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1 STATE OF ILLINOIS } SS
 2 COUNTY OF OGLE }
 3
 4
 5 In the Matter of the Petition
 6 of
 7 Better Place Forests Co.
 8 Ogle County, Illinois
 9
 10 Testimony of Witnesses
 11 Produced, Sworn and
 12 Examined on this 27th day
 13 of August, A.D., 2020
 14 before the Ogle County
 15 Zoning Board of Appeals
 16 Present:
 17 Randall Bulthaus
 18 Mark Hayes
 19 Dave Williams
 20 Randy Ocken, Chairman
 21 Harry Adams, Zoning Administrator
 22
 23
 24

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1 MR. ADAMS: We'll have to start actually
 2 with Better Place Forests before we go into
 3 those other ones.
 4 MR. OCKEN: Okay.
 5 MR. ADAMS: So the first order of business
 6 is to hear Petition 002-20 Special Use, Better
 7 Place Forests, for a request filed July 21st,
 8 2020.
 9 Better Place Forests, Co., 3717 Buchanan
 10 Street, Suite 400, San Francisco, California,
 11 for a Special Use Permit in the AG-1
 12 Agricultural District to allow a Conservation
 13 Memorial Forest on property described as follows
 14 and owned by the Petitioner:
 15 Part of the South Half of the Southwest
 16 Quarter of Section 27; part of the
 17 Northwest Quarter of the Northwest Quarter
 18 of Section 34; part of the Southeast
 19 Quarter of the Southeast Quarter of
 20 Section 28; and part of the East Half of
 21 the Northeast Quarter of Section 33
 22 Township 24 North, Range 10 East of the
 23 4th P.M., Rockvale Township, Ogle County,
 24 IL, 59.62 acres, more or less.
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1 And on PIN Numbers: 09-27-300-003;
 2 09-28-400-005; 09-33-200-003; and
 3 09-34-100-001.
 4 Common Location: 1950 North River Road.
 5 And requesting that this will also be
 6 tabled until next month.
 7 When we were sending our notifications to
 8 the newspapers for the Text Amendment, we send
 9 notifications to every newspaper that publishes
 10 in the county, and some offices serve more than
 11 one newspaper. And so the Ogle County Life got
 12 three or four individual notices, all three
 13 being the same and the fourth one being
 14 different, including the Better Place Forests.
 15 They missed that and didn't publish the Better
 16 Place Forests notification, and so they were not
 17 notified. The notice has not been printed, and
 18 so we're requesting that that be tabled until
 19 proper notice can be issued.
 20 MR. OCKEN: I will entertain a motion to
 21 table Special Use Permit 005-20 until the
 22 September 24th meeting of the Zoning Board of
 23 Appeals.
 24 MR. WILLIAMS: Mr. Chairman, I'll make a
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1 motion to postpone 005-20 Special Use.
 2 MR. OCKEN: Mr. Williams moves. Is there
 3 a second?
 4 MR. HAYES: I'll second it.
 5 MR. OCKEN: Mr. Hayes seconds.
 6 Call the roll.
 7 MR. ADAMS: Randall Bulthaus?
 8 MR. BULTHAUS: Yes.
 9 MR. ADAMS: Mark Hayes?
 10 MR. HAYES: Yes.
 11 MR. ADAMS: Dave Williams?
 12 MR. WILLIAMS: Yes.
 13 MR. ADAMS: Randy Ocken?
 14 MR. OCKEN: Yes.
 15 (By voice vote four ayes.)
 16 MR. ADAMS: Four to zero.
 17 (The hearing was concluded at
 18 6:32 p.m.)
 19
 20
 21
 22
 23
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1 Now on this 27th day of August, A.D.,
2 2020, I do signify that the foregoing testimony
3 was given before the Ogle County Zoning Board of
4 Appeals.
5
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8

9 Randy Ocken, Chairman
10
11
12
13

14 Harry Adams,
15 Zoning Administrator
16
17
18

19 Callie S. Bodmer
20 Certified Shorthand Reporter
21 Registered Professional Reporter
22 IL License No. 084-004489
23 P.O. Box 381
24 Dixon, Illinois 61021

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1 STATE OF ILLINOIS)
 2 COUNTY OF OGLE)SS
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 4
 5 In the Matter of the Petition
 6 of
 7 005-20 Text Amendment
 8 Harry Adams, Ogle County Planning and Zoning
 8 Administrator
 9 Ogle County, Illinois
 10
 11 Testimony of Witnesses
 12 Produced, Sworn and
 13 Examined on this 27th day
 14 of August, A.D., 2020
 14 before the Ogle County
 14 Zoning Board of Appeals
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 17 Present:
 18 Randall Bulthaus
 19 Mark Hayes
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1 MR. OCKEN: Next order of business.
 2 MR. ADAMS: For these other petitions, did
 3 we need to then re-cover this as far as
 4 notifications, et cetera? I think that's -- the
 5 email that you got, did you want to do that? Or
 6 what we already discussed with Lyle, was that --
 7 MR. OCKEN: I think it's been covered,
 8 unless you have something.
 9 MR. ADAMS: No, we're good. I just wanted
 10 to make sure you were satisfied.
 11 The next order of business is to hear
 12 Petition 005-20 Text Amendment. The request
 13 filed July 21st, 2020, of Harry Adams, Ogle
 14 County Planning and Zoning Administrator, under
 15 the direction of the Planning and Zoning
 16 Committee of the Ogle County Board for an
 17 amendment to the text of the Ogle County
 18 Amendatory Zoning Ordinance as follows:
 19 Number 1, Division 2, Section 16-2-2:
 20 Rules and Definitions.
 21 Number 2, Division 5, Section 16-5-7: B-1
 22 Business District.
 23 Number 3, Division 5, Section 16-5-8: B-2
 24 Business Recreation District.
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1 Number 4, Division 5, Section 16-5-9: B-3
 2 Restricted Interstate Highway Area Business
 3 District.
 4 Number 5, Division 5, Section 16-5-10:
 5 I-1 Industrial District.
 6 Number 6, Division 6, Section 16-6-5:
 7 Reserve (Flag) Lots.
 8 Number 7, Division 6, Section 16-6-6:
 9 Accessory Buildings, Structures and Uses.
 10 Number 8, Division 6, Section 16-6-16:
 11 Home Occupations.
 12 Number 9, Division 8, Section 16-8-11:
 13 Interstate Freestanding Signs, which is new.
 14 You will find that the whole text of that is
 15 new.
 16 The -- real quick, the results of the RPC,
 17 it was seven to zero in favor of, with a
 18 minor -- well, actually that was the next --
 19 never mind.
 20 And then, of course, the text here is
 21 listed in Exhibit A, and we'll go here number by
 22 number.
 23 For Number 1, Division 2, Section 16-2-2,
 24 Rules and Definitions, there is two changes
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1 here.

2 The first is: Building, Height of: The

3 vertical distance from grade to the highest

4 point of the roof --

5 Skipping the -- obviously, again, red line

6 strikeout text is stuff to be removed, and, of

7 course, blue is new.

8 -- to the highest point of the roof.

9 Chimneys, towers, spires, elevator penthouses,

10 cooling towers, and similar projections other

11 than signs shall not be included in calculating

12 building height.

13 The main reason for eliminating that is

14 twofold. One, it's a little simpler to

15 understand when you're dealing with, you know,

16 the public.

17 Number two, the flat roofs, mansard roofs,

18 those, et cetera, are no longer taken -- we have

19 sidewall height maximums for those buildings,

20 and so, of course, a flat roof can't be any

21 taller than what the sidewalls can be. And so

22 now that we have that, that's really no longer

23 applicable.

24 And then, was there anything I'm missing?

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1 That's pretty much it.

2 It's little easier to follow, like I said.

3 And, oh, the second thing I wanted to point out

4 is with the mid peak, if someone were to do,

5 like, an A frame, you know, as was written, if

6 you had -- let's see, what do we have here? So

7 if you add 20 feet to the mid peak, an A frame

8 would technically be 40 feet tall, which we

9 think is a little bit excessive.

10 Gambrels would be similar if you had,

11 like, a 4- or 6-foot sidewall before the roof

12 started. Just a little bit more insidious. To

13 that, of course, we know Variances are always

14 available for height.

15 And then the next is grade. And that is:

16 A reference point representing the average

17 finished ground level adjoining the building --

18 the second "the building" was an old, existing

19 typo -- at all exterior walls facing a frontage.

20 When the finished ground level slopes away from

21 the exterior walls, the reference plane shall be

22 established by the lowest points within the area

23 between the building and the lot line or, when

24 the lot line is more than 6 feet from the

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1 building between the building, and a point

2 located 6 feet from the building.

3 And this is something that has -- it's

4 been enforced that way. If you have a two-story

5 house and it fully faces along the river,

6 oftentimes it would exceed what height would be

7 allowed for the Zoning District. But, you know,

8 it's measured from the street view. And this

9 just codifies that.

10 There's a lot of properties that fall off

11 in the back, and this keeps there from being any

12 confusion about, you know, what building height

13 is.

14 Any questions on those?

15 (No verbal response.)

16 MR. ADAMS: Number 5, Division 5, Section

17 16-5 --

18 Oh, real quick. Just input. I did

19 request that Mark and Shannon be here tonight.

20 They deal the most with the -- kind of the

21 customer counter upfront, people coming in and

22 have questions. So if you do have any

23 questions, please, you know, they're here to

24 share their experience and their expertise. So

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1 don't hesitate to ask anything.

2 Number 2, Division 5, Section 16-5-7, B-1

3 Business District. Couple things real quick.

4 When we get into Part D, Excessive Land Uses,

5 Number 2, Devices for the generation of energy,

6 such as private use solar panels, we all know

7 that commercial is listed as a Special Use.

8 But, again, it's just that with solar panels we

9 want to make sure that people understood the

10 difference without getting confused. I have had

11 some people call up in the Business District and

12 say, Hey, I'm okay for that, right? Well, no,

13 that's a Special Use. It's private.

14 Anyways that was a recommendation of the

15 Solar and Special Use Committee. So we're

16 including that.

17 And then Number 6, and this is a big one

18 that will cover other zoning districts as well.

19 Lawfully any existing nonconforming

20 single-family dwellings, including the right to

21 rebuild said dwellings in the case of

22 destruction by natural disaster, and the right

23 to remodel, expand the dwelling, and add 16-6-6

24 listed accessory uses.

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1 And this is one that comes up a lot.
 2 Fire, tornado, whatever it might be, and --
 3 because there's large swaths in the county that
 4 in 1965 it's between a major county highway and
 5 railroad tracks, where that was business. Well,
 6 it all went to houses. You know, when people
 7 try to sell a house and they can't get a
 8 mortgage because they can't rebuild it, in a
 9 natural disaster, et cetera.

10 Sometimes when people try to sell it, we
 11 had a guy in Holcomb recently, his house burnt
 12 down. He wanted to rebuild it. He couldn't get
 13 a rezone to a Residential District because his
 14 lot was about 40 feet wide and about 60 feet
 15 long. Just a really small lot.

16 I mean, we do have some of those old towns
 17 that are in unincorporated areas that we cover.
 18 This would allow them to rebuild again, build a
 19 new house in Business, in a B-1 District,
 20 something like that. It does allow you to
 21 rebuild if you do have -- and you treat it like
 22 a normal residence. You can put a garage on it
 23 if needed, you know, that type of stuff.

24 MR. OCKEN: So if you had a house and it
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1 was in B-1 just because it had never been
 2 changed, and it's damaged in some way, that's
 3 what we're talking about for nonconforming?
 4 MR. ADAMS: Yes.

5 MR. OCKEN: So then they can go ahead and
 6 repair the damage or rebuild or whatever --
 7 MR. ADAMS: Yeah.

8 MR. OCKEN: -- even though it's still
 9 B-1 --

10 MR. ADAMS: Uh-huh.

11 MR. OCKEN: -- or whatever.

12 MR. HAYES: Would they have to go
 13 before -- would they have to come before the
 14 committee to expand?

15 MR. ADAMS: No, not if they did so within
 16 the normal -- like, if they wanted to -- you
 17 know, because a lot of these tend to be smaller
 18 lots. So if they want to be, you know, closer
 19 to a lot line or closer -- because, again, a lot
 20 of these are also closer to the road because
 21 setback laws are different. Anything like that
 22 would be.

23 But to rebuild, they wouldn't have to. If
 24 they did expand but they expanded, say, to the
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1 back, they wouldn't have to, not beyond what
 2 would be the normal rules, you know, certain lot
 3 coverages, et cetera.

4 MR. HAYES: So if they stayed in
 5 conformity of the normal rules, then they would
 6 be fine?

7 MR. ADAMS: Uh-huh.

8 MR. HAYES: Okay.

9 MR. ADAMS: If they wanted to go bigger,
 10 taller, closer, then yeah, they would have to
 11 come back.

12 And that's -- I mean, we get that, what,
 13 every couple months we get one of those?

14 MS. LUDEWIG: Yeah, a couple times a year.

15 MR. ADAMS: And then so Number 3, Division
 16 5, Section 16-5-8, B-2 Business Recreation
 17 District. These are the exact same changes as
 18 we saw before.

19 And also real quick, I wanted to point
 20 out, if you look at the normal accessory land
 21 uses, it does allow dwellings that are required
 22 for the business that's there.

23 So a prime example for B-2 is White Pines
 24 Ranch. They have dwellings for the horse
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1 keepers, et cetera, and those are already
 2 allowed.

3 Same thing with even in the B-1 District.
 4 Say you were a jewelry store and you wanted to
 5 put an apartment upstairs so you could be close
 6 to your jewelry, those are still allowed.

7 It's not that -- this isn't the first or
 8 only type of dwelling unit that is allowed in
 9 either of these districts.

10 But anyways, it's the same exact changes,
 11 just private use. And, of course, the Number 6,
 12 allowing the lawfully existing nonconforming.

13 MR. OCKEN: So when you say private use
 14 solar panels, that basically means that the
 15 energy produced is used on that property and not
 16 transferred somewhere else?

17 MR. ADAMS: Well, so net metering is okay.
 18 So it can go back and forth, but it can't be
 19 sold for a profit.

20 MR. OCKEN: So you're not selling it for a
 21 profit.

22 MR. ADAMS: And there's no limit on size.
 23 We did a private similar for a pig farm in the
 24 county that was 300- -- upper 300 kilowatts. I
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1 mean, it's a big array. So there's no limit on
 2 that. You know, a pig farm is going to use a
 3 lot of electricity.
 4 MR. OCKEN: And that was a ground array?
 5 MR. ADAMS: That was a ground array.
 6 So, yeah, private use is nothing with the
 7 size, but just simply that -- and, again, net
 8 metering is okay, it can come and go on the
 9 power line, but they can't be selling it for a
 10 profit. Yeah, that's what makes it a commercial
 11 use.
 12 Any other questions?
 13 (No verbal response.)
 14 MR. ADAMS: For Number 4, Division 5,
 15 Section 16-5-9, B-3 Restricted Interstate
 16 Highway Area Business District, here the only
 17 change is to add the term "private use" to solar
 18 panels. Restricted interstate highway area
 19 is -- we don't think it's fit for residential
 20 uses, even existing ones. Which we have very
 21 little of that in the county, and so that's --
 22 there aren't any current existing ones, so that
 23 wouldn't really be a thing.
 24 And there's no other types of dwelling
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1 units allowed. You can't have a dwelling unit
 2 for your gas station. Those aren't allowed in
 3 anyway. So we didn't see fit to add that Number
 4 6 to the B-3 Restricted Interstate Highway
 5 Business District.
 6 Any other questions on that?
 7 (No verbal response.)
 8 MR. ADAMS: Okay. Moving on to Number 5,
 9 Division 5, Section 16-5-10, these are the same
 10 changes as B-1 and B-2, with the addition of
 11 "private use" to solar panels, that definition
 12 there.
 13 And then the only difference for the
 14 "lawfully existing" is, there's less accessory
 15 use than Industrial. So it's Number 5 instead
 16 of Number 6, but otherwise that's the same as up
 17 above.
 18 And there is -- even though there's less
 19 industrial than, say, there is B-1, there is
 20 actually quite a bit of housing in Industrial.
 21 We actually had one here just this last week of
 22 somebody asking about separating a dwelling
 23 unit, and we got to looking at it and it was
 24 zoned Industrial, and that's one of a couple
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1 that I have seen this year.
 2 So it's less common in Business, but it
 3 does show up. Like, with the Business, you see
 4 a lot of those, especially B-1, in, like,
 5 Holcomb or Baileyville, et cetera. The
 6 Industrial, there's some south of Oregon, over
 7 by Polo, some of those areas. Those are usually
 8 around railroad tracks.
 9 Anybody have any questions on that?
 10 (No verbal response.)
 11 MR. ADAMS: For Number 6, Division 6,
 12 Section 16-6-5, Reserved (Flag) Lots. Part E:
 13 The minimum street/road setback on a reserve
 14 (flag) lot shall be established at a distance
 15 equal to the required street/road setback from
 16 the property line that is most parallel to the
 17 street/road lot line (road right-of-way line) or
 18 equal to the side lot setbacks if the access
 19 strip of a reserve (flag) lot is in excess of 80
 20 foot in length. The lot width at this minimum
 21 required setback shall not be less than
 22 otherwise required by this Ordinance.
 23 So what this does is -- and that comes up,
 24 again, quite a bit. You'll have someone that
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1 will have a 300-foot access strip off of, you
 2 know, say, Chana, and then where that lot line
 3 starts, then they'll have another 60 foot, and
 4 it doesn't make a lot of sense, if you're 300
 5 foot off.
 6 We get questions, you know, Why do I
 7 have -- this is a State highway. Why do I have
 8 to be 80 foot off my lot line when I'm already a
 9 thousand foot from the highway? And since we
 10 never had a good answer for them, we thought it
 11 might be a good thing to change. Since already
 12 on the side, the back, you can be, you know, 25
 13 foot or 15 of whatever structure, you know, we
 14 thought that would be reasonable.
 15 And 80 foot eliminates any -- it makes it
 16 very clean, rather than be 40 foot for this, we
 17 thought 80 foot. Most reserved flag lots tend
 18 to be longer than that anyways, and so we
 19 thought that was -- we kind of cleaned up what
 20 we do get as a complaint that we didn't think we
 21 had a reasonable answer for.
 22 Questions on that?
 23 (No verbal response.)
 24 MR. ADAMS: So this is a little bit bigger
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1 change here in Number 7 because there's a few of
 2 them go on here. So we'll take them kind of
 3 section by section as we go through this.
 4 Number 7, Division 6, Section 16-6-6,
 5 Accessory Buildings, Structures and Uses. So in
 6 Section B: No garage or shed, unless it is
 7 structurally a part of the principal building,
 8 shall be erected or altered, nor moved to a
 9 location within, cross out 6 -- or 10 and put in
 10 6 feet of the nearest wall of the principal
 11 building.
 12 So we have had a couple of questions about
 13 this recently. And the reason it was 10 foot,
 14 that was always fire code for how close you can
 15 have buildings. And so we had some questions on
 16 that and we got to looking in it, and I don't
 17 know when that original language was changed.
 18 Building codes, fire codes have changed a little
 19 bit since then, and they now do it based on
 20 building materials class. So you can have Class
 21 1, which is your most flammable, and Class 5,
 22 which is essentially structural concrete, and it
 23 varies depending on that. So when you get to
 24 Class 4 and 5, it's zero. Class 1, which would
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1 be vinyl siding, OSB, that kind of stuff, would
 2 be 6 foot.
 3 And here again, rather than kind of
 4 confusing this as well, is it going to be brick
 5 face or concrete, and, you know, they end up
 6 changing it later or something like that, we
 7 just thought we would go with 6 because that's
 8 -- Class 1, that's what they request. And this
 9 just keeps us kind of in line with what current
 10 IDC building codes are for fire material class
 11 -- building classifications. So that's B.
 12 Any questions on that?
 13 MR. WILLIAMS: The only thing you're
 14 changing, instead of a 10-foot setback, you're
 15 going to 6?
 16 MR. ADAMS: 6.
 17 MR. WILLIAMS: So if they wanted to go
 18 within 5, then it has to be attached?
 19 MR. ADAMS: Yes.
 20 MR. WILLIAMS: Or a Variance?
 21 MR. ADAMS: Attached or a Variance, yes.
 22 MR. WILLIAMS: Okay. That's fine.
 23 MR. ADAMS: Part D, Accessory building
 24 size limitation. So the first thing I'll go
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1 over as we get into this, and that's the maximum
 2 building height. As we went into this, feeds
 3 right into that definition you heard earlier
 4 called maximum building height.
 5 So we already had the side wall, which is
 6 why we thought we could get rid of that mid-peak
 7 for the flat roof building.
 8 Since we go to full peak, what we did is,
 9 we just took -- if it was 10-foot side wall and
 10 16-foot mid peak, we just doubled that 6 foot to
 11 give us 12, to give us 22-foot maximum building
 12 height.
 13 We went down through, there's a small
 14 change for the more than one and a half acres,
 15 because it had 18 and 18 for both parcel sizes,
 16 and then it jumped 4 foot instead of 2 in each
 17 one. So we just kind of evened it out there
 18 just to satisfy everybody's OCD a little bit.
 19 The other thing was to change from 5 acres
 20 to 3 acres, and the only reason that is, was 3
 21 acres is where we start the R-1 Rural Residence
 22 District, and we thought that aligned with our
 23 zoning district better than 5. We don't have
 24 any particular break at 5; we do it at 3. So it
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1 just seemed to fit our Ordinance better than 5.
 2 But, again, no other reason than just to fit our
 3 R-1 zoning district.
 4 And then the other thing is the
 5 elimination of accessory building coverage and
 6 reverting back to total zoning district
 7 coverage, and there's a couple different reasons
 8 for this. And the first is, on some of these --
 9 again, going back to, like, Baileyville and
 10 Holcomb, et cetera, some of those lots are
 11 small. Even when you get into some of the older
 12 subdivisions that have half-acre lots -- like
 13 Byron Hills, that's one I'm familiar with
 14 outside of Byron, or Chana, there's a lot of
 15 small lots in Chana -- where three -- well, just
 16 like we had the other day with Tom Holmgren,
 17 looking -- needing a Variance for what was a
 18 basic two-car garage in that zoning district.
 19 Where say, like, for the R-1, you know, the 3
 20 acres of R-1, instead of it being 3 percent, R-1
 21 is 10 percent total lot coverage for all
 22 dwellings, be it accessory and dwellings. And
 23 so it would revert back to that.
 24 And not only because, again, we cover a
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1 broad area, including places like Baileyville,
 2 Chana, but also when we had this a couple
 3 different times, and the one guy was especially
 4 vocal about it. It was a place up in Byron
 5 Township, and he wanted -- he collects old
 6 tractors and old trucks and stuff, antique
 7 stuff, pretty neat stuff, and he was working on
 8 it and he wanted to put up a shed to get it all
 9 inside, and he had --
 10 What did he have, about 4 acres, Mark?
 11 MR. MILLER: For which one?
 12 MR. ADAMS: The one off of Kennedy Hill.
 13 MR. MILLER: Okay, yeah.
 14 MR. ADAMS: He had about 4 acres, and
 15 wanted to put up a pretty good-sized shed, and
 16 we said, Well, you can't do that without a
 17 Variance. And he said, I'm not going to do a
 18 Variance. He said, How about if I have it as an
 19 attached garage? Well, yeah, then you revert
 20 back to the total coverage of your zoning
 21 district, and you can do it that way. He's
 22 like, Well, does that make a lot of sense for me
 23 to be running my torch, having gas fumes
 24 attached to my house versus detached and?
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1 He had a very valid point. And we have
 2 permitted a few of those, because they don't
 3 want the time delay, they don't like the concept
 4 of the hearing or what-have-you. And I don't
 5 like the concept of guys having workshop where
 6 they're going to have gasoline, torches, old
 7 vehicles, et cetera, attached to their house in
 8 order to have a workaround. You know, I don't
 9 want that loophole, and I don't think --
 10 Again, going back to the fire code thing,
 11 there's a reason to have those separations. And
 12 not just fire, but also paint fumes, gas fumes,
 13 carbon monoxide, whatever it might be.
 14 And he had a valid point, and, again, we
 15 didn't have a legitimate answer for him. And I
 16 think if we can't kind of defend our Ordinance,
 17 you know, it's maybe something that we should
 18 look at.
 19 So it doesn't eliminate lot coverage, it
 20 just reverts back to kind of what it was, and
 21 that's the total lot. And that exists primarily
 22 for drainage purposes. You don't want to have
 23 too much roof, because then you can run into
 24 runoff issues.
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1 And it varies a little bit by what the
 2 zoning district is. I remember R-1 is 10
 3 percent. I think R-2 is 30. I couldn't tell
 4 you what the other ones are. Oh, no,
 5 Intermediate -- or not Intermediate --
 6 Industrial is 40, but of course, they would be
 7 exempt from this anyways. And buildings, B-1 is
 8 30 or 35 --
 9 MR. MILLER: 35.
 10 MR. ADAMS: -- 35, and it is also exempt
 11 from this anyways. But just to give you kind of
 12 a rough estimate of where the other ones are.
 13 And then, of course, this is primarily for
 14 Lyle's benefit, for everybody that's here,
 15 agricultural structures are exempt from that lot
 16 coverage as well.
 17 So that was -- it's kind of a bigger
 18 change. But this -- again, I think that guy
 19 had, you know, a bit of a valid point.
 20 If you look -- and, of course, you guys
 21 know more than anybody. The ones that have come
 22 up, it has been two and a half per year roughly.
 23 There hasn't been any that have been denied.
 24 And, again, with the sidewall and overall
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1 height, I mean, there's kind of a limit to how
 2 big you can go anyways for -- you know, with a
 3 peaked roof, you're going to end up taller than
 4 your height. In general, it's kind of our
 5 general consensus that building height is a
 6 little bit more imposing than just a lot
 7 coverage percentage. You know, if you're going
 8 to be blocking someone's views, et cetera,
 9 setbacks and -- setbacks and heights generally
 10 cover that pretty well.
 11 MR. OCKEN: So we're essentially getting
 12 rid of the lot coverage?
 13 MR. ADAMS: The 3 percent. It would
 14 revert back to the total lot coverage that it
 15 had been.
 16 This is probably -- and, again, Mark and
 17 Shannon can -- this is probably our most
 18 complained-about thing. You'll have -- you
 19 know, there again, you'll have somebody in one
 20 of the old villages that's unincorporated now
 21 and they'll be like, What do you mean I can't
 22 put up a garage? I own three lots. When the
 23 old lots were 66 by a hundred, so they don't
 24 qualify for a two-car garage, et cetera. And we
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1 get a lot of irate customers when you have that.
 2 Most people are pretty reasonable about
 3 height or something like that, but when you tell
 4 them they can't build it because of 3 percent
 5 coverage -- and the other thing too is, I
 6 know -- you know, none of the other local
 7 counties have this. Lee doesn't, and so
 8 maybe -- I don't know if you go into the suburbs
 9 or something, there might be. I don't know. I
 10 didn't look in there. I just looked at, you
 11 know, the local ones, Blackhawk Hills, et
 12 cetera.
 13 MR. OCKEN: What is the average size of
 14 lots? Like out in Silver Creek, what would be
 15 the average size of lots?
 16 MR. ADAMS: So it really varies a lot
 17 subdivision by subdivision. It kind of depends
 18 on the era. So the new ones, if it is -- a new
 19 subdivision, if it has community well and
 20 septic, is 1 acre; and then an acre and a half
 21 if it has a community well or community septic;
 22 and then 2 acres if it's -- without a Variance
 23 if it's just a standard private well and septic.
 24 And it's more of an issue with the
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1 existing ones. I mean, we have been doing --
 2 not including the rebuilds for disasters, about
 3 15 homes a year for the last ten years out of
 4 what is about 10,000 dwelling units in
 5 unincorporated Ogle County, and so you're really
 6 looking into the ones that are there.
 7 So in the towns, like Baileyville, Chana,
 8 Holcomb, the old lots tend to be about a 66 by
 9 120-ish, and then people have -- you know,
 10 sometimes one, two, three. And then, like,
 11 Byron Hills, a lot of those older subdivisions,
 12 tend to be half-acre lots. That's very common
 13 in the '70s and '80s, which is 20- -- say, you
 14 know, 20,000 square feet, which would be about
 15 600 square feet, is what they're allowed in
 16 Byron Hills, which is I think what we had for
 17 Tom Holmgren. It was, like, 570 square feet,
 18 and he went with, like, 690-ish --
 19 MS. LUDEWIG: Just over.
 20 MR. ADAMS: -- something like that
 21 anyways, for the older subdivisions.
 22 Because the current 2-acre minimum is,
 23 like I said, a little bit newer. And the vast
 24 majority of the dwelling units in the
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1 residential zoning districts in those smaller
 2 lot sizes tend to have been partially
 3 constructed, you know, before these changes were
 4 put in place and the lot size minimums.
 5 MR. OCKEN: So just to be clear, we're
 6 doing away with maximum building area then?
 7 MR. ADAMS: For accessory buildings, it
 8 would, again, fall back to -- it would fall back
 9 to -- because this is just in this section. So
 10 if you go to, like, 16-5- -- what's R-1, 16-5-3
 11 is R-1, it has -- in the zoning district
 12 regulations it has a maximum lot coverage, but
 13 not just for accessory structures. This is only
 14 for accessory structures, versus where the
 15 zoning district is just total coverage for the
 16 whole zoning district. So like, I said, it just
 17 reverts back to the other one.
 18 That's how it had been up until 2008, when
 19 there was kind of a contested structure that was
 20 being built. The one neighbor petitioned that
 21 this be added, and the structure ended up being
 22 built anyways, and there hasn't -- it hasn't --
 23 it's been pretty difficult from a -- kind of a
 24 citizen's standpoint. We get a lot of
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1 complaints for it.
 2 MR. MILLER: Pretty much every day.
 3 MS. LUDEWIG: Every day.
 4 MR. OCKEN: I see.
 5 MR. ADAMS: Sometimes they get pretty
 6 irate. It's not uncommon for yelling,
 7 literally.
 8 MS. LUDEWIG: It's hard to explain why.
 9 MR. ADAMS: Yeah.
 10 MR. OCKEN: So we still have maximum
 11 building area regulations.
 12 MR. ADAMS: Yeah.
 13 MR. OCKEN: That's okay. If it still
 14 exists -- I just didn't quite understand why it
 15 was taken out of here. But this is just for
 16 accessories.
 17 MR. ADAMS: This is just for accessory
 18 structures, yeah. Because this covers all
 19 zoning districts, and then the individual zoning
 20 districts are slightly different by zoning
 21 district. Like I said, Business is 35 percent,
 22 Industrial 40, R-1 is 10 percent.
 23 MR. OCKEN: Okay.
 24 MR. ADAMS: So this would cover all of
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1 them.

2 MR. WILLIAMS: Is a driveway included in

3 that?

4 MR. ADAMS: Driveway is not included.

5 MR. WILLIAMS: That's what I thought.

6 MR. ADAMS: There is a landscape surface

7 area ratio, which is slightly different than

8 building lot coverage, which that would include

9 a driveway.

10 Any other questions?

11 (No verbal response.)

12 MR. ADAMS: Moving on to Part G, private

13 swimming pools. And then we added a new Line

14 Number 10: All pools shall be completed within

15 12 months of the issuance of the zoning

16 certificate.

17 All our zoning certificates, six months to

18 start, two years to finish. The problem with

19 swimming pools is, generally, if it's taking

20 them two years, you have one of two options.

21 One is, there's a big, giant hole in the ground,

22 which is not exactly safe. Or, two, they have

23 it completed and we haven't done our inspections

24 to make sure they have met the safety

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1 guidelines, which is also not good.

2 And, you know, houses do take awhile to

3 build. Swimming pools usually go up pretty

4 quick. And with the safety concern of what

5 might happen with pools uninspected for years,

6 we thought that that would be just a good thing

7 to add.

8 MS. LUDEWIG: Change. Reduce the amount

9 of time.

10 MR. ADAMS: Yeah, to reduce from two years

11 to one year.

12 MR. HAYES: Is there any regulation on

13 fencing?

14 MR. ADAMS: Yeah, we have a very stringent

15 fencing and barrier guideline.

16 MR. HAYES: Construction fencing, walls

17 going on, like Industrial has it?

18 MR. ADAMS: No, there isn't. There isn't

19 for that.

20 MR. HAYES: Something like that is a

21 safety thing. You might want to entertain that

22 at some point.

23 MR. ADAMS: Yeah.

24 MR. HAYES: Because it's -- wouldn't be

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1 any different --

2 MR. ADAMS: Putting up -- and usually snow

3 fences, you know, cover it.

4 MR. HAYES: Yeah, just something that

5 says, you know, you're not supposed to be here.

6 You know, just like any other construction

7 outfit says, Hey, you're not supposed to be

8 here, you know, kind of thing. And then at

9 night they can kind of -- then they can say,

10 Well, they didn't just walk and fall in --

11 MR. ADAMS: Yeah, yup.

12 MR. HAYES: -- at night.

13 MR. ADAMS: Did you -- again, because this

14 is -- you have a right to make suggestions to

15 amend that. Do you want that added to that as a

16 point of language?

17 MR. HAYES: I think as a point of

18 language, it would be a good thing to follow the

19 same guidelines.

20 MR. ADAMS: And that would be --

21 MR. HAYES: You know, for a pool it's

22 something that --

23 MR. ADAMS: Until --

24 MR. HAYES: -- until construction is safe

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1 or completed.

2 MR. ADAMS: I think until we give the

3 occupancy certificate.

4 MR. HAYES: Occupancy, sure.

5 MR. ADAMS: That would give them a care to

6 actually get it.

7 MR. HAYES: Get it and get it done.

8 MR. ADAMS: Yeah.

9 MR. WILLIAMS: I have a comment on that

10 though. I would be concerned because you're

11 kind of opening up -- so what about a foundation

12 for a house? Are you going to want fencing put

13 around that until there's a deck over the top?

14 I mean, you're opening up a whole lot of issues

15 with a whole lot of regulations that's going to

16 come back on Zoning for inspections and

17 complaints and everything else.

18 So that's what I would be worried about.

19 You know, you're opening yourself up for a whole

20 lot. You know, I think that's why you carry

21 construction insurance. And obviously some of

22 that is trespassing.

23 MR. ADAMS: Yeah.

24 MR. HAYES: Right.

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1 MR. OCKEN: Yeah, that would be up to the
 2 contractor.
 3 MR. HAYES: To want that.
 4 MR. OCKEN: Yeah, a barrier or warning or
 5 whatever, which I think most contractors
 6 probably do.
 7 MR. WILLIAMS: Yeah, if they're going to
 8 be gone for a long time. And a lot of
 9 situations, I'm sure most of the pools, once
 10 they dig the hole, they're going to put it in
 11 because they don't want it eroding back in and
 12 having to dig it back out. Just my thoughts.
 13 MR. HAYES: Sure.
 14 MR. ADAMS: Any other comments on that?
 15 (No verbal response.)
 16 MR. ADAMS: So going to Part I, Number 1,
 17 adding gazebos in there. Gazebos was added a
 18 number of years ago. We'll get into why we're
 19 putting gazebos in there. And that would cross
 20 out the whole Section 9. Gazebos had its own
 21 section. And that would just put it with
 22 garage, sheds, storage buildings, carports,
 23 gazebos, and other similar buildings/structures.
 24 And with that, the reason that was added,
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1 there was a lot of different distances for the
 2 accessory structures. Pool is different from,
 3 like, a pole barn. A patio attached to the
 4 house is different from a pole barn, but then,
 5 like, a patio in front of your pole barn would
 6 be different from one attached to your house.
 7 Decks, et cetera.
 8 So we wanted to clean up the differences
 9 from a deck versus a patio versus a patio
 10 attached to your -- like, your accessory
 11 building, your garage. You know, some people
 12 build some pretty nice ones, a patio out front
 13 with a barbecue on them is different from one
 14 that's attached to the garage.
 15 And the -- we wanted to kind of combine
 16 that so that those would all be the same.
 17 Also, too, with the pools, with the pool
 18 decks, because the pools were at 25 feet but
 19 then if you have a pool deck, concrete at ground
 20 level or a raised deck, then it was also 25
 21 feet. So the pool and the deck, 25 feet, in
 22 some of the subdivisions, again, to qualify --
 23 because it's pretty common in Byron Hills -- it
 24 can be difficult to place a pool.
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1 So we just kind of wanted to clean those
 2 up. Shannon, Mark, and I were kind of sitting
 3 around, going over this like a month or so ago,
 4 saying, We want them to be the same. So what
 5 number should that be? Because we had a number
 6 of numbers to choose from.
 7 And it was Mark's kind of suggestion that
 8 it always had been 10 feet, and then when the 5
 9 foot got added for the small buildings, that
 10 split to 5 and 15. And, again, Mark has the
 11 most experience on this, and he said he didn't
 12 remember any issues that ever came from the 10
 13 foot, and so since we're trying to align this,
 14 Mark didn't see any reason not to go back to
 15 what it had been. And so, again, I was
 16 deferring to Mark's experience there on that,
 17 and cleaning it up to 10 foot rather than, you
 18 know, what the other ones had been.
 19 MR. MILLER: Harry, that's probably the
 20 second most common complaint, at least I get,
 21 is, Why 15 feet? If it's a 24 by 24 garage,
 22 that just seems different than if it's a 60 by a
 23 hundred building or something. Well, yeah,
 24 maybe, but. . .
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1 So it was anything over 216 square feet,
 2 which is only 12 by 18.
 3 MS. LUDEWIG: Right.
 4 MR. WILLIAMS: Does it make any sense to
 5 go to the same regardless of size square
 6 footage?
 7 MR. MILLER: Well, the sheds that are 12
 8 by 16 or less, 5 feet is pretty reasonable. But
 9 it's that kind of -- the normal garage size, 15
 10 feet seems excessive or -- I get a lot of
 11 complaints about that. 10 seems to cover --
 12 most of the utility easements are 10 feet
 13 anyway.
 14 MR. ADAMS: One quick point I forgot to
 15 mention -- and thank you for pointing out -- the
 16 5 feet for the less-than-216 square feet does
 17 stay, for the little, you know, garden sheds,
 18 for the 12 by 18s.
 19 This was, like Mark said, just for the
 20 two-car garages. And that was another point, so
 21 I'm glad you brought it up. When you get into
 22 subdivisions, they are 10-foot utility
 23 easements. So those are already locked in. So
 24 it's just another thing to kind of align those
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1 numbers.
 2 Thank you, Mark.
 3 And one more here. Because again, Number
 4 9, that's crossed out, that's not -- it's just
 5 "gazebos" would be added to all the other same
 6 structures, because gazebos had been -- decks
 7 had been considered decks, which was 25 foot.
 8 Decks are 25 foot. So then it got moved to 15
 9 foot. But, again, here we would just add it to
 10 the rest of them rather than having its own
 11 point.
 12 And then, with the open entrances and
 13 entrance porches, that was the other change.
 14 There again, it would eliminate the -- to the 25
 15 foot for that, but it's only a 3-foot
 16 projection. So that's the -- and it's still
 17 limited -- I'm sorry, 8-foot projection. So
 18 you're still limited by that. The dwelling has
 19 to be 25 foot, but it would allow the
 20 projections.
 21 Side lots, there again, a number of houses
 22 have side entrances, especially in the older
 23 villages, like, again, Baileyville, Chana --
 24 MS. LUDEWIG: Grand Detour.
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1 MR. ADAMS: -- Holcomb. Grand Detour,
 2 yes, thank you. I keep forgetting that one.
 3 You know, where they want to put a patio off
 4 their side entrance with some stairs, and it
 5 would project -- we only allow projections to
 6 the front rather than the sides. This would
 7 allow similar projections to the front as to the
 8 side.
 9 And, again, that was just one of those
 10 things. This was Mark's suggestion as well.
 11 And, you know, because we do allow projections
 12 to the front, you know, why couldn't we also,
 13 again, allow to the side, especially when you
 14 have those 66-foot-wide lots in those old
 15 unincorporated villages.
 16 MR. MILLER: A lot of houses on an acre
 17 lot are built 26, 27 foot off the setback side
 18 yard. Can't put anything on the side.
 19 MR. ADAMS: Any questions with those?
 20 (No verbal response.)
 21 MR. ADAMS: Moving on to Number 8,
 22 16-6-16, Home Occupations. And this, as I was
 23 telling the Regional Planning, this actually was
 24 originally requested from Kim Gouker. And Mike
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1 always said, Get a list and as people make --
 2 you know, put it on for the text amendments,
 3 because you want to do them all at once. So we
 4 did. He had one started, which actually is the
 5 next text amendment we'll get to. So we had
 6 this one from Kim.
 7 And he -- and that's for the signs for the
 8 home occupation. And, again, these have to be
 9 attached to the dwelling. These are not signs
 10 out front. They are not advertising signs.
 11 These are just identification signs so when
 12 you're driving down a neighborhood, you're not
 13 pulling into the wrong driveway or driving up
 14 and down, looking for it.
 15 And I did bring some samples here that we
 16 cut up in the office. Of course, the Ordinance
 17 is 1 square feet, and we want to go to 3 square
 18 feet. Again, these are from the road. So
 19 you're looking at, you know, probably like in a
 20 subdivision, 40 foot from the road.
 21 So like the old 1-square-foot sign is this
 22 big. So to try to read a sign at 40 foot that's
 23 this big, like I said, you can't hardly read
 24 more than about three letters.
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1 This is 3 square feet. And, again, 3
 2 square feet, it was just, we were cutting signs
 3 up in the office and we thought you might be
 4 able to read that at 40 foot. Of course, we
 5 didn't really test it out. I guess I could go
 6 in the corner, if you want.
 7 Then at the Regional Planning, Wayne
 8 Reising was -- he wanted to know, Well, what --
 9 he thought 3 foot was a little too small, but he
 10 didn't make a motion to change it to 5 or 6.
 11 Our garage sale signs are 6 foot. We have
 12 a couple others that are 6 square foot, but, of
 13 course, those would be ones that would be set
 14 out in the yard and those are temporary.
 15 This would be permanently attached to your
 16 house. So it's kind of a balance between we
 17 don't want it to affect the aesthetics of the
 18 neighbor, but we don't want it so that people
 19 are driving in and out of other people's
 20 driveways because they're not quite sure who --
 21 MR. OCKEN: So this would be to identify a
 22 home business?
 23 MR. ADAMS: For the home occupation.
 24 Yeah, so it would be -- do you remember,
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1 we did the sign for Furry AffHair out on 64,
 2 they did the Special Use for the sign, the dog
 3 grooming, and so they got this Special Use for
 4 their sign. But she had a home occupation for a
 5 dog grooming, and what she would have got is
 6 1 square foot up against a house. Off of 64,
 7 nobody would have seen this. Again, this might
 8 not even be enough for her there, but, you know,
 9 if it can help some.

10 We were trying to get the balance between,
 11 again, what's at least a legit -- because that's
 12 not even hardly a sign. We wanted to get
 13 something that was at least identifiable,
 14 something that would be -- like I said, we don't
 15 want to affect aesthetics, but we also want it
 16 to be useful.

17 Of course, there is always the Special Use
 18 option if they want a sign. So it doesn't mean
 19 they can't get something bigger than this. And
 20 so -- because, again, Wayne was thinking like 5
 21 or 6 foot. They thought, well, they could get
 22 the Special Use for this sign later, so they're
 23 not completely without. So that was kind of our
 24 discussion there.

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1 But this is -- like I said, this is a
 2 sign -- I mean, if you want, I can go over there
 3 and see if you can see.

4 MR. OCKEN: That's okay.

5 MR. ADAMS: Again, this was 1 square foot,
 6 and this is the 3 square foot. Actually, you
 7 can actually read some letters if you go this
 8 way. You couldn't hardly read the other one.
 9 Hopefully that was useful.

10 So anyways, that was kind of the change.
 11 Just to reiterate, those are attached to the
 12 dwelling. They can be in the window, you know,
 13 hanging from the house, et cetera. They
 14 wouldn't be out front. It's not an advertising
 15 sign. It's just something that would be up
 16 against the house to kind of notify the
 17 potential clients.

18 Any questions on this?
 19 (No verbal response.)

20 MR. ADAMS: Then moving on to Number 9,
 21 Interstate Freestanding Signs. Again, it's in
 22 parentheses there because all this language
 23 would be new.

24 This is something that had been started a

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1 while ago. This is something that actually Mike
 2 and I started a little bit back when we were
 3 doing the Love's Amendment Special Use, because
 4 we knew that they were going to need something.
 5 We never got anywhere to come up with, like, a
 6 rough draft or anything, but we knew it was
 7 coming. We discussed it just a little bit.

8 And so most of -- most of this language
 9 comes with stuff that I had written up from what
 10 other municipalities and/or counties have.

11 And the -- one other quick point, because
 12 this is primarily just for Love's, they are
 13 co-sponsoring this text amendment from a fee
 14 standpoint. For the mailings, the newspaper
 15 announcements, et cetera, they did say they
 16 would split costs with that. But because this
 17 language did come from me, this isn't their
 18 request, they didn't give me these numbers or
 19 anything like that, I didn't feel the need to
 20 include them on the petition.

21 The only thing that was their suggestion
 22 at all was -- I'll cover this first before I
 23 read the whole thing -- was, when you see Part B
 24 there: Price signs, two per face, including

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1 digital price signs, allowing -- and this is the
 2 part that they requested, allowing up to eight
 3 alternating messages per minute (one every 7.5
 4 seconds).

5 They want two price signs, one for diesel
 6 and then one for the various grades of gas, and
 7 it would, every 7.5 seconds -- which, if you
 8 want to count it out -- one, two, three, four,
 9 five, six, seven, and then a new price. So it's
 10 not flashing or anything. It's not to get your
 11 attention. It's just to let you -- because,
 12 again, we don't want too big of a sign, and they
 13 need to be pretty good-sized so they can read it
 14 from a distance. So this will allow price
 15 changes.

16 MR. OCKEN: I assume in 1c, that that
 17 should be signs shall not flash instead of
 18 flush.

19 MR. ADAMS: No, that is -- that is flush,
 20 and --

21 MR. OCKEN: What is a sign that flushes?
 22 MR. ADAMS: So a flush is where the whole
 23 thing goes bright for a minute and then, like --
 24 you know, so if you had, like, your price

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<p style="text-align: right;">Page 45</p> <p>1 change, and then in between, to catch your 2 attention, the entire thing goes white, real 3 bright white for a minute, that's flushing. 4 I'll go through and read this whole 5 section. So, again, it would be a whole new 6 section here, which would be 16-8-11, Interstate 7 Freestanding Signs, Part A, Allowable Signs. 8 Number 1: One on premises Interstate 9 Freestanding Signs per zoning lot not exceeding 10 900 square foot per sign face total, including: 11 a, Brand identification signs associated 12 with a permitted Special Use in the B-3 13 Restricted Interstate Highway Area Business 14 District. 15 And, again, it's only for those -- I'll 16 finish and then we'll come back. 17 Part b: Price signs, two per face, 18 including digital price signs, allowing up to 19 eight alternating messages per minute (one every 20 7.5 seconds). 21 c: Signs shall not travel, flush, 22 inverse, write-on, up or down scroll, roll, 23 grow, melt, x-ray, twinkle, snow, or otherwise 24 change in nature, excluding the aforementioned In Totidem Verbis, LLC (ITV)</p>	<p style="text-align: right;">Page 47</p> <p>1 again, the Love's can only be the Love's sign. 2 They couldn't -- you couldn't put a Cracker 3 Barrel advertisement for the Cracker Barrel in 4 Rockford through this type of signage. It's 5 only for the B-3 Special Use at that site and no 6 other businesses. It can't be used as a 7 billboard or any other type of advertising, but 8 just for those Special Uses. 9 And then, again, with the 60-foot height 10 above the surface of the road intended to be 11 read. So, you know, interstates can be built 12 up, like it is there at 72. So rather than say, 13 Well, we're going to allow a 140-foot sign, you 14 know, then when you get down to where 64 is and 15 that's not the case, then you have got some 16 massive sign. So this keeps it a little bit 17 cleaner, I think, and keeps people from being 18 able to abuse it. And then also we wanted to 19 keep distances between signs, et cetera. 20 What was the other -- oh, and then as far 21 as the 900 square foot goes, that is the sign of 22 the -- the Love's sign that is on 38 there at 23 Rochelle. So the only properties that can be 24 B-3 in the county is at 64 and 72 there, because In Totidem Verbis, LLC (ITV)</p>
<p style="text-align: right;">Page 46</p> <p>1 price signs alternating message. 2 And then Part B, Location and Height: 3 Must be located in the B-3 zoning district. 4 Must be located within 500 feet of an interstate 5 highway interchange, and within 150 feet of an 6 interstate highway road frontage. 7 No signs shall exceed 60 foot in height 8 above the road surface -- or above the surface 9 of the interstate highway on which it is 10 intended to be read. 11 No interstate freestanding sign shall be 12 located within 200 feet of another interstate 13 freestanding sign. 14 Interstate freestanding signs shall not 15 count against the total size or number of 16 non-interstate freestanding signs permitted on 17 the zoning lot. 18 Setbacks must not be less than 1.1 times 19 the overall height above ground from adjacent 20 property lines, excluding the public 21 right-of-way lines. 22 And so back up to go into detail just 23 little bit more. With it being required to be 24 part of the B-3 Restricted Area Special Use, so, In Totidem Verbis, LLC (ITV)</p>	<p style="text-align: right;">Page 48</p> <p>1 the ones at 38 now are part of Rochelle. And so 2 those would be the only interchanges. 3 And I went and got a copy of the sign 4 permit for the Rochelle one there, and it came 5 to be about 900 square feet. We didn't hear any 6 objections about the Rochelle sign when we were 7 hearing the Love's petition, and everybody -- it 8 was kind of an expectation that it would be a 9 similar/matching sign. So that's where that 10 sign comes from, which is just kind of a copy of 11 what their permit was for down in Rochelle. 12 MR. OCKEN: This only applies to signs on 13 the interstate highway? 14 MR. ADAMS: Yes, the signs have to be 15 within 500 feet of an interchange. So right 16 where the, you know, cloverleaves -- not quite 17 cloverleaves -- wraparound of 72 there, it would 18 have to be within 500 feet of that actual 19 interchange of the 72 cloverleaf -- or the 39 20 cloverleaf hitting 72. It has to be within a 21 500-foot radius of there and actually within 150 22 feet of the actual interstate itself. 23 So, like I said, there's only I think 24 eight -- well, of course, if they subdivide it, In Totidem Verbis, LLC (ITV)</p>

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1 it could change. But currently there's only
 2 eight parcels in the county that this would
 3 qualify for, and it's right there at 64 and 72.
 4 MR. HAYES: Did you see anything in your
 5 investigations about lumen sign limits?
 6 MR. ADAMS: There is, but not on the --
 7 not on the interstate ones. So -- because it
 8 runs perpendicular to the interstate and the
 9 lights tend to go this way and this way down the
 10 interstate.
 11 There is for other signs, like would be on
 12 72, et cetera, but generally I didn't find any
 13 for the other sign districts that I have looked
 14 at in this type of sign district. But, like I
 15 said, you do see them, but I didn't see them in
 16 the interstate signs.
 17 MR. HAYES: I would recommend that.
 18 Because the signage that I'm involved with or
 19 have been involved with in years past, lumens
 20 have gone up twice, if not three times, in 15
 21 years. So that's just -- it's a tremendous
 22 lumen situation out there, especially the type
 23 of lights now.
 24 It's kind of like when you're driving down
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1 the road and you see the overbearing white
 2 lights coming at you versus the old-style bulbs
 3 hitting you, it's becoming kind of a situation.
 4 MR. OCKEN: So are you making a
 5 recommendation for the number of lumens to be
 6 admitted or just a consideration?
 7 MR. HAYES: I would say a consideration to
 8 investigate what would be proper lumens based
 9 upon some -- I guess some things -- or some
 10 evidence, I guess, presented. I don't have a
 11 lumens basis, you know, kind of thing, but I do
 12 recognize that the industry is now starting to
 13 recognize that as a situation and municipalities
 14 are facing that right now.
 15 Because they basically are, like -- they
 16 are so bright that -- it's like the car lights.
 17 The car lights are very, very bright, and a lot
 18 of people complain about them, but they do fit
 19 within the law.
 20 MR. ADAMS: I think it's kind of the LED
 21 light is just so vibrant.
 22 MR. HAYES: Yeah, it's very vibrant, and
 23 it's a different color in lighting versus the
 24 old standard bulbs, so.
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1 MR. ADAMS: There is some glare standards
 2 from the whole Division 8 that would apply, but
 3 that's only -- like I said, that's only glare.
 4 It isn't lumen-specific.
 5 MR. WILLIAMS: I wonder if IDOT has
 6 standards for signs.
 7 MR. HAYES: I was wondering that myself.
 8 MR. WILLIAMS: Probably something that
 9 applies.
 10 MR. HAYES: Because the last thing you
 11 want to do is have --
 12 MR. WILLIAMS: Right, a glare.
 13 MR. HAYES: -- a glare and people come
 14 back and say, Why didn't you prevent that?
 15 MR. WILLIAMS: Department of
 16 Transportation might have standards out there, I
 17 would think, that they have to comply with.
 18 MR. ADAMS: It might not be lumens. I
 19 mean, it might be a lux maximum at distance.
 20 MR. HAYES: Yeah, lux maximum.
 21 MR. ADAMS: You know, especially as the
 22 signs vary in size. You know, a 200-square-foot
 23 sign at a hundred thousand lumens is going to be
 24 much brighter than a 900-square-foot sign.
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1 MR. HAYES: Some sort of a credence put on
 2 that to head off any kind of a -- basically
 3 saves your department and saves the County.
 4 MR. OCKEN: Anything else on this one?
 5 MR. ADAMS: That was --
 6 MR. OCKEN: Any questions or comments from
 7 the Board on 005-20 Text Amendment?
 8 MS. STEHULAK: Can I ask a question?
 9 MR. OCKEN: Just hang on a second, please.
 10 Has anyone filed for an appearance?
 11 MR. ADAMS: Yeah, we have one appearance
 12 filed, and that's for Joan Stehulak.
 13 MS. STEHULAK: That's me.
 14 MR. ADAMS: Hopefully I got your name
 15 right.
 16 MR. OCKEN: That's in regards to this
 17 petition?
 18 MR. ADAMS: That is in regards to, yeah,
 19 005-20.
 20 MR. OCKEN: Okay. Please step forward to
 21 the podium.
 22 MR. ADAMS: Up here, yeah, where the mic
 23 is, that way you can talk into the Zoom call a
 24 little better. It's not on. We just want you
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1 to talk into the Zoom microphone as best as
 2 possible.
 3 JOAN STEHULAK,
 4 being first duly sworn, testified as follows:
 5 MR. OCKEN: Please state your name and
 6 address to the recording secretary and spell
 7 your last name.
 8 MS. STEHULAK: My name is Joan Stehulak,
 9 5719 Skinner Road, Stillman Valley, 61084.
 10 MR. OCKEN: And spell your last name,
 11 please.
 12 MS. STEHULAK: S, as in Sam, T, as in
 13 Thomas, E-H-U-L-A-K.
 14 And I did enter an appearance.
 15 MR. OCKEN: Yes, go ahead.
 16 MS. STEHULAK: And this isn't testimony.
 17 So I suppose it's cross-examination.
 18 MR. OCKEN: During an appearance, you have
 19 the opportunity to ask questions.
 20 MS. STEHULAK: Not that it's contentious,
 21 but it concerns this Number 9, Section 16-8-11,
 22 Interstate Freestanding Signs.
 23 And so Mr. Ocken asked a question about
 24 Paragraph A.1.C, and thank you for the
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1 explanation for flush.
 2 So I don't understand any of these terms.
 3 What is inverse?
 4 MR. ADAMS: So inverse is when it flips
 5 back and forth.
 6 MS. STEHULAK: Oh, that.
 7 MR. ADAMS: So sometimes you'll see it in
 8 signs where it says something and it says it
 9 backwards just to catch your eyes. So where it
 10 inverts.
 11 MS. STEHULAK: And write-on?
 12 MR. ADAMS: So that's where you'll see
 13 the, like, the classic ticker tape sign where it
 14 starts spelling. You know, like T-H-E, the, da,
 15 da, da, da, kind of a ticker tape-type.
 16 MS. STEHULAK: I'm going to guess I
 17 understand scroll, and roll, and grow, but what
 18 about melt, x-ray, and twinkle?
 19 MR. ADAMS: Yeah. So the grow, grow is
 20 where it has the certain letters and the letters
 21 get bigger and bigger and bigger.
 22 Melt is where it will say something and
 23 then the -- you'll see -- sometimes you'll see
 24 -- you see it with school signs. The letters
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1 with the digital, they kind of just start to --
 2 MR. OCKEN: Oh, fall.
 3 MS. LUDEWIG: Disintegrate.
 4 MR. ADAMS: -- fall away, they kind of
 5 disintegrate down.
 6 MS. LUDEWIG: Melt.
 7 MR. ADAMS: Melt. Yeah, the light just
 8 kind of melts.
 9 MS. STEHULAK: I get the idea.
 10 MR. ADAMS: So the twinkle, it would be,
 11 you know, if you see a 2 because it's \$2 a
 12 gallon, and different parts of the two flash,
 13 not the whole thing, but, you know, 50 percent
 14 of the bulbs would flicker on and off. You
 15 know, it just kind of twinkles it.
 16 And then snow is where you'll see, you
 17 know, kind of the lights kind of screeching
 18 across in the background. You know, where
 19 you'll have, like, your two, say your two is in
 20 white, and you'll have red that will just kind
 21 of screech across the back. Just something to
 22 catch your eye.
 23 MS. STEHULAK: And x-ray?
 24 MR. ADAMS: X-ray, I'm not really sure
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1 what x-ray is, to be honest.
 2 MS. LUDEWIG: Unless it's intra-inverted.
 3 MR. MILLER: The black is white and the
 4 white is black.
 5 MR. ADAMS: Oh, okay.
 6 MS. LUDEWIG: Yeah, switched.
 7 MR. ADAMS: Our other sign sections have
 8 that same language, so -- okay. So it's when it
 9 pulses between what's light would be dark and
 10 what's dark would be light, okay.
 11 MS. STEHULAK: Okay. Thank you.
 12 MR. ADAMS: Yup, no problem.
 13 MR. OCKEN: Thank you.
 14 Has anyone else filed for an appearance?
 15 MR. ADAMS: No, not for this one.
 16 MR. OCKEN: Is anyone here to speak in
 17 favor of this petition?
 18 MR. ADAMS: I do have one letter from
 19 Marion Township. They have a couple different
 20 comments. I'll only read the paragraph for this
 21 text amendment.
 22 MR. OCKEN: Okay.
 23 MR. ADAMS: And that is -- where is it
 24 here? Regarding Division 2, they go through the
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1 bullet points. Marion Township and Planning
 2 Commission have voted in favor of these
 3 amendments with the suggested correction: The
 4 word gazebo is present only once in the text,
 5 while other structures are listed multiple
 6 times.
 7 And when we go to the Part I here in
 8 Number 7, you'll see, like I said, we added the
 9 word gazebo to Number 1. We eliminated it off
 10 of Part 9.
 11 The -- I don't really know where the other
 12 ones -- oh, just in the same -- okay. I see
 13 where it is. Yeah, that's a good catch.
 14 And that is, if you see on the top, we
 15 have garages, sheds, storage buildings,
 16 carports, gazebos, and other similar structures.
 17 Then when we get down to 216 square feet,
 18 it says, a garage, shed, storage building,
 19 carport, or other similar building or structure.
 20 They just want the gazebo added in those
 21 other locations in that Number 1, which seems
 22 reasonable.
 23 MR. OCKEN: Is anyone else here to speak
 24 in favor of this petition?
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1 (No verbal response.)
 2 MR. OCKEN: Is there anyone here to speak
 3 against this petition?
 4 (No verbal response.)
 5 MR. OCKEN: Okay. Hearing none -- we
 6 don't have findings of facts for this; am I
 7 correct?
 8 MR. ADAMS: Nope.
 9 MR. OCKEN: All right. If there are no
 10 other questions or comments from the Board, I
 11 will entertain a motion in regard to Petition
 12 005-20 Text Amendment.
 13 MR. ADAMS: I would like to -- real quick,
 14 the -- did you want to make a motion first for
 15 the lumens or lux amendment to that?
 16 MR. HAYES: Do you need a motion for that
 17 or do you just take a recommendation?
 18 MR. ADAMS: So we can -- I mean, we can do
 19 it either way. When it does go to the committee
 20 and to the Board, we can make those suggestions.
 21 It will give me a chance to look a little more
 22 up on that between now and then. Or you don't
 23 have to make specifics in your motion, just that
 24 it be -- you would just make the condition that
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1 it be brought up to the committee and County
 2 Board. You know, it doesn't have to be any
 3 specific language.
 4 MR. HAYES: I think I would like to see
 5 what you find --
 6 MR. ADAMS: Okay.
 7 MR. HAYES: -- before we bring it up to,
 8 you know, another committee or board, that if
 9 you have the research behind it, to give
 10 yourself a little bit of time to research and
 11 check into that.
 12 MR. OCKEN: So you're making a
 13 recommendation but not a motion?
 14 MR. HAYES: Just a recommendation but not
 15 a motion.
 16 MR. ADAMS: Okay.
 17 MR. OCKEN: Any other questions or
 18 comments from the Board?
 19 MR. ADAMS: Thanks, Mark.
 20 MR. OCKEN: Okay. I will entertain a
 21 motion in regards to this petition.
 22 MR. WILLIAMS: Mr. Chairman, I'll make a
 23 motion to approve 05-20 text changes to the Code
 24 with the follow-up on the lumens with the
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1 signage.
 2 MR. OCKEN: Okay. Mr. Williams moves. Is
 3 there a second?
 4 MR. HAYES: I'll second.
 5 MR. OCKEN: Mr. Hayes seconds.
 6 If there are no other questions or
 7 comments from the Board, Mr. Adams, please call
 8 the roll.
 9 MR. ADAMS: Randall Bulthaus?
 10 MR. BULTHAUS: Yes.
 11 MR. ADAMS: Mark Hayes?
 12 MR. HAYES: Yes.
 13 MR. ADAMS: Dave Williams?
 14 MR. WILLIAMS: Yes.
 15 MR. ADAMS: Randy Ocken?
 16 MR. OCKEN: Yes.
 17 (By voice vote four ayes.)
 18 MR. OCKEN: Motion passes by a vote of
 19 four to zero.
 20 (The hearing was concluded at
 21 7:35 p.m.)
 22
 23
 24
 In Totidem Verbis, LLC (ITV)

1 Now on this 27th day of August, A.D., 2020, I
2 do signify that the foregoing testimony was given
3 before the Ogle County Zoning Board of Appeals.

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Randy Ocken, Chairman

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Harry Adams,
Zoning Administrator

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In Totidem Verbis, LLC (ITV)

Page 1

1 STATE OF ILLINOIS }
 2 COUNTY OF OGLE }SS
 3
 4
 5 In the Matter of the Petition
 6 of
 7 006-20 Text Amendment
 8 Harry Adams, Ogle County Planning and Zoning
 8 Administrator
 9 Ogle County, Illinois
 10
 11 Testimony of Witnesses
 12 Produced, Sworn and
 13 Examined on this 27th day
 14 of August, A.D., 2020
 14 before the Ogle County
 14 Zoning Board of Appeals
 15
 16
 17 Present:
 18 Randall Bulthaus
 19 Mark Hayes
 20 Dave Williams
 21 Randy Ocken, Chairman
 22 Harry Adams, Zoning Administrator
 23
 24

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1 MR. OCKEN: The next item of business.
 2 MR. ADAMS: Next item of business is to
 3 hear Petition 006-20 Text Amendment filed July
 4 21st, 2020, of Harry Adams, Ogle County Planning
 5 and Zoning Administrator, for an Amendment to
 6 the text of Ogle County Subdivision Regulations
 7 as follows:
 8 Number 1, Section 14-4-6, Sewage
 9 Facilities, Individual (Private) Sewage Disposal
 10 Systems.
 11 And if we look into Exhibit -- sorry --
 12 yeah, it's just the one. If we flip to Exhibit
 13 A, again, the layout is the same: red line
 14 strikeout is removed, blue line is new text.
 15 So we go to Section 14.4.06, Sewage
 16 Facilities. Under Part C, Individual (Private)
 17 Sewage Disposal Systems, in Number 3, there we
 18 have reserved areas for primary and secondary
 19 individual (private) sewage disposal systems.
 20 When individual (private) sewage are
 21 proposed for the treatment of private sewage,
 22 every lot shall have at least -- that's new
 23 language -- at least one area, cross that out --
 24 at least one area reserved for the installation
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1 of a primary subsurface absorption system and a
 2 secondary (replacement) subsurface absorption
 3 system. Said area(s) shall be defined by a
 4 minimum of three soil borings completed by a
 5 State-approved soil scientist, and large enough
 6 to supply the needed absorption area for a
 7 primary and secondary system as calculated by
 8 Part 905 Private Sewage Disposal Code, and
 9 clearly delineated and labeled on the
 10 Preliminary Plat.
 11 Again, this is subdivision. So all this
 12 would go on the subdivision plat.
 13 And then you can see what we eliminated
 14 was the soil types portion --
 15 MR. OCKEN: So, excuse me a second.
 16 MR. ADAMS: Yup.
 17 MR. OCKEN: So primary subsurface
 18 absorption system. A drainage field, is that
 19 what we're talking about?
 20 MR. ADAMS: Yeah, this is kind of the
 21 lingo for -- yup.
 22 MR. OCKEN: So they have to have an area
 23 for really two drainage fields?
 24 MR. ADAMS: Yes.
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1 MR. OCKEN: Okay.
 2 MR. ADAMS: Yup. And that -- and then we
 3 get -- we eliminate the soil types portion. The
 4 soil types is about three Septic Codes old. It
 5 isn't used anymore.
 6 Then it finishes with: Other than primary
 7 subsurface absorption systems may be substituted
 8 with approval of the Ogle County health officer,
 9 provided such systems meet Illinois Part 905
 10 Private Sewage Disposal Code.
 11 This, of course, would be engineered
 12 systems, peat systems, aeration systems, kind of
 13 the whole contained units. Dave will know a lot
 14 better than what I will what those are, but it
 15 does give at least the option for those in what
 16 would be a platted subdivision.
 17 As far as the soil types, we have run into
 18 this on occasion. If you remember the Dan
 19 Terhark rezone from a year ago, he had to go to
 20 five acres because of his soil types. So even
 21 though he could have got a septic system, he
 22 didn't have soil types that fit here. So he
 23 went to five to get out of the subdivision
 24 requirements of it. This would allow him to
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1 then go off of soil borings and/or engineered
 2 systems rather than just off these soil types.
 3 The other reason, most of those soil maps
 4 were done in the '30s. And they are quite
 5 accurate, but they're not perfect. Of course,
 6 with the soil borings, they know pretty much
 7 exactly what they have and where it is.
 8 We have had another couple, there's a guy
 9 over in Rockvale Township and then another in
 10 Byron Township that have come in, and they're in
 11 no hurry, but long-term they bought some acreage
 12 and they wanted to have a one-lot subdivision
 13 zoned Residential to build a retirement house at
 14 some point. But, again, they don't have the
 15 soil types. And this would -- so that they
 16 could actually -- because as it sits, they
 17 cannot.
 18 So this would allow it so that they can
 19 either through, again, soil borings, which are
 20 more accurate, or, of course, the various
 21 engineered systems. And, of course, engineered
 22 systems is only with health department approval.
 23 So, again, if it's a 40-lot subdivision, does it
 24 make sense to have a hearing required for every
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1 single one? You know, that would -- so it's not
 2 just carte blanche approval for those systems,
 3 but it does require approval for the immediate
 4 situation.
 5 MR. OCKEN: And so these changes were
 6 requested by the health department; is that
 7 correct?
 8 MR. ADAMS: This actually was -- this is
 9 something that Mike had had on the list of
 10 things that he wanted to get done. And then I
 11 contacted Ashley as soon as -- basically right
 12 after the Dan Terhark thing went through.
 13 Because, again, Mike wanted to update it, and
 14 then we had the issues with Dan and we thought,
 15 you know, this is something that is affecting
 16 people, so let's get it done sooner if possible.
 17 So I came to Ashley. She does her own
 18 stuff based on the 905 Septic Code and doesn't
 19 do our soil types and -- like, we do that before
 20 it gets to her. So I don't think she probably
 21 even knew that we were still doing the soil type
 22 approval.
 23 So you'll see this because lots of times
 24 we require a soil type approval, and a
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1 subdivision goes through and they end up doing
 2 something entirely different anyway, put a peat
 3 system in because they want one. And, again, so
 4 even though we go to this effort of saying, Boy,
 5 they've got enough of 21-B, but they don't use
 6 it and they don't do a subsurface, they just go
 7 with peat anyway.
 8 So she wasn't concerned with the work that
 9 we were doing. I don't think she knew it was,
 10 kind of, this outdated. But she worked very
 11 closely in doing this and kind of came up with
 12 the actual language of the blue, and then I just
 13 Xed out everything that didn't apply, what that
 14 new blue was, was put in there.
 15 And, again, this is only for individual
 16 (private) systems. Community systems aren't
 17 affected. Those type of things are still under
 18 its current regulations. This is just for the
 19 private.
 20 MR. OCKEN: So obviously the health
 21 department feels this is a better system.
 22 MR. ADAMS: Well, this is what they're
 23 doing. They're using these systems. And so
 24 they kind of were a little surprised to see that
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1 we still had this. Ashley, when I showed her
 2 this, had never seen anything like it.
 3 MR. OCKEN: So we're catching up to the
 4 health department then.
 5 MR. ADAMS: Yeah. This is about 40 years
 6 old.
 7 MR. OCKEN: Okay.
 8 MR. ADAMS: I'm sure.
 9 MR. WILLIAMS: I do have a language thing
 10 maybe. For the blue changes, where you're
 11 saying a minimum of three soil borings completed
 12 by a State-approved soil scientist, and large
 13 enough to supply the needed absorption area, I
 14 would say for the primary. Because we're going
 15 to have to do a soil analysis again because of
 16 the soil compaction issues and the lot changes
 17 and everything else.
 18 So the way it reads now, someone could
 19 think that the initial three soil borings would
 20 be good for all fields: the future, the
 21 primary, and secondary. I mean, everything goes
 22 to the County Code anyway, but it just --
 23 MR. ADAMS: Cleans it up.
 24 MR. WILLIAMS: -- yeah, cleans it up where
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<p>1 there's no questions. The soil borings that are 2 done for the primary are only for the primary, 3 but you have reserve space where soil borings 4 are completed again. 5 MR. ADAMS: I appreciate that. 6 MR. OCKEN: Soil borings to identify the 7 reserved space? 8 MR. WILLIAMS: No. You just have to have 9 the space there for it for the lot size. 10 MR. OCKEN: Yeah. 11 MR. WILLIAMS: But when we do the soil 12 borings, it's only for the primary. Because 13 that system should, depending on usage and 14 everything else, last 20 to 40 years, if not 15 longer. Well, in 40 years there's going to be a 16 lot of changes done to that lot. So now you're 17 going to have -- if they put in a driveway 18 through that area, which will happen because 19 they forget that it's a reserve area. So we 20 have got to go in there and identify the 21 compaction, if they had fill. 22 MR. OCKEN: Okay. All right. Any other 23 questions or comments from the Board? 24 (No verbal response.) In Totidem Verbis, LLC (ITV)</p>	<p>1 Amendment. 2 MR. WILLIAMS: Mr. Chairman, I'll make a 3 motion to approve 006-20 Text Amendment to the 4 Private Sewage Code with maybe the language 5 added at your discretion. It doesn't need to be 6 there, but it's just a clarifying point. 7 MR. OCKEN: Okay. Mr. Williams moves. Is 8 there a second? 9 MR. BULTHAUS: Second. 10 MR. OCKEN: Mr. Bulthaus seconds. 11 If there are no other questions or 12 comments from the Board, Mr. Adams, please call 13 the roll. 14 MR. ADAMS: Mark Hayes? 15 MR. HAYES: Yes. 16 MR. ADAMS: Randall Bulthaus? 17 MR. BULTHAUS: Yes. 18 MR. ADAMS: Dave Williams? 19 MR. WILLIAMS: Yes. 20 MR. ADAMS: Randy Ocken? 21 MR. OCKEN: Yes. 22 (By voice vote four ayes.) 23 MR. OCKEN: Motion passes by a vote of 24 four to zero. In Totidem Verbis, LLC (ITV)</p>
Page 10	Page 12
<p>1 MR. OCKEN: Has anyone filed for an 2 appearance in regard to 006-20? 3 MR. ADAMS: Yes, we do have one. It's 4 also Joan. 5 MS. STEHULAK: I don't have any questions. 6 MR. OCKEN: No questions. All right. 7 MS. STEHULAK: Thank you. 8 MR. OCKEN: Is there anyone here who 9 wishes to speak in favor of this petition? 10 (No verbal response.) 11 MR. OCKEN: Anyone who wishes to speak 12 against this petition? 13 MR. ADAMS: I do have -- again will read 14 the next paragraph from Marion Township. 15 Regarding Section 14-4-06 Sewage 16 Facilities, Individual (Private) Sewage Disposal 17 Systems, Marion Township and Marion Planning 18 Commission have voted in favor of the proposed 19 amendments. 20 MR. OCKEN: Okay. Any other questions or 21 comments from the Board? 22 (No verbal response.) 23 MR. OCKEN: Hearing none, I will entertain 24 a motion in regard to Petition 006-20 Text In Totidem Verbis, LLC (ITV)</p>	<p>1 Do we have any other business this 2 evening? 3 MR. ADAMS: No. 007 has been tabled. 4 MR. OCKEN: Since we have no other 5 business, no other comments from the Board, I 6 call this meeting adjourned at 7:44 p.m. 7 (The hearing was concluded at 8 7:44 p.m.) 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 In Totidem Verbis, LLC (ITV)</p>

1 Now on this 27th day of August, A.D., 2020, I
2 do signify that the foregoing testimony was given
3 before the Ogle County Zoning Board of Appeals.

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Randy Ocken, Chairman

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Harry Adams,
Zoning Administrator

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In Totidem Verbis, LLC (ITV)

Page 1

1 STATE OF ILLINOIS)
 2 COUNTY OF OGLE)SS
 3
 4
 5 In the Matter of the Petition
 6 of
 7 007-20 Text Amendment
 8 Harry Adams, Ogle County Planning and Zoning
 8 Administrator
 9 Ogle County, Illinois
 10
 11 Testimony of Witnesses
 12 Produced, Sworn and
 13 Examined on this 27th day
 14 of August, A.D., 2020
 14 before the Ogle County
 14 Zoning Board of Appeals
 15
 16
 17 Present:
 18 Randall Bulthaus
 19 Mark Hayes
 19 Dave Williams
 20 Randy Ocken, Chairman
 21 Harry Adams, Zoning Administrator
 22
 23
 24

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1 MR. OCKEN: I call this August 27th, 2020,
 2 meeting of the Ogle County Zoning Board of
 3 Appeals to order at 6 p.m.
 4 Mr. Adams, please call the roll.
 5 MR. ADAMS: Randy Ocken.
 6 MR. OCKEN: Here.
 7 MR. ADAMS: Randall Bulthaus.
 8 MR. BULTHAUS: Here.
 9 MR. ADAMS: Dave Williams.
 10 (No verbal response.)
 11 MR. ADAMS: Mark Hayes.
 12 MR. HAYES: Here.
 13 (Roll call was taken and three
 14 were present.)
 15 MR. OCKEN: We have three members present.
 16 There is a forum.
 17 Please rise for the Pledge of Allegiance.
 18 (The Pledge of Allegiance was
 19 recited.)
 20 MR. OCKEN: The verbatim transcript --
 21 (Dave Williams entered the zoning
 22 hearing.)
 23 MR. ADAMS: Dave Williams is here.
 24 MR. OCKEN: The verbatim transcript
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1 serving as minutes from the last meeting --
 2 MR. ADAMS: She doesn't quite have those
 3 done yet. There was an issue with the mailing,
 4 so we're still waiting on those.
 5 MR. OCKEN: Okay. Well, they are not on
 6 file and they will not be read at this time.
 7 All testimony will be taken under oath.
 8 Please come forward to testify and state your
 9 name and address to the recording secretary.
 10 Please spell your last name. When testifying,
 11 please speak clearly and loudly enough to be
 12 heard.
 13 This hearing is the only opportunity to
 14 place testimony and evidence on the record.
 15 There will not be another opportunity before
 16 tonight's hearing to submit additional evidence
 17 or testimony for consideration.
 18 Please turn off or silence all electronic
 19 devices.
 20 The procedures on hearings that will be
 21 followed tonight is as found in the ZBA Rules of
 22 Procedures or Citizen's Guide to the Zoning
 23 Board of Appeals, which are available on the
 24 desk near the entrance to this room.
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1 If anyone has trouble hearing, please let
 2 us know.
 3 To begin, Mr. Lyle Hopkins, County Board
 4 member, has made a request to appear before the
 5 committee. I will entertain that request now.
 6 MR. HOPKINS: Thank you.
 7 MR. OCKEN: I'll swear you in.
 8 (Lyle Hopkins was duly sworn.)
 9 MR. OCKEN: Please state your name and
 10 address for the record.
 11 MR. HOPKINS: Lyle Hopkins, 7074 West Penn
 12 Corner Road, Polo, Illinois, 61064.
 13 It's been a long time since I have come to
 14 a ZBA meeting. I just feel the urgency now to
 15 do this. And what I'm asking you to do tonight
 16 especially is to postpone this ruling on these
 17 Rules and Definitions on AG-1, AG-2, and
 18 Industrial. Our Planning and Zoning Committee
 19 has not seen these in committee and reviewed
 20 them.
 21 MR. OCKEN: You are a member of the --
 22 MR. HOPKINS: I am a member of the
 23 Planning and Zoning Committee.
 24 I'm also a township supervisor for Pine
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1 Creek, and we have not got anything on this.
 2 And I feel the general public has not been aware
 3 of these changes yet, and at this time I'm
 4 asking you to forego this hearing until more
 5 information can be put out to the public and so
 6 -- chances for people to come and state their
 7 feelings about these type of things, because I
 8 think --
 9 And, unfortunately, doing this
 10 pandemic-situation, we don't have the good
 11 opportunity to meet together and functionally
 12 discuss things like we should. And I don't
 13 think that we should ramrod something through at
 14 this time until we get it straightened out and
 15 we can all be together and discuss things wholly
 16 and everybody understands what's going on.
 17 So that is my reason for being here
 18 tonight.
 19 MR. OCKEN: So you're requesting that we
 20 table that petition, which is 005- --
 21 MR. ADAMS: He's talking the Definitions
 22 with respect to AG --
 23 MR. HOPKINS: 007-20 Text.
 24 MR. OCKEN: Was this information sent out
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1 to the Townships?
 2 MR. ADAMS: Yes. We'll get -- yeah. We
 3 have -- did you bring that chart, Shannon? We
 4 do --
 5 MR. HAYES: So is this just one section
 6 you're looking at or the whole --
 7 MR. HOPKINS: This whole 007-20, Rules and
 8 Definitions, AG-1 Agricultural, AG-2, and
 9 Industrial 1. I think especially -- those
 10 others are nothing real crucial, in my opinion,
 11 but especially this one to postpone.
 12 MR. OCKEN: Okay.
 13 MR. ADAMS: For Pine Rock Township, the
 14 notice that was sent to them was not signed for,
 15 but the green card did come back to us on the
 16 24th.
 17 MR. HOPKINS: Well, we're Pine Creek
 18 Township.
 19 MR. ADAMS: Okay. Sorry. Pine Creek.
 20 Sorry about that. Where are we at here?
 21 MR. HAYES: Mr. Chairman, if he's
 22 making --
 23 MS. LUDEWIG: He's the supervisor, so it
 24 went to him.
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1 MR. HOPKINS: It should come to me, always
 2 has been.
 3 MS. LUDEWIG: Yeah.
 4 MR. HAYES: If he's making a motion --
 5 MR. OCKEN: He's not making a motion.
 6 MR. HAYES: He's just making the
 7 recommendation for the one section, when did --
 8 wouldn't all the sections be the same --
 9 (Indiscernible cross-talk amongst
 10 Board members.)
 11 MS. LUDEWIG: He's a County Board member,
 12 so it was just emailed to him. That's why.
 13 MR. ADAMS: Okay. Okay. Okay.
 14 MR. HAYES: Well, if he's -- I'm looking
 15 at the standpoint that if he's looking at one
 16 specific deal, and his group hasn't seen or
 17 discussed that one -- have they discussed all
 18 the rest of them?
 19 MR. HOPKINS: No, we haven't discussed any
 20 of these.
 21 MR. HAYES: Haven't discussed any of them.
 22 MR. HOPKINS: Yeah.
 23 MR. HAYES: So wouldn't it be prudent on
 24 our part if we tabled it -- if you're asking for
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<p style="text-align: right;">Page 9</p> <p>1 one section, I don't see how we can table one 2 without tabling the entire packet. 3 MR. ADAMS: If I can, as far as required 4 notices go for what is required is -- and I have 5 it here, 55 ILCS 5-5, and it says: For the 6 purpose of this section, the term "text 7 amendment" means an amendment to the text of the 8 zoning ordinances. And. 9 We skip down, and it says: No such 10 amendment shall be made without a hearing before 11 the Board of Appeals. At least 15 days' notice 12 of the time and place of such hearing shall be 13 published in a newspaper of general circulation 14 published in such county. Hearing of text 15 amendment shall be held in the courthouse, or 16 other county building with more adequate 17 facilities for such hearings. 18 The newspaper notification did go out. 19 As far as all of the townships, the idea 20 with the public hearing is that the townships 21 come to the public hearing, that they hear the 22 evidence presented, and then between now and the 23 County Board meeting, they have their discussion 24 on it and make their rulings. In Totidem Verbis, LLC (ITV)</p>	<p style="text-align: right;">Page 11</p> <p>1 The text was emailed to the committee 2 members before the last committee meeting. 3 MR. OCKEN: Which committee are you 4 referring to? 5 MR. ADAMS: The Planning and Zoning 6 Committee. 7 But there again, it won't be heard in 8 detail until after tonight. The Regional 9 Planning heard it, they made a couple 10 suggestions; ZBA will hear it, they will make a 11 couple suggestions; and then it can be presented 12 the week before the County Board to the 13 committees so that they can hear it, have their 14 input then to the County Board. 15 And the ZBA isn't the last step; it's the 16 first step, because this is where the public 17 information happens, this is where the hearing 18 happens, the finding of facts, et cetera, that 19 then can be brought forth to the townships, to 20 the committee, and to the County Board. The ZBA 21 shouldn't be the last place to be heard, but is, 22 in fact, the first. 23 And that's just a little bit of a -- I 24 don't know why there's that kind of expectation In Totidem Verbis, LLC (ITV)</p>
<p style="text-align: right;">Page 10</p> <p>1 Where the townships file their opposition 2 is with the County Board, for the County Board 3 hearing, not with the ZBA. They shouldn't be 4 making those rulings without having first been 5 able to have access to the -- to this public 6 hearing. 7 You know, the evidence and kind of the 8 situation, all the stuff that goes into this, 9 this is brought forth to the public hearing. 10 And so for a township to be able to make a 11 ruling before this is brought forth doesn't make 12 a lot of sense. 13 And so it only requires 15 days up to 14 today, but then from now until the County Board 15 is when the next month happens, and that's what 16 allows the individual townships so that they can 17 download the minutes, they can come here and 18 listen, they can do those things, and this is 19 where they get the information for making those 20 decisions, not beforehand. 21 It's a little different for Variations, 22 because that ends here. But for Amendments, 23 the -- when they file an appeal, they file it to 24 the County Board, not to the ZBA. In Totidem Verbis, LLC (ITV)</p>	<p style="text-align: right;">Page 12</p> <p>1 that this would be the last place to hear it. 2 But, of course, the public hearing is the first, 3 because this is what allows, you know, all the 4 evidence to be put in and a discussion to be 5 had. 6 MR. HOPKINS: Well, all I know is our 7 Township did not get anything. I finally had to 8 call the office and have it sent to me. My wife 9 looked in all the places to find it, could not 10 find it. 11 And the other thing is, we never talked 12 about it in our committee, and I felt we should 13 have talked about it in our Planning and Zoning 14 Committee before this. We can't do it. 15 This looks like a railroad job from the 16 Executive Committee sent here to get going, to 17 get things stirred up, and I think we need to -- 18 our committee, Planning and Zoning Committee, 19 needs to review these things much more 20 thoroughly further before you start doing this. 21 MR. ADAMS: The -- so it changed from a 22 hearing at the committee to a referral process, 23 and then the hearing comes after this about a 24 year -- In Totidem Verbis, LLC (ITV)</p>

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1 Do you remember when they went to just the
 2 referrals for the petitions? I forget
 3 exactly --
 4 MS. LUDEWIG: They always just referred
 5 petitions to the Zoning Board of Appeals.
 6 MR. ADAMS: Yeah, again, until after the
 7 public hearing because, you know, until they
 8 have had the public hearing and the finding of
 9 facts, there shouldn't be the discussion and
 10 decisions until everyone has had a chance to be
 11 heard and go on the record.
 12 And that's -- so it's not that the
 13 committee doesn't get a chance, it's just that
 14 they don't get it before the ZBA, before the
 15 public hearing, but that it comes afterwards.
 16 MR. HOPKINS: So in other words, the
 17 decision you make tonight will --
 18 MR. ADAMS: Well --
 19 MR. HOPKINS: Just let me talk for a
 20 minute.
 21 MR. ADAMS: Sure.
 22 MR. HOPKINS: -- will come back to our
 23 committee, but we have no vote on that at that
 24 time, and it will automatically go to the County
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1 Board?
 2 MR. ADAMS: It can be -- it can be
 3 discussed.
 4 MR. HOPKINS: Well, discussed, yeah, but
 5 we can't change anything, we can't vote on it --
 6 MR. ADAMS: No.
 7 MR. HOPKINS: -- say yes or no to the rest
 8 of the board members because the Executive
 9 Committee took that away from us a couple years
 10 ago?
 11 MR. ADAMS: Yeah, and there's no provision
 12 for that in our operating procedure or in the
 13 State here.
 14 MR. HOPKINS: Then I guess I'm just upset
 15 that -- I don't know why you can't mail this
 16 stuff out like you always did before. I don't
 17 know where it went in the email, but it got lost
 18 in the Cloud somewhere and we didn't get it.
 19 That's basically why I'm upset about it.
 20 MR. OCKEN: I'm on the Lincoln Township
 21 Board. I was not able to be at the last
 22 meeting, but it was my understanding that this
 23 information wasn't presenting at that meeting
 24 either.
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1 So how would the Townships -- they would
 2 just have to see the notice in the paper to be
 3 aware that this was happening?
 4 MR. ADAMS: They were -- you said Lincoln
 5 Township?
 6 MR. OCKEN: Right.
 7 MR. ADAMS: You might -- so Lincoln
 8 Township received it on the 12th and signed for
 9 it on August 12th, and so the notice was
 10 received and signed for on the 12th of August.
 11 MR. OCKEN: I was just going to check and
 12 see --
 13 MR. ADAMS: We don't know who received it
 14 or signed for it.
 15 MR. OCKEN: See, August 12th, we met on
 16 the second Tuesday, so we would have met on the
 17 11th.
 18 MR. ADAMS: Yes.
 19 MR. OCKEN: So that information wasn't
 20 received at our last meeting. We won't meet
 21 again until the September meeting. So we never
 22 had a chance to see that either.
 23 MR. ADAMS: Yeah. But like I said, the
 24 idea is that you see it after the public hearing
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1 and not before, that it would be between the ZBA
 2 and the County Board meeting.
 3 MR. OCKEN: How would the Township know
 4 that they're supposed to be here?
 5 MR. ADAMS: That's why we send the
 6 notices.
 7 MR. HOPKINS: Yeah, but they didn't have
 8 their meeting --
 9 MR. OCKEN: It wasn't received by our
 10 meeting. So was --
 11 MR. ADAMS: I mean, that's -- we don't
 12 keep track of every -- I mean, none of this is
 13 required. It's just a courtesy. I mean, we
 14 send it to the Township. If your township clerk
 15 or secretary isn't getting it out to you guys,
 16 we can't help that.
 17 I mean, we sent them out, and the vast
 18 majority of them got signed. Some of them
 19 weren't signed but we did get the green cards
 20 back.
 21 As far as them not getting that
 22 information to you, I mean, we can't really
 23 answer for that.
 24 MR. OCKEN: Okay. Well, we have a request
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1 from a County Board member to table Petition
 2 007-20. I will entertain a motion.
 3 MR. HAYES: Well, I guess the first thing,
 4 sir, that I would like to address is the idea
 5 that do we specifically itemize one out or we do
 6 the whole thing?
 7 MR. WILLIAMS: I think the whole packet.
 8 The whole packet is 007-20, so it would postpone
 9 that.
 10 MR. HAYES: The entire, the entire --
 11 tonight's agenda basically?
 12 MR. WILLIAMS: Well, no, because we still
 13 have the 005-20, which is based on the Rules and
 14 Definitions, and then the other on the Private
 15 Waste Water, which I think we can go forward
 16 with.
 17 MR. HAYES: Well, but if he's asking for a
 18 section -- I understand he's only asking for one
 19 thing. But if he's asking for something, it's
 20 prudent to do the whole thing if your committee
 21 is going to -- is your committee going to review
 22 the entire --
 23 MR. HOPKINS: I don't know. Really, I
 24 don't know anymore what we're going to do. I'm
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1 pretty much lost.
 2 MR. HAYES: I'd hate to look at it and
 3 we're peeling out one section out of it that
 4 maybe is of interest to you, but if we don't
 5 peel the whole thing on out, then it looks like
 6 we're just targeting -- I don't want to make it
 7 look like there's an impropriety here where
 8 we're targeting one section. If we're going to
 9 do something, I believe we should do the entire
 10 packet so that we don't look like we're
 11 piecemealing it out and making it look like
 12 we're just picking on this deal.
 13 MR. OCKEN: Okay. Other questions or
 14 comments from the Board?
 15 MR. ADAMS: The -- my only concern with
 16 that would be -- and, of course, as with
 17 anything that's brought forth, it can be with
 18 conditions. And by delaying the public hearing,
 19 it delays the information being recorded and put
 20 out in its complete fashion for the townships,
 21 the Board, et cetera, to be able to get the
 22 information from it.
 23 If we delay this hearing, then, you know,
 24 if the townships or what have you, have ample
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1 time to discuss it, it would be without the
 2 benefit of this public hearing for everyone to
 3 access.
 4 If you want to hear them under the
 5 condition that the County Board won't vote until
 6 the October meeting, which would give the
 7 townships more time to file against it -- but I
 8 don't know if delaying this hearing necessarily
 9 is -- because, again, the point of holding this
 10 first is so that all the information can get out
 11 there so that the townships, the Board members,
 12 et cetera, can use this for their deliberations
 13 later. If we delay this, it just kind of -- it
 14 just delays it. It doesn't get anybody any
 15 information to be able to then deliberate from.
 16 I mean, because they're not supposed to be
 17 deliberating on their own without taking into
 18 consideration all the evidence of the public
 19 hearing.
 20 MR. HAYES: So, effectively, what you're
 21 saying is, without the evidence here, you don't
 22 want the townships --
 23 MR. ADAMS: They're not supposed to, no.
 24 MR. HAYES: -- to really look at it,
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1 because we can change things, we can modify
 2 things, we can hear from people, whatever, like
 3 that?
 4 MR. ADAMS: Yeah.
 5 MR. HAYES: Once that process is done,
 6 then the townships basically get to see it,
 7 evaluate it, and then come back.
 8 MR. ADAMS: Yeah.
 9 MR. HAYES: That's effectively --
 10 MR. ADAMS: And the same thing with the
 11 committee and the board then, yeah. And that's
 12 why this, you know, comes first.
 13 MR. HOPKINS: I feel the Planning and
 14 Zoning Committee should have been able to review
 15 it before it ever comes to ZBA.
 16 MR. ADAMS: We don't have a mechanism for
 17 that. I mean, that's -- if we -- we don't --
 18 it's not in our petition process.
 19 MR. HOPKINS: That's not -- that doesn't
 20 seem like the way we have done it in the past.
 21 MR. HAYES: Is that a Board issue that
 22 we -- I mean, I guess I'm asking normal protocol
 23 here. Is that a Board issue that needs to be
 24 discussed within the Board purview and say, We
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1 need to change the mechanism?
 2 MR. HOPKINS: I don't know. In the past,
 3 if we was going to have changes, we always went
 4 through it in our committee before it went to
 5 the ZBA. I'm sorry, that's what I remember.
 6 MR. HAYES: Well, I'm asking for -- I'm
 7 asking --
 8 MR. HOPKINS: Yeah, I know.
 9 MR. HAYES: -- about the process, and if
 10 there's a disconnect on the Board that needs to
 11 be changed, I don't know how we can change --
 12 MR. HOPKINS: No.
 13 MR. HAYES: -- that, but the Board needs
 14 to change that process, if I am correct in what
 15 you're saying.
 16 MR. HOPKINS: Basically this comes out of
 17 the Executive Committee, it didn't come out of
 18 our committee.
 19 MR. ADAMS: And he is correct, that was
 20 the way that the committee was, but then at some
 21 point, and I don't know the exact date, but
 22 during the solar farm stuff there was a change
 23 to it, and that's where it became the bulk
 24 referrals to the ZBA and then later -- and it
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1 had something to do with the making decisions
 2 about the finding of facts.
 3 MR. OCKEN: I know in the past the
 4 townships have received the information before
 5 ZBA, and I say that specifically because I
 6 remember at one township board meeting I was
 7 asked about a petition and I hadn't opened my
 8 packet yet to know that it was coming up. So I
 9 know that we used to receive that well in
 10 advance of the ZBA.
 11 And that would be like Lincoln Township
 12 would receive it if it pertained to Lincoln
 13 Township. All townships didn't receive it, but
 14 you only received what pertained to the
 15 township.
 16 MR. HOPKINS: But, like, this is for all
 17 townships.
 18 MR. HAYES: Is this something that the
 19 Board changed? Or who changed this procedure?
 20 MR. HOPKINS: I don't know for sure. I
 21 don't know who changed it.
 22 MR. HAYES: So we don't know who actually
 23 changed our procedure.
 24 MR. ADAMS: Our -- and that would be just
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1 for the committee. And that was a Board thing
 2 sometime in 20- -- I think it was in 2018,
 3 before -- when it was -- because there was a
 4 couple solar farms that went through first, and
 5 then there was the big change for the solar
 6 farms later. And somewhere between the two,
 7 that's when the change was made.
 8 MS. LUDEWIG: Yup.
 9 MR. ADAMS: And I assume it would have
 10 been a Board change.
 11 MR. BULTHAUS: I would think the zoning
 12 and planning would get it first and make their
 13 recommendations, and then we would have a public
 14 meeting, yes or no, and -- you know.
 15 MR. ADAMS: It's the -- so it's the County
 16 Board that's supposed to have the yes or no. I
 17 mean, this is exactly that: it's a public
 18 hearing again for all the evidence.
 19 MR. BULTHAUS: But they would take our
 20 recommendations.
 21 MR. HAYES: This is for evidence.
 22 MR. ADAMS: This is for evidence.
 23 MR. OCKEN: But if anybody wanted to
 24 testify in relation to this issue, the ZBA is
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1 their only opportunity to do that, not at the
 2 County Board.
 3 MR. ADAMS: Yup.
 4 MR. OCKEN: Because the County Board only
 5 hears public testimony after they vote.
 6 MR. ADAMS: Yes.
 7 MR. HAYES: And that's what -- that's
 8 actually what we had when the turbine issue came
 9 up, was that people were coming to the County
 10 Board meeting but they didn't come to this
 11 meeting, so they couldn't make their case.
 12 MR. HOPKINS: Yeah, I think you're right.
 13 MR. HAYES: So I'm trying to remember back
 14 in my head. And, Randy, I believe you were at
 15 some of those meetings as well --
 16 MR. OCKEN: Yeah.
 17 MR. HAYES: -- that the people in the
 18 audience were trying to come forth and put
 19 testimony and the County Board could not
 20 entertain -- you can listen, you listened, but I
 21 believe the County Board couldn't entertain
 22 those -- that piece of evidence because it
 23 wasn't entertained at this Board.
 24 MR. HOPKINS: You're right.
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1 MR. HAYES: So I'm kind of curious as to
 2 how that --
 3 MR. HOPKINS: Well, this is my request.
 4 So I guess you do what you want to do.
 5 MR. OCKEN: Okay.
 6 MR. HOPKINS: That's just how I feel about
 7 it. Thank you.
 8 MR. OCKEN: Other discussions for the
 9 Board?
 10 MR. HOPKINS: Any questions?
 11 MR. ADAMS: One more quick point. And
 12 there was some expectation on 007 that certain
 13 Board members might request that, and that's why
 14 it was broken up into the three individual ones
 15 rather than as one singular text message would
 16 have been broken down in the past.
 17 MR. OCKEN: Okay. Any other questions or
 18 comments from the Board?
 19 MR. HAYES: I guess my comment would be,
 20 through listening -- through listening here
 21 would be the idea that I don't see how our ZBA
 22 can change the rules of what the Board has put
 23 forth. This is -- if this is the time to hear
 24 it, and this is the time to do this, this is not
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1 our -- this is -- this is not our timeline.
 2 This is the timeline put forth from the Board.
 3 If they want that changed, then the Board
 4 should change that timeline. And in doing so,
 5 we kind of break our -- we break our rules by
 6 doing so, if we start tabling it and letting
 7 this committee or this township or whatever like
 8 that. If the Board wants to change it, they
 9 should change the timeline.
 10 I -- it's a scary procedure to go through
 11 when we start piecemealing out stuff and
 12 changing our administrator's timeline for what
 13 he's doing and his group of people. We start
 14 changing that around, and do we have really any
 15 authorization to do that?
 16 MR. OCKEN: We can vote to table it.
 17 MR. HAYES: Vote to table it.
 18 MR. OCKEN: We can vote to table it.
 19 MR. HAYES: Okay.
 20 MR. OCKEN: Other questions or comments?
 21 MR. WILLIAMS: Just for clarification, if
 22 we do not table this, we vote on it, then the
 23 public opportunity is missed to speak up?
 24 MR. OCKEN: This is the only --
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1 MR. ADAMS: No, not --
 2 MR. WILLIAMS: Before a vote from the
 3 County Board. They can't have any influence
 4 from the County Board because they read our
 5 minutes from this meeting, correct?
 6 MR. ADAMS: Yes, but they would have their
 7 opportunity with their townships when they hear
 8 it after -- after this meeting and then it
 9 should -- you know, and they should read this
 10 and would have their own meeting and votes and
 11 would have an opportunity to hear from their
 12 citizens.
 13 MR. WILLIAMS: When would that go into
 14 public record though?
 15 MR. ADAMS: I don't know when the
 16 townships have their meetings. I couldn't tell
 17 you.
 18 MR. HAYES: I kind of -- I kind of don't
 19 like this timeline, and I'll -- I'm going to --
 20 I'm going to seem like I'm backtracking a little
 21 bit. I don't like the timeline; on the other
 22 hand, I don't know how we can start meddling
 23 this stuff. I don't like the timeline, because
 24 I think the townships and the committee and so
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1 on, so forth, need that time, but I don't
 2 like -- but I don't like putting us in the cross
 3 hairs of -- quite honestly, I think we're in the
 4 cross hairs of a political situation. We're
 5 not -- we don't need to be involved with the
 6 political situation, we need to be involved with
 7 hearing this. You know, if they wanted it, they
 8 should have said so.
 9 MR. OCKEN: Other questions or comments
 10 from the Board?
 11 (No verbal response.)
 12 MR. OCKEN: I will entertain a motion, if
 13 anyone wants to make one.
 14 MR. WILLIAMS: Mr. Chairman, I'll make a
 15 motion to table 007-20 Text Amendment until next
 16 month's meeting.
 17 MR. OCKEN: Until September 24th meeting?
 18 MR. WILLIAMS: Yeah.
 19 MR. OCKEN: There has been a motion to
 20 table Petition 007-20 Text Amendment until the
 21 September 24th meeting of the Zoning Board of
 22 Appeals.
 23 Is there a second?
 24 MR. BULTHAUS: I'll second.
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1 MR. OCKEN: Mr. Bulthaus seconds.
2 Any other discussion by the Board?
3 (No verbal response.)
4 MR. OCKEN: Mr. Adams, please call the
5 roll.
6 MR. ADAMS: Mark Hayes?
7 MR. HAYES: No.
8 MR. ADAMS: Randall Bulthaus?
9 MR. BULTHAUS: Yes, to amend it.
10 MR. ADAMS: Dave Williams?
11 MR. WILLIAMS: Yes.
12 MR. ADAMS: Randy Ocken?
13 MR. OCKEN: Yes.
14 (By a voice vote, three ayes, one
15 nay.)
16 MR. OCKEN: The motion passes. Petition
17 007-20 is tabled until the September 24th
18 meeting of the Zoning Board of Appeals.
19 We will proceed with the other two
20 petitions this evening.
21 (The hearing was concluded at
22 6:29 p.m.)
23
24

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1 Now on this 27th day of August, A.D., 2020, I
2 do signify that the foregoing testimony was given
3 before the Ogle County Zoning Board of Appeals.
4
5
6
7

Randy Ocken, Chairman

Harry Adams,
Zoning Administrator

Callie S. Bodmer
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