STATE OF ILLINOIS)
)SS
COUNTY OF OGLE)

In the Matter of the Petition
of
BP Pipelines North America, Inc., Oregon-Nashua Township

Ogle County, Illinois

Testimony of Witnesses
Produced, Sworn and
Examined on this 28th day
of January A.D. 2010
before the Ogle County
Zoning Board of Appeals

Present:
Maurice Bronkema
Randall Anderson
Curtis Freeberg
Jason Sword
Bruce McKinney, Chairman
Michael Reibel, Zoning Administrator

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MR. McKINNEY: Call this meeting of the Ogle County Zoning Board of Appeals meeting for January 2010 to order. Please stand for the Pledge of Allegiance.

(The Pledge of Allegiance was recited.)

MR. McKINNEY: Roll call.

(Roll call was taken and all were present.)

MR. REIBEL: Five present.

MR. McKINNEY: We do have a quorum.

The verbatim transcripts serving as minutes from the last meeting are on file and will not be read at this time.

I'll entertain a motion to approve the minutes of the last ZBA meeting.

MR. BRONKEMA: So moved.

MR. FREEBERG: Seconded.

MR. McKINNEY: Maury moved, Curt second. All those in favor signify by saying aye.

(All those simultaneously responded.)

MR. McKINNEY: Any opposed say nay. Motion passed.

All testimony will be taken under oath. Please come forward to testify and state your name and address to the recording secretary. Please spell your last name. When testifying please speak clearly and loud enough to be heard. This hearing is the only opportunity to place testimony and evidence on the record. There will not be another opportunity beyond tonight's hearing to submit additional evidence or testimony for consideration. Please turn off all cell phones and pagers.

The procedure on hearings will be followed tonight is as found in the ZBA Rules of Procedures or the Citizen's Guide to Zoning Board of Appeals, which are available near the door in the back of the room.

Mr. Lloyd Funk is also present tonight representing the Ogle County Planning Commission, if any board member has any question on their action on petitions.

If anyone has trouble hearing please let me know.

Mr. Reibel, what's the first order of business.

MR. REIBEL: First order of business is to consider the request filed December 21st, 2009 of BP Pipelines North America, Inc., 28100 Torch Parkway, Sixth Floor, Warrenville, Illinois for a Variation to allow a building to be constructed 18 feet from a side lot line in lieu of 25 feet as required pursuant to the Ogle County Amendatory Zoning Ordinance on property described as follows and owned by the Petitioners:

Part of the E1/2 of G.L. 5 in the NE1/4 Fractional Section 01 Oregon-Nashua Township 23N, R10E of the 4th P.M., Ogle County, IL, 3.50 acres, more or less. Property Identification Number: 16-01-226-001. Common Location: 980 North German Church Road.

For the record, a legal notice was published in the Monday, January 4th edition of the Ogle County Life notifying the public of the specifics of the petition and the hearing this evening. A sign was posted along the frontage of the premises indicating that a zoning hearing is to be held, and all adjoining property owners to the petition have been notified by certified mail of the specifics of the petition and the hearing this evening.

Under the Staff Report, a copy of which is on file and the board members have received, I will point out under general information that the location of the site is on the west side of North German Church Road beginning approximately one-half mile north of East Brick Road and approximately 300 feet southwest of East Limerick Road.

The existing land use of the site is a gas pipeline valve and maintenance facility.

Surrounding land use, the site is zoned AG-1, and all surrounding land is in agricultural use and is zoned AG-1.

Zoning history, the use of the site is lawful, non-conforming, as it was established prior to the adoption of the first Ogle County Zoning Ordinance in 1965.

Special Information: Public utilities, none. The site is served with a private, on-site well and septic system.

Transportation, North German Church Road is a hot mix surfaced Ogle County Highway.

Physical characteristics, the site is located in an upland area of gently rolling

terrain. The site is well drained to moderately well drained. There are no mapped wetlands or floodplain on the site. According to the Ogle County Digital Soil Survey, soil types on the site are: 86B - Osco silt loam and 171B - Catlin silt loam. The soils on the site are rated as being 'Prime Farmland'. The 86B soil series is rated as being 'Somewhat Limited' for septic fields and the 171B soil series is rated as being 'Very Limited' for septic fields due to depth to saturated zone and slow water movement.

That's all I have.

MR. McKINNEY: Okay. This will be a public hearing, so I'll entertain a motion to go into a public hearing.

MR. SWORD: I'll so move.

MR. ANDERSON: Second.

MR. McKINNEY: Jason has moved, Randy has seconded. All those in favor signify by saying aye.

(All those simultaneously responded.)

MR. McKINNEY: Any opposed say nay. Motion passed, we're in a public hearing.

Will the Petitioner or Petitioners please come forward.

BRAD KRABEL,

being first duly sworn, testified as follows:

MR. KRABEL: My name is Brad Krabel, last name is spelled K-R-A-B-E-L, with BP Pipelines, 2800 Torch Parkway, in Warrenville, Illinois, 60555.

MR. McKINNEY: Tell us about your petition.

MR. KRABEL: Sir, what we're asking for is, as was stated, a Variation to the current setback. Uhm, the current setback is 25 feet. We'd ask that the setback of the new building of 18 feet be granted. The existing building is actually 19 feet setback, so the setback difference between our new and existing would just be 1 foot.

Along the side of the property that is at issue there is already an existing structure on the property at 17 and a half foot setback. So the allowance of this Variation would not be closer than an existing Variation has been allowed at some point in time.

We have spoken -- a representative from BP has spoken to the adjoining landowners to answer any questions they would have about our project and to listen and hopefully address any concerns they had; none were expressed.

We feel like the current configuration of the property, due in part to the existing pipelines and the facilities, really limit our ability to build this structure in other locations within the developed area of the property.

MR. McKINNEY: So you couldn't add onto the building to the west side of the building?

MR. KRABEL: We're actual -- uhm, correct. We -- even if we go west we're still -- we still would not meet the zoning setback. We're trying to replace an existing building that has severe flood issues with as minimal costs possible, of course, and utilize the existing foundation in some of our buildings. So that's -- we're building around the existing location is one reason why the current configuration.

MR. McKINNEY: Flood issues, not -- is it because you're in a flood zone?

MR. KRABEL: No, it's due to what I guess is shotty construction originally, but there's no indications by any of our engineers or the builder that we have selected to build this small facility that there's any flood issues with the property itself.

MR. McKINNEY: Okay. Does anybody have any other questions?

MR. BRONKEMA: Not really. Like he says, I don't think he really has anywhere else to put it. It's a small area they got there, but then the good part is it's back off of the road.

MR. SWORD: Doesn't really affect anybody.

MR. McKINNEY: Nobody filed a letter of appearance?

MR. REIBEL: No.

MR. McKINNEY: Not for this one?

MR. REIBEL: None.

MR. McKINNEY: Okay.

MR. KRABEL: Thank you.

MR. McKINNEY: There's no letters of appearance that have been field, so at this time I will ask is there anybody that wishes to testify in favor of this petition? Anybody

wishes to testify opposing this petition?

Seeing none, I'll ask for a motion to go back into open session.

MR. ANDERSON: I'll make a motion.

MR. McKINNEY: Randy's moved.

MR. BRONKEMA: Second.

MR. McKINNEY: Maury has seconded.

Back into open session, all those in favor signify by saying aye.

(All those simultaneously responded.)

MR. McKINNEY: Any opposed say nay. Motion passed, we're back into open session and we'll go through the finding of facts.

MR. REIBEL: Variation Standard A) That the particular physical surroundings, shape or topographical condition of the specific property involved would result in a particular hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the regulations were carried out.

MR. BRONKEMA: The location design and the existing structure and facilities on the site create a hardship to the construction of the new

office building that meets the requirements of the side yard of 25 feet. That Standard is met.

(All those simultaneously agreed.)

MR. REIBEL: Standard B) The conditions upon which the petition for a Variation are based are unique and would not be applicable generally to other property within the same zoning classification.

MR. ANDERSON: The conditions upon which the petition for Variation are based are unique and are not applicable generally to other property within the AG-1 agricultural district due to the location of the site and the existing facilities on the site. I feel that Standard's met.

(All those simultaneously agreed.)

MR. REIBEL: Standard C) The purpose of the Variation is not based exclusively on a desire to obtain a higher financial return on the property.

MR. SWORD: Evidence indicates that the purpose of the variation is not based

exclusively upon a desire to obtain a higher financial return on the property but rather to provide an updated office facility for an existing gas pipeline facility. I feel that Standard is met.

(All those simultaneously agreed.)

MR. REIBEL: Standard D) The alleged difficulty or hardship has not been created by any person presently having an interest in the property.

MR. FREEBERG: The alleged difficulty or hardship has not been created by BP Pipelines of North America, Incorporated because the site was developed prior to the establishment of the County Zoning Ordinance and the existing structures and facilities on the site prohibit placement of the proposed building's location to conforms to current yard area requirements. Standard's met.

(All those simultaneously agreed.)

MR. REIBEL: Standard E) The granting of the variation will not be materially detrimental

to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

MR. BRONKEMA: No evidence has been submitted that would indicate the granting of the variance will be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located. Standard's met.

(All those simultaneously agreed.)

MR. REIBEL: Standard F) The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion in the public streets or increase the danger of fire or endanger the public safety or substantially diminish or impair property values within the neighborhood.

MR. ANDERSON: No evidence has been submitted that would indicate that the variation will impair an adequate supply of light and air to adjacent property or substantially increase the congestion in the public streets or increase

the danger of fire or endanger the public safety or substantially diminish or impair property values within the neighborhood. I feel that Standard's met.

(All those simultaneously agreed.)

MR. REIBEL: And the Zoning Board of Appeals should not vary the regulations of the ordinance unless it shall make findings based upon the evidence presented to it in each specific case that, A) The plight of the owner is due to unique circumstances.

MR. SWORD: The circumstances are unique due to the design and location of the gas pipeline site existing structures and facilities. I feel that Standard's met.

(All those simultaneously agreed.)

MR. REIBEL: B) The Variation, if granted, will not alter the essential character of the locality.

MR. FREEBERG: The Variation will not alter the essential character of the locality in that it is a current pipeline facility; the

proposed building will replace an existing office building; there are other existing structures on the site that are similar distance from the lot lines as the proposed building; the site is for an agricultural area surrounded by cropland; and the proposed building will be in character with the existing facilities. Standard's met.

(All those simultaneously agreed.)

MR. McKINNEY: Going through the finding of facts, we have found that all Standards have been met. I will entertain a motion.

MR. BRONKEMA: I'll make a motion that we grant the variance to the pipeline company for a new building 18 feet in lieu of 25 feet with all the Standards being met.

MR. FREEBERG: I'll second it.

MR. McKINNEY: Been moved and seconded to grant the Variation No. 16-09 for BP Products North America, Inc.

Roll call.

MR. REIBEL: Anderson?

MR. ANDERSON: Yes.

MR. REIBEL: Sword?
MR. SWORD: Yes.
MR. REIBEL: Freeberg?
MR. FREEBERG: Yes.
MR. REIBEL: Bronkema?
MR. BRONKEMA: Yes.
MR. REIBEL: McKinney?
MR. McKINNEY: Yes.
(By voice vote five ayes.)
MR. REIBEL: Five voted yes.
MR. McKINNEY: Motion passed.
(The hearing was concluded at 7:16 p.m.)

Now on this 28th day of January, A.D. 2010, I do signify that the foregoing testimony was given before the Ogle County Zoning Board of Appeals.

Bruce McKinney, Chairman

Michael Reibel,
Zoning Administrator

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STATE OF ILLINOIS)
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COUNTY OF OGLE)

In the Matter of the Petition
of
Keith E. Wilson, Oregon-Nashua Township
Ogle County, Illinois

Testimony of Witnesses
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MR. McKINNEY: If anybody in the back row's having trouble hearing, you can move up to the -- to this row if you want.

AUDIENCE MEMBER: Thank you.

MR. McKINNEY: I kind of noticed him whispering to you.

MR. BRONKEMA: This is not church, you can sit in the front row.

MR. McKINNEY: Give you a second here to get situated.

Next order of business.

MR. REIBEL: The next order of business is to consider the request filed December 22nd, 2009 of Keith E. Wilson, 6931 North Olcott, Chicago, Illinois, by Attorney Deborah S. Maas, Smith, Hahn, Morrow & Floski, P.C., 129 South Fourth Street, P.O. Box 10, Oregon, Illinois for a Special Use Permit to allow a heliport in the AG-1 Agricultural District on property described as follows and owned by the Petitioner:

Part of the W1/2 of the SE1/4 and part of the SE1/4 of the SW1/4 Section 32 Oregon-Nashua Township 23N, R10E of the 4th P.M., Ogle County, IL, 32.70 acres, more or less and -- correct that, it's actually 56.02 acres is the entire parcel.

Property Identification Number:

16-32-400-004.

Common Location is: 1255 West Star Road.

For the record, a sign has been posted along the frontage of the premises indicating that a zoning hearing is to be held. All adjoining property owners to the petition have been notified by certified mail of the hearing this evening and the specifics of the petition. And a legal notice was published in the Monday, January 4th edition of the Ogle County Life again notifying the public of the hearing this evening and the specifics of the petition.

At the January 21st, 2010 meeting of the Ogle County Regional Planning Commission Mr. Conn made a motion to recommend approval of the Petition No. 4-09 Special Use minus Items 2 and 3 under the Staff Recommendations for conditions. Seconded by Mr. Ocken. Mr. Colson asked if Condition No. 3 should be retained; Mr. Conn responded that the Condition will be covered under the permits from the FAA. Mr. Funk called for a roll call vote and the motion carried unanimously by roll call vote.

Under the Staff Report as revised January 27th, 2010, a copy of this is on file and the

board members have received, I will point out that the size of the site is 56.02 acres.

The existing land use of the site is agriculture. Approximately 32.2 acres of tillable land, approximately 22.6 acres in timber, remainder in access drive and storage building sites.

Surrounding land use and zoning, the site is located within a predominately agricultural area. The site is adjoined on the south by two residential use parcels that are 15 acres in area each. The site is adjoined on the extreme west by Lowden-Miller State Forest. All other adjoining land is in agricultural use. All adjoining land is zoned AG-1.

No previous zoning history on the site.

Special information: Public utilities, none. Transportation, West Star Road is a gravel surfaced road under the jurisdiction of Oregon-Nashua Township.

Physical Characteristics, the site is located in an upland area with slopes on the site ranging from nearly level to very steep. The site is well drained to excessively drained.

There are no mapped wetlands or floodplains on the site. According to the Ogle County Digital Soil Survey, the soil types present on the site are: 280B - Fayette silt loam, 397D - Boone loamy fine sand, 570A - Martinsville silt loam, and 761D - Eleva fine sandy loam. Of the soils identified on the site, 9.4 percent are classified as 'Prime Farmland'; 28.7 percent as 'Farmland of Statewide Importance'; and 17.8 percent as 'Not Prime Farmland'.

Under the LESA program, the LESA score of 196.7 indicates a Low rating for protection. Land evaluation is 64.7. Site assessment 132.

The following are recommended conditions for approval of this Special Use Permit: Proof of any and all required State and/or Federal permits for the operation of the heliport shall be provided to the Ogle County Planning & Zoning Department prior to placing said heliport into service.

The Illinois Department of Natural Resources reports that the Illinois Natural

Heritage Database shows the following protected resources may be in the vicinity of the project location, the Lowden-Miller Forest INIA site, the black sandshell, blandings turtle, Queen of the Prairie. IDNR has evaluated the information submitted and concluded that adverse affects are unlikely, therefore consultation with IDNR has been terminated.

That's all I have, Mr. Chairman.

MR. McKINNEY: This is a public hearing, so entertain a motion to go into a public hearing.

MR. BRONKEMA: So moved.

MR. SWORD: I'll second.

MR. McKINNEY: Maury's moved, Jason's seconded. All those in favor signify by saying aye.

(All those simultaneously responded.)

MR. McKINNEY: Any opposed say nay.

Motion passed, we're in a public hearing.

Petitioner, whoever's going to be speaking or everybody that's going to be speaking raise your right hand.

DEBORAH MAAS and KEITH WILSON, being first duly sworn, testified as follows:

MR. McKINNEY: Give her your names and addresses.

MS. MAAS: My name is Deborah, D-E-B-O-R-A-H, Maas, M-A-A-S. I'm with Smith, Hahn, Morrow & Floski, P.C., 129 South Fourth Street, Oregon, Illinois, 61061. And my client is Mr. Keith Wilson.

MR. WILSON: Keith, K-E-I-T-H, Wilson, W-I-L-S-O-N, 6931 North Olcott, that's O-L-C-O-T-T, Chicago, 60631.

MR. McKINNEY: Tell us about your petition.

MS. MAAS: Well, Mr. Reibel gave a good background for you. Mr. Wilson is a helicopter pilot for the Chicago Fire Department. He has in recent years acquired this property in Ogle County, though he has been coming to this particular location since he was a young boy. Currently the property is being used for farmland and also there is a certain amount of woodland on the property that is being used for hunting purposes.

Mr. Wilson would like to use the property for a heliport, which is essentially a place for landing and take off of a helicopter. He does own his own helicopter and I have -- I will have him testify and provide additional information. But essentially his request is to be able to use an existing concrete pad for the heliport. There's no additional construction that's anticipated, and this would be for his own personal and private use.

Having summarized that for you in terms of the idea here, I'll have Mr. Wilson answer some questions.

EXAMINATION

BY MS. MAAS:

Q. Mr. Wilson, how many years have you been a pilot?

A. I have been flying since 1991, so 20 years about.

Q. And that's for the Chicago Fire Department. How long have you been with them?

A. That's correct, I'm a helicopter pilot instructor for the Fire Department in Chicago, and then I instruct and fly commercial

operations in the Chicagoland, Rockford and -- areas as well, photo work with different photographers, pipeline inspections with different pipeline companies. And then the aircraft is stored and operated out of the Schaumburg Airport, which is seven miles west of O'Hare Airport, because the majority of my work is in that area and for the cost that it takes to fly it needs to be close to the operation.

Q. Okay, and the nature of your work with the Chicago Fire Department?

A. With the Chicago Fire Department I fly a rescue helicopter. Generally most of our work is water rescue on Lake Michigan, search and recovery type operations.

Q. Is it contemplated in the short-term future that you may ultimately retire to this area?

A. That's my long-term goal is to hopefully, if not build on that property, live in the area but that probably won't happen for maybe five to seven years from now, after my kids are done with school.

Q. Okay. If you are allowed a Special Use Permit for your request, would any of the usage as a

heliport be for teaching purposes?

A. No, I generally -- I mean, no one's going to drive to that location and be taught from that location. I want to be able to, if I wanted to, store it there or land there or come there on occasion, be able to put it inside rather than have it sit outside. But if I did reside there, if I do reside there and store it there, that if once a week or twice a week I needed to fly to Rockford to meet a student to teach out of Rockford or the Dixon Airport or the Rochelle Airport or any of the adjoining airports that are in the area I would be able to take the aircraft, meet a student, perform the mission, and then come back, land and put it away.

Q. And is it correct that the present uses of the land include both farming and hunting?

A. That's correct.

Q. And the farming consists of crop production?

A. Yes.

Q. Someone else farms the ground for you?

A. Correct.

Q. Would either of those activities be precluded with the addition of a helipad?

A. No, it wouldn't change from the use at all.

Q. So no acres would be taken out of crop production?

A. Correct.

Q. You could continue to hunt on the property?

A. Yes.

Q. And as far as the usage of the heliport, the intention here is that it would be for your own personal recreation?

A. That's correct.

Q. Okay. You, as part of your petition, have by and through our office made contact with the adjacent landowners?

A. Correct.

Q. And certain of the landowners have, in fact, executed a consent or an indication that they don't have any objection to your request for a Special Use Permit?

A. That's correct.

Q. Okay, and I have marked and identified those landowners who don't have any objection to the proposed use as Petitioner's Exhibit 1?

A. Right.

MS. HAAS: Okay. Mr. Chairman, if I could

hand that to you.
MR. McKINNEY: Mark this as Petitioner's Exhibit 1.
(Petitioner's Exhibit No. 1 marked for identification.)
Q. (BY MS. MAAS) And then in terms of the siting for the heliport, you would be using the existing concrete pad that's on the land already?
A. Yes.
Q. And there's also a barn on your property?
A. That's correct.
Q. And that could be used for the storing of the helicopter?
A. If I wanted to put it inside there's adequate room to put it inside.
Q. Okay, so is any further construction anticipated?
A. No, there wouldn't be any further construction. The aircraft is a very small -- it's a very small two-seater. It's called a three-seater but they would have to be maybe a husband, wife and child maybe.
Q. Okay, and in fact, you have brought with you

tonight a photograph of the helicopter that you own?
A. Yes.
(Petitioner's Exhibit No. 4 marked for identification.)
Q. And I have marked that as Petitioner's Exhibit 4.
A. Okay.
Q. And can you describe for the --
A. The aircraft.
Q. What type of helicopter it is?
A. It's made -- it's an Enstrom aircraft, E-N-S-T-R-O-M. It's manufactured in Menomonee, Wisconsin. They're very well made. It's a good little training aircraft or photo work aircraft, but you can fly it with doors on or off. It's powered by a Lycoming engine, which is a reciprocating engine similar to a car engine with pistons.
The noise level is very low. I turned in the information for that, that the noise level is much lower than normal traffic as far as the engine production of noise. It's not a turbine engine aircraft similar to the Lifeline

aircrafts that you fly by, which you'll hear them at a substantial distance. The aircraft very possibly would barely be able to be heard landing where I'm landing with the people that live around there.
(Petitioner's Exhibit No. 3 marked for identification.)
Q. And, in fact, the documents that you had at the Regional Planning Meeting, I have marked and identified those as Petitioner's Exhibit 3; is that correct?
A. That's correct, and that information came right from the Enstrom manufacturer.
Q. You're referring to Page 1 of Petitioner's Exhibit 3?
A. Correct.
Q. And on that it shows the decibel level for the helicopter as being I believe here it's 68 decibels?
A. Correct.
Q. Okay, and on -- can you just go through it, on the exhibit here, what are some --
A. Well --
Q. -- comparable items in terms of their noise

levels comparative to the helicopter?
A. As we mentioned, the decibel level is 65 or 68 for the helicopter running, and that's a consistent noise, it doesn't change, where they show gunshots are at an area way over 85 which is a common level; chainsaws look to be about 115; a combine running runs at close to about a hundred; a table saw is close to a hundred; tractor without a cab is about a hundred; circular saw looks to be about 115; chainsaw maybe 115. So it's much lower than any of the equipment or activities that are happening in that area on a regular basis.
Q. And then the remaining pages in this exhibit also identify other types of noise and their comparable decibel levels?
A. That's correct. I thought it would be helpful for the people to be educated on what the aircraft is.
Q. And in terms of noise levels with the existing uses, is it -- does it occur where you have gunshot levels at your location?
A. It's in the same area, yes.
Q. Just by virtue of there being hunting or

practicing?
A. Hunting or people with weapons -- or not weapons, but firearms that like to practice or shoot as either a sport or pastime.
Q. As well as tractors and the combines --
A. Correct.
Q. -- because of the nature of the farming?
Okay. Is the aircraft, is that something that you can move yourself into the barn for storage?
A. Yes, it's light and it has wheels that it sits on, and one individual can just pull it by the tail right inside or push it out by himself.
Q. And is the aircraft fully insured?
A. It is fully insured. I have a regular -- because I use it commercially, it has a commercial policy with a $1 million limit liability.
Q. In terms of the siting of the heliport, is it anticipated that there would be any alteration to the topography or the soils surrounding the concrete pad?
A. None whatsoever.
Q. And in terms of the flight path for approach

and takeoffs, have you identified those on your concept plan?
A. Yes, I did, and there's no reason for -- no matter which wind direction, to even take off into the wind, there's no reason that I would have to fly over anybody else's property prior to being maybe 1,000 feet above, which 1,000 feet above is -- the noise would be no different than a Cessna, because it's the same engine as a small Piper Cub Cessna aircraft. The engines are identical, just turned around backwards.
Q. Are any night operations anticipated?
A. Not expected to be any night operation, because you would need special lighting and things like that.
Q. Okay, and your understanding also is that even if the Special Use Permit is granted that you then have to apply for permitting and licensing through the Federal Aviation Authority?
A. Correct.
Q. And also through the Illinois Department of Transportation?
A. Yes, they recommended to make sure that the

zoning is all taken care of prior.
Q. Okay, and so you are planning on making those applications and complying with their regulations?
A. Everything will be done by the FAA regulations, correct.
Q. Okay, and when you make application to the FAA, what -- can you explain for us what are the different types of heliports in terms of their classifications?
A. As far as the heliport classification, when you apply you could apply for a public use heliport which aircraft can fly in and out all the time or you can request a private use heliport. And that's the category that I would be applying for, just for private use that if I wanted to come there and land, wash the helicopter, clean the helicopter, fly around the area, give someone in the area maybe a ride that I could land there and do so.
And if there were an emergency, I have spoken to the Department of Natural Resources, they talked to me at one time about even hiring me to assist in deer counts in the area.

There's a lot of operations with helicopters where they use it for livestock locating when livestock have escaped and any search and rescue. We have a lot of -- there's Boy Scout, Girl Scout camps in the area, there's the 2500-acre area where hunters are that if I'm in the immediate area and someone was missing, whether a hunter or something, and they were looking for them it would be a great asset for that purpose if the sheriff in the area knew that there was that possibility.
Q. Have you had personal experience in our area with search and rescue?
A. I think about one year ago I was the pilot on duty at Chicago and we received a MABIS call from Ogle County requesting -- they requested from the Coast Guard because there were people stranded on the ice on the Rock River and they were trying to help their -- or support their houseboat and it broke loose and -- the boat that they were on, and they were floating down the ice flow. And the Coast Guard could not assist, so through MABIS we in Chicago got the response. And I think from the time we got the

1 response to the time that I was here in
2 helicopter was 41 minutes.
3 And when I was here looking at the people
4 on the ice where they were, because they were
5 just taken off right before I got here, I could
6 see my barn right in my vision a quarter of a
7 mile away. Yet where I was operating over the
8 state forest area, Castle Rock area really a
9 helicopter, other than an open field, had no
10 improved area to go other than maybe the road.
11 And I thought -- that's what generated my
12 thought that maybe I would see about registering
13 it as a heliport.
14 Q. Would the -- one of the advantages to having a
15 heliport at your site be that in some sort of an
16 emergency situation it provides access, a
17 through road for emergency vehicles such as
18 ambulances or to assist in the rescue as opposed
19 to the alternative if a hel -- if there were no
20 heliport, the helicopter would have to land in a
21 field?
22 A. That's correct.
23 Q. Which may or may not have road access?
24 A. Correct. And in different conditions, when

1 it's mud or soft soil, an ambulance or emergency
2 vehicle could have a difficult time getting to
3 the helicopter if it wasn't an improved surface,
4 where here it would not be the case.
5 Q. Does the heliport also provide versatility in
6 terms of access when road transportation is
7 blocked?
8 A. If there was storms and conditions where --
9 whether it be snow or trees down and there was
10 an emergency in that area, that allows the
11 possibility once it's registered and it's shown
12 that there is a heliport in that area and the
13 emergency people learn that it's there, they
14 would be able to utilize it for that purpose. I
15 would not oppose that use for the sheriff's
16 department or the hospitals or anyone if there
17 were conditions that the roads were unpassable.
18 Q. And when you -- I think your words were shown
19 for the use. How does another pilot know that
20 there is a heliport in the area?
21 A. Through preplanning. The emergency response
22 teams, if that was -- if it was registered as a
23 heliport through preplanning they would learn
24 where the location is. As far as the helicopter

1 operators, whether it be a hospital or myself or
2 someone else that was brought in by the
3 sheriff's department to utilize it, the
4 helicopter service, it would all be done through
5 GPS and latitude and longitude they could find
6 the location.
7 Q. Can you also describe what the secular (sic)
8 chart is?
9 A. Yeah, a sectional chart --
10 Q. Sectional chart.
11 A. -- can also place the landing areas for the
12 purpose of pilots to locate the areas. I just
13 made a photocopy of the immediate area
14 surrounding Oregon. This is just out of a piece
15 that -- of paper that would be about 12 or 15
16 times the size of this paper. These black rings
17 you see here are the radar areas that surround
18 Rockford.
19 MS. MAAS: I just want to reflect for the
20 record he's pointing to the top center of the
21 page.
22 A. And from the Rockford area to where my finger
23 is now is Dixon, so Oregon falls right here
24 (indicating). And all of these circles that you

1 see, the -- what they term as magenta circles
2 with Rs in them are private use airports in
3 fields of farmers that own an aircraft or
4 someone they know owns an aircraft. The circled
5 dark magenta ones are airports that are operated
6 by either Dixon, Whiteside, Rochelle, hard
7 surfaced runways.
8 So as you can see, just to the southeast
9 of our area there's quite a few airport --
10 runway airports in the area. And the area that
11 we would be would be just below south of Oregon
12 is where the property is located.
13 MR. McKINNEY: Now, that's for --
14 MR. WILSON: Pilots --
15 MR. McKINNEY: I mean that map, is that --
16 you're saying is circled, that's for like
17 airplanes with runways?
18 MR. WILSON: Correct, and there's no --
19 but those run -- I mean a helicopter could land
20 at a -- the only thing is is the airport that's
21 closest to that area, being Ogle County, is a
22 soft-surfaced airfield which is limited use
23 depending on the time of the year.
24 MR. REIBEL: If you are successful in

getting an approved heliport on your property it will show up on that sectional chart?

MR. WILSON: On a sectional chart it might not show, but the lat and long will be in the books showing where the heliports are in the state. There's other charts as well that are called helicopter route charts where they would show, but generally those are surrounding bigger cities and bigger areas of heavier concentration.

MS. MAAS: Just for the record, I marked that as Petitioner's 5, the document that Mr. Wilson was just referencing.

(Petitioner's Exhibit No. 5 marked for identification.)

Q. (BY MS. MAAS) So just to summarize, Mr. Wilson, your intention here is that the heliport would be primarily for your own personal use but you're not opposed in assisting other public entities, such as the sheriff's office, etcetera, with assistance in -- with search or rescue or other emergency type situations?

A. Correct. It would be by my use, unless there was an emergency in the area that somebody

needed assistance, whether it be by me or by the sheriff contacting someone else through MABIS that needed a place to land to assist someone, whether it be a neighbor in that immediate area or a hunter or a child that was hiking or whatever is lost.

(Petitioner's Exhibit No. 2 marked for identification.)

Q. And then what I have marked and identified as Petitioner's Exhibit 2 is just a document from the FAA website that at the bottom here identifies the two different types of heliports, the public use and the private use?

A. That's correct, that's the two that we talked about.

MR. REIBEL: Would this be a -- as far as private use heliport, there are private use and then there's a restricted landing area. Would you be applying for a restricted landing area heliport?

MR. WILSON: No, it's just -- private use falls under -- under that category falls under that someone that wants to land there other than me would have to have permission. I'm not

restricting anyone not to be there but they have to sort out permission.

MR. REIBEL: Okay.

Q. (BY MS. MAAS) Mr. Wilson, do you believe that your property is suitable for using -- use as a heliport?

A. I did that research prior to and feel that it's a very good location and there's no hazard to my property or any adjoining properties, and I believe it would be able to be done. The activity for going in and out of there would be very minimal and the impact to the area would be very, very minimal, much less impact than anybody that clears their area with a lawnmower, chainsaw or any operating motorized equipment.

Q. And in terms of using the site for a heliport, again, as we discussed earlier, it's compatible with the existing uses, there wouldn't be any ground taken out of crop production, hunting could still occur?

A. There would be no --

Q. It's not going to interfere with any of those uses?

A. There would be no alterations to the area, and

I would be sure that I operated in a good neighborly way and made sure that I was not a nuisance to anybody in the area.

MS. MAAS: I don't have anything further right now.

MR. ANDERSON: Were you going to store any fuel on the property?

MR. WILSON: That question came up, that's a very good question. As I mentioned before, at the last meeting that question came up, and ideally if I was to live there and want to be able to fly in and out it would be ideal for me to be able to purchase a small aboveground tank, and I think they mentioned -- I said a hundred gallons and the one farmer mentioned generally they're 250 where you could store some fuel there for the purpose of topping off prior to leaving rather than having to take off there, fly to an airport, stop, land, get fuel and then take off to go to your destination. So if I was living there or to be there more often than not, that would be some consideration for having some fuel.

MR. McKINNEY: Is there special

regulations for helicopter fuel for storage versus, you know, like a farmer just having a gas or diesel tank for his farm equipment?

MR. WILSON: It would fall under the same restrictions. The -- whatever aviation fuel you're using has to be the proper fuel for the aircraft and it has to pass through a filter and the aircraft has what they call a sump on it and these sumps are -- you drop a little sample and check it for any moisture prior to any flight, it's part of your pre-flight.

MR. BRONKEMA: My question is say you were a bad neighbor out there, you would probably lose your license for Chicago, right?

MR. WILSON: Oh, there's no question if I was operating in an unsafe manner or creating a hazard to the people then my license would be suspended and that's -- I'm not going to let that happen. And I -- like I said, I would want to maintain a good neighborly relationship and/or utilize this position to build on the neighborly relationship, because some of the neighbors that are there and some of the neighbors that have moved there in the last

maybe 10 years, I know them, but I have really never had that much opportunity to talk to them other than minimally, so.

MR. FREEBERG: None of the uses you talked about so far have anything to do with agricultural, right? You're not spraying crops or anything like that?

MR. WILSON: I'm not spraying crops, but I would love the opportunity to investigate that for the farmers in the immediate area because I'm sure -- and I have seen helicopter operations in the area in the past out spraying in the -- and --

MR. FREEBERG: But if you were to do that you wouldn't be doing that with the helicopter you got now.

MR. WILSON: You would have to have a similar size helicopter but a tank aircraft. A lot of times they use the old Bell 47G from M.A.S.H., we can all relate to M.A.S.H.

MR. BRONKEMA: That's something with a little more zoop to it.

MR. FREEBERG: I spent quite a bit of time around one of those and they make quite a bit of

noise.

MR. WILSON: Well, depending on the aircraft, they're noisier than what we have, but I'm not looking at doing it but I'd love to learn about it.

MR. FREEBERG: Have you talked to the Ogle County Airport at all about using that at all? I mean, you say it's a dry airport but putting a helicopter pad there, I mean, all the stuff you're talking about, emergency vehicles getting there, that being right off a highway it's an area designated for things to fly, to come in and leave, it would seem like it would be a lot more easier than to use than the remote area that you're at. Have you talked to the airport at all about working something out?

MR. WILSON: I have not, because primarily I'm not looking to do this primarily for that purpose. I'm primarily looking to do this for my own private purpose. But I do want to offer or be able to allow to offer my service or them to use it if they chose or needed to for that immediate area, the people that live that in immediate area or the people that are using that

2500-acre piece of property that the State has out there for hiking and the trails if someone was to get hurt.

MR. FREEBERG: Do you know other people that own a helicopter?

MR. WILSON: I have students in the Chicagoland area that I teach in their own aircraft, yes.

MR. FREEBERG: Okay, so as I read the definition of the private heliport, you can give permission to anybody you want to to use it?

MR. WILSON: Oh sure, you could, yes, but there's -- none of my students would be flying their aircraft out here, it's a little too costly at 15 gallons of fuel an hour.

MR. FREEBERG: You're talking about -- where do you live at now?

MR. WILSON: I live in Chicago. I have to live inside Chicago.

MR. FREEBERG: So you're talking about storing the thing out there?

MR. WILSON: Pardon me?

MR. FREEBERG: You're talking about storing that out there?

MR. WILSON: If I was to reside in the area, if I move out in five years, if I move to the Ogle County, Oregon area, I'd like to be able to keep it there rather than keep it in Schaumburg.

MR. FREEBERG: The noise things you went through, this thing here (indicating) --

MR. WILSON: Yes.

MR. FREEBERG: -- I have a little experience with that myself. When you give decibel readings it makes a big difference how close you're standing to it.

MR. WILSON: Of course.

MR. FREEBERG: And what it's saying is the helicopter is at 500 feet and you're comparing it to like a combine but that was measured at 10 feet. And we can go back here, and the quietest thing back here is an orbiting sander is 90 decibels, and you're going to tell me that's noisier than your helicopter?

MR. WILSON: The helicopter is a very quiet helicopter in the manner that it's a reciprocating engine, it's not a turbine aircraft.

MR. FREEBERG: But it's quieter than a belt sander?

MR. WILSON: Pardon me?

MR. FREEBERG: But it's quieter than a belt sander?

MR. WILSON: The helicopter is?

MR. FREEBERG: Yeah.

MR. WILSON: Well, if you were standing next to the helicopter in flight at 10 feet it would be very loud. But again, you wouldn't fly over personnel at 10 feet, you would fly over personnel maybe at 600 feet.

MR. FREEBERG: That's just a point I wanted to make on your comparisons on noise levels.

MR. WILSON: I took it off the internet.

MR. FREEBERG: That makes a big difference, they're not all measured consistently. So it's pretty much nonuseful information.

MR. WILSON: I think it's just general information.

MS. MAAS: It's just meant to give ranges.

MR. FREEBERG: It's taken off of probably

various information used for factory noise training and that kind of stuff. I mean, I have seen it before. But just taking stuff that's measured at 10 feet, comparing it to something that's measured at 500 feet is sort of apples and oranges.

When you're flying around -- I grew up on a farm, I got some neighbors that raise horses. Aircrafts and that will come down, they want to land, animals start running. I guess this being an area -- there's a couple things we're supposed to look at, but one is wildlife. I don't know if anybody is here to speak for the deer in the forest preserve or not, but I'm sure they're not used to helicopters.

MS. MAAS: I guess on that I would note that the DNR concluded their investigation and found that there were no significant adverse effects and also that Grant Affenblow (phonetic) -- I'm not sure if I'm saying his last name correctly -- that he indicated that he didn't have any objection to the use of the site for a heliport, and that was in our petition, Exhibit No. 1.

MR. WILSON: I have done a number of flights for Argon National Lab, deer counts, and the DNR in different areas and the Cook County Forest Preserves, and I can tell you that if a deer is laying on -- in the snow and I pass over it slow at 300 feet, when I leave the deer is still laying in the same spot at 300 feet.

MR. FREEBERG: I have seen cattle and horses that don't do that.

MR. WILSON: On the pipeline that I inspect I fly over a lot of areas that have cattle and horses, I go right by a racetrack. And again, depending on the altitude in which you're flying and the purpose in which you're flying, but the pipeline I have to fly a little bit lower, and the impact on any animal the only animal I have ever seen is a horse in a corral will tend to trot around a little bit.

MR. McKINNEY: Have you ever witnessed flying over cattle or horses starting to stampede because of --

MR. WILSON: No, not at all, not at all. But then again, there's no one that's going to be flying at an altitude -- if you took the

aircraft and went down to 50 feet I'm sure you'll startle the livestock, but there's no livestock other than Noon's (phonetic) livestock which is --

MS. MAAS: To the north, correct?

MR. WILSON: Correct.

MR. McKINNEY: That's to the northeast -- or northwest, I mean.

MR. WILSON: Correct. A standard approach, you intercept your approach angle, you're at 300 feet and 60 knots descending and decelerating, terminate at the surface or at zero air speed and 3 foot hover, that's a safe approach, and there is no hazards to any livestock in that area.

MS. MAAS: And just to clarify, Arnold Noon is the only adjacent landowner who has cattle in the area?

MR. WILSON: That's correct.

MS. MAAS: Are there any horses in the area that you know of?

MR. WILSON: There is -- no.

MS. MAAS: And then Mr. Noon also executed the consent that indicated he didn't have any

objection to your using the site as a heliport?

MR. WILSON: That's correct.

MR. SWORD: In regards to the conditions, you're not going to have any more than 15, you know, landings or takeoffs per year, are you, correct?

MS. MAAS: That was stricken at the PCR meeting.

MR. SWORD: Oh, it was. Okay.

MR. FREEBERG: I forget what you said. Review for me once again why the Ogle County airport that's next to a highway is not suitable for your purposes.

MR. WILSON: Just strictly for the purpose that if I'm -- if I was to put it somewhere I'd like to put it on my own property.

MR. McKINNEY: Would it be a hardship if we didn't allow this and you had to be landing and taking off from -- what is it. Mt. Morris or Ogle County Airport?

MR. WILSON: Hardship? I think I would more question, as I show you the sectional, the probably 30 other airports, private use where they're landing and taking off over similar type

areas with no restrictions on how many times they can take off or land their Piper Cub, which falls under the same noise level, I would have to question the reason that the denial would be there in the first place.

MR. McKINNEY: I have got some restrictions I guess from the FAA for private use heliports. A couple non -- or application of deicing agent, would you be using that?

MR. WILSON: The aircraft in which I fly cannot be flown in any icy conditions. It's more for combat type vehicles, flying vehicles that would fly during, or larger airplanes.

MR. McKINNEY: What's through the fence operations?

MR. WILSON: What did they title it?

MR. McKINNEY: Through the fence operations.

MR. WILSON: I'm not sure exactly what you're --

MR. McKINNEY: Okay. For private use it's not applicable but I didn't know, I was kind of curious.

Flight path, from where the pad is you

would have to either take off going northwest --

MR. WILSON: Correct.

MR. McKINNEY: -- or going southwest?

MR. WILSON: Southwest, it would be more -- it's drawn that way because the FAA likes to see that you have areas of 90 degrees difference, but primarily you would take off straight west or northwest. A helicopter, different than an airplane, can take off with a 90 degree crosswind without any effect whatsoever.

MR. McKINNEY: What height -- on a normal takeoff what height would you be at? If you had to go northwest over that farm or southwest over the two farms directly to your south, how high would you be by the time you got over those?

MR. WILSON: Well over 600 feet. And the cell tower that's just directly to the north of me is 300 feet. So 600 feet is very high.

MR. McKINNEY: Okay, and that would be acceptable under the FAA regulations for --

MR. WILSON: Correct.

MR. McKINNEY: Okay.

MR. WILSON: The Cessnas that are flying

in the immediate area are flying much lower than that.

MR. McKINNEY: How long do you have to idle a helicopter once -- let's say just kind of starting it up cold, how long does it have to sit on the ground warming up before you take off?

MR. WILSON: Two to three minutes is good to allow your cylinders to expand and so you don't cause damage to your equipment, but at idle it's very quiet.

MR. McKINNEY: So idling, you're not going to be idling for a half hour or so?

MR. WILSON: No.

MR. McKINNEY: You did mention you got some friends that are also pilots. They probably wouldn't be flying out that way, but let's say they came to you and said, hey, I want to go -- can I go hunting on your land and fly in, would there ever be a time that there's more than one helicopter there?

MR. WILSON: No. And I mentioned that I have students that own aircrafts that I teach, and I became friendly with them but they're

basically students that own aircrafts in the Chicago area that I teach.

MR. FREEBERG: Now, if I remember what you said, you think you might live there some day or somewhere near there but as of now you don't have any concrete plans?

MR. WILSON: I would have plans but I have a wife that has plans too.

MR. FREEBERG: So right now your family has no concrete plans?

MR. WILSON: My wife is not sure if she --

MR. SWORD: Wants to live in the boonies.

MR. WILSON: -- wants to be out here.

MR. FREEBERG: Okay, so for immediate need for this, you're not going to store the helicopter there unless you live there, which doesn't seem like it's going to happen in the foreseeable future?

MR. WILSON: That's true.

MR. FREEBERG: So what exactly is this going to be used for?

MR. WILSON: What exactly is what going to be used for?

MR. FREEBERG: You're not going to store

the helicopter there, so what's -- I mean, how do you anticipate -- you were talking about if you're not living there, for instance, you were talking about some kind of an ice rescue. Well, if your lane's full of snow, I mean you can fly somebody off the river and land them over there but you're not going to get an ambulance to them.

MR. WILSON: I keep the -- well, depending -- I'm out here at least every two weeks, and when the lane gets full of snow I remove the snow.

MR. McKINNEY: It wasn't removed tonight.

MR. FREEBERG: I guess it would be convenient if any river emergency coincided with your plowing schedule.

MR. WILSON: Right, but like I said, that's just --

MR. McKINNEY: That's not really part of the petition.

MR. WILSON: -- secondary to what my true idea would be.

MR. BRONKEMA: Say the sheriff's department has a -- what do I want to say, a

list, they keep a list of guys that got bulldozers, loaders --

MR. WILSON: That's correct.

MR. BRONKEMA: -- any piece of equipment that could be used during a natural disaster, these people on that list would be called --

MR. WILSON: That's correct.

MR. BRONKEMA: -- in whatever area that's in, but that's for the whole Ogle County.

MR. WILSON: And I want to be able to put myself and the aircraft on that list, but I don't want to do it unless I know that I have an approval to -- I can go there and land the aircraft legally now. As long as I don't exceed too many landings, it's legal to land. I can land -- I mean, if Linda invited me in for lunch I can legally go and land in Linda's driveway. There's no restriction for me to do that.

The only reason I'm applying for this is I want it to be legal. And if I did come and go once in awhile no one can -- no one would not know why I'm there and it's not a shock if someone sees the aircraft there, because if I go there and land someone might call the sheriff's

department and say I think a helicopter just crashed, I seen them go down lower than the trees. So I figured education to the people that live in the immediate area, put out my thoughts and what I'm thinking about doing, let them know up front and that it would be more acceptable.

MR. BRONKEMA: We have a helicopter in our town land in the high school parking lot and, you know, it's -- there's lights and stuff there, they just come down there probably a dozen times a year.

MR. WILSON: How far away were you from the helicopter when it happened?

MR. BRONKEMA: This is Lifeline.

MR. WILSON: Well, even that aircraft the noise level is there but it's not deafening, and that's a turbine aircraft.

MR. BRONKEMA: It blows your hat off is all.

MR. McKINNEY: Any other questions?

Okay. At this time I believe we have two people that have filed letters of appearance.

MR. REIBEL: Want me to read the names?

MR. McKINNEY: Yes.

MR. REIBEL: Linda Ryckeghem and Pat Lessner.

MS. MAAS: Can I ask what is the date on Linda Ryckeghem's appearance?

MR. REIBEL: Filed January 21st.

MR. McKINNEY: At this time I'll give you the opportunity to ask questions. All you can do is ask questions, you can't do any testifying; that will come later. Do you understand?

MS. RYCKEGHEM: Yes.

MR. McKINNEY: Okay. You're Linda?

MS. RYCKEGHEM: Yes, I am.

MR. McKINNEY: Have you got some questions for the Petitioner?

MS. RYCKEGHEM: I grew up in a one engine Cessna, okay, my father was the director of aeronautics for the State of Wisconsin, and I will tell you that flying above 500 feet deer run like hell.

MR. ANDERSON: Bruce, is this a question or testifying?

MR. McKINNEY: That's testimony.

MS. RYCKEGHEM: Okay. You're not aware of the cattle on Hay Road going down Hay Road?

MR. WILSON: Oh, I know where you're talking, but he was talking the adjacent properties to the property. The Hay Road, you're talking on the other side of Nashua Road where it T's into Hay Road.

MS. RYCKEGHEM: Then you're not -- are you aware of the horses that Mrs. Fellows owns that's on Hay Road on the other side of Hay Road that she does for Pegasus?

MR. WILSON: Yes, I know, but I wouldn't be in that area. I'm not looking to operate the helicopter in that area.

MS. RYCKEGHEM: Were you on your property with your helicopter last night?

MR. WILSON: No.

MS. RYCKEGHEM: About 9:15?

MR. WILSON: No, I was at the fire house last night.

MS. RYCKEGHEM: Okay. Because there was -- have you landed on your property prior to you petitioning for this?

MR. WILSON: A year ago, yes.

MS. RYCKEGHEM: It's very loud.

MR. WILSON: I don't think, Linda, that if I landed there you heard me.

MS. RYCKEGHEM: Oh, yes, I heard you, count on the fact that I heard you.

Are you -- I asked the conservation police if you are an outfitter and he wouldn't -- he wouldn't answer me. So I'm asking you, are you an outfitter for hunting?

MR. WILSON: No, I hunt strictly with me, my father and my two sons.

MS. RYCKEGHEM: And your friends.

MR. WILSON: On their property that they own they hunt on, as I mentioned to you. They own the property that adjoins my property in which I'm a quarter owner of. But they do not hunt on the property that touches your immediate property. As I told you the first year that I met you that no one would hunt on that property other than me, my father and my two sons.

MS. RYCKEGHEM: And why did we have that conversation to begin with?

MR. WILSON: Only because I introduced and mentioned that I hunt there and I have hunted

there for years.
MS. RYCKEGHEM: No, why did we have that conversation about you not hunting relatively close to our house?
MS. MAAS: Can I object on relevance?
MR. ANDERSON: We don't need to know about the hunting.
MS. RYCKEGHEM: Okay. Well, it's -- it's --
MR. McKINNEY: Yeah, hunting has really nothing to do with the petition.
MS. RYCKEGHEM: All right.
MR. McKINNEY: Why he wants to come to his property, that's a different story, but that's not really --
MS. RYCKEGHEM: Relevant to here, okay.
MR. McKINNEY: -- what we can judge if a helipad can go in there or not.
MS. RYCKEGHEM: Okay. All right, sir. Then I'll do that when I --
MR. McKINNEY: Testify.
MS. RYCKEGHEM: -- speak, yes.
MR. McKINNEY: Okay. Do you have any questions of her?

MR. WILSON: No.
MR. McKINNEY: Pat Lessner.
MR. LESSNER: Why are you applying for this variance now and not wait until you are going to move out here, maybe six months before actually moving into the area?
MR. WILSON: I felt -- I mean, it's not like I'm looking to build, anything, Pat. I own the building there already, I have adequate space there, and if I chose to or wanted to for a purpose to fly out, spend the night and fly back if it was nice with my two boys, uhm, or, you know, one of my sons at a time, I would like to have the opportunity to do that once in awhile.
Uhm, I worked hard for -- I'm going to be 50 years old this year, and I have worked hard, and if I own a helicopter that I use pretty much just for the purpose of working it, and I thought it would be nice if I had the opportunity if I was with my 14-year-old son, because they grow up quick, my youngest is now 14, and said, hey, do you want to go out and fly out there and spend the evening and come back

tomorrow, if I'd like to do that I'd like to have the opportunity that I could do that and not do it just because the FAA says that I can do it X amount of times a year but do it because I have went through the process to let you know, Linda know, Bob know and the immediate people that I'm doing it and I'm trying to do it correctly, and that's why I'm doing it now.
MR. LESSNER: Is it more expensive to fly out here than to drive?
MR. WILSON: It's a little bit more expensive, yeah, definitely.
MR. LESSNER: What would it cost to fly out?
MR. WILSON: With that aircraft it would probably cost me probably a hundred dollars.
MR. McKINNEY: Is that one way or round trip.
MR. WILSON: No, round trip I think. Where gas, if I did it with my truck, would probably cost half of that, right?
MR. FREEBERG: How long does it take?
MR. WILSON: To what, drive?
MR. FREEBERG: One way. To fly.

MR. WILSON: Oh, to fly? I do it in about 40 minutes versus an hour and 40 minutes, but that's 40 minutes from Schaumburg instead of 40 minutes from my house. It's just a -- you enjoy shooting and you enjoy hunting. Uhm, I enjoy hunting, I don't really shoot just to shoot much but I enjoy hunting, I enjoy archery hunting the most, but I enjoy flying and I would enjoy to be able to fly for fun a little bit rather than just fly for work. And I thought it would be nice if I could fly to my own place, spend the night or even spend the weekend and then go back.
MR. BRONKEMA: Same reason people buy four-wheelers.
MR. WILSON: Correct.
MR. McKINNEY: When you -- now, before you build a house if you fly out for the weekend what are you planning on doing, camping out?
MR. WILSON: No, I can -- my parents live here.
MR. McKINNEY: Oh, okay.
MR. WILSON: I have the barn there where I can work on -- I like old cars, I like to work

on them. I have an old tractor that I bought, one that I am tinkering, rebuilding. I got it apart, we'll see if I can get it back together, but I met some elder farmers here that I drink coffee with at Shell Station at 4:30 in the morning, so I've recruited some help. They're going to show me how to put it back together.

MR. McKINNEY: Do you have some more questions?

MR. LESSNER: No, that's fine.

MR. McKINNEY: Sorry if I interrupted you.

MR. LESSNER: That's fine.

MR. McKINNEY: Do you have any questions for this gentleman?

MR. WILSON: I don't have any questions for Pat. I have spoken to Pat a couple times trying to be neighborly and all -- I can make a statement? I don't know if I'm supposed to make a statement.

MR. McKINNEY: We'll let you after we have people either for or against, then we'll let you have final rebuttal.

At this time is there anybody here that wishes to testify in favor of this petition?

Is there anybody that wishes to testify opposing this petition?

Let me swear you all three in at one time and then we'll just go right down the line.

BOB RYCKEGHEM, LINDA RYCKEGHEM and PAT LESSNER, being first duly sworn, testified as follows:

MR. McKINNEY: Each one of you if you give her your names and addresses.

MS. RYCKEGHEM: Linda Ryckeghem, R-Y-C-K-E-G-H-E-M, 1744 West Hay Road, Oregon.

MR. RYCKEGHEM: Bob Ryckeghem, R-Y -- you got this -- C-K-E-G-H-E-M, same address, 1744 West Hay Road.

MR. LESSNER: I'm Pat Lessner, L-E-S-S-N-E-R, 1544 Hay Road.

MR. McKINNEY: Okay. Let you start.

MS. RYCKEGHEM: When I met Keith we bought the property from the lady who had owned it for 40 years and she used it as a -- as a seasonal, she had a cabin, septic, electricity, the whole works. And he introduced himself and he knew that we were going to use it as a permanent residence. And we had gotten it all finished and the addition and the road we had done and

things cleaned up and as -- as much as possible the clearing of the property around us. And we sit about 225 feet, our property is 500 feet --

(Whereupon, Mr. Freeberg indicates on the map.)

MS. RYCKEGHEM: Thank you.

MR. SWORD: Where are you?

MR. FREEBERG: Which one is it? Down here?

MS. RYCKEGHEM: The farthest one.

MR. SWORD: To the west or east? I can't see where you're pointing.

MR. McKINNEY: To the west.

MS. RYCKEGHEM: To the west.

MR. SWORD: Okay. The white square?

MS. RYCKEGHEM: Yes. We have a pond. Well, anyways, the property is set way back on the -- the house is set way back, and we're about less than a hundred feet from his -- his fence line, and we talked about the fact that we didn't want hunting done. There's a 300 yard situation with hunting. And the first day of hunting my husband and I are having breakfast and I'm looking out the window and there's two

orange guys within 75 feet of the house and boom, there goes the gun, and he came over and he missed the -- he shot the deer but he needed to trail it because it came back on our property. Well, we had already told him about not hunting near our house because we had read about the 300 yard shooting. And he was -- he was concerned about it because he sent us tickets that -- for food at a local restaurant and he was concerned and apologized but he did it anyways.

Uhm, so that is my first introduction to Keith, okay, so it concerned me. Since then he is hunting but he's still within 300 yards. He only has nine and a half acres that separates us from his building. Okay, it's probably a little bit more -- what would you say, to the helicopter port?

MR. RYCKEGHEM: Oh, I don't know.

MS. RYCKEGHEM: Anyways, growing up with one engine Cessnas, they're loud and they do scare the deer. And we do have horses and cattle around the area, and just because the adjacent property is going to be affected and we

are full-time residents and all our money is spent within the local area and we have made this home an -- as a retirement area for my husband based on three things. One, we like the city of Oregon, we like how the City of Oregon has kept a very historic presence. I have a history degree. I'm fascinated by the buildings when you come in and to. When the highway come in and said that they wanted to destroy the section of town, you know, it would have -- it would have minimized the quality of the square that you have kept by keeping the old courthouse. That's how I feel about this heliport.

We bought this property because, number one, it's quiet. I realize that Keith says that it's minimal noise level and stuff. It isn't. It's intrusive, very intrusive. When we bought the property we knew that we were going to deal with certain things, hunting and combining, that's why you live out in the country because you already know what you're dealing with.

Now, if I was living in a city or if I decided to buy property and I knew that there

was going to be an airport nearby, I would have already had the ability to realize and couldn't complain about the airport because it was already there. But this is recreation for Keith. This isn't living there day after day using our money for taxes and our salaries and Social Security for living and being part of the community. He's coming in for some fun. I mean, it's very nice that his dad lives here, but he lives in Chicago. As this gentleman, Mr. Freeberg says, he's in Chicago. What are you going to do, dial his number while he's working to get him to do some emergency work for you? He works for the City of Chicago. My husband for eight years drove into the city every day and he drove back home so we could have the property that we have.

And this area is -- he gave you that map of all of the -- all the airports that are nearby. 15 minutes. I mean, if he wants to -- if he wants to rent a building at Mt. Morris, he can, they have it. He could leave his truck there. Rochelle, I called the Rochelle Airport, they have -- they have gas, he can do his school

training there, it's 17 miles, people who live in Oregon go there to go to the hospital. I don't see a big inconvenience because he doesn't want to travel the extra hour.

As far as the hunting is concerned, Ogle County has the people in Oregon use the -- use the Section 6 which is on Hay Road as for hunting for their deer because this is one of the few places that is available for them to hunt. So if this -- if Keith comes in the day before, he's already disturbed the deer.

So I mean, as -- as the helicopter what is he going to do, go straight up to 500 feet and zoom out? No, he's going to be going up so far, he's going to go off the land and then he's going to elevate. And all that is going to disturb people. So if he's here 12 times, that's 24, all right.

I talked to the FAA in DeKalb, once he follows -- once he gets his -- his private heliport you're absolutely right, he can give permission to anybody he wants to. And who's going to -- who's going to -- who's going to be accountable to the FAA? They don't care. He

can file flight plans on a computer, did you know that? So I just -- I find it supercilious.

It must be really nice for a man to own a helicopter, you know, I can't deny him that pleasure. But I find it the ultimate luxury to be able to get his own heliport to fly in and fly out as a -- as a leisure thing. And yet when he flies in and flies out the people who live here, the people who are a part of his flight plan, the animals who have not been used to the noise and everything have to deal with his luxury. And that's what he has, a luxury. And that luxury is going to disturb the one thing that people do when they move out to the country, is not to have the noise. You plow during the summer, you plow during the fall, you know, that's -- that's it. Uhm, if you run a chain saw it's because you need to cut a tree. There's reasons for the noise level that he's indicated. There is not a reason for the noise level for a helicopter.

He can land anyplace within 15 minutes and get to his home. He can store it, he can fuel it, he can fix it. You know, and I think it's

very nice that he's an emergency -- he would, you know, do it for an emergency but he lives on -- he lives on a -- on a gravel road and it would be so much easier to be able to get to an emergency thing on a plowed highway. I say no.

MR. McKINNEY: Just a question, and I realize hunting really has nothing to do with this petition because he can drive from Chicago and go hunting on his own land, but do either you or your husband own guns?

MS. RYCKEGHEM: We do not -- yes, we do.

MR. RYCKEGHEM: We have guns.

MS. RYCKEGHEM: Yes, we have guns. The reason we have guns, sir, is because when we moved in there was a gentleman who was bludgeoned on our road. It's one of your first murders in a long time. And to be very frank with you, I'm 62 years old and I have a -- I have a private property sign, no trespassing, but for some odd reason people around here don't believe in that sign and it -- you know, I -- I carry it for protection, I have it in my house for protection.

MR. McKINNEY: Anybody else have a

question?

MR. ANDERSON: Before you bought the property where did you originally live?

MS. RYCKEGHEM: Cary, Illinois.

MR. SWORD: And how long have you been out there where you're at now?

MS. RYCKEGHEM: Eight years.

MR. SWORD: Eight years, okay.

MR. McKINNEY: If there's no other questions --

MR. RYCKEGHEM: I'm fine. I can only hear about half of what's going on, but I did have a couple questions and I got part of it. This flight path thing over, did he say northwest is where he would go which would be, what, this way (indicating)?

MR. LESSNER: Kind of like this way (indicating).

MR. McKINNEY: You're to the southwest.

MR. RYCKEGHEM: Southwest.

MR. McKINNEY: Your property is to the southwest, so he would go in the opposite direction.

MR. RYCKEGHEM: Well, then there would be

no reason to go over the top of the -- of any of our buildings and stuff right here.

MR. McKINNEY: There may --

MR. WILSON: Never.

MR. RYCKEGHEM: In or out?

MR. WILSON: Never. I would never have to go over your property.

MR. RYCKEGHEM: And another thing too, them guys were talking about fuel, is there going to be fuel storage out there on that?

MR. WILSON: I mentioned, Bob, that if I was living there that it would be nice to be able to have like a farmer tank they have on the legs to have fuel there but not -- I mean, if I did anything it would be strictly within the legal guidelines of having any fuel storage, the same as the farmer does for his tractor.

MR. RYCKEGHEM: You have to put containment and all that around it?

MR. WILSON: No, I think generally the farmers they just have that above area thing and it's minimal gallons. The retainment doesn't start until after a certain amount of gallons. I'm not an expert on it, but I would only do it

if it was legal.

MR. BRONKEMA: He's only talking 200 gallons.

MR. RYCKEGHEM: Pardon?

MR. BRONKEMA: He's only talking 200 gallons, it's not a big thing.

MR. RYCKEGHEM: That's not big for containment in case a ruptured tank?

MS. RYCKEGHEM: Or EPA standards or anything like that?

MR. BRONKEMA: Not for that.

MR. McKINNEY: Sir.

MR. LESSNER: I have been out at the 1544 Hay Road for 10 years now and --

MR. SWORD: Are you the other place here?

MR. LESSNER: Yes, I'm the other place, the 15 acres there just to the south of Keith. And the reason I moved out there, I had been looking probably 25 years before. Before I used to go hunting when I was a child with my father out there and it used to be called the Buck Deer Ranch, now Meiners (phonetic) own that property over there, but it used to be called the Buck Deer Ranch. And I always wanted to be in this

area. And I had grown up with three other brothers, and my dad had always taken us hunting. Well, I had looked for many years trying to find something in the area conducive to what I would want to use for hunting and retire.

I was a high school teacher at Dixon for 33 years and retired from there in 2003, and also a financial advisor for 25 years as well. But I had wanted to find something, and I finally did. And the reason I moved out there was not only just to get away from the city, city being Dixon, that's where I lived when I taught at Dixon High School. And the reasons were, and I listed them here, that the forest solitude. When you go out into the woods when I go out to my place, when I take my mother out to my place, it's like going into another world. It's quiet. I can -- when my friends come out they remark about what an aesthetic affect it has on them. When they come off of the tar and chip road on Hay Road and hit the gravel road they're entering into another world and dimension. It's -- that's -- they're getting

away from the noise. I was a high school teacher, it was noisy all the time. When I would get into my own truck I wouldn't turn the radio on, I just liked the solitude. A reason I moved out into the forest.

I built a home out there and I live out there for the beauty that nature has provided out in that area. I have improved the area in that area. I love watching the habitat, the natural wildlife. And a reason why I moved out there was to not be infringed upon by my neighbors.

Since I had lived out there probably the first five, six years I was infringed upon by Keith and his father and his friends. I had to keep on reminding them that where they were hunting was on my property. Finally I had to put up no trespassing signs and still I found his father on my property and I said, look, you know, this is the sixth time I think I have caught you here, I do not want you on this property anymore. You know, I am concerned, I hunt out here, I have two other friends that hunt out here as well. We don't know you're

even there, I would hate to have anything happen. I said, if you're over here again I will have you arrested.

It has not been a neighborly concern with Keith and his friends with regard to my property. It has been infringed upon. A reason why I wanted to get away out into the country so as not to have that.

As far as noise and things like that, I was on the computer, I have got articles here about helicopter noise. I brought this for you gentlemen to look at and to look at as well.

And if you have had a chance of having a helicopter fly over, I don't care how high up, it's still an annoyance. And there's an article about that as well. And it's an unwanted sound that when I moved out into the country I was to get away from, not be infringed upon by a helicopter coming down and landing just to the north of where I live.

Again, that -- I got away, moved away from the city, even though Dixon's not a big city, Oregon's not a big city, but to me it's still the city. So go to the country to have that

feeling of no noise except for the plowing of the crops or the plowing of the fields. And I really find that as an infringement of coming out here.

It's not as though Keith lives a long ways away that he cannot come out, fly into a neighboring airport and have his father pick him up, which is 15 minutes away. I visit my mother in Grand Detour daily and that's 15, 20 minutes away. It's not bad. It's not a long drive. So if that's the case, he wants to fly his helicopter out, he can still do that, fly it to an airport, get a hangar for it. It has the fuel right there so he doesn't have to worry about that. He's not going to use it right away. I don't see what the hurry is. I know if he wants to, go to an airport close by.

I don't like the idea of knowing that when I come out here if this is allowed that Keith will come out anytime. There's no governance as to when he can -- who he wants to have come out. There's no one to monitor any of that.

And as I said, I'll leave these with you as well, some of the things that had to do with

the effects of the helicopter noise on rural residents. There's another article on noise and human impacts. Animals also suffer from loud noise. There's also studies done that has nesting birds, they leave their nests because of the noise.

Stop the Helipad. You know, property values drop significantly. I don't want my property to drop. If I ever sell my property I would have to disclose that there is a helipad close buy, that will detract from the property value.

I'll leave these here for you guys when you are discussing all that to look at your leisure as well.

Also, I believe Henry Dixon wanted to come tonight as well and but he couldn't, had a prior commitment that he couldn't get out of. He's leaving -- so he sent a letter that he too is not in favor of that. He owns property at the edge of Lost Nation Road and Hay Road. And so he sent a letter saying that he does not appreciate that either. Thank you.

MS. RYCKEGHEM: Let's say you decide in

favor of this, I was told by the Planning Board or one of the gentlemen that I called and he said that you can do restrictions on this. He also stated that if it -- if it was a Special Use if it isn't used for one year it's discontinued; is that correct?

MR. REIBEL: A Special Use Permit that's inactive for a period of 12 months or more becomes -- goes away, it's discontinued, correct.

MS. RYCKEGHEM: Okay. How is it monitored? Keith has given testimony that he's going to use it 12 times -- actually it's, you know, 12 times is 24 -- 24 ins and outs, you know, how do we -- how do we monitor this? I mean how do you monitor it?

MR. BRONKEMA: I don't think he testified 12 times. I think it was just in here they suggested 12 times.

MR. RYCKEGHEM: Okay, suggested 12 times.

MR. McKINNEY: In his testimony he said he might be out here every two weeks.

MR. WILSON: That's driving.

MR. McKINNEY: Pardon?

MR. WILSON: That would be driving.

MR. McKINNEY: Okay.

MR. WILSON: The truth of the matter is I might not come out but once a year. I just want to be legal and the people that live in the area to be educated on the possibilities and the legalization of it if it was to happen.

MS. RYCKEGHEM: But how as -- let's say everything is given and so on and so forth, and then once the FAA gives this they're done, okay, he's got a private helicopter port, he can give anybody permission to land. He's account -- he's not accountable to the FAA, he's not accountable to the Department of Transportation. The only people he's accountable to is you, all right, but we receive the impact. So how do we -- how do you and I -- we, as landowners paying taxes, and I'm not saying Keith doesn't pay taxes, but because of the development of our land we went from $1600 to almost $6,000 in eight years. I mean that's -- that's development of your land, that's development -- you know, that's -- that's resources that you have from one property. Ag gets certain

write-offs, so on and so forth.

But what I'm asking is if he -- if things go along and we get a little lax in things and, you know, how -- do I come and complain to you that it's more than 24 times? Do I come and complain that it's getting to the point where the noise level is way beyond, you know that it is a detraction, that it is -- you know, that it is jeopardizing our property values? I mean, where's the accountability? I would like to know that.

MR. REIBEL: Yes, I can't sit out there and --

MS. RYCKEGHEM: Right.

MR. REIBEL: -- watch him and count the number of takeoffs and landings.

MS. RYCKEGHEM: Right. Right.

MR. REIBEL: So yes, we would rely on you to be our eyes and ears in the field.

MS. RYCKEGHEM: Okay.

MR. McKINNEY: We could also go to the FAA records to find out how many times he filed any flight plans -- flight plans to fly in and out.

MS. RYCKEGHEM: Okay.

(Lessner Exhibit Nos. 1 through 6 marked for identification.)

MR. McKINNEY: Just to get this cleaned up first, Mr. Lessner has got some exhibits here. So Exhibit Lessner Exhibit No. 1 is a zoning variance, Lessner Exhibit No. 2 is the Effect of Helicopter Noise on Rural Residences, Exhibit No. 3 Lessner is titled Noise, Exhibit No. 4 is Stop the Helipad, and Exhibit 5 is Helicopter Noise Probe Concludes, and No. 6 is a letter from a Henry S. Dixon.

You had -- and I just got to thinking about it, when you had your questions of Mr. Wilson you were asking him because there was a loud noise last night about him flying in last night?

MS. RYCKEGHEM: Right.

MR. McKINNEY: He stated he wasn't -- he was on duty in Chicago. Do you have a lot of noise around your area, like from farming operations?

MS. RYCKEGHEM: There -- no, actually Pat testified that once you -- Hay Road is Number 6 entrance to -- it goes down to the river. Okay.

We have a lot of eagles in the area, that was the other thing I was going to tell you. The majority of the land -- we live in a hollow and the majority of the farmland is up on the flats. Can you appreciate that?

MR. McKINNEY: Yup.

MS. RYCKEGHEM: Okay. We really don't hear the tractors. The only thing we do hear are guns, and that's because of the Meiners' property. Once you get on to gravel road, not counting Star Road and the other road, but once you go down into the area that is a drainage for the Rock River, it's totally wooded. I mean, we have a tree every foot, it's that wooded. And the only place that isn't wooded is -- is our -- the drainage pond that we have. It's -- but, uhm, I heard something last night that I was letting the dogs out that was very loud and --

MR. McKINNEY: You have no idea what it was?

MS. RYCKEGHEM: No, I don't. But one of the things that does happen in -- down in this hollow area is that the sound is magnified and it's -- it's kind of like an amphitheater

setting.

MR. McKINNEY: Any board member have any more questions of these three?

MR. ANDERSON: I have one other question. Can either of your residences see his building?

MR. LESSNER: Uh-huh, I can.

MR. ANDERSON: You can see it through the woods?

MR. LESSNER: Yes.

MR. ANDERSON: That's all I have.

MR. McKINNEY: At this time you got your chance for closing or rebuttal to any statements that were made.

MS. MAAS: Opportunity like a closing statement or just final questions?

MR. REIBEL: You have an opportunity to ask your questions now of these three.

MS. MAAS: I think I only had maybe one question for you, Linda. I just wanted to confirm that my understanding is that you and your husband do not own livestock yourself, correct?

MS. RYCKEGHEM: Two dogs.

MS. MAAS: Okay. No cows, no horses?

MS. RYCKEGHEM: No, none whatsoever.

MS. MAAS: All right.

MS. RYCKEGHEM: Lots of deer, they come down to drink at the pond.

MR. LESSNER: Turkeys.

MS. MAAS: I didn't have anything else for them.

MS. RYCKEGHEM: Lots of turkeys too.

MR. WILSON: When I made my statement that I can fly over deer laying in the snow at 300 feet and they lay there, that's factual. I don't think I need to bring in a video to prove that. The helicopter, different than a Cessna, the helicopter has a muffler on it. Noise is even less than a Cessna.

I don't think I came down here about hunting, so I really don't think there's much for me to say about hunting other than --

MR. McKINNEY: It's not really a part of the petition either.

MR. WILSON: -- other than the only people as I agreed that would hunt on that property that touches their property, Linda and Bob, is me, my sons and my father. And I understand the

concern and I spoke to them about that when they first lived there. But they have hunters that come in and hunt on their property as well, so I don't think really hunting is an issue.

And Pat Lessner stated himself that he hunts and has individual friends that come out and hunt on the property as well. And the property that I own and the property that I own that touches that property with three other people are the only people that hunt on that immediate property. So as far as the noise that we're creating, it's across the board.

I think -- and I think, as I see where this is going, that you gentlemen and Mike and the people that live here or that will take complaints will hear -- and I can understand why, but you'll get a complaint every time Lifeflight comes by, even if I am at the fire house because they're going to think now that it would be me but it's not going to be me. They're not going to hear that helicopter, in my operation that I would be coming in there once in awhile would not be a nuisance.

So probably what you heard last night

would be more of a nuisance than I would ever be. But I guess that's yet to be seen.

MR. McKINNEY: Any other questions?

MS. MAAS: Not for them. I only had three points if clarification for Keith.

Keith, on your -- what we marked as Petitioner's Exhibit 5, which I believe was a portion of the sectional chart, does it show any heliports in close proximity to the river?

MR. WILSON: No. That sectional has not got any heliports marked on it, which would be an M. They could be a heliport but an R would be restricted.

MS. MAAS: Let me rephrase that then. To your knowledge are there any heliports existing now that are in close proximity to the river?

MR. WILSON: No. No.

MS. MAAS: How far is your site from the river?

MR. WILSON: I would say if you had to walk straight to the river, maybe a quarter of a mile.

MS. MAAS: And in terms of your licensing for your pilot, is that something that's

reviewed annually where you have compliance issues on an annual basis to maintain your license?

MR. WILSON: Yeah, I have to answer to the FAA and I have to have a medical physical annually. And like I mentioned, I teach it as well and the students that I teach I teach them good piloting skills as well as appreciation to the people that live in an area that you're flying, so.

MS. MAAS: I have nothing further.

MR. McKINNEY: Are you licensed to fly by radar or visual, or does helicopters even have --

MR. WILSON: I have an instrument helicopter rating. The helicopter that I have does not have instruments on it where you can do a flight plan. And as far as the mention that you can file a flight plan, any pilot can file a fight plan; you don't need to file a flight plan. And if you were flying in and out of that area you wouldn't be filing a flight plan. A flight plan is more from when you're going into a radar controlled area or if you need flight

following for some purpose or another.

MR. McKINNEY: Okay. One more question then I have got. You're not in the flight path for Rockford Airport, correct?

MR. WILSON: Oh, you -- no.

MR. McKINNEY: Okay. Closing statements?

MS. MAAS: I believe that the -- one of the functions of the Board tonight is to review the LaSalle Factors, the request for the Special Use Permit in light of those.

And just to briefly summarize those for you that, first that we believe that the request for the Special Use Permit by Mr. Wilson is compatible with the existing uses in the zoning. There would be no change in the zoning that's sought. There's no further construction that's anticipated. The existing definitions of AG-1 zoning allows for helipads and heliports pursuant to a Special Use Permit. I believe that the existing Zoning Ordinance would address concerns raised by the three interested parties tonight wherein they're referencing a change in the character of the -- of the existing zoning or use of the property. However, I think that

1 the Zoning Ordinance puts the public on notice
2 that that potential use is considered acceptable
3 under the existing Zoning Ordinance.
4 Under the second factor, at this point in
5 time there's no public services that would be
6 needed or would be needed to be provided or
7 cause further dependance on public services.
8 Under the third one, as far as significant
9 adverse impacts on other property in the
10 vicinity, you know, I think the one that was
11 identified primarily tonight is noise. We have
12 given you our figures as far as the decibel
13 levels. You have heard Mr. Wilson's testimony.
14 Perhaps the most useful information on our
15 exhibits would be that Page 1 of our
16 Petitioner's Exhibit 3 that shows that the
17 decibel level for his particular aircraft is
18 comparable to the ambient traffic noise.
19 As far as any adverse affects on wildlife,
20 again, I mean I think suggestions were made that
21 there is adverse impacts but I think the weight
22 of the evidence needs to be placed with the
23 experts, which in this instance are opinions of
24 IDNR and also Mr. Grant Affenblow (phonetic) who

1 manages Castle Rock.
2 Under the fourth factor, we believe that
3 the subject property is suitable for the
4 proposed use. Again, he's requesting a private
5 use, not a public one, though he is open to
6 assisting other entities in emergency situations
7 as they may arise.
8 Again, there's already the existing
9 concrete pad, there's no further construction
10 that's contemplated, there's no alteration in
11 the topography that's contemplated. As he
12 testified, the approach and the takeoffs would
13 occur over his property, no nighttime operations
14 are considered, and also the suitability of the
15 site ultimately would be judged by the FAA and
16 IDOT pursuant to their permitting and compliance
17 procedures.
18 Under the fifth factor, again, there's
19 consistency and compatibility with the existing
20 uses. No land would be taken out of crop
21 production. Hunting on the site could continue.
22 And then lastly, I think the last factor
23 is -- goes to the purpose of the AG-1 zoning,
24 which is really primarily to preserve farm

1 ground in our county, to preserve the existing
2 woodlands. And the LESA findings indicated that
3 it's a Low rating for protection, this
4 particular site. Further, you're not losing any
5 ground, no ground's being taken out of farm or
6 crop production, and that the use is compatible.
7 In terms of balancing, you know, the
8 public interest versus the private use of the
9 land, again, I think we go back to the allowable
10 uses by a Special Use under the AG-1 zoning,
11 which the heliport and the helipad is an
12 allowable use pursuant to the Special Use
13 Permit. It could be useful having an additional
14 heliport or helipad available for emergency
15 situations. But again, as Mr. Wilson testified,
16 the primary use here would be for his own
17 private use.
18 I think some of the commentary, you could
19 come up with different analogies. You know,
20 owning a helicopter and using it on your own
21 personal property, maybe that's one person's
22 luxury. Maybe another person's luxury is being
23 able to farm their ground, own their own farm
24 equipment. These days with the cost of what

1 farm equipment costs, that in and of itself
2 could be considered a luxury. You know, other
3 luxuries -- and I think this goes to different
4 hobbies or different recreational activities of
5 different citizens. Uhm, you know, there's
6 snowmobiling, there's four-wheeling, and those
7 activities also have noise associated with them
8 but nobody asks those individuals to park their
9 snowmobile 15 minutes down the road, nobody asks
10 them to park their four-wheeler 20 minutes down
11 the road and then have somebody drive them to
12 it. So it is a balancing act.
13 But I think if you go back to what the
14 intent is and purpose of the AG-1 zoning, that
15 the use as suggested here by Mr. Wilson is
16 consistent with the Zoning Ordinance.
17 MR. McKINNEY: Okay. If there's nothing
18 else, entertain a motion to go back --
19 MR. FREEBERG: I wanted to respond, how do
20 I do that?
21 MR. McKINNEY: Make a statement now.
22 MR. FREEBERG: For one thing, the hunting
23 and trespassing issues aren't --
24 MS. RYCKEGHEM: -- relevant.

MR. LESSNER: Right.
MR. FREEBERG: Right. He's not hunting out of his helicopter as far as I know.
A couple things. I think you stated farm equipment is a luxury. I don't think you can tell a farmer that pays $200,000 for a tractor for a business that he's doing that for luxury purposes. Small point.
One thing we're supposed to do in the Ag area is preserve the character of the area. I guess the question we have to ask is -- and there's things in here about light and all that kind of stuff. Another form of pollution is noise pollution, and you made some valid points with snowmobilers and whatnot. But preserving the character of the area, helicopters coming and going overhead would result in noise in an area like this.
I think you talked about the Special Use Permits, granted the Special Use Permits in the Zoning Ordinance, but the reason there's the Special Use is because it has to fit into the area, which it doesn't necessarily mean even though it's a Special Use that it's always going

to be applicable to the agriculture area. If it was always applicable it would be a permitted use and you wouldn't have to question it. But I think we have to consider does it fit into this particular place.
You compared -- and all the noise information, I already commented on the stuff you gave that it's not exactly apples and oranges.
And also with stuff you gave us as to what noise is over London, well, we don't know what kind of helicopter those are. So I guess personally I'm going to discount both of your noise data. But comparing it to ambient traffic, in this location there is no ambient traffic so it is an added noise.
One thing we consider is need and I guess I just -- I'm having trouble figuring out why we need this at this point in time since he doesn't need a place in the foreseeable future to store his helicopter. He himself said he may only do it once a year, and if he's just going to come out here once a year I haven't heard any reason why the Ogle County Airport over by Mt. Morris

wouldn't be a place where he could set it down. I guess at this point in time that you're not going to live there and look for a place to store it and you're only going to use it once a year, I don't really see where it would be a big hardship on you to say we would prefer that you use the airport.
MR. WILSON: Am I allowed to make a statement?
MR. McKINNEY: Go ahead.
MR. WILSON: If I own the building already and have the ability to if, I wanted to, store it there if I needed to store it there then why should I rent a hangar from Mt. Morris? I mean --
MR. FREEBERG: Well, as I said, you said before that until you moved out here you wouldn't be storing it here.
MR. WILSON: But I want the ability to come as I want to land if I chose. I'm just trying to do it legal and correct.
MR. McKINNEY: Let me just ask you this: If you were to have to either land and take off at either Mt. Morris or Rochelle, is there fees

associated with landing and taking off?
MR. WILSON: I don't think so but that's not -- that's not why I'm here petitioning to land on my own property.
MR. FREEBERG: Where's the helicopter kept now?
MR. WILSON: Schaumburg area, because I mentioned I operate it in that area for business work.
MR. FREEBERG: So you are essentially storing it there?
MR. WILSON: Correct.
MR. McKINNEY: Did you want to clarify something?
MS. MAAS: If you were not allowed to use your existing concrete pad as a heliport and had to fly to one of the other existing landing strips, whether it's the Mt. Morris Airport or Dixon Airport, are there -- does that increase the cost to you in terms of using that as a mode of transport?
MR. WILSON: Of course it would. I would not locate it anywhere else other than my own property. I mean, there's no reason for me to.

MS. MAAS: Okay, and if you were allowed to use the heliport, would it be more likely or less likely in terms of your visits to the area or visits to your property?

MR. WILSON: It would just be an option if I wanted to fly out here with one of my children or my wife, if I chose, rather than drive. I guess it's a little bit of a prestige thing. If you own one you have the option to it, no different than someone owning an antique car that they like to fly or drive on the weekend and it might be more than the helicopter. Would they want to store it away from their own place? I don't think so.

MR. FREEBERG: But I understand, I happen to have an antique car since you brought that up, but as far as you know if you want to fly out here for the weekend with your wife and your kid or something, if we were to deny this special permit it wouldn't prevent you from doing that, you would have to just land over at the airport instead or something.

MR. WILSON: I would have to drive. I would drive. I drive now. That's really not

the issue. The issue is whether or not I can have a legalized heliport on my property or I can't I guess.

MR. McKINNEY: Anything else?

MR. BRONKEMA: I have a question. Mike, did you have any complaints from any farmers with livestock, horses, cattle, hogs or anything?

MR. REIBEL: Not that I'm aware of, no.

MS. MAAS: I think I might have addressed that point earlier when I had asked Mr. Wilson the question, but my understanding is that Arnold Noon is the only individual in the area -- or I should say is the only adjacent landowner who has livestock and that he, in our Petitioner's Exhibit 1, didn't have an objection to the proposed use.

MR. BRONKEMA: We had no complaints from anybody else.

MR. McKINNEY: Any other questions? Going once, twice.

At this time we'll go back into open session. I'll entertain a motion.

MR. BRONKEMA: So moved.

MR. SWORD: Second.

MR. McKINNEY: Maury moved, Jason seconded to go back into open session. All those in favor signify by saying aye.

(All those simultaneously agreed.)

MR. McKINNEY: Any opposed say no.

Motion passed, we're back into open session. Let's go through the finding of facts.

MR. REIBEL: Special Use Standard No. 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.

MR. BRONKEMA: The proposed special use will not be unreasonably detrimental to the value of the other properties in the neighborhood in which it is located or public health, safety, morals, comfort and general welfare, as the proposed use of this predominately rural area is located on a large farm parcel and the intent of the purpose is roughly the same. I feel that Standard's met.

MR. FREEBERG: I disagree.

MR. REIBEL: Standard 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 considerations shall be given to, A) The location, nature and height of buildings, structures, walls and fences on the site, and B) The nature and extent of the proposed landscaping and screening on the site.

MR. ANDERSON: The location and size of the special use, the nature and intensity of the operation involved in or conducted in the location 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 in the use of neighboring

property in accordance with AG-1 zoning district regulations, as the proposed use will be located in and will utilize a small portion of a 56-acre farm site, the proposed use is sporadic, and so I find that Standard's met.

(All those simultaneously agreed.)

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

MR. FREEBERG: The site has adequate off-street and loading, so that Standard is met.

(All those simultaneously agreed.)

MR. REIBEL: 4) That adequate utilities, ingress, egress to the site, access roads, drainage and other such necessary facilities have been or will be provided.

MR. SWORD: Adequate utilities, ingress, egress to the site from Star Road, access roads, drainage and other such necessary facilities have been or will be provided. I feel that Standard is met.

(All those simultaneously agreed.)

MR. REIBEL: Standard 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 and can be developed and operated in a manner that is visibly 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.

MR. SWORD: The proposed use can be operated in a manner that is not detrimental to the permitted developments and uses in an AG-1 zoning district and can be 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 provided the proposed use will be operated in conformance to the recommended conditions of the Special Use Permit. I feel that Standard is met.

MR. FREEBERG: Disagree.

MR. McKINNEY: Did you say disagree?

MR. FREEBERG: Yup.

MR. REIBEL: Standard 6) That the proposed special use complies with all provisions of the applicable district regulations.

MR. BRONKEMA: The proposed special use appears to comply with all applicable provisions of the AG-1 district regulations. I feel that Standard is met.

(All those simultaneously agreed.)

MR. McKINNEY: Going through the six Standards, Standard 1 and Standard 5 there was one person that felt that the Standards were not met, all the other Standards all -- it was unanimous that the Standards have been met.

With that, I'll entertain a motion.

MR. SWORD: I'll make a motion that we approve the Special Use Permit for a helipad by Keith Wilson in light of that the Standards, the majority of them have been approved. I feel that not approving this is essentially telling him he can't enjoy his property the way he

chooses to enjoy it. I feel that the use is not going to be, you know, that large, that it is going to impact other people. We haven't had any other complaints of actual farmers with livestock that have shown concern about it. So I feel that, you know, I can say that we do make the motion to approve it.

MR. McKINNEY: With the recommendation.

MR. SWORD: Yes, right.

MR. McKINNEY: Is there a second?

MR. ANDERSON: I'll second that.

MR. McKINNEY: Been moved and seconded that the Board recommend to the County Board to approve Special Use No. 4-09. Roll call.

MR. REIBEL: Bronkema?

MR. BRONKEMA: Yes.

MR. REIBEL: Freeberg?

MR. FREEBERG: No.

MR. REIBEL: Anderson?

MR. ANDERSON: Yes.

MR. REIBEL: Sword?

MR. SWORD: Yes.

MR. REIBEL: McKinney?

MR. McKINNEY: Yes.

(By voice vote four ayes, one nay.)

MR. REIBEL: Four yes, one no.

MR. McKINNEY: Motion approved.

MR. REIBEL: This petition will go onto the Planning and Zoning Committee on February 10th at 1 p.m. at the Sheriff's Department Training Room, and to the Ogle County Board on February 16th at 5:30 p.m. right here in this room.

MR. McKINNEY: Is there any other business on the agenda?

MR. REIBEL: No further business.

MR. McKINNEY: We do have somebody that wants to make a public comment but we don't need it on the record.

(The hearing was concluded at 9:15 p.m.)

Now on this 28th day of January, A.D. 2010, I do signify that the foregoing testimony was given before the Ogle County Zoning Board of Appeals.

Bruce McKinney, Chairman

Michael Reibel,
Zoning Administrator

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