



*Laura J. Cook*  
Ogle County Clerk & Recorder

September 8, 2016

The Ogle County Board, at their regular meeting held on Tuesday, August 16, 2016, Welty introduced the petition of Randall L. & Diane J. Monson, 9650 Gristmill Rd., Rochelle, IL; Jeff Monson, 304 N. Linn St., Kings, IL; and Richard & Joanne Lechner, 11581 E. Kyte Rd., Rochelle, IL 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 the petitioners: Lots 1-7 of Block 4; and a strip 20 feet wide easterly adjacent to Lot 1 of Block 4 in the original Village of Kings, part of the E1/2 of the NW1/4 of Section 27 White Rock Township 41N, R1E of the 3rd P.M., Ogle County, IL. Property Identification Number: 18-27-126-002; 18-27-126-003; 18-27-126-004; and 18-27-126-005. Common Location: 316 N. Linn St.; 304 N. Linn St.; and 508 N. 3rd St. Welty moves to approve #2-16 Amendment for Randall L. and Diane J. Monson – O-2016-0801 as presented, Simms seconds the motion.

Motion carries. (Placed on file)



*Laura J. Cook*  
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Ogle County Clerk

The contents of this letter are a portion of the tentative Ogle County Board minutes pertaining to your zoning request. These minutes are subject to approval at the next Ogle County Board meeting.



STATE OF ILLINOIS        )  
  ) SS  
COUNTY OF OGLE         )

ORDINANCE NO. 2016-0801

AN ORDINANCE APPROVING A ZONING MAP AMENDMENT  
ON PROPERTY LOCATED AT 304 LINN STREET, 316 LINN STREET  
AND 508 N. 3<sup>RD</sup> STREET IN WHITE ROCK TOWNSHIP

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WHEREAS, Randall L. & Diane J. Monson, 9650 Gristmill Rd., Rochelle, IL; Jeff Monson, 304 N. Linn St., Kings, IL; and Richard & Joanne Lechner, 11581 E. Kyte Rd., Rochelle, IL have filed a petition for a Map Amendment (Petition No. 02-16AM) to re-zone from B-1 Business District to R-2 Single Family Residence District on property located at 316 Linn Street, 304 Linn Street and 508 3<sup>rd</sup> Street in White Rock 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 July 28, 2016 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 July 28, 2016, 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 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:

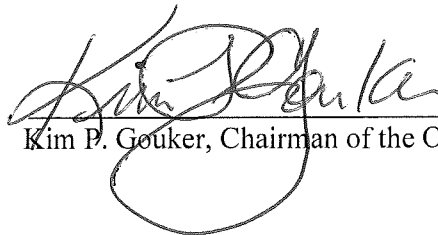
SECTION ONE: The report of the Ogle County Zoning Board of Appeals, Exhibit "B" attached hereto, is hereby accepted and the findings set forth therein are hereby adopted as the findings of fact and conclusions of the Ogle County Board.

SECTION TWO: Based on the findings of fact as set forth above, the petition of Randall L. & Diane J. Monson, 9650 Gristmill Rd., Rochelle, IL; Jeff Monson, 304 N. Linn St., Kings, IL; and Richard & Joanne Lechner, 11581 E. Kyte Rd., Rochelle, IL for a Map Amendment (Petition No. 02-16AM) to re-zone from B-1 Business District to R-2 Single Family Residence District on property located at 316 Linn Street, 304 Linn Street and 508 3<sup>rd</sup> Street in White Rock 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.

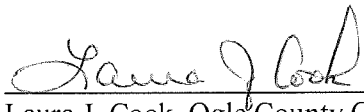
SECTION FOUR: Failure of the owners of other party in interest to comply with the terms of this Ordinance, after execution of such Ordinance, shall subject the owners or party in interest to the penalties set forth in Section 16-9-10 of the *Ogle County Amendatory Zoning Ordinance*.

PASSED BY THE COUNTY BOARD THIS 16<sup>TH</sup> DAY OF AUGUST 2016 A.D.

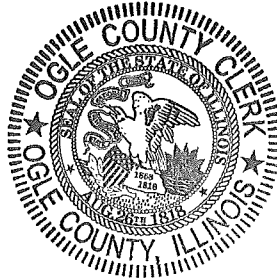


Kim P. Gouker, Chairman of the Ogle County Board

ATTEST:



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



**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

Lots 1-7 Block 4 and a strip 20 feet wide easterly adjacent to Lot 1 Block 4 in the original Village of Kings, located in part of the E ½ NW ¼ Section 27 White Rock Township 41N, R1E of the 3<sup>rd</sup> P.M., Ogle County, Illinois

Parcel Identification Number(s): 18-27-126-002, 18-27-126-003, 18-27-126-004 and 18-27-126-005

Common Location: 316 Linn Street, 304 Linn Street and 508 3<sup>rd</sup> Street

**EXHIBIT "B"**

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

# Ogle County Zoning Board of Appeals

911 W. Pines Road  
Oregon, IL 61061  
815.732.1190  
Fax: 815.732.3709

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## FINDINGS OF FACT AND RECOMMENDATION OF THE OGLE COUNTY ZONING BOARD OF APPEALS

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This is the findings of fact and the recommendation of the Ogle County Zoning Board of Appeals concerning an application of Randall L. & Diane J. Monson, 9650 Gristmill Rd., Rochelle, IL; Jeff Monson, 304 N. Linn St., Kings, IL; and Richard & Joanne Lechner, 11581 E. Kyte Rd., Rochelle, IL in case #02-16AM. The applicants are requesting a Map Amendment to change the zoning classification from B-1 Business District to R-2 Single Family Residence District on Parcel Identification Nos. 18-27-126-002, 18-27-126-003, 18-27-126-004 and 18-27-126-005, parcels legally described as Lots 1-7 Block 4 and a strip 20 feet wide easterly adjacent to Lot 1 Block 4 in the original Village of Kings, located in part of the E ½ NW ¼ Section 27 White Rock Township 41N, R1E of the 3<sup>rd</sup> P.M., Ogle County, Illinois, and located in White Rock Township at 316 Linn Street, 304 Linn Street and 508 3<sup>rd</sup> Street.

After due notice, as required by law, the Zoning Board of Appeals held a public hearing in this case on July 28, 2016 in the County Board Room, 3<sup>rd</sup> 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 16-9-7G (Report by Zoning Board of Appeals) 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 currently in residential use and is adjoined by residential uses to the south. 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 in the use of the property will occur. Standard met.**

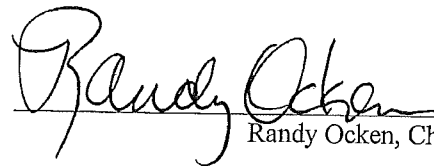
4. That the subject property is suitable for the proposed zoning classification. **The site is suitable for the R-2 zoning district, as it is currently, and has been used for single-family residential purposes. Standard met.**
5. That the proposed zoning classification is consistent with the trend of 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.**

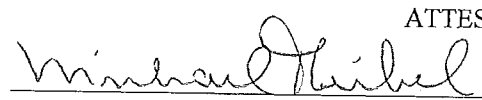
**RECOMMENDATION:** We find that the proposed map amendment requested meets all the standards for recommending granting as found in Section 16-9-7G of the *Ogle County Amendatory Zoning Ordinance* and that such request is in the public interest. Therefore, the Zoning Board of Appeals hereby recommends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

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

Respectfully submitted this 28<sup>th</sup> day of July 2016 by the Ogle County Zoning Board of Appeals.

**Randy Ocken, Chairman**  
**Maynard Stivers**  
**Cody Considine**  
**Paul Soderholm**  
**Dennis Williams**

  
\_\_\_\_\_  
Randy Ocken, Chairman

ATTEST:  
  
\_\_\_\_\_  
Michael Reibel, Secretary



**ORDINANCE 2016 - 0802**

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**POSSESSION OF CANNABIS AND POSSESSION OF DRUG PARAPHERNALIA**

**WHEREAS**, the Ogle County Board, has previously enacted an Ordinance prohibiting the possession of cannabis and said Ordinance is found at 10-7-1 of the County Code;

**WHEREAS**, on July 29, 2016, Illinois Governor Bruce Rauner signed into law SB 2228 which removed the criminal penalties for those found in possession of 10 grams or less of cannabis;

**WHEREAS**, the Ogle County Board continues to believe that the possession of cannabis and drug paraphernalia should be prohibited in Ogle County.

**WHEREAS**, The Ogle County Board believes that the current Ordinance prohibiting the possession of cannabis should be modified, updated and amended to more closely comport with current Illinois State laws and to include a prohibition against the possession of drug paraphernalia;

**THEREFORE, BE IT ORDAINED** by the County Board of Ogle County, Illinois as follows:

Chapter 10, Division 7, Section 1 (10-7-1) of the County Code shall be repealed in its entirety and the following shall be enacted in its place:

**10-7-1: - POSSESSION OF CANNABIS.**

A. Definitions. All terms and phrases used herein shall have the same meaning as ascribed to them in the Cannabis Control Act (720 ILCS 550/1 et seq.); except the term "person" is limited to natural persons who have attained the age of eighteen (18) years or more.

B. Offense of possession of cannabis. A person commits the offense of possession of cannabis

within the County of Ogle by knowingly possessing ten (10) grams or less of any substance containing cannabis unless permitted or authorized to do so pursuant to relevant state law.

C. Violations, penalties.

1. Any person violating Subsection (B) shall be subject to a mandatory fine of not less than \$100 hundred dollars (\$100.00) or more than one thousand dollars (\$1,000.00). In addition to any fine herein all court costs authorized by ordinance or statute for ordinance violations from time to time shall be imposed. These costs include, but are not limited to, Circuit Clerk Automation, State's Attorney Automation, Document Storage, Clerk fee, Court fee, Judicial Security, Youth Diversion, Drug Court, State's Attorney fee and E-Citation fee.

2. Any motor vehicle which is used in any manner to facilitate the possession of cannabis in violation of Subsection (B) shall be subject to seizure and impoundment pursuant to the Vehicle Impound Ordinance of Ogle County (12-4-1, et.seq.)

(Ord. No. 2016-0802)

**10-7-1.1: - POSSESSION OF DRUG PARAPHERNALIA.**

A. Definitions: Drug paraphernalia means all items, equipment, products and materials of any kind which may be used unlawfully in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body cannabis or a controlled substance as defined by relevant Illinois state laws. It includes, but is not limited to, pipes, bongs, rolling papers and any other item converted for the uses set forth above.

B. Offense of possession of Drug Paraphernalia: A person commits the offense of possession of Drug Paraphernalia with the County of Ogle by knowingly possessing an item of drug paraphernalia unless permitted or authorized to do so pursuant to relevant Illinois state law.

C. Violation Penalties:


1. Any person violating Subsection B. shall be subject to a mandatory fine of not less than one hundred dollars (\$100.00) or more than one thousand dollars (\$1,000.00). In addition to any fine herein all court costs authorized by ordinance or statute for ordinance violations from time to time shall be imposed. These costs include, but are not limited to, Circuit Clerk Automation, State's Attorney Automation, Document Storage, Clerk fee, Court fee, Judicial Security, Youth Diversion, Drug Court, State's Attorney fee and E-Citation fee.

2. Any motor vehicle which is used in any manner to facilitate the possession of drug paraphernalia in violation of Subsection (B) shall be subject to seizure and impoundment pursuant to the Vehicle Impound Ordinance of Ogle County (12-4-1, et seq.)

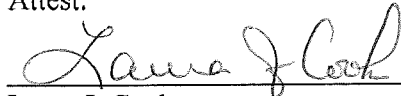
(Ord. No. 2016-0802)

**BE IT FURTHER ORDAINED** that 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.

Passed and adopted by the County Board this        day of August, 2016.

  
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Kim P. Gouker  
Ogle County Board Chairman

Attest:

  
\_\_\_\_\_  
Laura J. Cook  
Ogle County Clerk

