFF REPORT

To: Zoning Board of Appeals
Date: May 30, 2014

GENERAL INFORMATION:

Applicant: Joan Hanlin, 1674 E. Townline Rd., Byron, IL
Status of Applicant: Owner
Requested Action: Map Amendment
Purpose: Rezone from AG-1 Agricultural District to R-1 Rural Residence District
Location: Part of the SW 1/4 SE 1/4 Section 35 Byron Township 25N, R10E of the 4th P.M., Ogle County, IL (located on the north side of E. Townline Road beginning approximately
Size: 5.0 acres
Existing Land Use: Single-family dwelling with associated lawn area (42% of total site area), cropland (54% of total site area) and road right-of-way (4% of total site area).

Surrounding Land Use and Zoning: The site is located within an area that contains a mixture of cropland, non-farm residential uses and recreational uses (Byron Sportsman’s Club and Ripplinger-Gouker Preserve). There are nine non-farm dwellings within 1/4 mile of the site, and fifty-four (54) non-farm dwellings within 1/2 mile of the site. Land adjacent to the north and west of the site is in agricultural use; land adjacent to the east is in residential use; land to the south is in forest preserve use. All adjacent land is zoned AG-1 Agricultural District.
**Applicant:** Joan Hanlin, 1674 E. Townline Rd., Byron, IL

**Comprehensive Plan:** The site is located within 1.5 miles of the City of Byron, which has and adopted comprehensive plan (*Greater Byron Area Comprehensive Plan, 2003*). Byron Township has a township plan commission and a township comprehensive plan (*Byron Township Comprehensive Plan, 2011*). Both the *Ogle County Amendmentary Comprehensive Plan* and the Byron Township Comprehensive Plan defer to the municipal plan for land within 1.5 miles of a municipality with a comprehensive plan. The *Greater Byron Area Comprehensive Plan* designates the site and immediate area for "agricultural/natural open space"; however, the site is on the fringe of the area planned for “single family detached residential”, which is approximately 1/4 mile to the east.

**Zoning History:** The dwelling on site was constructed in 2001 as a farm dwelling.

**Applicable Regulations:** The “R-1” district is intended to help implement the goals and objectives of the Ogle County Amendmentary 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.

**SPECIAL INFORMATION:**

<table>
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<tr>
<th>Public Utilities:</th>
<th>None. The dwelling on site is served by a private, on-site well and septic system.</th>
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<tbody>
<tr>
<td>Transportation:</td>
<td>E. Townline Road is a seal coat surface road under the jurisdiction of Byron Township.</td>
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<tr>
<td>Physical Characteristics:</td>
<td>The site is part of an upland ridgetop/side slope system. The site is gently sloping and well drained. According to the Ogle County Digital Soil Survey, the soil type on the site is 419B - Flagg silt loam, 2-5% slopes. This soil is classified as “Prime farmland”; it is “Somewhat limited” for septic fields due to slow water movement; it is not subject to ponding or flooding; depth to water table is greater than 79 inches.</td>
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<tr>
<td>LESA:</td>
<td>The LESA score of 171.0 indicates a LOW RATING FOR PROTECTION (LE = 75.0; SA = 96).</td>
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**ATTACHMENTS:**

LESA Summary Sheet
### SITE ASSESSMENT WORK SHEET - OGLE COUNTY, IL "L.E.S.A."

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<tr>
<th>Site Assessment Factors</th>
<th>Maximum Points per Factor</th>
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<td><strong>Agricultural Land Use</strong></td>
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<tr>
<td>1. Percent of land in agriculture within 1.5 mile of site</td>
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<td>10</td>
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<tr>
<td>2. Percent of land in agriculture adjacent to site</td>
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</tr>
<tr>
<td>3. Percent of site suitable for agricultural use</td>
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<td>8</td>
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<tr>
<td><strong>Zoning</strong></td>
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<tr>
<td>4. Number of non-farm dwellings within 0.5 mile of site</td>
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<td>0</td>
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<td>5. Percent of land zoned AG-1 within 1.5 miles of site</td>
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<td>6. Availability of zoned land for proposed use</td>
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<td>7. Number of similar map amendments and/or special use permits approved within 1.5 miles of site within last ten years</td>
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<td><strong>Compatibility/Impact of Use(s)</strong></td>
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<td>8. Distance from fire/ambulance protection</td>
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<td>9. Distance from school (high school)</td>
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<td>10. Impact on the environment and unique historical/cultural factors</td>
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<td>11. Compatibility with surrounding area</td>
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<td><strong>Urban Infrastructure</strong></td>
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<td>12. Degree to which the affected transportation routes can bear the traffic that the proposed use may generate</td>
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<td>13. Availability of central sewer</td>
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<td>14. Availability of public water</td>
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<td><strong>Land Use Feasibility</strong></td>
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<td>15. Soil suitability for on-site disposal</td>
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<td>16. Size of site</td>
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<td>17. Future need for more land</td>
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<td><strong>Adopted Plans</strong></td>
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<td>TOTAL</td>
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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.

\[
\frac{375}{5.0} = \frac{75.0}{\text{Total of Column 5}} = \frac{\text{Total of Column 4}}{96 \text{ mm}}
\]

Site Assessment Sub-Total (Max. 200 pts.) = 171.0 (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: **Hanlin, John**

File No.: **5-14 AM**

Date: **5-30-14** Prepared By: **MM**
ORDINANCE 2014-0704

AN ORDINANCE TO ALLOW VIDEO GAMING WITHIN THE COUNTY
FOR AN ANNUAL FEE FOR THE OPERATION OF A VIDEO
GAMING TERMINAL

WHEREAS, the County of Ogle has authority under Section 65 of the Illinois Video Gaming Act (230 ILCS 40/1, et seq.) (the “Act”), to impose an annual fee not in excess of Twenty-Five and No/100 Dollars ($25.00) for the operation of an individual video gaming terminal by a terminal operator within the County’s limits; and

WHEREAS, Section 5 of the Act defines a “video gaming terminal” as any electronic video game machine that, upon insertion of cash, is available to play or simulate the play of a video game, including but not limited to video poker, line up, and blackjack, authorized by the [Illinois Gaming Board] utilizing a video display and microprocessors in which the player may receive free games or credits that can be redeemed for cash; provided, however, such term does not include a machine that directly dispenses coins, cash, or tokens or is for amusement purposes only; and

WHEREAS, Section 5 of the Act defines a “terminal operator” as an individual, partnership or corporation that is licensed under the Act and that owns, services, and maintains video gaming terminals for placement in licensed establishments, licensed fraternal establishments, licensed veterans establishments, or licensed truck stop establishments; and

WHEREAS, Section 5 of the Act defines a “licensed establishment” as any licensed retail establishment where alcoholic liquor is drawn, poured, mixed or otherwise served for consumption on the premises; provided, however, such term does not include a facility operated by an organization licensee, an inter-track wagering licensee, or an inter-track wagering location licensee licensed under the Illinois Horse Racing Act of 1975 or a riverboat licensed under the Riverboat Gambling Act; and

WHEREAS, Section 5 of the Act defines a “licensed fraternal establishment” as the location where a qualified fraternal organization that derives its charter from a national fraternal organization regularly meets; and

WHEREAS, Section 5 of the Act defines a “licensed veterans establishment” as the location where a qualified veterans organization that derives its charter from a national veterans organization regularly meets; and
WHEREAS, Section 5 of the Act defines a “licensed truck stop establishment” as a facility that is at least a 3-acre facility with a convenience store and with separate diesel islands for fueling commercial motor vehicles and parking spaces for commercial motor vehicles as defined in Section 18b-101 of the Illinois Vehicle Code; and

WHEREAS, the Act, as a whole, legalizes the use of video gaming terminals in such establishments throughout the State of Illinois; and

WHEREAS, the County Board of Ogle County finds that it is in the best interests of the County to impose an annual fee of Twenty-Five and No/100 Dollars ($25.00) for the operation of an individual video gaming terminal by a terminal operator within the County and to enact certain other limits upon the placement of video gaming terminals within the County.

NOW THEREFORE, it is hereby ordained by the Ogle County Board as follows:

Section 1. Incorporation of Preambles. The above recitals are hereby incorporated as though fully set forth herein.

Section 2. Chapter 4, Division 2, Article D, Section 11 of the County Code shall read as follows:

(2D-11) VIDEO GAMING TERMINALS.

A. Definitions. (1) The phrases “video gaming terminal”, “licensed establishment”, “licensed fraternal establishment”, “licensed veterans establishment”, and “licensed truck stop establishment” shall have the meanings set forth in the Illinois Video Gaming Act (230 ILCS 40/1 et seq.).

(2) “Licensee” shall mean and include all of the establishments defined in Paragraph (A) hereof.

B. Imposition of Annual Fee. Commencing upon adoption of this ordinance, an annual fee of Twenty-Five and No/100 Dollars ($25.00), is hereby imposed upon each video gaming terminal operated by a licensed establishment, licensed fraternal establishment, licensed veterans establishment or licensed truck stop establishment within the County in accordance with the provisions of the Illinois Video Gaming Act, 230 ILCS 40/1 et.seq. (the “Act”). The fee paid for each video gaming terminal shall be for the fiscal year May 1 through April 30, and any fee paid during a fiscal year shall apply until the end of the fiscal year in which paid. Any continuing operation of a video gaming terminal shall require the payment of a new annual fee on or before May 1 of each year for the ensuing fiscal year.
C. Application for Permit. Every licensee shall make application to the County Clerk’s Office for a permit, and shall pay the annual fee for each video gaming terminal operated. Any individual, partnership, or corporation intending to place a video gaming terminal in its establishment shall first file an application for a video gaming licensed establishment permit, which application shall include the following information:

1. The name of the applicant, its business address, its owners and in the case of corporations, veteran or fraternal establishments, the names and address of its officers and board members;
2. The location for which the license is sought;
3. A copy of the written, signed lease or rental agreement or other written authority for use of the equipment at the location;
4. The number of video gaming terminals to be on the location for which a permit is requested;
5. Each application shall be accompanied by a non-refundable fee of One Hundred Dollars ($100.00). The application fee shall be payable to the County by certified check or money order;
6. No permit shall be issued to any person whose video gaming terminal is not licensed by the State of Illinois for the location for which the permit is sought;
7. All permits issued hereunder shall be issued by the Ogle County Board Chairman attested by the County Clerk, and no permit shall issue until the application therefore shall have been approved by the Ogle County Board Chairman;
8. No video gaming terminal permit shall be issued to, and no video gaming terminal shall be placed or operated from within, a location that does not also have issued to it a Class A or Class A-1 license for the sale of alcoholic beverages at retail by the drink for consumption on the premises; and
9. Notwithstanding any greater limit which may from time to time be established by the Illinois legislature, no more than five (5) video gaming terminals shall be allowed, nor permits be issued therefor, under this ordinance for each licensee at any one location.

D. Play by Minors Prohibited; Penalties. No person under the age of twenty-one (21) years shall be permitted to use or play a video gaming terminal, and any licensee who shall suffer or permit a person under the age of twenty-one (21) years to use or play a video gaming terminal shall be subject to fine or have his or her licenses issued under this Chapter suspended or revoked, after hearing before the Liquor Control Commissioner acting pursuant to the procedures applicable to hearing held pursuant to the provisions of Chapter 4, Division 2, Article C, Section 10, of the County Code.
E. **Penalty for Violation.** Any person, firm or corporation violating the provisions of this ordinance by operation of a video gaming terminal without having obtained the permit and paid the annual fee therefore, or by operating a video gaming terminal in violation of any provision of this ordinance or the Act, shall be guilty of a petty offense, and shall be fined an amount not to exceed $500.00 for each such offense, and the license or licenses shall be subject to suspension or revocation as herein provided. Each day that a video gaming terminal is operated in violation of this ordinance shall constitute a separate offense.

F. **Inspection of Records.** Each licensee shall permit the inspection of books and records of the licensee pertaining to and reflecting operation of each video gaming terminal of the licensee at the request of any law enforcement officer of the city or the State of Illinois at all reasonable times.

**Section 3.** All prior county ordinances in conflict herewith are hereby repealed.

**Section 4.** If any section, paragraph, sentence, clause or other portion of this ordinance is held or deemed to be unenforceable or invalid, then such holding or finding of unenforceability or invalidity shall not affect the validity of the remaining provisions of this ordinance.

**Section 5.** This ordinance shall be effective from and after its passage, approval and publication as provided by law. This ordinance shall be published in pamphlet form.

Presented and Adopted at the July 15, 2014 Ogle County Board meeting.

[Signature]
Kim P. Gouker
Ogle County Board Chairman

ATTEST:

[Signature]
Rebecca Huntley
Ogle County Clerk
ORDINANCE 2014-0705

AN ORDINANCE AMENDING CHAPTER 4, SECTION 2D-9 OF THE OGLE COUNTY CODE TO ALLOW GAMING WITHIN THE COUNTY FOR AN ANNUAL FEE FOR THE OPERATION OF A VIDEO GAMING TERMINAL

NOW THEREFORE, it is hereby ordained by the Ogle County Board as follows:

Chapter 4, Division 2, Article D, Section 9 of the County Code is hereby amended to read as follows:

Prostitutes, Lewdness and Gaming Prohibited. It shall be the duty and responsibility of every licensee under this Division to provide that no lewd persons or prostitutes remain in or about the licensed premises and that no soliciting to prostitution, practices of prostitution or lewdness, idleness, fornication or other misbehavior is conducted on such licensed premises. Gaming shall be prohibited except as authorized by the provisions of the Illinois Video Gaming Act, 230 ILCS 40/1 et. seq. and this County Code.

Kim P. Gouker
Ogle County Board Chairman

ATTEST:

Rebecca Huntley
Ogle County Clerk
ORDINANCE 2014-0706

AN ORDINANCE AMENDING CHAPTER 4, SECTION 2C-5B Parts 1 and 2 OF THE
OGLE COUNTY CODE

NOW THEREFORE, it is hereby ordained by the Ogle County Board as
follows:

Chapter 4, Division 2, Article C, Section 5B Parts 1 and 2 of the County
Code is hereby amended to read as follows:

1. Class A License: A class A license shall authorize the retail sale of
   alcoholic liquor on the premises specified of all alcoholic liquors for
   consumption on the premises, as well as other retail sales of such
   liquor. The annual fee for such license shall be seven hundred fifty
dollars ($750.00), payable in advance. The location must derive at
least sixty five percent (65%) of their sales from liquor, food and
non-gaming income. For purposes of income, retail sales shall be
calculated using gross retail sales, for all purposes except gaming
income which shall be calculated using net terminal income
received by the establishment. The Liquor Control Commissioner
may require proof of such percentages before issuance or renewal of
license.

   a. Any holder of a Class A license may apply for a Class V
      license which Class V license shall also be required in order
      for the applicant to have, locate, maintain and operate video
      gaming terminals (as defined under the Illinois Video
      Gaming Act, 230 ILCS 40/1 et seq.) Within the Class A
      license establishment. Any person holding a Class V
      license shall comply with all provisions of the Video
      Gaming Act.

   b. The annual fee for a Class V license shall be
      $22,000.00 in which is in addition to the annual fee for
      a Class A license.

2. Class A-1 License: A class A-1 license shall authorize all sales of a
   Class A license but shall also authorize the licensed establishment to
be open on Sunday from twelve o'clock (12:00) noon to eleven
o'clock (11:00) P.M. The annual fee for such license shall be one
thousand five hundred dollars ($1,500.00), payable in advance. The
location must derive at least sixty five percent (65%) of their sales
from liquor, food and non-gaming income. For purposes of
income, retail sales shall be calculated using gross retail sales, for all purposes except gaming income which shall be calculated using net terminal income received by the establishment. The Liquor Control Commissioner may require proof of such percentages before issuance or renewal of license.

a. Any holder of a Class A-1 license may apply for a Class V license which Class V license shall also be required in order for the applicant to have, locate, maintain and operate video gaming terminals (as defined under the Illinois Video Gaming Act, 230 ILCS 40/1 et seq.) Within the Class A-1 license establishment. Any person holding a Class V license shall comply with all provisions of the Video Gaming Act.

b. The annual fee for a Class V license shall be _____ in which is in addition to the annual fee for a Class A-1 license.

ATTEST:

Rebecca Huntley
Ogle County Clerk
ORDINANCE 2014-0707

AN ORDINANCE AMENDING CHAPTER 4, SECTION 2C-5A OF THE OGLE COUNTY CODE

NOW THEREFORE, it is hereby ordained by the Ogle County Board as follows:

Chapter 4, Division 2, Article C, Section 5A of the County Code is hereby amended to read as follows:

A. Control of Number of Licenses: The County Liquor Control Commission may set from time to time, as public welfare seems to warrant, a limit to the total licenses to be issued in the county for any locality, neighborhood, or part of the county, except that in no event shall the County Liquor Control Commission issue more licenses than as follows:

<table>
<thead>
<tr>
<th>Class A and A-1</th>
<th>15</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class B or B-1</td>
<td>3</td>
</tr>
<tr>
<td>Class B-1(W)</td>
<td>1</td>
</tr>
<tr>
<td>Class C and C-1</td>
<td>3</td>
</tr>
<tr>
<td>Class F</td>
<td>1</td>
</tr>
</tbody>
</table>

This provision does not limit special one day licenses (classes E and G). (3-18-2004; and. 6-21-2005; 3-22-2006).

Kim P. Gouker
Ogle County Board Chairman

ATTEST:

Rebecca Huntley
Ogle County Clerk