

APPENDICES

APPENDIX I

A. Procedure for Filing an Application for Approval of a Pollution Control Facility (PCF).

1. (a) In order to request siting approval for a PCF in unincorporated Ogle County, an applicant must file an application with the Zoning Administrator, with a minimum of twenty-five (25) copies of the application and the substance of the applicant's proposal showing sufficient details describing the proposed facility to demonstrate compliance with this Ordinance and County regulations, including all site plans, engineering (including calculations), exhibits and maps, and all documents, if any, to be submitted for approval as of the date of filing the application. At a minimum, the application shall comply with the Articles of Rules and Procedures. The form of said application may be obtained from the office of the Zoning Administrator.

(b) In addition to the foregoing, the applicant shall deposit with the County at the time of filing the application for site approval of a PCF a filing fee deposit of two hundred thousand dollars (\$200,000.00), except that a filing fee deposit of five hundred thousand dollars (\$500,000.00) is required if said proposed facility is designed as a Hazardous Waste Disposal Site. If the applicant elects to file an amended application for site location approval for an PCF in accordance with this Ordinance, such filing shall be accompanied by payment of a supplemental fee of fifty thousand dollars (\$50,000.00).

The Ogle County Health Department, Zoning Administrator or State's Attorney may retain consultants on behalf of the County. The consultants and the County agencies shall then commence a study of the application. The applicant shall cooperate fully with the consultants and the technical staff of the County in their review of the application, including providing access to the site for study or testing, including, but not limited to geophysical testing.

The applicable filing fee is intended to defray the reasonable and necessary costs of processing the application, including, but not limited to: costs of site inspection, clerical expenses, copying costs, space rental, Zoning Board of Appeals per diem, court reporter expenses, transcription costs, public notice expenses, staff review time, Committee per diems, if any, consultants hired by the Health Department, Zoning Administrator or State's Attorney (such as qualified professional engineers, planners, appraisers, zoning counsel, environmental counsel, etc.) (including tests, exhibits, and testimony, if any, provided by said consultants), and other relevant costs incident to the consideration of an application, the costs incident to preparing the record for appeal, and the cost of representing the County on appeal in case of an appeal of a County Board decision (the "County costs").

If there are funds remaining in the filing fee deposit after payment of the County costs, such amount shall be refunded to the applicant upon the final resolution of the application process (including appeals to the Illinois Pollution Control Board, Appellate Court, Illinois Supreme Court, Federal Courts, and administrative review in the Courts, if any). Should the County incur any additional costs in excess of the applicable filing fee deposit, the applicant shall bear any and all such additional costs and shall promptly pay over such additional amount to the County upon request.

(c) The application must be complete, with answers provided for each question on the application form. The application must contain consecutively numbered pages and it must be accompanied by all site plans, exhibits, maps and documents required by this ordinance and by the Application for Pollution Control Facility in Ogle County.

The date that the applicant files a complete application in proper form, together with the applicable filing fee deposit, with the Zoning Administrator shall be considered the official filing date. The application is not effective unless it is in strict compliance with the Application for Pollution Control Facility in Ogle County and with this Ordinance. If upon review of the application within

thirty (30) days of its submittal, it is determined by the County to be incomplete and not in strict conformance with the aforesaid, the application is deemed not filed and the filing fee (less County costs and expenses) shall be returned to the applicant.

2. (a) Upon receipt of a proper and complete application, and payment of the applicable filing fee deposit, the Zoning Administrator shall date stamp all the copies and immediately deliver one (1) copy to the Chairperson of the County Board, one (1) copy to the Chairperson of the Planning, Assessment and Zoning Committee, one (1) copy to the Chairperson of the Zoning Board of Appeals, one (1) copy to the Chairperson of the HEW Committee, one (1) copy to the Administrator of the Ogle County Health Department, and one (1) copy to each municipality located within one and one-half (1-1/2) miles of the proposed facility site.

(b) The consultants and the County agencies shall then commence a study of the application. The applicant shall cooperate fully with the consultants and the technical staff of the County in their review of the application, including providing access to the site for study or testing, including but not limited to geophysical testing.

3. A copy of the application and all related documents or other materials on file with the Zoning Board of Appeals shall be made available for public inspection in the office of the Zoning Administrator. Members of the public shall be allowed to obtain a copy of said application or any part thereof upon payment of the actual cost of reproduction as outlined in the Illinois Freedom of Information Act (5 ILCS 140/1 et seq.).
4. An applicant may not file an application for site location approval which is substantially the same as a request which was disapproved, pursuant to a finding against the applicant under any criteria set forth in this Appendix under "Standards for Location of a Pollution Control Facility" (below) and Section 9.08, Paragraph C. of this Ordinance.

B. Standards for Location of a Pollution Control Facility.

In addition to the six (6) standards contained in Section 9.08, Paragraph C. of this Ordinance, no special use for a Pollution Control Facility shall be recommended by the Zoning Board of Appeals unless said Board shall also find:

1. That the facility is necessary to accommodate the waste needs of the area that it is intended to serve; and
2. That the facility is located outside the boundary of the 100-year floodplain, or the site is flood proofed; and
3. That the plan of operations for the facility is designed to minimize the danger to the surrounding area from fire, spills, or other operational accidents; and
4. That if the facility will be treating, storing or disposing of hazardous waste, an emergency response plan exists for the facility which includes notification, containment and evacuation procedures to be used in case of an accidental release; and
5. That if the County Board has adopted a Solid Waste Management Plan, consistent with the planning requirements of The Local Solid Waste Disposal Act (415 ILCS 10/1 et seq.) or The Solid Waste Planning and Recycling Act (415 ILCS 15/1 et seq.), the facility is consistent with that plan; and
6. That if the facility will be located within a regulated recharge area, any applicable requirements specified by the Pollution Control Board for such areas have been met.

APPENDIX II

AFFIDAVIT

State of Illinois)
) SS
County of Ogle)

RE:

_____ after being first duly sworn on
oath depose(s) and say(s):

1. (I) (we) certify that (I am) (we are) applicant(s) to allow a residential use in the AG-1 Agricultural District. (I) (we) have read the following preamble to the AG-1 Agricultural District regulations (Division 5, Section 5.01, Subsection A) contained in the Ogle County Amending Zoning Ordinance, and that (I) (we) understand that there are permitted uses and named special uses allowed in the AG-1 Agricultural District that may not be compatible with a residential use in the AG-1 Agricultural District. (I) (we) further understand that residential uses in the AG-1 Agricultural District are not given the same provision of services, amenities and protection from other land uses which are afforded to residential uses by regulations of the residence district, and that the AG-1 Agricultural District regulations are not intended to afford such services, amenities and protections to residential uses located there. (I) (we) understand when living within a rural area in Ogle County, one may encounter a number of practices that area farmers have been and likely will continue doing in their normal farming practices carried out for agricultural purposes such as the following:
 - A. Wide, slow moving equipment on roads or in fields at various times of the day or night;
 - B. Noise, dust or odors from the operation of machinery, as well as herbicides, pesticides, fertilizers and manure being applied to farmland;
 - C. Wind blown debris, such as cornstalks, soybean residue, husks or other materials;
 - D. On occasion, airplanes applying herbicides, pesticides, or other materials;
 - E. Odors and noise from livestock operations and/or stray livestock;
 - F. Drainage problems or short term flooding, which may occur during heavy rainfall.

AG-1 Agricultural District, Purpose and Intent (Preamble):

The long-range goal for agricultural land use in the County is to preserve the most valuable of natural resources, that of fertile land, for agricultural pursuits and to protect the land best suited for farming from premature urbanization and the encroachment of incompatible land uses which would hinder farm operations and irretrievably deplete agricultural lands. The agricultural district regulations are, therefore, designed to regulate the use of land and buildings within areas of the County where soil and topographic conditions are best adapted to the pursuit of agricultural land uses. It is essential that scattered, indiscriminate urban development within areas best suited for agriculture be precluded and that orderly urban development be facilitated. It hereby declared the legislative intent and purpose of the AG-1 district that land in the County which is productive should remain in productivity until such time as the natural growth of municipalities precludes preservation thereof.

Other specific purposes for which this district is established include:

1. *To preserve woodlands and wetlands associated with farms which, because of their natural physical features, are useful as water retention and groundwater recharge areas, and as habitat for plant and animal life; and which have an important aesthetic and scenic value which contributes to the unique character of the agricultural district and the County as a whole.*
2. *To provide a basis for land tax assessments which reflect its existing agricultural nature and owing to these regulations, its limited use for other purposes.*
3. *To prevent the conversion of agricultural land to scattered non-farm development which, when unmanaged, unnecessarily increases the cost of public services to all citizens and results in the premature disinvestment in agriculture.*

2. If (I) (we) establish a residential use in the AG-1 Agricultural District, such land use has no additional rights granted to it than are granted to other uses allowed as either permitted use by special use in the AG-1 Agricultural District.

(I) (we) further certify that (I) (we) have read and understand this affidavit, and have been given a copy of said affidavit.

Affiant

Affiant

Acknowledgment

State of Illinois)
) SS
County of Ogle)

I, _____, Notary Public in and for the State and County aforesaid, do hereby certify that _____, personally known to me to be the same person(s) whose name(s) are subscribed to the foregoing affidavit, appeared before me this day in person and signed and delivered the said affidavit for the uses and purposes therein set forth as his or their free and voluntary act.

Given under my hand and notarial seal this ____ day of _____, 20____.

Notary Public

(Seal)

My Commission Expires

APPENDIX III

AFFIDAVIT

State of Illinois)
) SS
County of Ogle)

RE:

_____ after being first duly sworn on oath depose(s) and say(s):

1. (I) (we) certify that (I am) (we are) applicant(s) for a zoning certificate to allow a dwelling to be located within one-thousand (1,000) feet of an existing active quarry operation as measured from the nearest property line of the zoning lot or parcel on which quarrying can lawfully take place on the date the Zoning Certificate for said dwelling is applied for. (I) (we) understand when living near a quarry operation, one may encounter a number of practices that the operator of said quarry has been and likely will continue doing in their quarrying practices such as the following:
 - A. Blasting with explosives that may produce noise, dust odors and/or vibrations;
 - B. The operation of machinery which may produce noise, dust odors and vibrations.
 - C. Truck traffic which may produce noise, dust, odors and vibrations.

2. If (I) (we) establish a residential use (dwelling) within one-thousand (1,000) feet of an active quarry operation as measured from the nearest property line of the zoning lot or parcel on which quarrying can lawfully take place on the date the Zoning Certificate for said dwelling is applied for, such land use has no additional rights granted to it than are granted to said quarry operation.

(I) (we) further certify that (I) (we) have read and understand this affidavit, and have been given a copy of said affidavit.

Affiant

Affiant

Acknowledgment

State of Illinois)
) SS
County of Ogle)

I, _____, Notary Public in and for the State and County aforesaid, do hereby certify that _____, personally known to me to be the same person(s) whose name(s) are subscribed to the foregoing affidavit, appeared before me this day in person and signed and delivered the said affidavit for the uses and purposes therein set forth as his or their free and voluntary act.

Given under my hand and notarial seal this ____ day of _____, 20 ____.

Notary Public

My Commission Expires

(Seal)

APPENDIX IV

6.25 Regulation of Telecommunications Facilities:

- A. Pursuant to 55 ILCS 5/5-12001.1, this Section shall apply to the facilities, as defined in Subsection C, of a telecommunications carrier;
- B. The provisions of this Section shall not abridge any rights created by or authority confirmed in the federal "Telecommunication Act of 1996", P.L. 104-104.
- C. As used in this Section, unless the context otherwise requires:

Telecommunications carrier means a telecommunications carrier as defined in the Public Utilities Act as of January 1, 1997;

Facility means that part of the signal distribution system used or operated by a telecommunications carrier under a license from the FCC consisting of a combination of improvements and equipment including (1) one or more antennas, (2) a supporting structure and the hardware by which antennas are attached, (3) equipment housing; and (4) ancillary equipment such as signal transmission cables and miscellaneous hardware;

FAA means the Federal Aviation Administration of the United States Department of Transportation;

FCC means the Federal Communications Commission.

Antenna means an antenna device by which radio signals are transmitted, received, or both;

Supporting Structure means a structure, whether an antenna tower or another type of structure, that supports one or more antennas as part of a facility;

Qualifying Structure means a supporting structure that is (1) an existing structure, if the height of the facility, including the structure, is not more than 15 feet higher than the structure just before the facility is installed, or (2) a substantially similar, substantially same-location replacement of an existing structure, if the height of the facility, including the replacement structure, is not more than 15 feet higher than the height of the existing structure just before the facility is installed;

Equipment Housing means a combination of one or more equipment buildings or enclosures housing equipment that operates in conjunction with the antennas of a facility, and the equipment itself;

Height of a facility means the total height of the facility's supporting structure and any antennas that will extend above the top of the supporting structure; however, if the supporting structure's foundation extends more than 3 feet above the uppermost ground level along the perimeter of the foundation, then each full foot in excess of 3 feet shall be counted as an additional foot of facility height. The height of a facility's supporting structure is to be measured from the highest point of the supporting structure's foundation;

Facility Lot means the zoning lot on which a facility is or will be located;

Principal Residential Building has its common meaning but shall not include any building under the same ownership as the land of the facility lot. "Principal Residential Building" shall not include any structure that is not designed for human habitation;

Horizontal Separation Distance means the distance measured from the center of the base of the facility's supporting structure to the point where the ground meets a vertical wall of a principal residential building;

Lot Line Set Back Distance means the distance measured from the center of the base of the facility's supporting structure to the nearest point on the common lot line between the facility lot and the nearest

residentially zoned lot. If there is no common lot line, the measurement shall be made to the nearest point on the lot line of the nearest residentially zoned lot without deducting the width of any intervening right of way;

D. In choosing a location for a facility, a telecommunications carrier shall consider the following:

1. A non-residentially zoned lot that is not used for residential purposes is the most desirable location.
2. A residentially zoned lot that is not used for residential purposes is the second most desirable location.
3. A residentially zoned lot that is 2 acres or more in size and is used for residential purposes is the third most desirable location.
4. A residentially zoned lot that is less than 2 acres in size and is used for residential purposes is the least desirable location.

The size of the lot shall be the lot's gross area in square feet without deduction of any unbuildable or unusable land, any roadway, or any other easement.

E. In designing a facility, a telecommunications carrier shall consider the following guidelines:

1. No building or tower that is part of a facility should encroach onto any recorded easement prohibiting the encroachment unless the grantees of the easement have given their approval.
2. Lighting should be installed for security and safety purposes only. Except with respect to lighting required by the FCC or FAA, all lighting should be shielded so that no glare extends substantially beyond the boundaries of a facility.
3. No facility should encroach onto an existing septic field.
4. Any facility located in a Special Flood Hazard Area or wetland should meet the legal requirements for those lands (see *Special Flood Hazard Areas Ordinance*).
5. Existing trees more than 3 inches in diameter should be preserved if reasonably feasible during construction. If any tree more than 3 inches or more in diameter is removed during construction a tree 3 inches or more in diameter of the same or a similar species shall be planted as a replacement if reasonably feasible. Tree diameter shall be measured at a point 3 feet above ground level.
6. If any elevation of a facility faces an existing, adjoining residential use within a residential zoning district, low maintenance landscaping should be provided on or near the facility lot to provide at least partial screening of the facility. The quantity and type of that landscaping should be in accordance with Division 6, Section 6.22 of the *Ogle County Amendatory Zoning Ordinance*, except that paragraph 5 of this Subsection E shall control over any tree-related regulations imposing a greater burden.
7. Fencing should be installed around a facility.
8. Any building that is part of a facility located adjacent to a residentially zoned lot should be designed with exterior materials and colors that are reasonably compatible with the residential character of the area.

- F. The following provisions shall apply to all facilities established after March 18, 1998:
1. Except as provided in this Section, no yard or set back regulations shall apply to or be required for a facility.
 2. A facility may be located on the same zoning lot as one or more other structures or uses without violating any ordinance or regulation that prohibits or limits multiple structures, buildings, or uses on a zoning lot.
 3. No minimum lot area, width, or depth shall be required for a facility, and unless the facility is to be manned on a regular, daily basis, no off-street parking spaces shall be required for a facility. If the facility is to be manned on a regular, daily basis, one off-street parking space shall be provided for each employee regularly at the facility. No loading facilities are required.
 4. No portion of a facility's supporting structure or equipment housing shall be less than 15 feet from the front lot line of the facility lot or less than 10 feet from any other lot line.
 5. No bulk regulations or lot coverage, building coverage, or floor area ratio limitations shall be applied to a facility or to any existing use or structure coincident with the establishment of a facility. Except as provided in this Section, no height limits or restrictions shall apply to a facility.
 6. Review of a Zoning Certificate application for a facility shall be completed within 30 days. If a decision of the County Board is required to permit the establishment of a facility, the County's review of the application shall be simultaneous with the process leading to the County Board's decision.
 7. The improvements and equipment comprising the facility may be wholly or partly freestanding or wholly or partly attached to, enclosed in, or installed in or on a structure or structures.

G. The following provisions shall apply to all facilities established after March 18, 1998:

1. A facility is permitted if its supporting structure is a qualifying structure or if both of the following conditions are met:
 - a. The height of the facility shall not exceed 200 feet, except that if a facility is located more than one and one-half miles from the corporate limits of any municipality with a population of 25,000 or more the height of the facility shall not exceed 350 feet; and
 - b. The horizontal separation distance to the nearest principal residential building shall not be less than the height of the supporting structure; except that if the supporting structure exceeds 99 feet in height, the horizontal separation distance to the nearest principal residential building shall be at least 100 feet or 80% of the height of the supporting structure, whichever is greater. Compliance with this paragraph shall only be evaluated as of the time that a Zoning Certificate application is submitted. If the supporting structure is not an antenna tower this paragraph is satisfied.
2. Application and Review
 - a. Any application for a facility as defined in subsection C shall be made in writing to and in the form as required by the Zoning Administrator;

- b. The date of filing such an application shall be the date that a full and complete application is received by the Zoning Administrator;
 - c. Within 30 days from the date of filing of the application, the Zoning Administrator shall review said application to determine if the conditions of subsection G.1. are met. If those conditions are met, the Zoning Administrator shall issue a permit allowing the construction of the facility in conformance with the application;
 - d. If the Zoning Administrator finds that the proposed facility does not meet the criteria of subsection G.1., he shall make written findings as to the respects that the proposed facility fails to meet those criteria.
3. Unless a facility is permitted under paragraph 1 of this subsection G, a facility can be established only after the County Board gives its approval following consideration of the provisions of paragraph 2 of this subsection H, but no other matters.

H. Decisions

- 1. County Board action on an application for a facility shall be in accordance with the following procedures:
 - a. A public hearing shall be conducted by the Zoning Board of Appeals. Notice of the hearing shall be published at least 15 days before the hearing in a newspaper of general circulation in the county;
 - b. The hearing shall be conducted in accordance with the Rules of Procedures of the Zoning Board of Appeals. The Zoning Board of Appeals shall consider the matters in paragraph 2 of this subsection H, but no other matters;
 - c. The Zoning Board of Appeals shall make written findings of fact as to the provisions of paragraph 2 of this subsection H.
 - d. At the conclusion of the hearing, the Zoning Board of Appeals shall, upon a majority vote of the members present, make a recommendation to the County Board as to whether the application should be approved or denied;
 - e. The County Board may give its approval to the application after the hearing by the Zoning Board of Appeals, but only by the favorable vote of a majority of the members present at a meeting held no later than 75 days after the submission of a complete application by the telecommunications carrier. If the County Board fails to act on the application within 75 days after its submission, the application shall be deemed to have been approved.
- 2. For purposes of paragraph 3 of subsection G and paragraph 1.b. of this subsection H., the following siting considerations, but no other matter, shall be considered by the Zoning Board of Appeals and County Board:
 - a. the criteria in subsection D of this Section;
 - b. whether a substantial adverse effect on public safety will result from some aspect of the facility's design or proposed construction, but only if that aspect of design or construction is modifiable by the applicant;
 - c. the benefits to be derived by the users of the services to be provided or enhanced by the facility and whether public safety and emergency response capabilities would benefit by the establishment of the facility;
 - d. the existing uses on adjacent and nearby properties; and

- e. the extent to which the design of the proposed facility reflects compliance with subsection E of this Section.