May 8, 2020

The Ogle County Board, at their regular meeting held on Tuesday, April 21, 2020, Fritz presents #01-20 SPECIAL USE ~ Norman & Phyllis Reinford, 3500 S. Chana Rd., Chana, IL for a Special Use Permit in the AG-1 Agricultural District to allow a Construction Shop on property described as follows and owned by the petitioners: Part of the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4) of Section 22, Township 23 North, Range 11 East of the 4th P.M., Pine Rock Township, Ogle County, IL, 13.55 acres, more or less - P.I.N.: 17-22-300-015 - Common Location: 3500 S. Chana Rd.

Fritz moves to approve O-2020-0401 as presented and Smith seconds.

Item approved 4-0 at Zoning Board of Appeals and Regional Planning Commission

Motion carries. (Placed on file)
WHEREAS, Norman & Phyllis Reinford, of 3500 S Chana Rd, have filed a petition for a Special Use in the AG-1 Agricultural District (Petition No. 01-20SU) to allow a Construction Shop in the AG-1 Agricultural District, Part of the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4) of Section 22, Township 23 North, Range 11 East of the 4th P.M., Pine Rock 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 February 27th, 2020 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 no member(s) of the public spoke in opposition to the petition; and

WHEREAS, the Zoning Board of Appeals, having considered the evidence, testimony and exhibits presented has made its findings of fact and recommended that the requested 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 February 28th, 2020, 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 AG-1 Agricultural District (Petition No. 01-20SU) to allow a Construction Shop 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 Norman & Phyllis Reinford of 3500 S Chana Rd. for a Special Use in the AG-1 Agricultural District (Petition No. 01-20SU) to allow a Construction Shop at 3500 S Chana Rd, Chana IL in Pine Rock 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 18TH DAY OF MARCH 2020 A.D.

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

ATTEST:

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

O-2020-0401
EXHIBIT “A”

LEGAL DESCRIPTION

Part of the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4) of Section 22, Township 23 North, Range 11 East of the 4th P.M., Pine Rock Township, Ogle County, IL, 13.55 acres, more or less.

Property Identification Number: 17-22-300-015

Common Location: 3500 South Chana Rd.
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 Norman & Phyllis Reinford, of 3500 S Chana Rd, Chana IL for a Special Use to allow a Construction Shop on property described as follows and owned by the petitioner. Parcel Identification No. 17-22-300-015, a 13.55 acre parcel located in part of the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4) of Section 22, Township 23 North, Range 11 East of the 4th P.M., Pine Rock Township, Ogle County, IL, and located at 3500 South Chana Rd.

After due notice, as required by law, the Zoning Board of Appeals held a public hearing in this case on February 27, 2020 in the Ogle 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 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 make use of existing farm buildings and would not have a significant impact on the value, health, safety, morals, comfort, or general welfare of 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 distance to the closest non participating dwelling, the screening provided by the existing feedlot barns and windbreak, and the size and scope of the proposed special use will not cause it to dominate the immediate neighborhood. STANDARD MET.**

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

   Adequate off-street parking and loading areas are provided by the existing 400' long driveway, paved former feedlot area, and adequate truck turn around space. 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 are present for the proposed special use. 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 AG-1 zoning district and would be compatible with the permitted and special uses in the surrounding area and would be deemed desirable to the construction economy in Ogle County. 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 Agricultural District, specifically 16.5.1 C Special Use for a Construction Shop. 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 AG-1 Agricultural District to allow a Construction Shop be granted.

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

Respectfully submitted this 28th day of February 2020 by the Ogle County Zoning Board of Appeals.

Randy Ocken, Chairman
James Reed
Mark Hayes
Paul Soderholm

__________________________
Randy Ocken, Chairman

__________________________
Harry Adams, Secretary

ATTEST:
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 Ordinance 2019-1003 which was presented and approved at the October 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) 3% 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
thereof, 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 21st day of April, 2020.

AYES: 23 NAYS: 0 PRESENT: 23 ABSTAIN/ABSENT: 1

John Pinfrock, Ogle County Board Chairman

ATTEST: ____________________________
Laura J. Cook, Ogle County Clerk