ORDINANCE NO. 2019-1001

AN ORDINANCE APPROVING A MAP AMENDMENT ON PROPERTY
LOCATED AT THE SOUTH EAST CORNER OF I-39 & E. IL RTE. 72
IN MONROE TOWNSHIP

WHEREAS, Wayne C. Ehmen Trust, Wayne C. Ehmen Trustee, 15763 E. Royster Lane, Monroe Center, IL; and Love’s Travel Stops & Country Stores, Inc., % Chad Bruner, 10601 N. Pennsylvania Ave., Oklahoma City, OK have filed a petition for a Map Amendment (Petition No. 07-19AM) to re-zone that part currently zoned AG-1 Agricultural District to B-3 Restricted Interstate Highway Area Business District on property located in part of the East Half (E1/2) of the Southeast Quarter (SE1/4) of Section 20, Township 42 North, Range 2 East of the 3rd Principal Meridian, Monroe Township, Ogle County, IL 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 September 26, 2019 at which the petitioners presented evidence, testimony, and exhibits in support of the requested Map Amendment, no member(s) of the public spoke in support of the petition, and one member(s) of the public spoke in opposition to the petition; and

WHEREAS, the Zoning Board of Appeals, having considered the evidence, testimony and exhibits presented has made its findings of fact and recommended that the requested Map Amendment be approved as set forth in the Findings of Fact and Recommendation of the Ogle County Zoning Board of Appeals dated September 26, 2019, a copy of which is appended hereto as Exhibit “B”; and

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

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

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

SECTION TWO: Based on the findings of fact as set forth above, the petition of Wayne C. Ehmen Trust, Wayne C. Ehmen Trustee, 15763 E. Royster Lane, Monroe Center, IL; and Love’s Travel Stops & Country Stores, Inc., % Chad Bruner, 10601 N. Pennsylvania Ave., Oklahoma City, OK for a Map Amendment (Petition No. 07-19AM) to re-zone that part currently zoned AG-1 Agricultural District to B-3 Restricted Interstate Highway Area Business District on property located in part of the East Half (E1/2)
of the Southeast Quarter (SE1/4) of Section 20, Township 42 North, Range 2 East of the 3rd Principal Meridian, Monroe Township, Ogle County, IL and legally described as shown in Exhibit "A" attached hereto, is hereby approved and the Ogle County Zoning Map shall be amended to reflect said 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 16-9-10 of the Ogle County Amendatory Zoning Ordinance.

PASSED BY THE COUNTY BOARD THIS 15TH DAY OF OCTOBER 2019 A.D.

ATTEST:

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

John Finkrock, Chairman of the Ogle County Board

O-2019-1001
EXHIBIT “A”
LEGAL DESCRIPTION

Part of the East Half (E1/2) of the Southeast Quarter (SE1/4) of Section 20, Township 42 North, Range 2 East of the 3rd Principal Meridian, Monroe Township, Ogle County, Illinois, described as follows:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 20; THENCE SOUTH 00 DEGREES 56 MINUTES 46 SECONDS EAST ALONG THE EAST LINE OF SAID SECTION 20, FOR A DISTANCE OF 75.31 FEET TO A POINT ON THE SOUTH LINE OF ILLINOIS ROUTE 72 ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 00 DEGREES 56 MINUTES 46 SECONDS EAST ALONG SAID EAST LINE, 1197.47 FEET TO A POINT ON THE NORTH LINE OF THE SOO LINE RAILROAD RIGHT OF WAY; THENCE SOUTH 88 DEGREES 26 MINUTES 05 SECONDS WEST ALONG SAID NORTH LINE, 1287.89 FEET TO A POINT ON THE EAST LINE OF INTERSTATE 39 PER DOCUMENT NUMBER 0215804; THENCE NORTH 02 DEGREES 37 MINUTES 13 SECONDS WEST ALONG SAID EAST LINE, 470.39 FEET; THENCE NORTH 03 DEGREES 34 MINUTES 42 SECONDS WEST ALONG SAID EAST LINE, 250.20 FEET; THENCE NORTH 01 DEGREES 17 MINUTES 15 SECONDS WEST ALONG SAID EAST LINE, 425.00 FEET; THENCE NORTH 45 DEGREES 32 MINUTES 15 SECONDS EAST ALONG SAID EAST LINE, 39.10 FEET TO A POINT ON THE SOUTH LINE OF ILLINOIS ROUTE 72; THENCE NORTH 88 DEGREES 24 MINUTES 56 SECONDS EAST ALONG SAID SOUTH LINE, 975.00 FEET; THENCE NORTH 81 DEGREES 17 MINUTES 26 SECONDS EAST ALONG SAID SOUTH LINE, 201.56 FEET; THENCE NORTH 88 DEGREES 24 MINUTES 56 SECONDS EAST ALONG SAID SOUTH LINE, 112.58 FEET TO THE POINT OF BEGINNING, IN OGLE COUNTY, ILLINOIS.

CONTAINING 35.2314 ACRES (1,534,678 SQUARE FEET)

Property Identification Number: Part of 12-20-400-006
Common Location: South East Corner of I-39 & IL Rte. 72
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 Wayne C. Ehmen Trust, Wayne C. Ehmen Trustee, 15763 E. Royster Lane, Monroe Center, IL; and Love’s Travel Stops & Country Stores, Inc., % Chad Bruner, 10601 N. Pennsylvania Ave., Oklahoma City, OK in case #07-19AM. The applicant is requesting a map amendment to change the zoning classification on part of Parcel Identification No. of 12-20-400-006, a 35.2314 acre parcel, from AG-1 Agricultural District to B-3 Restricted Interstate Highway Area Business District. Said parcel is described as follows: part of the East Half (E1/2) of the Southeast Quarter (SE1/4) of Section 20, Township 42 North, Range 2 East of the 3rd Principal Meridian, Monroe Township, Ogle County, Illinois, and located at the South East corner of I-39 and E. IL Rte. 72

After due notice, as required by law, the Zoning Board of Appeals held a public hearing in this case on September 26, 2019 in the County Board Room, 3rd Floor, Ogle County Courthouse, Oregon, Illinois and hereby reports its findings of fact and recommendation as follows:

SITE INFORMATION: See Staff Report (attached herewith).

ANALYSIS OF SIX STANDARDS: After considering all the evidence and testimony presented at the public hearing, this Board makes the following analysis of the six standards listed in 16-9-7G (Standards for Map Amendments) of the Ogle County Amendingory Zoning Ordinance that must all be found in the affirmative prior to recommending granting of the petition.

1. That the proposed amendment will allow development that is compatible with existing uses and zoning of nearby property.

   The site is currently majority zoned B-3 Restricted Interstate Highway Area Business District, and rezoning that part of the parcel currently zoned AG-1 Agricultural District to B-3 will ensure that the use of the site remains compatible with the existing automobile service station and concrete batch plant on nearby parcels. **Standard met.**

2. That the County of Ogle and other service providers will be able to provide adequate public facilities and services to the property (including, but not necessarily limited to, schools, police and fire protection, roads and highways, water supply and sewage disposal), while maintaining adequate public facilities and levels of service to existing development.

   Located on E. IL Route 72, a State-maintained highway, and within one mile from the Monroe Township Fire Department station located at 104 West St. Monroe Center, IL, the County of Ogle and other service providers will be able to provide adequate services to the property. **Standard met.**

3. That the proposed amendment will not result in significant adverse impacts on other property in the vicinity of the subject site or on the environment, including air, noise, stormwater management, wildlife and natural resources.

O-2019-1001
Little or no adverse impacts on other property in the vicinity of the subject site or on the environment, including air, noise, stormwater management, wildlife and natural resources are anticipated from rezoning of the site. **Standard met.**

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

**The site is currently majority zoned B-3 Restricted Interstate Highway Area Business District, and is located at the I-39 and E. IL Route 72 interchange. ****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 site is adjacent to I-39 and E. IL Rt. 72 and just to the south of an existing automotive service station and concrete batch plant on a parcel majority zoned B-3. ****Standard met.**

6. That the proposed amendment is consistent with the public interest and not solely for the interest of the applicant, giving due consideration to the stated purpose and intent of the Amendatory Zoning Ordinance as set forth in Division 1 therein, the Land Evaluation and Site Assessment (LESA) findings (if applicable), and the recommendation(s) of the Ogle County Regional Planning Commission with respect to the **Ogle County Amendatory Comprehensive Plan.**

**The proposed amendment is consistent with the public interest and the purpose and intent of the Amendatory Zoning Ordinance. The Zoning Board of Appeals has given due consideration that the Regional Planning Commission has recommended approval. ****Standard met.**

**RECOMMENDATION:** We find that the proposed map amendment requested meets all the standards for recommending granting as found in Section 16-9-7G of the **Ogle County Amendatory Zoning Ordinance** and that such request is in the public interest. Therefore, the Zoning Board of Appeals hereby recommends that the zoning district classification of the property described above be changed from AG-1 Agricultural District to B-3 Restricted Interstate Highway Area Business District.

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

Respectfully submitted this 27th day of September 2019 by the Ogle County Zoning Board of Appeals.

Paul Soderholm, Chairman
Rob Urish
David Williams
Mark Hayes
James Reed

_________________________
Paul Soderholm, Chairman

ATTEST:

_________________________
Harry Adams, Secretary

O-2019-1001
October 7, 2019

Laura J. Cook
Ogle County Clerk
911 Pines Road
Oregon, IL 61061

Ogle County Officials,

The Monroe Township Board of Trustees and the Monroe Township Planning Commission have discussed the request filed by Wayne Ehmen and Love’s Travel Stops & County Stores, Inc to rezone part of property 12-20-400-006. This request would change approximately 35.2314 acres from its current AG-1 Agricultural District to B-3 Restricted Interstate Highway Area Business District.

Both the Planning Commission and the Board of Township Board of Trustees voted unanimously to oppose this request. We feel that the proposed plan would make the already hazardous I-39 and Highway 72 interchange exponentially worse. We already experience issues in this area with garbage haulers going to the two area landfills and with vehicles getting on and off to access the BP Oasis travel center across from this proposed travel center. There have already been accidents at this site and there are numerous close calls daily. Vehicles are not obeying the stop signs and are pulling out into oncoming traffic.

Since the interchange only has one lane in each direction, this is causing a dangerous situation for all. This also happens to be the main bus route to transport students between the schools in Stillman Valley and Monroe Center. If this area were to see infrastructure improvements to alleviate the traffic problems, we may possibly reconsider our decision. That would require upgrading the area from Kilbuck Road to just east of Limestone Road to a four-lane road plus turn lanes with traffic control lights.

We find adding this truck stop to the current infrastructure to be unacceptable, so we are opposing the re-zoning request and concept plan as submitted.

Sincerely,

Thomas Lichty
Supervisor
RE: Monroe Twp Objection - Ehmen & Loves Truck Stop

County Clerk
Sent: Tuesday, October 08, 2019 8:39 AM
To: Harry Adams; June Jacobs

Harry,

I think it is a 3/4 vote not 2/3.

Thank you.

Laura J. Cook
Ogle County Clerk and Recorder
105 S. 5th St. - Suite 104
Oregon, IL 61061
815-732-110 - phone
815-732-3477 - fax

From: County Clerk
Sent: Tuesday, October 08, 2019 8:34 AM
To: Harry Adams
Cc: June Jacobs
Subject: Monroe Twp Objection - Ehmen & Loves Truck Stop

Harry,

Here is the objection information filed by the Monroe Township in regards to Wayne Ehmen and Love's Truck Stop request. You will need to verify that the Planning and Zoning procedures qualify for this request to be approved by a 2/3 vote by the County Board.

Please let the County Clerk's Office know as soon as possible.

Thank you.

Laura J. Cook
Ogle County Clerk and Recorder
105 S. 5th St. - Suite 104
Oregon, IL 61061
815-732-110 - phone
815-732-3477 - fax
STATE OF ILLINOIS  
)  
SS  
COUNTY OF OGLE  
)

ORDINANCE NO. 2019-1002

AN ORDINANCE APPROVING A SPECIAL USE ON PROPERTY
LOCATED AT THE SOUTH EAST CORNER OF I-39 & E. IL RTE. 72
IN MONROE TOWNSHIP

WHEREAS, Wayne C. Ehmen Trust, Wayne C. Ehmen Trustee, 15763 E. Royster Lane, Monroe Center, IL; and Love’s Travel Stops & Country Stores, Inc., % Chad Bruner, 10601 N. Pennsylvania Ave., Oklahoma City, OK have filed a petition for a Special Use in the B-3 Restricted Interstate Highway Area Business District (Petition No. 9-19SU) to allow an automobile service station, including a convenience store, fast food restaurant with drive-thru, tire service shop, auto and semi fueling canopies, underground fuel tanks, and all associated parking areas, located in part of the East Half (E1/2) of the Southeast Quarter (SE1/4) of Section 20, Township 42 North, Range 2 East of the 3rd Principal Meridian, Monroe Township, Ogle County, IL 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 September 26, 2019 at which the petitioners presented evidence, testimony, and exhibits in support of the requested Special Use, no member(s) of the public spoke in support of the petition, and one member(s) of the public spoke in opposition to the petition; and

WHEREAS, the Zoning Board of Appeals, having considered the evidence, testimony and exhibits presented has made its findings of fact and recommended that the requested Special Use be granted subject to conditions as set forth in the Findings of Fact and Recommendation of the Ogle County Zoning Board of Appeals dated September 26, 2019, a copy of which is appended hereto as Exhibit “B”; and

WHEREAS, the Ogle County Board, having considered the findings of fact and recommendation of the Zoning Board of Appeals, has determined that granting the Special Use in the B-3 Restricted Interstate Highway Area Business District (Petition No. 9-19SU) to allow an automobile service station, including a convenience store, fast food restaurant with drive-thru, tire service shop, auto and semi fueling canopies, underground fuel tanks, and all associated parking areas would be consistent with the requirements established by Section 16-9-8C 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 petition of Wayne C. Ehmen Trust, Wayne C. Ehmen Trustee, 15763 E. Royster Lane, Monroe Center, IL; and Love’s Travel Stops & Country Stores, Inc., % Chad Bruner, 10601 N. Pennsylvania Ave., Oklahoma City, OK for a Special Use in
the B-3 Restricted Interstate Highway Area Business District (Petition No. 9-19SU) to allow an automobile service station, including a convenience store, fast food restaurant with drive-thru, tire service shop, auto and semi fueling canopies, underground fuel tanks, and all associated parking areas on property located at the South East Corner of I-39 & IL Rte. 72 in Marion 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 16-9-10 of the Ogle County Amendatory Zoning Ordinance.

PASSED BY THE COUNTY BOARD THIS 15TH DAY OF OCTOBER 2019 A.D.

[Signature]
John Pinfrock, Chairman of the Ogle County Board

ATTEST:

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

O-2019-1002
EXHIBIT “A”

LEGAL DESCRIPTION

Part of the East Half (E1/2) of the Southeast Quarter (SE1/4) of Section 20, Township 42 North, Range 2 East of the 3rd Principal Meridian, Monroe Township, Ogle County, Illinois, described as follows:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 20; THENCE SOUTH 00 DEGREES 56 MINUTES 46 SECONDS EAST ALONG THE EAST LINE OF SAID SECTION 20, FOR A DISTANCE OF 75.31 FEET TO A POINT ON THE SOUTH LINE OF ILLINOIS ROUTE 72 ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 00 DEGREES 56 MINUTES 46 SECONDS EAST ALONG SAID EAST LINE, 1197.47 FEET TO A POINT ON THE NORTH LINE OF THE SOO LINE RAILROAD RIGHT OF WAY; THENCE SOUTH 88 DEGREES 26 MINUTES 05 SECONDS WEST ALONG SAID NORTH LINE, 1287.89 FEET TO A POINT ON THE EAST LINE OF INTERSTATE 39 PER DOCUMENT NUMBER 0215804; THENCE NORTH 02 DEGREES 37 MINUTES 13 SECONDS WEST ALONG SAID EAST LINE, 470.39 FEET; THENCE NORTH 03 DEGREES 34 MINUTES 42 SECONDS WEST ALONG SAID EAST LINE, 250.20 FEET; THENCE NORTH 01 DEGREES 17 MINUTES 15 SECONDS WEST ALONG SAID EAST LINE, 425.00 FEET; THENCE NORTH 45 DEGREES 32 MINUTES 15 SECONDS EAST ALONG SAID EAST LINE, 39.10 FEET TO A POINT ON THE SOUTH LINE OF ILLINOIS ROUTE 72; THENCE NORTH 88 DEGREES 24 MINUTES 56 SECONDS EAST ALONG SAID SOUTH LINE, 975.00 FEET; THENCE NORTH 81 DEGREES 17 MINUTES 26 SECONDS EAST ALONG SAID SOUTH LINE, 201.56 FEET; THENCE NORTH 88 DEGREES 24 MINUTES 56 SECONDS EAST ALONG SAID SOUTH LINE, 112.58 FEET TO THE POINT OF BEGINNING, IN OGLE COUNTY, ILLINOIS.

CONTAINING 35.2314 ACRES (1,534,678 SQUARE FEET)

Property Identification Number: Part of 12-20-400-006

Common Location: South East Corner of I-39 & IL Rte. 72
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 Wayne C. Ehmen Trust, Wayne C. Ehmen Trustee, 15763 E. Royster Lane, Monroe Center, IL; and Love's Travel Stops & Country Stores, Inc., % Chad Bruner, 10601 N. Pennsylvania Ave., Oklahoma City, OK in case #9-19SU. The applicants are requesting a Special Use in the B-3 Restricted Interstate Highway Area Business District to allow an automobile service station, including a convenience store, fast food restaurant with drive-thru, tire service shop, auto and semi fueling canopies, underground fuel tanks, and all associated parking areas, on part of Parcel Identification No. 12-20-400-006, a 35.2314 acre parcel, located in part of the East Half (E1/2) of the Southeast Quarter (SE1/4) of Section 20, Township 42 North, Range 2 East of the 3rd Principal Meridian, Monroe Township, Ogle County, Illinois, and located at the South East corner of I-39 and E. IL Rte. 72

After due notice, as required by law, the Zoning Board of Appeals held a public hearing in this case on September 26, 2019 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 16-9-8C (Standards for Special Use Permits) of the Ogle County Amended 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 is adjacent to an existing automobile filling station and concrete batch plant to the north, and I-39 to the west. The proposed special use would not have a significant impact on the surrounding property. 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 is adjacent to an existing automobile filling station and Interstate highway and will not dominate the immediate neighborhood to prevent development and use of adjacent property. STANDARD MET.
3. That off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations.

The site is large enough so that adequate off-street parking and loading areas can be provided. 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.

It has been satisfactorily demonstrated that adequate utilities, ingress/egress to the site, access roads, drainage and other such necessary facilities have been or will be provided. STANDARD MET.

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

The proposed special use is located in the B-3 Restricted Interstate Highway Area Business District and would be compatible with permitted uses in the surrounding area. 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 B-3 Restricted Interstate Highway Area Business District. 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 16-9-8C of the Ogle County Amendatory Zoning Ordinance.

Therefore, the Zoning Board of Appeals hereby recommends that a Special Use in the B-3 Restricted Interstate Highway Area Business District to allow an automobile service station, including a convenience store, fast food restaurant with drive-thru, tire service shop, auto and semi fueling canopies, underground fuel tanks, and all associated parking areas, be granted.

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

Respectfully submitted this 27th day of September 2019 by the Ogle County Zoning Board of Appeals.

Paul Soderholm, Chairman

David Williams
Mark Hayes
James Reed
Rob Urish

________________________________________
Paul Soderholm, Chairman

ATTEST:

________________________________________
Harry Adams, Secretary
ORDINANCE NO. 2019-1003

AN ORDINANCE ESTABLISHING A COUNTY CANNABIS RETAILERS’ OCCUPATION TAX IN THE COUNTY OF OGLE, STATE OF ILLINOIS

WHEREAS, the County of Ogle, is a county duly organized and existing under the laws of the State of Illinois and a body politic and corporate of the State of Illinois. Ogle County is a non-home rule unit of local government pursuant to Article VII, § 8 of the 1970 Illinois Constitution; and

WHEREAS, the Illinois General Assembly enacted Public Act 101-0027, effective January 1, 2020, which is a comprehensive revision of State statutes regulating the adult use of cannabis in Illinois counties; and

WHEREAS, the County has the authority to adopt ordinances and to promulgate rules and regulations that protect the public health, safety and welfare of its citizens; and

WHEREAS, this Ordinance is adopted pursuant to the provisions of the Illinois County Cannabis Retailers’ Occupation Tax Law (55 ILCS 5/5-1006.8) (the “Act”); and

WHEREAS, this Ordinance is intended to impose the tax authorized by the Act providing for a County Cannabis Retailers’ Occupation Tax, which will be collected by the Illinois Department of Revenue;

WHEREAS, this Ordinance will repeal Ordinance 2019-0906 which was presented and approved at the September 15, 2019 regular County Board meeting and filed with the Illinois Department of Revenue.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF THE COUNTY OF OGLE, STATE OF ILLINOIS, THAT THIS ORDINANCE ESTABLISHING A COUNTY CANNABIS RETAILERS’ OCCUPATION TAX BE AND HEREBY IS ADOPTED AS FOLLOWS:

SECTION I: Recitals.
The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance

SECTION II: Tax imposed; Rate.
(a) A tax is hereby imposed upon all persons engaged in the business of selling cannabis, other than cannabis purchased under the Compassionate Use of Medical Cannabis Pilot Program Act, at retail locations in the County on the gross receipts from these sales at the following rates:
(i) 3.75% of the gross receipts from these sales made in the course of that business in unincorporated areas of Ogle County in the event that sales of this type are ultimately approved by Ordinance or Resolution of the Ogle County board; and

(ii) (up to 3% in .25% increments) of the gross receipts of sales made in a municipality located in Ogle County; and

(b) The imposition of this tax is in accordance with the provisions of the County Cannabis Retailers’ Occupation Tax Law (55 ILCS 5/5-1006.8).

SECTION III: Collection of tax by retailers.

(a) The tax imposed by this Ordinance shall be remitted by such retailer to the Illinois Department of Revenue (the “Department”). Any tax required to be collected pursuant to or as authorized by this Ordinance and any such tax collected by such retailer and required to be remitted to the Department shall constitute a debt owed by the retailer to the State. Retailers may reimburse themselves for their seller’s tax liability hereunder by separately stating that tax as an additional charge, which charge may be stated in combination, in a single amount, with any State tax that sellers are required to collect.

(b) The taxes hereby imposed, and all civil penalties that may be assessed as an incident thereto, shall be collected and enforced by the Department. The Department shall have full power to administer and enforce the provisions of this article.

SECTION IV: Severability. The provisions and sections of this Ordinance shall be deemed severable and the invalidity of any portion of this Ordinance shall not affect the validity of the remainder.

SECTION V: Effective Date. This Ordinance shall be in full force and effect from and after its passage and approval and publication as required by law, provided, however, that the tax provided for herein shall take effect for all sales on or after the first day of January, 2020. Copies of this Ordinance shall be certified and sent to the Illinois Department of Revenue prior to June 1, 2020.

Passed by the Ogle County Board this 15th day of October, 2019.

AYES: 22 NAYS: 0 PRESENT: 22 ABSTAIN/ABSENT: 2

Approved this 15th day of October, 2019.

John Rinfrock, Ogle County Board Chairman

ATTEST: Laura J. Cook, Ogle County Clerk

Cannabis Sales Tax Ordinance 2019-1003
Ogle County
County Cannabis Retailers’ Occupation Law

- On or after January 1, 2020, counties can impose tax on the persons engaged in the business of selling cannabis, but not medicinal cannabis.
- Tax must be in 0.25% increments and cannot exceed:
  - 3.75% in unincorporated areas
  - 0.75% in municipalities in non-home rule counties
  - 3% in municipalities in Cook County
- SB 2023 amends these rates:
  - 3.75% in unincorporated areas
  - 3% in municipalities
- Certified copy of ordinance or resolution must be filed with IDOR by June 1 for the change to be effective September 1.
Municipalities and Counties may impose a local Cannabis Retailers’ Occupation Tax beginning September 1, 2020

To: All Illinois Municipal and County Governments

Public Acts 101-27 and 101-363 authorize municipalities (65 ILCS 5/8-11-22) and counties (55 ILCS 5/5-1006.8) to impose, by ordinance, a tax upon all persons engaged in the business of selling cannabis, other than medical cannabis, at retail in the municipality or county on the gross receipts from cannabis sales.

What is the tax rate that counties and municipalities can impose by ordinance on retail sales of cannabis?

Municipalities may impose a tax on retail sales of cannabis, other than medical cannabis, at a rate that may not exceed 3%, imposed in one-quarter percent (0.25%) increments. Counties may impose a tax (also in one-quarter percent increments) on retail sales of cannabis, other than medical cannabis, at the following rates:

- In unincorporated areas of the county, the rate may not exceed 3.75%.
- In a municipality located in the county, the rate may not exceed 3%.

As with any local government tax administered by the Illinois Department of Revenue (IDOR), municipalities and counties must submit their ordinances to IDOR by a statutory deadline in order to begin imposing the tax.

When must counties and municipalities submit cannabis ordinances to IDOR for those ordinances to take effect on September 1, 2020?

The law provides that if a proper ordinance is adopted and filed with IDOR on or before June 1, 2020, then IDOR will administer and enforce the tax beginning on September 1, 2020. Ordinances filed on or after June 2, 2020, will be implemented by IDOR on September 1st of the following year. Municipalities and counties should submit their ordinances to the following address:

LOCAL TAX ALLOCATION DIVISION (3-500)
ILLINOIS DEPARTMENT OF REVENUE
101 W JEFFERSON
SPRINGFIELD IL 62702
O-2019-1003