AN ORDINANCE APPROVING A SPECIAL USE PERMIT ON PROPERTY LOCATED AT 11123 W. IL ROUTE 72 IN FORRESTON TOWNSHIP

WHEREAS, Mike Stukenberg, 7833 N. Columbine Rd., Forreston, IL and STKE, LLC c/o Steve Moring and Kevin Moring, 306 E. Main St., Forreston, IL have filed a petition for a Special Use Permit in the AG-1 Agricultural District (Petition No. 1-16SU) to allow a Class II Motor Carrier Facility on property located at 11123 W. IL Route 72 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 March 22, 2016, at which the petitioners presented evidence, testimony, and exhibits in support of the requested Special Use Permit, and seven 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 Permit be granted subject to eight (8) conditions as set forth in the Findings of Fact and Recommendation of the Ogle County Zoning Board of Appeals dated March 22, 2016, 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 subject to nine conditions; 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. 1-16SU) to allow a Class II Motor Carrier Facility 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 Mike Stukenberg, 7833 N. Columbine Rd., Forreston, IL and STKE, LLC c/o Steve Moring and Kevin Moring, 306 E. Main St., Forreston, IL for a Special Use Permit in the AG-1 Agricultural District (Petition No. 1-16SU) to allow a Class II Motor Carrier Facility on property located at 11123 W. IL Route 72 in Forreston Township and legally described as shown in Exhibit “A” attached hereto, is hereby approved subject to the following conditions:
1. All proposals and representations made by the applicant and/or their representative shall be conditions of the Special Use Permit.

2. A floor drain collection system with an oil/gas separator shall be installed on the site to serve any and all buildings utilized pursuant to this Special Use Permit.

3. Any and all requirements of the Illinois Department of Transportation shall be complied with prior to conducting the use authorized pursuant to this Special Use Permit.

4. Any site work (grading, construction of drives or impervious surface areas) shall be conducted only after the issuance of a Drainage Permit by the County Engineer.

5. Not more than ten (10) commercial vehicles (semi-truck and trailer combined) shall be stored in an open, unenclosed area on the site. Any commercial vehicles parked in an open, unenclosed area on the site shall be parked south of the existing approximately 60' x 204' building.

6. No additional buildings connected with or utilized in conjunction with the authorized Special Use shall be constructed unless a supplemental Special Use Permit is granted.

7. Any container/dumpster storage area shall be enclosed on the east, west, and north sides with a minimum 6 foot high solid fence and/or minimum 6 foot high vegetative screen.

8. Container/dumpster storage shall be limited to the existing concrete pad of the southernmost building on the site after demolition of said building, and extension of any container/dumpster storage area beyond the existing building pad to any other area on the site shall require that a Supplemental Special Use Permit be obtained.

9. The use authorized pursuant to the Special Use Permit shall be subject to any and all requirements of the Illinois Environmental Protection Agency.

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 17TH DAY OF MAY 2016 A.D.

Kim P. Gouker, Chairman of the Ogle County Board

Laura J. Cook, Ogle County Clerk and Ex Officio Clerk of the Ogle County Board
EXHIBIT “A”

LEGAL DESCRIPTION

Part of the Northeast Quarter of Section 34, Township 25 North, Range 8 East of the Fourth Principal Meridian, Ogle County, Illinois described as follows:

Commencing at the northeast corner of the Northeast Quarter of said Section 34; thence South 88 degrees 45 minutes 47 seconds West, a distance of 405.80 feet on the north line of said Northeast Quarter; thence South 1 degree 14 minutes 13 seconds East, a distance of 40.48 feet to the southerly right of way line of a public highway designated F.A. Route 549 (IL Route 72) and the Point of Beginning of the hereinafter described tract; thence South 2 degrees 22 minutes 57 seconds East, a distance of 352.03 feet; thence South 11 degrees 29 minutes 22 seconds West, a distance of 289.02 feet; thence North 83 degrees 51 minutes 04 seconds West, a distance of 397.14 feet; thence North 12 degrees 30 minutes 50 seconds West, a distance of 376.28 feet to said southerly right of way line; thence South 82 degrees 46 minutes 25 seconds East, a distance of 55.00 feet on said line; thence North 88 degrees 41 minutes 44 seconds East, a distance of 75.00 feet on said line; thence South 83 degrees 55 minutes 55 seconds East, a distance of 301.04 feet on said line; thence North 88 degrees 41 minutes 44 seconds East, a distance of 182.00 feet on said line to said Point of Beginning, containing 6.28 acres, more or less.

Parcel Identification Number(s): Part of 02-34-200-002

Common Location: 11123 W. IL Route 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 Mike Stukenberg, 7833 N. Columbine Rd., Forreston, IL and STKE, LLC c/o Steve Moring and Kevin Moring, 306 E. Main St., Forreston, IL in case #1-16SU. The applicants are requesting a Special Use Permit in the AG-1 Agricultural District to allow a Class II Motor Carrier Facility on part of Parcel Identification No. 02-34-200-002. Said parcel, 6.28 acres in area, is located in part of the NE 1/4 NE 1/4 Section 34, Township 25 North, Range 8 East of the 4th P.M., Ogle County, Illinois, and is located in Maryland Township at 11123 W. IL Route 72.

After due notice, as required by law, the Zoning Board of Appeals held a public hearing in this case on March 22, 2016 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 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 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 site is located on a minor arterial State highway, is surrounded by farmland, and is compatible with established agricultural uses in the vicinity. 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 use will not dominate the immediate neighborhood as it will utilize and existing agricultural building. 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. Adequate utilities, ingress/egress to the site from W. 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. The site is on a State highway and will utilize and existing agricultural building. Evidence indicates 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. 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 zoning 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 6-9-8C of the Ogle County Amendatory Zoning Ordinance.

Therefore, the Zoning Board of Appeals hereby recommends that a Special Use Permit in the R-1 Rural Residence District be granted to allow a guest house subject to the following conditions:

1. All proposals and representations made by the applicant and/or their representative shall be conditions of the Special Use Permit.
2. A floor drain collection system with an oil/gas separator shall be installed on the site to serve any and all buildings utilized pursuant to this Special Use Permit.
3. Any and all requirements of the Illinois Department of Transportation shall be complied with prior to conducting the use authorized pursuant to this Special Use Permit.
4. Any site work (grading, construction of drives or impervious surface areas) shall be conducted only after the issuance of a Drainage Permit by the County Engineer.
5. Not more than ten (10) commercial vehicles (semi-truck and trailer combined) shall be stored in an open, unenclosed area on the site. Any commercial vehicles parked in an open, unenclosed area on the site shall be parked south of the existing approximately 60' x 204' building.
6. No additional buildings connected with or utilized in conjunction with the authorized Special Use shall be constructed unless a supplemental Special Use Permit is granted.

7. Any container/dumpster storage area shall be enclosed on the east, west and north sides with a minimum 6 foot high solid fence and/or minimum 6 foot high vegetative screen.

8. Any container/dumpster storage shall be on a concrete or asphalt surface.

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

Respectfully submitted this 22nd day of March 2016 by the Ogle County Zoning Board of Appeals.

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

Randy Ocken, Chairman

ATTEST:

Michael Reibel, Secretary
# STAFF REPORT

**To:** Zoning Board of Appeals  
**Date:** March 7, 2016  
**Prepared By:** Michael Reibel

**File #1-16SU**

## GENERAL INFORMATION:

<table>
<thead>
<tr>
<th><strong>Applicant:</strong></th>
<th>Mike Stukenberg, 7833 N. Columbine Rd., Forreston, IL and STKE, LLC c/o Steve Moring &amp; Kevin Moring, 306 E. Main St., Forreston, IL</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Status of Applicant:</strong></td>
<td>Stukenberg = Owner; STKE, LLC = Contract purchaser</td>
</tr>
<tr>
<td><strong>Requested Action:</strong></td>
<td>Special Use Permit in AG-1 Agricultural District</td>
</tr>
<tr>
<td><strong>Purpose:</strong></td>
<td>Class II Motor Carrier Facility</td>
</tr>
</tbody>
</table>
| **Location:** | Part of the NE 1/4 NE 1/4 Section 34 Maryland Township 25N, R8E of the 4<sup>th</sup> P.M., Ogle County, IL (located on the south side of W. IL Route 72 beginning approximately 0.6 mile west of N. Columbine Road and approximately 0.8 mile east of the corporate boundary of the Village of Forreston).  
Common location: 11123 W. IL Route 72 |
| **Size:** | 6.28 acres |
| **Existing Land Use:** | Farmstead (single-family dwelling and three agricultural accessory buildings) |
| **Surrounding Land Use and Zoning:** | All land surrounding the site is in agricultural use. The site and all surrounding land is zoned AG-1 Agricultural District. |
| **Comprehensive Plan:** | The site is located within 1.5 miles of the Village of Forreston, which has an adopted Comprehensive Plan (2005 Village of Forreston Comprehensive Plan). Maryland Township does not have a township planning commission.  
The site and surrounding area are designated on the “2005 Comprehensive Plan General Development Plan, Village of Forreston” as “Continued Agricultural Uses” and “Recreational/Open Space”. |
| **Zoning History:** | None. |
**Applicant:** Mike Stukenberg, 7833 N. Columbine Rd., Forreston, IL and STKE, LLC c/o Steve Moring & Kevin Moring, 306 E. Main St., Forreston, IL

**Applicable Regulations:** The AG-1 Agricultural District regulations provides “Class II Motor Carrier Facility” as a listed Special Use. “Class II Motor Carrier Facility” is defined as follows: A property upon which a person or company that provides transportation of freight or passengers using commercial motor vehicles keeps, parks or stores said commercial motor vehicles where the total combined number of trucks and trailers exceeds eight (8), and provided vehicle maintenance is conducted only on vehicles owned and operated by the owner of the property upon which the motor carrier facility is conducted. Commercial motor vehicles kept, parked or stored on a farm as defined herein shall not constitute a “Motor carrier facility, Class II” when the principal use of said commercial motor vehicles is directly related to the agricultural activities on the farm upon which they are kept, parked or stored.

**SPECIAL INFORMATION:**

<table>
<thead>
<tr>
<th>Public Utilities:</th>
<th>None.</th>
</tr>
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<tr>
<td>Transportation:</td>
<td>The site fronts on W. IL Route 72, which is a State-maintained highway and is functionally classified as a “minor arterial” highway.</td>
</tr>
<tr>
<td>Physical Characteristics:</td>
<td>The site is part of an upland convex sideslope and stream bottom/drainageway. The site ranges from being well drained in the upland portions of the site (approximately 70% of the site) to being poorly drained and frequently flooded on the bottomland areas of the site (approximately 30% of the site). The site contains a man-made pond, which is mapped by the USFWS Preliminary Wetland Inventory as a fresh-water pond wetland. There are no mapped Special Flood Hazard Areas on the site. According to the Ogle County Digital Soil Survey, soil types on the site are: 86B - Osco silt loam, 2-5% slopes; and, 3107A - Sawmill silty clay loam, 0-2% slopes, frequently flooded. The soils contain the following selected characteristics:</td>
</tr>
<tr>
<td></td>
<td>• Approximately 30% of the soils on site are classified as “poorly drained” and “frequently flooded”, and the remainder are “well drained” and not subject to ponding or flooding.</td>
</tr>
<tr>
<td></td>
<td>• All soils on site are classified as “Prime farmland”.</td>
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<td></td>
<td>• Approximately 70% of the soils on site are classified as being “Somewhat limited” for septic fields due to slow water movement and depth to saturated zone; approximately 30% of the soils on site are “very limited” for septic fields due to flooding, ponding, depth to saturated zone and slow water movement.</td>
</tr>
<tr>
<td>LESA:</td>
<td>The LESA score of 205.1 indicates a MEDIUM RATING FOR PROTECTION (LE = 91.1; SA = 114).</td>
</tr>
</tbody>
</table>
**ATTACHMENTS:**

| LESA Summary Sheet |

**RECOMMENDATIONS:**

*The following are recommended conditions for approval of this Special Use Permit:*

1. All proposals and representations made by the applicant and/or their representative shall be conditions of the Special Use Permit.
2. A floor drain collection system with an oil/gas separator shall be installed on the site to serve any and all buildings utilized pursuant to this Special Use Permit.
3. Any and all requirements of the Illinois Department of Transportation shall be complied with prior to conducting the use authorized pursuant to this Special Use Permit.
4. Any site work (grading, construction of drives or impervious surface areas) shall be conducted only after the issuance of a Drainage Permit by the County Engineer.
STATE OF ILLINOIS  )
COUNTY OF OGLE  ) SS

ORDINANCE NO. 0-2016-0502

AN ORDINANCE APPROVING A ZONING MAP AMENDMENT ON PROPERTY
LOCATED IN THE 10000 BLOCK OF N. HOISINGTON ROAD IN BYRON TOWNSHIP

WHEREAS, J. Pease Profit Sharing Trust c/o Jack Pease, 5435 Bull Valley Rd. - Suite
330, McHenry, IL and Edward LaBay, 8547 N. Hedge Rd., Byron, IL have filed a petition for a
Map Amendment (Petition No. 01-16AM) to re-zone from AG-1 Agricultural District to IA
Intermediate Agricultural District on property located in the 10000 Block of N. Hoisington 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 April 28, 2016 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 April 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 J. Pease Profit Sharing Trust c/o Jack Pease, 5435 Bull Valley Rd. - Suite 330, McHenry, IL and Edward LaBay, 8547 N. Hedge Rd., Byron, IL for a Map Amendment (Petition No. 01-16AM) to re-zone from AG-1 Agricultural District to 1A Intermediate Agricultural District on property located in the 10000 Block of N. Hoisington 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 16-9-10 of the Ogle County Amendatory Zoning Ordinance.

PASSED BY THE COUNTY BOARD THIS 17TH DAY OF MAY 2016 A.D.

Kim P. Gouker, Chairman of the Ogle County Board

Laura J. Cook, Ogle County Clerk and Ex Officio Clerk of the Ogle County Board
EXHIBIT “A”
LEGAL DESCRIPTION

Beginning at the Northeast Corner of the Southeast Quarter of said Section 14; thence South 0 degrees 14 minutes 01 second West along the East Line of said Southeast Quarter, a distance of 227.06 feet; thence South 89 degrees 38 minutes 32 seconds West, a distance of 269.70 feet; thence North 0 degrees 27 minutes 50 seconds East, a distance of 208.71 feet; thence North 88 degrees 38 minutes 52 seconds West, a distance of 595.44 feet; thence North 4 degrees 07 minutes 12 seconds East, a distance of 948.37 feet; thence North 86 degrees 22 minutes 49 seconds East, a distance of 801.71 feet to the East Line of the Northeast Quarter of said Section 14; thence South 0 degrees 14 minutes 01 second West along said East line, a distance of 990.56 feet to the Point of Beginning, containing 20.0 acres, more or less, all situated in the Township of Byron, the County of Ogle and the State of Illinois.

Parcel Identification Number(s): 04-14-200-004

Common Location: 10000 Block N. Hoisington Road
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 J. Pease Profit Sharing Trust c/o Jack Pease, 5435 Bull Valley Rd. - Suite 330, McHenry, IL and Edward LaBay, 8547 N. Hedge Rd., Byron, IL in case #01-16AM. The applicants are requesting a Map Amendment to change the zoning classification from AG-1 Agricultural District to IA Intermediate Agricultural District on Parcel Identification No. 04-14-200-004, a 22.44-acre parcel located in part of the SE 1/4 NE 1/4 and part of the NE 1/4 SE 1/4 Section 14, Township 25 North, Range 10 East of the 4th P.M., Ogle County, Illinois, and is located in Byron Township in the 10000 Block of N. Hoisington Road.

After due notice, as required by law, the Zoning Board of Appeals held a public hearing in this case on April 28, 2016 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 16-9-7G (Report by Zoning Board of Appeals) of the Ogle County Amenityary 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. **Large-lot residential use of the site will not adversely affect surrounding agricultural operations, the site is adjacent to an existing non-farm dwelling, and it is compatible with the surrounding area as there are two (2) non-farm dwellings within 1/4 mile of the site and nine (9) non-farm dwellings within 1/2 mile of the site.** **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 site is located on a seal coat surface road, and will generate a low density of development. 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 former pasture land, and is not in agricultural production. The site is located in a rural area that contains several non-farm residential uses within ½ mile of the site, is adjacent to an existing non-farm residential parcel, is located on a seal coat surfaced road, 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 scattered non-farm residential uses, as there are two (2) non-farm dwellings within 1/4 mile of the site and nine (9) non-farm dwellings within ½ mile of the site. The proposed zoning classification of IA Intermediate Agricultural 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 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 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 28th day of April 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
STATE OF ILLINOIS )
 ) SS
COUNTY OF OGLE )

ORDINANCE NO. O-2016-0503

AN ORDINANCE APPROVING A SPECIAL USE PERMIT ON PROPERTY LOCATED AT 2744 N. WEST BRANCH ROAD IN LINCOLN TOWNSHIP

WHEREAS, Gary Bocker, 2744 N. West Branch Rd., Polo, IL and Polo Cooperative Association c/o Donnie D. Milby, 105 W. Oregon St., Polo, IL have filed a petition for a Special Use Permit in the AG-1 Agricultural District (Petition No. 2-16SU) to allow an anhydrous ammonia storage and distribution facility (one 54,000 gallon anhydrous ammonia tank and appurtenant equipment) on property located at 2744 N. West Branch Road in Lincoln 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 April 28, 2016, at which the petitioner presented evidence, testimony, and exhibits in support of the requested Special Use Permit, and no member(s) of the public spoke in favor 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 as set forth in the Findings of Fact and Recommendation of the Ogle County Zoning Board of Appeals dated April 28, 2016, 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. 2-16SU) to allow an anhydrous ammonia storage and distribution facility (one 54,000 gallon anhydrous ammonia tank and appurtenant equipment) 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 Gary Bocker, 2744 N. West Branch Rd., Polo, IL and Polo Cooperative Association c/o Donnie D. Milby, 105 W. Oregon St., Polo, IL for a Special Use Permit in the AG-1 Agricultural District (Petition No. 2-16SU) to allow an anhydrous ammonia storage and distribution facility (one 54,000 gallon anhydrous ammonia tank and appurtenant equipment) on property located at 2744 N. West Branch Road in Lincoln 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 17TH DAY OF MAY 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

OF PROPERTY DESCRIBED AS: Part of the East Half (E1/2) of the Northwest Quarter (NW1/4) of Section Twenty-six (26), Township Twenty-four (24) North, Range Eight (8) East of the Fourth (4th) Principal Meridian, Ogle County, Illinois, described as follows, to wit:

Beginning at a point on the East line of the East Half (E1/2) of the Northwest Quarter (NW1/4) of said Section Twenty-six (26), said point being 1,447 feet North of the Southeast corner thereof; thence continuing North along said East line a distance of 160 feet; thence West 480 feet parallel with the South line of the Southeast Quarter (SE1/4) of said Northwest Quarter (NW1/4); thence South parallel with said East line a distance of 160 feet; thence East 480 feet parallel with the South line of the Southeast Quarter (SE1/4) of said Northwest Quarter (NW1/4) to the Point of Beginning, containing 1.763 acres, more or less.

Property Identification Number (PIN): Part of 07-26-10-015
Common Location: 2744 N. West Branch Road
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 Gary Bocker, 2744 N. West Branch Rd., Polo, IL and Polo Cooperative Association c/o Donnie D. Milby, 105 W. Oregon St., Polo, IL in case #2-16SU. The applicants are requesting a Special Use Permit in the AG-1 Agricultural District to allow an anhydrous ammonia storage and distribution facility (one 54,000 gallon anhydrous ammonia tank and appurtenant equipment) on part of Parcel Identification No. 07-26-100-015, a 1.76-acre parcel located in part of the NE 1/4 NW 1/4 Section 26, Township 24 North, Range 8 East of the 4th P.M., Ogle County, Illinois, and located in Lincoln Township at 2744 N. West Branch Road.

After due notice, as required by law, the Zoning Board of Appeals held a public hearing in this case on April 28, 2016 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 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 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 site is located within an agricultural area, is adjacent to an existing agribusiness, and is compatible with and will complement established agricultural uses in the vicinity and surrounding area. 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 use will not dominate the immediate neighborhood as it is adjacent to an existing agribusiness and will complement agricultural operations in the area. 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. Adequate utilities, ingress/egress to the site from N. West Branch Road, 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 use is located within an agricultural area, is adjacent to an existing agribusiness, and will complement agricultural uses in the area. Evidence indicates that the proposed use will be operated safely, and is deemed essential or desirable to preserve and promote the public health, safety and general welfare of 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 zoning 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 6-9-8C 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 an anhydrous ammonia storage and distribution facility (one 54,000 gallon anhydrous ammonia tank and appurtenant equipment).

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

Respectfully submitted this 28th day of April 2016 by the Ogle County Zoning Board of Appeals.

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

Randy Ocken, Chairman

ATTEST:

Michael Reibel, Secretary
ORDINANCE NO. O-2016-0504

AN ORDINANCE APPROVING A SPECIAL USE PERMIT
ON PROPERTY LOCATED AT 3820 S. IL ROUTE 26 IN BUFFALO TOWNSHIP

WHEREAS, Polo Cooperative Association c/o Donnie D. Milby, 105 W. Oregon St., Polo, IL has filed a petition for a Special Use Permit in the I-1 Industrial District (Petition No. 3-16SU) to allow an anhydrous ammonia storage and distribution facility (two 54,000 gallon anhydrous ammonia tanks and appurtenant equipment) on property located at 3820 S. IL Route 26 in Buffalo 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 April 28, 2016, at which the petitioner presented evidence, testimony, and exhibits in support of the requested Special Use Permit, one member of the public spoke in favor 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 Permit be granted as set forth in the Findings of Fact and Recommendation of the Ogle County Zoning Board of Appeals dated April 28, 2016, 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 I-1 Industrial District (Petition No. 3-16SU) to allow an anhydrous ammonia storage and distribution facility (two 54,000 gallon anhydrous ammonia tanks and appurtenant equipment) 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 Polo
Cooperative Association c/o Donnie D. Milby, 105 W. Oregon St., Polo, IL for a Special Use
Permit in the I-1 Industrial District (Petition No. 3-16SU) to allow an anhydrous ammonia storage
and distribution facility (two 54,000 gallon anhydrous ammonia tanks and appurtenant equipment)
on property located at 3820 S. IL Route 26 in Buffalo 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 17TH DAY OF MAY 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

The East 18 acres of the Southeast Quarter (1/4) of the Southwest Quarter (1/4) of Section 21, Township 23 North, Range 8 East of the Fourth Principal Meridian, the West line of said 18 acre tract being parallel with the East line of said Quarter (1/4) Section; said tract being more particularly described as follows: Beginning at the Southeast corner of said Quarter (1/4) Quarter (1/4) Section; thence North along the East line thereof, 1316.11 feet to the Northeast corner thereof; thence West along the North line thereof, 595.12 feet; thence South parallel with the East line of said Quarter (1/4) Quarter (1/4) Section, 1316.30 feet to the South line thereof; thence East 596.13 feet to the point of beginning; EXCEPTING THEREFROM the following tract: A tract of land in the Southeast Quarter (1/4) of the Southwest Quarter (1/4) of Section 21, Township 23 North, Range 8 East of the Fourth Principal Meridian, described as follows: Beginning at the point of intersection of the North line of said Southeast Quarter (1/4) of the Southwest Quarter (1/4) of said Section 21 with the Survey line for a highway designated State Bond Issue Route 26 (said Survey line coincides with the centerline of Route 26, a road lying over and along the East line of the Southwest Quarter (1/4) of said Section 21) and running thence Southerly along said Survey line to its intersection with the centerline of a public road lying over and along the South line of said Southwest Quarter (1/4) of Section 21; thence Westerly along said centerline to a point Westerly of and 130 feet perpendicularly distant from said Survey line; thence Northerly parallel with said Survey line to the North line of said road lying over and along the South line of said Southwest Quarter (1/4) of Section 21: thence Northeasterly to a point Westerly of and 70 feet perpendicularly distant from said Survey line opposite station 96+50 on said Survey line; thence Northerly, parallel with said Survey line, a distance of 350 feet to a point opposite station 93+00 on said Survey line: thence Northeasterly to a point Westerly of and 60 feet perpendicularly distant from said Survey line opposite station 92+00 on said Survey line; thence Northerly parallel with said Survey line, a distance of 400 feet to a point opposite station 88+00 on said Survey line: thence Northwesterly to a point Westerly of and 75 feet perpendicularly distant from said Survey line opposite station 87+00 on said Survey line; thence Northerly parallel with said Survey line, a distance of 269 feet, more or less, to the North line of said Southeast Quarter (1/4) of the Southwest Quarter (1/4) of said Section 21; opposite station 84+31 on said Survey line: thence Easterly along said line 75 feet to the point of beginning; situated in Buffalo Township, Ogle County, Illinois.

Property Identification Number (PIN): 14-21-300-002
Common Location: 3820 S. IL Route 26
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 Polo Cooperative Association c/o Donnie D. Milby, 105 W. Oregon St., Polo, IL in case #3-16SU. The applicant is requesting a Special Use Permit in the I-I Industrial District to allow an anhydrous ammonia storage and distribution facility (two 54,000 gallon anhydrous ammonia tanks and appurtenant equipment) on Parcel Identification No. 14-21-300-002, a 15.88-acre parcel located in part of the SE 1/4 SW 1/4 Section 21, Township 23 North, Range 8 East of the 4th P.M., Ogle County, Illinois, and located in Buffalo Township at 3820 S. IL Route 26.

After due notice, as required by law, the Zoning Board of Appeals held a public hearing in this case on April 28, 2016 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 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 site is located within a predominately agricultural area, is adjacent to an existing agribusiness, and is compatible with and will complement established agricultural uses in the vicinity and surrounding area. 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 use will not dominate the immediate neighborhood as it is on the same site as an existing agribusiness and will complement agricultural operations in the area. 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. Adequate utilities, ingress/egress to the site from S. IL Route 26 and W. Henry Road, 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 use is located within an agricultural area, on the same site as an existing agribusiness, and will complement agricultural uses in the area. Evidence indicates that the proposed use will be operated safely, and is deemed essential or desirable to preserve and promote the public health, safety and general welfare of 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 I-1 zoning 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 6-9-8C of the Ogle County Amendmentary Zoning Ordinance.

Therefore, the Zoning Board of Appeals hereby recommends that a Special Use Permit in the I-1 Industrial District be granted to an anhydrous ammonia storage and distribution facility (two 54,000 gallon anhydrous ammonia tanks and appurtenant equipment).

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

Respectfully submitted this 28th day of April 2016 by the Ogle County Zoning Board of Appeals.

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

______________________________
Randy Ocken, Chairman

ATTEST:

______________________________
Michael Reibel, Secretary
ORDINANCE NO. O-2016-0505

AN ORDINANCE TO REGULATE DEVELOPMENT IN SPECIAL FLOOD HAZARD AREAS

WHEREAS, Ogle County elected to enroll in National Flood Insurance Program (NFIP) and adopted on December 22, 1987 the Ogle County, IL Special Flood Hazard Areas Ordinance regulating development in special flood hazard areas pursuant to rules implementing the National Flood Insurance Program; and

WHEREAS, said ordinance was amended and re-adopted by the Ogle County Board on May 20, 2003; and

WHEREAS, due to modified flood hazard determinations (FHDs) affecting the Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) report for the Unincorporated Areas of Ogle County, Illinois, the aforementioned ordinance adopted May 20, 2003 was repealed and re-adopted on October 19, 2010 as the Ogle County, IL Flood Damage Prevention Ordinance pursuant to 44 Code of Federal Regulations 60.3(d);

WHEREAS, the Federal Emergency Management Agency (FEMA) has modified flood hazard determinations (FHDs) affecting the Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) report for the Unincorporated Areas of Ogle County, Illinois, said modified FHDs and revised FIRM map panels to become effective August 17, 2016; and

WHEREAS, in order for Ogle County to maintain its standing as a participating community in the National Flood Insurance Program (NFIP), the existing Ogle County, IL Flood Damage Prevention Ordinance must be updated to comply with the current minimum requirements of the NFIP pursuant to 44 Code of Federal Regulations 60.3(d); and

WHEREAS, the adverse impact of floods and flood damages upon this community could be significant if proper measures are not taken to prevent unwise floodplain development activities; and

WHEREAS, the Ogle County Board believes that, in order to promote public health, safety and general welfare of the citizens of Ogle County, it is in the public interest to adopt new regulations to regulate development in the flood hazard areas;

NOW, THEREFORE, BE IT ORDAINED BY THE Ogle County Board, Ogle County, Illinois as follows:
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16-10-1: PURPOSE

This ordinance, to be cited as the Ogle County, Illinois Flood Damage Prevention Ordinance, is enacted pursuant to the police powers granted to this County of Ogle, Illinois by the County Statutory Authority in 55 ILCS 5/5-1041 and 5/5-1063 in order to accomplish the following purposes:

A. To prevent unwise developments from increasing flood or drainage hazards to others;
B. To protect new buildings and major improvements to buildings from flood damage;
C. To promote and protect the public health, safety, and general welfare of the citizens from the hazards of flooding;
D. To lessen the burden on the taxpayer for flood control, repairs to public facilities and utilities, and flood rescue and relief operations;
E. To maintain property values and a stable tax base by minimizing the potential for creating blight areas;
F. To make federally subsidized flood insurance available, and
G. To preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

16-10-2: DEFINITIONS

For the purposes of this ordinance, the following definitions are adopted:

**Base Flood**: The flood having a one percent (1%) probability of being equaled or exceeded in any given year. The base flood is also known as the 100-year flood. The base flood elevation at any location is as defined in Section 3 of this ordinance.

**Base Flood Elevation (BFE)**: The elevation in relation to mean sea level of the crest of the base flood.

**Basement**: That portion of a building having its floor sub-grade (below ground level) on all sides.

**Building**: A walled and roofed structure, including gas or liquid storage tank, that is principally above ground, including manufactured homes, prefabricated buildings and gas or liquid storage tanks. The term also includes recreational vehicles and travel trailers installed on a site for more than one hundred eighty (180) days per year.
**Critical Facility**: Any facility which is critical to the health and welfare of the population and, if flooded, would create an added dimension to the disaster. Damage to these critical facilities can impact the delivery of vital services, can cause greater damage to other sectors of the community, or can put special populations at risk.

Examples of critical facilities where flood protection should be required include: emergency services facilities (such as fire and police stations), schools, hospitals, retirement homes and senior care facilities, major roads and bridges, critical utility sites (telephone switching stations or electrical transformers) and hazardous material storage facilities (chemicals, petrochemicals, hazardous or toxic substances).

**Development**: Any man-made change to real estate including, but not necessarily limited to:

1. Demolition, construction, reconstruction, repair, placement of a building, or any structural alteration to a building;
2. substantial improvement of an existing building;
3. installation of a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer on a site for more than one hundred eighty (180) days per year;
4. installation of utilities, construction of roads, bridges, culverts or similar projects;
5. construction or erection of levees, dams walls or fences;
6. drilling, mining, filling, dredging, grading, excavating, paving, or other alterations of the ground surface;
7. storage of materials including the placement of gas and liquid storage tanks, and channel modifications or any other activity that might change the direction, height, or velocity of flood or surface waters.

“Development” does not include routine maintenance of existing buildings and facilities, resurfacing roads, or gardening, plowing, and similar practices that do not involve filing, grading, or construction of levees.

**Existing Manufactured Home Park or Subdivision**: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed or buildings to be constructed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

**Expansion to an Existing Manufactured Home Park or Subdivision**: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
FEMA: Federal Emergency Management Agency

Flood: A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

Flood Fringe: That portion of the floodplain outside of the regulatory floodway.

Flood Insurance Rate Map: A map prepared by the Federal Emergency Management Agency that depicts the floodplain or special flood hazard area (SFHA) within a community. This map includes insurance rate zones and may or may not depict floodways and show base flood elevations.

Flood Insurance Study: An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

Floodplain and Special Flood Hazard Area (SFHA): These two terms are synonymous. Those lands within the jurisdiction of the County that are subject to inundation by the base flood. The floodplains of the County are generally identified on the countywide Flood Insurance Rate Map of Ogle County, Illinois prepared by the Federal Emergency Management Agency and dated August 17, 2016. Floodplain also includes those areas of known flooding as identified by the community.

Floodproofing: Any combination of structural or nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate, property and their contents.

Floodproofing Certificate: A form published by the Federal Emergency management agency that is used to certify that a building has been designed and constructed to be structurally dry flood proofed to the flood protection elevation.

Flood Protection Elevation (FPE): The elevation of the base flood plus one foot of freeboard at any given location in the floodplain.

Floodway: That portion of the floodplain required to store and convey the base flood. The floodway for the floodplains of Banning Lateral, Beach Creek, Creston Ditch, Flagg Creek, Flagg Creek Tributary, Grubin Ditch, Hilb Ditch, Intermodal Channel, Johns Creek, Kyte River, Kyte River Overflow, Kyte River Tributary 1, Lake Mistake Drain, Mill Creek, North Creston Ditch, Rock River, Ryley Ditch, South Branch Kishwaukee River, Steward Creek, Stillman Creek, and Tributary No. 1 shall be as delineated on the countywide Flood Insurance Rate Map of Ogle County, Illinois prepared by FEMA and dated August 17, 2016. The floodways for each of the remaining floodplains of Ogle County, Illinois shall be according to the best data available from Federal, State, or other sources.

Freeboard: An increment of elevation added to the base flood elevation to provide a factor of safety for uncertainties in calculations, future watershed development, unknown localized conditions, wave actions and unpredictable effects such as those caused by ice or debris jams.
**Historic Structure:** Any structure that is:

1. Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.
3. Individually listed on the state inventory of historic places by the Illinois Historic Preservation Agency.
4. Individually listed on a local inventory of historic places that has been certified by the Illinois Historic Preservation Agency.

**IDNR/OWR:** Illinois Department of Natural Resources/Office of Water Resources.

**IDNR/OWR Jurisdictional Stream:** Illinois Department of Natural Resources/Office of Water Resources has jurisdiction over any stream serving a tributary area of 640 acres or more in an urban area, or in the floodway of any stream serving a tributary area of 6,400 acres or more in a rural area. Construction on these streams requires a permit from the Department. (Ill. Admin. Code tit. 17, pt. 3700.30). The Department may grant approval for specific types of activities by issuance of a statewide permit which meets the standards defined in Section 6 of this Ordinance.

**Lowest Floor:** the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building’s lowest floor. Provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Section 7 of this ordinance.

**Manufactured Home:** A structure transportable in one or more sections, that is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities.

**Manufactured Home Park or Subdivision:** A parcel (or contiguous parcels) of land divided into two or more lots for rent or sale.

**New Construction:** Structures for which the start of construction commenced or after the effective date of floodplain management regulations adopted by a community and includes any subsequent improvements of such structures.

**New Manufactured Home Park or Subdivision:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed or buildings to be constructed (including, at a minimum, the installation of utilities,
the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by a community.

**NFIP**: National Flood Insurance Program.

**Recreational Vehicle or Travel Trailer**: A vehicle which is:

1. built on a single chassis;
2. four hundred (400) square feet or less in size;
3. designed to be self-propelled or permanently towable by a light duty truck and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

**Repetitive Loss**: Flood related damages sustained by a structure on two separate occasions during a ten year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds twenty-five percent (25%) of the market value of the structure before the damage occurred.

**SFHA**: See “Floodplain”.

**Start of Construction**: Includes substantial improvement and means the date the building permit was issued. This, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement or other improvement, was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation or placement of a manufactured home on a foundation. For a substantial improvement, actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building whether or not that alteration affects the external dimensions of the building.

**Structure**: See “Building”.

**Substantial Damage**: Damage of any origin sustained by a structure whereby the cumulative percentage of damage occurring subsequent to May 20, 2003 equals or exceeds fifty percent (50%) of the market value of the structure before the damage occurred regardless of actual repair work performed. Volunteer labor and materials must be included in this determination. The term includes “Repetitive Loss Buildings” (see definition).

**Substantial Improvement**: Any reconstruction, rehabilitation, addition or improvement of a structure taking place subsequent to May 20, 2003 in which the cumulative percentage of improvements:

1. Equals or exceeds fifty percent (50%) of the market value of the structure before the improvement or repair is started; or
2. Increases the floor area by more than twenty percent (20%).
“Substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term includes structures which have incurred repetitive loss or substantial damage, regardless of the actual repair work done.

The term does not include:

1. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or

2. Any alteration of a structure listed on the National Register of Historic Places or the Illinois Register of Historic Places.

Violation: The failure of a structure or other development to be fully compliant with the community’s floodplain management regulations (the Flood Damage Prevention Ordinance). A structure or other development without the required federal, state, and/or local permits and/or elevation certification is presumed to be in violation until such time as the documentation is provided.

16-10-3: BASE FLOOD ELEVATION

This ordinance’s protection standard is the base flood. The best available base flood data are listed below. Whenever a party disagrees with the best available data, the party shall finance the detailed engineering study needed to replace the existing data with better data and submit it to the FEMA and IDNR/OWR for approval prior to any development of the site.

A. The base flood elevation for the floodplains of Banning Lateral, Beach Creek, Creston Ditch, Flagg Creek, Flagg Creek Tributary, Grubin Ditch, Hilb Ditch, Intermodal Channel, Johns Creek, Kyte River, Kyte River Overflow, Kyte River Tributary 1, Lake Mistake Drain, Mill Creek, North Creston Ditch, Rock River, Ryley Ditch, South Branch Kishwaukee River, Steward Creek, Stillman Creek, and Tributary No. 1 shall be as delineated on the 100-year flood profiles in the countywide Flood Insurance Study of Ogle County, Illinois prepared by the Federal Emergency Management Agency and dated August 17, 2016.

B. The base flood elevation for each floodplain delineated as an “AH Zone” or AO Zone” shall be that elevation (or depth) delineated on the county-wide Flood Insurance Rate Map of Ogle County, Illinois.

C. The base flood elevation for each of the remaining floodplains delineated as an “A Zone” on the countywide Flood Insurance Rate Map of Ogle County, Illinois shall be according to the best data available from federal, state or sources. Should no other data exist, an engineering study must be financed by the applicant to determine base flood elevations.
16-10-4: DUTIES OF THE PLANNING & ZONING ADMINISTRATOR

The Planning & Zoning Administrator shall be designated the Floodplain Administrator, shall be responsible for the general administration of this ordinance and shall ensure that all development activities within the floodplains under the jurisdiction of the County of Ogle (those floodplains that are within the boundaries of the County of Ogle but outside the boundaries of any incorporated city or village) meet the requirements of this ordinance. Specifically, the Planning & Zoning Administrator shall:

A. Process development permits in accordance with Section 5;

B. Ensure that all development in a floodway (or a floodplain with no delineated floodway) meets the damage prevention requirements of Section 6;

C. Ensure that the building protection requirements for all buildings subject to Section 7 are met and maintain a record of the “as-built” elevation of the lowest floor (including basement) or floodproof certificate;

D. Assure that all subdivisions meet the requirements of Section 8;

E. Ensure that water supply and waste disposal systems meet the Public Health standards of Section 9;

F. If a variance is requested, ensure that the requirements of Section 11 are met and maintain documentation of any variances granted;

G. Inspect all development projects and take any and all penalty actions outlined in Section 13 as necessary to ensure compliance with this ordinance;

H. Assure that applicants are aware of and obtain any and all other required local, state, and federal permits;

I. Notify IDNR/OWR and any neighboring communities prior to any alteration or relocation of a watercourse;

J. Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques;

K. Cooperate with state and federal floodplain management agencies to coordinate base flood data and to improve the administration of this ordinance;

L. Maintain for public inspection base flood data, floodplain maps, copies of state and federal permits, and documentation of compliance for development activities subject to this ordinance;

M. Perform site inspections to ensure compliance with this ordinance and make substantial damage determinations for structures within the floodplain, and,
N. Maintain the accuracy of floodplain maps including notifying IDNR/OWR and/or submitting information to FEMA within six months whenever a modification of the floodplain may change the base flood elevation or result in a change to the floodplain map.

16-10-5: DEVELOPMENT PERMIT

No person, firm, corporation, or governmental body not exempted by law shall commence any development in the floodplain without first obtaining a development permit from the Ogle County Planning & Zoning Administrator. The Planning & Zoning Administrator shall not issue a development permit if the proposed development does not meet the requirements of this ordinance.

A. The application for development permit shall be accompanied by:

1. Drawings of the site, drawn to scale showing property line dimensions;

2. Existing grade elevations and all changes in grade resulting from excavation or filling;

3. The location and dimensions of all buildings and additions to buildings;

4. The elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of Section 7 of this ordinance; and,

5. Cost of project or improvements as estimated by a licensed engineer or architect. A signed estimate by a contractor may also meet this requirement.

B. Upon receipt of an application for a development permit, the Planning & Zoning Administrator shall compare the elevation of the site to the base flood elevation. Any development located on land that is shown by survey elevation to be below the current base flood elevation is subject to the provisions of this ordinance. In addition, any development located on land shown to be below the base flood elevation and hydraulically connected to a flood source, but not identified as floodplain on the current Flood Insurance Rate Map, is subject to the provisions of this ordinance. Any development located on land that can be shown by survey data to be higher than the current base flood elevation and which has not been filled after the date of the site’s first Flood Insurance Rate Map is not in the floodplain and therefore not subject to the provisions of this ordinance.

The Planning & Zoning Administrator shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation existed prior to the date of the site’s first Flood Insurance Rate Map identification.

The Planning & Zoning Administrator shall be responsible for obtaining from the applicant copies of all other federal, state, and local permits, approvals or permit-not-required letters that may be required for this type of activity. The Planning & Zoning Administrator shall not issue a permit unless all other federal, state, and local permits have been obtained.
16-10-6: PREVENTING INCREASED FLOOD HEIGHTS AND RESULTING DAMAGES

Within any floodway identified on the countywide Flood Insurance Rate Map, and within all other floodplains where a floodway has not been delineated, the following standards shall apply:

A. Except as provided in Section 6(B) of this ordinance, no development shall be allowed which, acting in combination with existing and anticipated development will cause any increase in flood heights or velocities or threat to public health and safety. The following specific development activities shall be considered as meeting this requirement:

1. Bridge and culvert crossings of streams in rural areas meeting the conditions of the Illinois Department of Natural Resources, Office of Water Resources Statewide Permit Number 2;

2. Barge fleeting facilities meeting the conditions of IDNR/OWR Statewide Permit Number 3;

3. Aerial utility crossings meeting the conditions of IDNR/OWR Statewide Permit Number 4;

4. Minor boat docks meeting the conditions of IDNR/OWR Statewide Permit Number 5;

5. Minor, non-obstructive activities such as underground utility lines, light poles, sign posts, driveways, athletic fields, patios, playground equipment, minor storage buildings not exceeding 70 square feet and raising buildings on the same footprint which does not involve fill and any other activity meeting the conditions of IDNR/OWR Statewide Permit Number 6;

6. Outfall Structures and drainage ditch outlets meeting the conditions of IDNR/OWR Statewide Permit Number 7;

7. Underground pipeline and utility crossings meeting the conditions of IDNR/OWR Statewide Permit Number 8;

8. Bank stabilization projects meeting the of IDNR/OWR Statewide Permit Number 9;

9. Accessory structures and additions to existing residential buildings meeting the conditions of IDNR/OWR Statewide Permit Number 10;

10. Minor maintenance dredging activities meeting the conditions of IDNR/OWR Statewide Permit Number 11;

11. Bridge and culvert replacement structures and bridge widening meeting the conditions of IDNR/OWR statewide Permit Number 12;

12. Temporary construction activities meeting the conditions of IDNR/OWR statewide Permit Number 13;
13. Any Development determined by IDNR/OWR to be located entirely within a flood fringe area shall be exempt from State Floodway permit requirements.

B. Other development activities not listed in Section 6(A) may be permitted only if:

1. permit has been issued for the work by IDNR/OWR (or written documentation is provided that an IDNR/OWR permit is not required); or,

2. sufficient data has been provided to FEMA when necessary, and approval obtained from FEMA for a revision of the regulatory map and base flood elevation.

16-10-7: PROTECTING BUILDINGS

A. In addition to the state permit and damage prevention requirements of Section 6 of this ordinance, all buildings located in the floodplain shall be protected from flood damage below the flood protection elevation. This building protection requirement applies to the following situations:

1. Construction or placement of a new building or alteration or addition to an existing building valued at more than one thousand dollars ($1,000) or seventy (70) square feet.

2. Substantial improvements or structural alterations made to an existing building that increase the floor area by more than twenty percent (20%) or equal or exceed the market value by fifty percent (50%). Alteration shall be figured cumulatively subsequent to May 20, 2003. If substantially improved, the existing structure and the addition must meet the flood protection standards of this section.

3. Repairs made to a substantially damaged building. These repairs shall be figured cumulatively subsequent to May 20, 2003. If substantially damaged the entire structure must meet the flood protection standards of this section within twenty-four (24) months of the date the damage occurred.

4. Installing a manufactured home on a new site or a new manufactured home on an existing site. (The building protection requirements do not apply to returning a manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage).

5. Installing a travel trailer or recreational vehicle on a site for more than one hundred eighty (180) days per year.

6. Repetitive loss to an existing building as defined in Section 2 herein.

B. Residential or non-residential buildings can meet the building protection requirements by one of the following methods:

1. The building may be constructed on permanent land fill in accordance with the following:

   a. The lowest floor (including basement) shall be at or above the flood protection elevation.
b. The fill shall be placed in layers no greater than six inches before compaction and should extend at least ten (10) feet beyond the foundation before sloping below the flood protection elevation.

c. The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or other structural measure.

d. The fill shall be composed of rock or soil and not incorporated debris or refuse material, and

e. shall not adversely affect the flow of surface drainage from or onto neighboring properties and when necessary stormwater management techniques such as swales or basins shall be incorporated.

2. The building may be elevated on solid walls in accordance with the following:

a. The building or improvements shall be elevated on stilts, piles, walls, crawlspace, or other foundation that is permanently open to flood waters.

b. All components located below the flood protection elevation shall be constructed of materials resistant to flood damage.

c. The lowest floor and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the flood protection elevation.

d. If walls are used, all enclosed areas below the flood protection elevation shall address hydrostatic pressures by allowing the automatic entry and exit of flood waters. Designs must either be certified by a licensed professional engineer or by having a minimum of one (1) permanent opening on each wall no more than one (1) foot above grade with a minimum of two (2) openings. The openings shall provide a total net area of not less than one (1) square inch for every one (1) square foot of enclosed area subject to flooding below the base flood elevation.

e. The foundation and supporting members shall be anchored, designed, and certified so as to minimize exposure to hydrodynamic forces such as current, waves, ice, and floating debris.

i. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other service facilities may be located below the flood protection elevation provided they are waterproofed.

ii. The area below the flood protection elevation shall be used solely for parking or building access and not later modified or occupied as habitable space, or

iii. In lieu of the above criteria, the design methods to comply with these requirements may be certified by a licensed professional engineer or architect.
3. The building may be constructed with a crawlspace located below the flood protection elevation provided that the following conditions are met:

a. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

b. Any enclosed area below the flood protection elevation shall have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. A minimum of one opening on each wall having a total net area of not less than one (1) square inch per one (1) square foot of enclosed area. The openings shall be no more than one (1) foot above grade.

c. The interior grade of the crawlspace below the flood protection elevation must not be more than two (2) feet below the lowest adjacent exterior grade.

d. The interior height of the crawlspace measured from the interior grade of the crawl to the top of the foundations wall must not exceed four (4) feet at any point.

e. An adequate drainage system must be installed to remove floodwaters from the interior area of the crawlspace within a reasonable period of time after a flood event.

f. Portions of the building below the flood protection elevation must be constructed with materials resistant to flood damage.

g. Utility systems within the crawlspace must be elevated above the flood protection elevation.

C. Non-residential buildings may be structurally dry floodproofed (in lieu of elevation) provided a licensed professional engineer or architect certifies that:

1. Below the flood protection elevation the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood.

2. The building design accounts for flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy, and the impact from debris and ice.

3. Floodproofing measures will be incorporated into the building design and operable without human intervention and without an outside source of electricity.

4. Levees, berms, floodwalls and similar works are not considered floodproofing for the purpose of this subsection.

D. Manufactured homes or travel trailers to be permanently installed on site shall be:

1. Elevated to or above the flood protection elevation in accordance with Section 7(B), and
2. anchored to resist flotation, collapse, or lateral movement by being tied down in accordance with the rules and regulations for the Illinois Mobile Home Tie-Down Act issued pursuant to 77 Ill. Adm. Code § 870.

E. Travel trailers and recreational vehicles on site for more than one hundred eighty (180) days per year shall meet the elevation requirements of section 7(D) unless the following conditions are met:

1. The vehicle must be either self-propelled or towable by a light duty truck.
2. The hitch must remain on the vehicle at all times.
3. The vehicle must not be attached to external structures such as decks and porches.
4. The vehicle must be designed solely for recreation, camping, travel, or seasonal use rather than as a permanent dwelling.
5. The vehicle’s wheels must remain on axles and inflated.
6. The vehicle’s wheels must remain on axles and inflated.
7. Air conditioning units must be attached to the frame so as to be safe for movement of the floodplain.
8. Propane tanks as well as electrical and sewage connections must be quick-disconnect.
9. The vehicle must be licensed and titled as a recreational vehicle or park model.
10. The vehicle must either:
   a. be entirely supported by jacks; or
   b. have a hitch jack permanently mounted, have the tires touching the ground and be supported by block in a manner that will allow the block to be easily removed by use of the hitch jack.

F. Garages, sheds or other minor accessory structures constructed ancillary to an existing residential use may be permitted provided the following conditions are met:

1. The garage of shed must be non-habitable.
2. The garage or shed must be used only for the storage of vehicles and tools and cannot be modified later into another use.
3. The garage or shed must be located outside of the floodway or have the appropriate state and/or federal permits.
4. The garage or shed must be on a single family lot and be accessory to an existing principle structure on the same lot.

5. Below the base flood elevation, the garage or shed must be built of materials not susceptible to flood damage.

6. All utilities, plumbing, heating, air conditioning and electrical must be elevated above the flood protection elevation.

7. The garage or shed must have at least one permanent opening on each wall not more than one (1) foot above grade with one (1) square inch of opening for every one (1) square foot of floor area.

8. The garage or shed must be less than ten thousand dollars ($15,000) in market value or replacement cost whichever is greater or less than five hundred and seventy-six (576) square feet in area (24’ x 24”).

9. The structure shall be anchored to resist floatation and overturning.

10. All flammable or toxic materials (gasoline, paint, insecticides, fertilizers, etc.) shall be stored above the flood protection elevation.

11. The lowest floor elevation should be documented and the owner advised of the flood insurance implications.

16-10-8: SUBDIVISION REQUIREMENTS

The Ogle County Board shall take into account hazards, to the extent that they are known, in all official actions related to land management use and development.

A. New subdivisions, manufactured home parks, planned unit developments, and additions to manufactured home parks and subdivisions shall meet the damage prevention and building protections standards of Sections 6 and 7 of this ordinance. Any proposal for such development shall include the following data:

1. The base flood elevation and the boundary of the floodplain, where the base flood elevation is not available from an existing study, the applicant shall be responsible for calculating the base flood elevation.

2. The boundary of the floodway when applicable.

3. A signed statement by a Licensed Professional Engineer that the proposed plat or plan accounts for changes in the drainage of surface waters in accordance with the Plat Act (765 ILCS 205/2). Streets, blocks lots, parks and other public grounds shall be located and laid out in such a manner as to preserve and utilize natural streams and channels. Wherever possible the floodplains shall be included within parks or other public grounds.
16-10-9: PUBLIC HEALTH AND OTHER STANDARDS

A. Public health standards must be met for all floodplain development. In addition to the requirements of Sections 6 and 7 of this ordinance the following standards apply:

1. No development in the floodplain shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the flood protection elevation unless such materials are stored in a floodproofed and anchored storage tank and certified by a professional engineer or floodproofed building constructed according to the requirements of Section 7 of this ordinance.

2. Public utilities and facilities such as sewer, gas and electric shall be located and constructed to minimize or eliminate flood damage.

3. Public sanitary sewer systems and water supply systems shall be located and constructed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

4. New and replacement on-site sanitary sewer lines or waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding. Manholes or other above ground openings located below the flood protection elevation shall be watertight.

5. Construction of new or substantially improved critical facilities shall be located outside the limits of the floodplain. Construction of new critical facilities shall be permitted within the floodplain only if no feasible alternative site is available. Critical facilities constructed within the SFHA shall be elevated or structurally dry floodproofed to the 500-year flood frequency elevation. In situations where a 500-year flood elevation has not been determined the flood protection elevation shall be three feet above the 100-year flood frequency elevation. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities.

B. All other activities defined as development shall be designed so as not to alter flood flows or increase potential flood damages.

16-10-10: CARRYING CAPACITY AND NOTIFICATION

For all projects involving channel modification, fill, or stream maintenance (including levees), the flood carrying capacity of the watercourse shall be maintained. In addition, the County of Ogle shall notify adjacent communities in writing thirty (30) days prior to the issuance of a permit for the alteration or relocation of the watercourse.
16-10-11: VARIANCES

Whenever the standards of this ordinance place undue hardship on a specific development proposal, the applicant may apply to the Ogle County Board for a variance. The Planning & Zoning Administrator shall review the applicant’s request for a variance and shall submit a recommendation to the Ogle County Board. The Ogle County Board may attach such conditions to granting of a variance as it deems necessary to further the intent of this ordinance.

A. No variance shall be granted unless the applicant demonstrates that all of the following conditions are met:

1. The development activity cannot be located outside the floodplain.
2. An exceptional hardship would result if the variance were not granted.
3. The relief requested is the minimum necessary.
4. There will be no additional threat to public health, safety or creation of a nuisance.
5. There will be no additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities.
6. The applicant’s circumstances are unique and do not establish a pattern inconsistent with the intent of the NFIP, and
7. all other state and federal permits have been obtained.

B. The Planning & Zoning Administrator shall notify an applicant in writing that a variance from the requirements of the building protection standards of Section 7 that would lessen the degree of protection to a building will:

1. Result in increased premium rates for flood insurance up to twenty-five dollars ($25) per one hundred dollars ($100) of insurance coverage;
2. increase the risk to life and property; and
3. require that the applicant proceed with knowledge of these risks and that the applicant acknowledge in writing the assumption of the risk and liability.

C. Historic Structures.

Variances to the building protection requirements of Section 7 of this ordinance which are requested in connection with reconstruction, repair, or alteration of a historic site or historic structure as defined in “Historic Structures”, may be granted using criteria more permissive than the requirements of Sections 6 and 7 of this ordinance subject to the conditions that:

1. The repair or rehabilitation is the minimum necessary to preserve the historic character and design of the structure.
2. The repair or rehabilitation will not result in the structure being removed as a certified historic structure.

D. Agricultural Structures.

Any variance granted for an agricultural structure shall be decided individually based on a case by case analysis of the building's unique circumstances. Variances granted shall meet the following conditions as well as those criteria and conditions set forth in this ordinance.

In order to minimize flood damages during the 100-year flood and the threat to public health and safety, the following conditions shall be included for any variance issued for agricultural structures that are constructed at-grade and wet-floodproofed.

1. All agricultural structures considered for a variance from the floodplain management regulations of this ordinance shall demonstrate that the varied structure is located in wide, expansive floodplain areas and no other alternate location outside of the special flood hazard area exists for the agricultural structure. Residential structures, such as farm houses, or animal confinement facilities cannot be considered agricultural structures for the purposes of this section.

2. Use of the varied structures must be limited to agricultural purposes in zone A only as identified on the community's Flood Insurance Rate Map (FIRM).

3. For any new or substantially damaged agricultural structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation must be built with flood-resistant materials in accordance with Section 7 of this ordinance.

4. The agricultural structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structures in accordance with Section 7 of this ordinance. All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces. Any mechanical, electrical, or other utility equipment must be located above the base flood elevation or floodproofed so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with Section 7 of this ordinance.

5. The NFIP requires that enclosure or foundation walls, subject to the 100-year flood, contain openings that will permit the automatic entry and exit of floodwaters in accordance with Section 7(B) this ordinance.

6. The agricultural structures must comply with the floodplain management floodway provisions of Section 6 of this ordinance. No variances may be issued for agricultural structures within any designated floodway.

7. Wet-floodproofing construction techniques must be reviewed and approved by the floodplain administrator and a registered professional engineer or architect prior to the issuance of any floodplain development permit for construction.
16-10-12: DISCLAIMER OF LIABILITY

The degree of protection required by this ordinance is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes. This ordinance does not imply that development either inside or outside of the floodplain will be free from flooding or damage. This ordinance does not create liability on the part of the County of Ogle or any officer or employee thereof for any flood damage that results from proper reliance on this ordinance or any administrative decision made lawfully thereunder.

16-10-13: PENALTY

Failure to obtain a permit for development in the SFHA or failure to comply with the requirements of a permit or conditions of a variance shall be deemed to be a violation of this Ordinance. Upon due investigation the Planning & Zoning Administrator may determine that a violation of the minimum standards of this Ordinance exists. The Planning & Zoning Administrator shall notify the owner in writing of such violation.

A. If such owner fails after ten (10) days’ notice to correct the violation:

1. The County may make application to the Circuit Court for an injunction requiring conformance with this Ordinance or make such other order as the Court deems necessary to secure compliance with the Ordinance.

2. Any person who violates this Chapter shall upon conviction thereof be fined not less than Fifty dollars ($50.00) nor more than five hundred dollars ($500.00).

3. A separate offense shall be deemed committed upon each week during or on which a violation occurs or continues.

4. The County of Ogle may record a notice of violation on the title to the property.

B. The Planning & Zoning Administrator shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.

C. The Planning & Zoning Administrator is authorized to issue an order requiring the suspension of the subject development. The stop-work order shall be in writing, indicate the reason for the issuance, and shall order the action, if necessary, to resolve the circumstances requiring the stop-work order. The stop-work order constitutes a suspension of the permit.

D. Nothing herein shall prevent the County from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.
16-10-14: ABROGATION AND GREATER RESTRICTIONS

This ordinance repeals and replaces other ordinances adopted by the Ogle County Board to fulfill the requirements of the National Flood Insurance Program including: Ogle County, IL Special Flood Hazard Areas Ordinance adopted December 22, 1987 and amended May 20, 2003; and the Ogle County Flood Damage Prevention Ordinance adopted October 19, 2010. This ordinance does not repeal the original resolution or ordinance adopted to achieve eligibility in the National Flood Insurance Program.

This ordinance is not intended to abrogate any easement, covenant or any other private agreement; provided, that where the provisions of this ordinance are more restrictive than easements, covenants or other private agreements, the provisions of this ordinance shall govern.

Where provisions of this ordinance impose greater restrictions than those of any statute, other ordinance or regulation, the provisions of this ordinance shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this ordinance, the provisions of such statute, other ordinance or regulation shall be controlling.

16-10-15: SEVERABILITY

The provisions and sections of this ordinance shall be deemed separable and the invalidity of any portion of this ordinance shall not affect the validity of the remainder.

16-10-16: ADOPTION AND EFFECTIVE DATE

APPROVED AND ADOPTED BY THE OGLE COUNTY BOARD THIS 17TH DAY OF MAY 2016 A.D. AND EFFECTIVE ON AND AFTER AUGUST 17, 2016.

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
O-2016-0506

Ogle County Recorder Fees Ordinance

WHEREAS, 55 ILCS 5/3-5018 provides that the statutory County Recorder fees may be increased by the County Board if an increase is "justified by an acceptable cost study showing that the fees allowed by this Section (55 ILCS 5/3-5018) are not sufficient to cover the costs of providing the services"; and

WHEREAS, both 55 ILCS 5/3-5018 require a statement of the costs of providing each service, program and activity be prepared and be part of the public record; and

WHEREAS, 55 ILCS 5/3-5018 provides authority to the County Board to establish a County GIS Fee and directs County Recorders to collect a Rental Housing Support Program Fee for each document recording reflecting financial value; and

WHEREAS, in November of 2015, Bellwether, LLC conducted a cost study of the fees received by the Ogle County Recorder’s Office and the County Board agrees that the County Code should be amended to change and establish the fees charged by the Ogle County Clerk and Recorder; and

WHEREAS, the Ogle County Board approved O-2015-1104 to increase Ogle County Recording Fees effective January 1, 2016 as follows:

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WHEREAS, the increase of the Recorder’s Automation Fund was increased from $3.50 for each document recorder to $6.20 for each document recorded by the Recorder; and

NOW, THEREFORE, BE IT ORDAINED that this Ordinance will reflect the increase of $6.20 to the Recorder’s Automation Fund for each recorded document recorded by the Recorder which was effective January 1, 2016.

Passed and adopted this 17th day of May, 2016 by the Ogle County Board

Attest: Laura J. Cook
Ogle County Clerk & Recorder

Kim P. Gouker
Ogle County Board Chairman
ORDINANCE 2016-0507
OGLE COUNTY ELECTED OFFICIAL’S SALARIES

WHEREAS, in accordance with Illinois Statute 50 ILCS 145/2, the Ogle County Board is responsible for establishing the annual “compensation of its elected officials”, which must be “fixed at least 180 days before the beginning of the term of the officers whose compensation is to be fixed”, and

WHEREAS, the Ogle County Board recognizes the important and critical nature of the services of the elected officials for these offices under the County Government’s responsibility, and

WHEREAS, the Ogle County Board acknowledges that these officer’s salaries were frozen several times in recent years, in order to assist the County to balance its Annual Budget, and as a result, the elected official’s salaries have fallen behind the salaries of elected officials in similar sized counties.

THEREFORE, BE IT RESOLVED, that the Ogle County Board, on this 17th day of May, 2016, adopts the following elected official’s pay scale:

<table>
<thead>
<tr>
<th></th>
<th>FY2017</th>
<th>FY2018</th>
<th>FY2019</th>
<th>FY2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>Circuit Clerk</td>
<td>+2½%</td>
<td>+ 3%</td>
<td>+ 2%</td>
<td>+ 2%</td>
</tr>
<tr>
<td>(Circuit Clerk only)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Coroner</td>
<td>$78,412</td>
<td>$80,765</td>
<td>$82,380</td>
<td>$84,027</td>
</tr>
<tr>
<td>Base</td>
<td>$65,000</td>
<td>$66,950</td>
<td>$68,289</td>
<td>$69,655</td>
</tr>
</tbody>
</table>

Kim P. Gouker
Chairman, Ogle County Board

Laura J. Cook, Ogle County Clerk