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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 24th day
 13 of September, A.D., 2020,
 14 before the Ogle County
 15 Zoning Board of Appeals
 16 Present:
 17 Paul Soderholm
 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: I call this September 24th,
 2 2020, meeting of the Ogle County Zoning Board of
 3 Appeals to order at 6 p.m.
 4 Mr. Adams, please call the roll.
 5 (Roll call was taken.)
 6 MR. OCKEN: We have four members present.
 7 There is a quorum. Please rise for the Pledge
 8 of Allegiance.
 9 (The Pledge of Allegiance was
 10 recited.)
 11 MR. OCKEN: The verbatim transcript
 12 serving as minutes of the last meeting is on
 13 file and will not be read at this time. I will
 14 entertain a motion to approve the minutes of the
 15 last ZBA meeting.
 16 MR. WILLIAMS: I'll make a motion to
 17 approve.
 18 MR. OCKEN: Mr. Williams moves. Is there
 19 a second?
 20 MR. HAYES: I'll second.
 21 MR. OCKEN: Mr. Hayes seconds. All in
 22 favor say aye.
 23 (All those simultaneously
 24 responded.)
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1 MR. OCKEN: Motion passes.
 2 All testimony will be taken under oath.
 3 Please come forward to the podium to testify and
 4 state your name and address to the recording
 5 secretary, and please spell your last name.
 6 When testifying, please speak clearly and
 7 loudly enough to be heard.
 8 (Whereupon, Randall Bulthaus
 9 entered the hearing.)
 10 MR. OCKEN: This hearing is the only
 11 opportunity to place testimony and evidence on
 12 the record. There will not be another
 13 opportunity beyond tonight's hearing to submit
 14 additional evidence or testimony for
 15 consideration.
 16 Please turn off or silence all electronic
 17 devices.
 18 The procedures on hearings that will be
 19 followed tonight is as found in the ZBA Rules of
 20 Procedures or Citizen's Guide to the Zoning
 21 Board of Appeals, which are available on the
 22 desk near the entrance to this room.
 23 If anyone has trouble hearing, please let
 24 us know. After the petition has been voted on,
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<p>1 you are free to leave; however, you are welcome 2 to stay for the rest of the meeting. 3 Mr. Adams, what's the first order of 4 business? 5 MR. ADAMS: Mr. Ocken, the first order of 6 business is to hear Petition 002-20-SU (sic). 7 MR. SODERHOLM: 005-20. 8 MR. ADAMS: Yeah, to consider the request 9 filed July 21st, 2020, of Better Place Forests, 10 Co., of 3717 Buchanan Street, Number 400, San 11 Francisco, California, for a Special Use Permit 12 in the AG-1 Agricultural District to allow a 13 Conservation Memorial Forest on property 14 described as follows and owned by the 15 Petitioners: 16 Part of the South Half of the Southwest 17 Quarter of Section 27; part of the 18 Northwest Quarter of the Northwest Quarter 19 of Section 34; part of the Southeast 20 Quarter of the Southeast Quarter of 21 Section 28; and part of the East Half of 22 the Northeast Quarter of Section 33, 23 Township 24 North, Range 10 East of the 24 4th P.M., Rockvale Township, Ogle County, In Totidem Verbis, LLC (ITV)</p>	<p>1 The closest dwelling to the proposed Special Use 2 area is approximately 400 feet to the northeast. 3 For Comprehensive Plan, this parcel is 4 within a mile and a half of the City of Oregon. 5 And according to the Oregon Comprehensive Plan 6 update 2016, it does meet the area for open 7 space conservation uses. 8 According to the Ogle County Amendatory 9 Comprehensive Plan, it designates the site and 10 the surrounding area for agricultural and open 11 space uses. 12 There is no zoning history. It has been 13 AG-1 since 1965. 14 And as far as the applicable regulations 15 for this particular Special Use, it falls under 16 Other Uses determined by the Planning and Zoning 17 Committee of the Ogle County Board. 18 So this -- because we don't list memorial 19 forests specifically, it's kind of a one -- 20 first-time deal for Ogle County, we went and got 21 committee approval for that. 22 For transportation, North River Road is a 23 hot-mixed Ogle County highway functionally 24 classified as a major collector. In Totidem Verbis, LLC (ITV)</p>
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<p>1 Illinois, 59.62 acres, more or less. 2 On Property Identification Numbers: 3 09-27-300-003; 09-27-400-005; 4 09-33-200-003; and 09-34-100-001. 5 At the Common Location: 1950 North River 6 Road. 7 For the record, a sign was posted along 8 the frontage of the premises indicating that a 9 zoning hearing is to be held regarding this 10 property. All adjoining property owners have 11 been notified of this hearing and the specifics 12 therein, and a legal notice was published on the 13 31st of August edition of the Ogle County Life. 14 Under the Staff Report, if you guys flip 15 to that, you'll see under General Information, 16 so the current land use is heavily wooded 17 natural area that does contain a dwelling unit. 18 The surrounding land use relative to the 19 Special Use area, the land to the north, south, 20 and east is all zoned AG-1 and currently a 21 mature natural forest with a few mixed 22 residential uses. To the west, of course, is 23 the Rock River. There are 38 dwellings within 24 one-half mile of the proposed Special Use area. In Totidem Verbis, LLC (ITV)</p>	<p>1 For the physical characteristics, there 2 was multiple soil types on here. So rather than 3 redraw all of them, I'll just say that the 4 general land evaluation score was 57.3, which is 5 kind of a, like I say, good general summary of 6 the poor quality of soils on the site. 7 27 percent are rated suitable for onsite 8 sewage disposal. 9 There are wetlands present on the site as 10 they are identified on the concept plan. 11 And the overall LESA score of 173.2 12 indicates a Low Rating for protection. 13 The EcoCAT consultation states, in part: 14 This letter is in reference to the project you 15 recently submitted for consultation. The 16 Natural Resources Review provided by EcoCAT 17 identifies protected resources that may be in 18 the vicinity of the proposed action. However, 19 the Department has evaluated this information 20 and concluded that adverse effects are unlikely; 21 therefore, consultation is terminated. 22 Mr. Chairman, that's all I have. 23 MR. OCKEN: Would the Petitioners please 24 come forward to the podium and be sworn in. In Totidem Verbis, LLC (ITV)</p>

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1 GIA DeBARTOLO, SCOTT ROYCROFT, REBECCA OLSON and
 2 DAVID STREICKER,
 3 being first duly sworn, testified as follows:
 4 MR. OCKEN: Please state your name and
 5 address for the recording secretary.
 6 MS. DeBARTOLO: My name is Gia DeBartolo,
 7 that's D, as in David, E-B, as in boy, A-R-T, as
 8 in Tom, O-L-O.
 9 MR. ROYCROFT: My name is Scott Roycroft.
 10 The last name is R-O-Y-C-R-O-F-T.
 11 MS. OLSON: Rebecca Olson, O-L-S-O-N.
 12 ATTORNEY STREICKER: And my name is David
 13 Streicker, S-T-R-E-I-C-K-E-R, and I'm Counsel
 14 for the Petitioner.
 15 MR. OCKEN: And you use the address of
 16 3717 Buchanan Street; is that right?
 17 ATTORNEY STREICKER: The Petitioner does,
 18 yes.
 19 MR. SODERHOLM: Could you hold on until he
 20 gets a microphone? I can't hear a word he said.
 21 MR. ADAMS: If you want -- IT said the mic
 22 is broken.
 23 MR. OCKEN: Did you have information you
 24 want to hand out before we begin?
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1 MR. ROYCROFT: Yes, I would like to. Am I
 2 free to say what this is at this time?
 3 MR. OCKEN: Yes, go ahead.
 4 MR. ROYCROFT: We apologize for the late
 5 delivery. We have extra documentation regarding
 6 the project.
 7 The first is from the Natural Land
 8 Institute, who is our proposed conservation
 9 partner who has expressed interest in holding a
 10 conservation easement on the property. So
 11 that -- sorry if I missed that there. That is
 12 the first. That's a letter.
 13 The second document that was included is
 14 our draft ecological restoration and management
 15 plan, and this document discusses our proposed
 16 management of the property. And that was
 17 written by Rebecca, so she'll speak to that in
 18 detail.
 19 And then last -- well, another document is
 20 the soil report, and this report discusses the
 21 soil conditions on site and discussions that --
 22 well, our use and our proposed use of spreading
 23 remains on the property.
 24 And finally, the last document is a
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1 traffic statement that Rebecca describes on the
 2 likely traffic impacts, or lack thereof, on the
 3 site.
 4 So it's too many pages to read now, but we
 5 will be referencing each of those documents, and
 6 we appreciate you taking them.
 7 MR. OCKEN: Okay. Why don't you go ahead
 8 and tell us why you're requesting a Special Use
 9 Permit for the property and what your plans are.
 10 MR. ROYCROFT: Absolutely. Gia is going
 11 to start, and we'll start with the presentation,
 12 discuss our background, discuss the proposed use
 13 in detail, and what we see as the impacts to the
 14 community and kind of background on who we are.
 15 MS. DeBARTOLO: All right. To start us
 16 off, hello board members. Again, my name is Gia
 17 DeBartolo, and I am here as the project
 18 representative for Better Place Forests.
 19 Joining me this evening is my colleague, Scott
 20 Roycroft, our project ecologist, Rebecca Olson,
 21 and our local Counsel, Dave Streicker.
 22 As Mr. Adams educed, in July Better Place
 23 Forests submitted a Special Use Permit
 24 application to Ogle County for a conservation
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1 memorial forest we are proposing along North
 2 River Road. We greatly appreciate the
 3 opportunity to present before you this evening
 4 and thank you for your consideration of our
 5 project.
 6 Before I discuss our proposal in more
 7 detail, I'd like to provide a brief opening
 8 introduction. Better Place Forests is creating
 9 conservation along the forest. We have acquired
 10 beautiful properties throughout the United
 11 States, effectively converting and managing
 12 them. The way we are able to fund this
 13 conservation effort is through the sale of tree
 14 dedications in our forest. Our tree dedications
 15 offer a unique sustainable end-of-life
 16 alternative for those choosing cremation.
 17 With the purchase of a tree dedication in
 18 one of our forests, our customers are given the
 19 exclusive rights to spread their remains at the
 20 base of their own dedicated memorial tree.
 21 Our onsite employees, called forest
 22 stewards, mix cremated remains in the soil and
 23 spread the mixture at the base of each dedicated
 24 tree. In lieu of a traditional tombstone, we
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<p style="text-align: right;">Page 13</p> <p>1 provide a USGS-style memorial marker, offering a 2 natural reintroduction to the forest floor. 3 In Ogle County specifically, we are 4 seeking to utilize a 60-acre property for this 5 very purpose. The property located at 1950 6 North River Road in Oregon is located within the 7 Agricultural Zoning District and currently 8 utilized for residential purposes. In the 9 interest of operating onsite, Better Place 10 Forests is seeking a Special Use Permit from the 11 County this evening. 12 We were drawn to this property in 13 particular for its unequivocal conservation 14 values. The property features just over 50 15 acres of exceptionally well-stewarded forested 16 habitat sitting directly along the eastern banks 17 of the Rock River. We recognize this location 18 provides migratory pathways for habitat of a 19 variety of species. For this reason, we would 20 like to see this property preserved. 21 Because our land use focus is primarily 22 conservation based, our proposed development on 23 site will be extremely limited. All proposed 24 improvements are intended to facilitate safe and In Totidem Verbis, LLC (ITV)</p>	<p style="text-align: right;">Page 15</p> <p>1 open seasonally. You know, it's hard to walk 2 through this forest during winter months, and so 3 we do not plan on any winter operations in terms 4 of customers. 5 Customers will visit to select the tree, 6 which is the first visit. They will visit for 7 memorial ceremonies, when the cremains or ashes 8 are actually spread, and they will do return 9 visitation, which they will come to the forest, 10 visit the tree, or just walk the trails. 11 It's important to note that the property 12 will be only open to our customers and not to 13 the general public, because we don't want this 14 to be a hiking destination. 15 During all open hours, our property will 16 be staffed by onsite employees. At this 17 property, we expect to have about two to four 18 staff members. One will be the leader/the 19 manager of the forest, and they would be the 20 contact if there are questions from the 21 community or from the local jurisdiction. And 22 then we'll have staff who are responsible for 23 hosting customers. They're the experts at the 24 customer experience. Then we'll also have In Totidem Verbis, LLC (ITV)</p>
<p style="text-align: right;">Page 14</p> <p>1 comfortable assets to our guests. 2 The land improvements will include the 3 renovation of the existing home on site for use 4 as a visitors' store, offering spaces and 5 restrooms for our guests, the expansion and 6 improvement of the existing driveway and a small 7 parking area, and several gathering spaces 8 throughout the forest, which may include open 9 air spaces and benches. 10 The majority of the property will be 11 preserved and managed according to the forest 12 restoration plan, which Scott just passed along. 13 MR. ROYCROFT: All right. Can you guys 14 hear me project through my mask, or would you 15 like me to go to the microphone? 16 MR. SODERHOLM: Say what? 17 MR. ROYCROFT: I will go to the 18 microphone. 19 Mic check. Is this all right? 20 Okay. Thank you, Gia. 21 I'd like to just discuss our site 22 operations and then our impacts of our proposed 23 operations on the area. 24 So for site operations, we will only be In Totidem Verbis, LLC (ITV)</p>	<p style="text-align: right;">Page 16</p> <p>1 employees who are working on the forest 2 preservation. So a manager or caretaker of the 3 lands. 4 The key visit, of course, is the memorial 5 ceremony. The memorial ceremony does not take 6 the place of a funeral in these practices. This 7 happens, you know, of course, after the funeral 8 and someone brings their ashes of a loved one to 9 the selected memorial tree. 10 During that process, the ashes or cremains 11 are mixed with native soil, so they are visually 12 indistinguishable, and then spread at the base 13 of the tree. They are not buried or interred. 14 They are spread at the base of the tree. 15 Part of our soils report weighed in on 16 potential effects of these ashes, and that soil 17 chemist found that there would be no adverse 18 impacts on the soil or groundwater. 19 Lastly, outside of customer visitation, 20 there will be ongoing active forest management. 21 There are a fair number of invasive species on 22 this property, and those will be managed. And 23 in general, a lot of the understory will be 24 cleared so there's access to the different trees In Totidem Verbis, LLC (ITV)</p>

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1 to have it be a park-like setting.
 2 So the last slide that I want to touch on
 3 is the benefits that will come from this use.
 4 The first one is that we will create
 5 environmentally-focused employment opportunities
 6 for residents. Our target employees would be
 7 from here or a neighboring town, but close to
 8 the project site. So this will create about two
 9 to four great full-time jobs.
 10 Additionally, a huge component of our use
 11 is the conservation and the impact of preserving
 12 the local landscape to protect wildlife habitat
 13 and promote forest health. One of the reasons
 14 we were attracted to this property, of course,
 15 is its location along the Rock River, and it
 16 will be conserving contiguous wildlife habitat
 17 or wildlife corridor and ensuring that this
 18 property is protected.
 19 To ensure that protection, we plan to work
 20 with a local land trust partner on placing a
 21 conservation easement on the property to ensure
 22 its protection definitely.
 23 We have been in discussions with Natural
 24 Land Institute to hold this conservation
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1 easement, and that's part of their letter. And
 2 we're going through discussions about what that
 3 easement will look like at this time.
 4 As part of our use, we are going to
 5 renovate the existing home on site as a visitor
 6 center and do some necessary grading, some
 7 minimal trail construction, and then decades of
 8 ongoing forest management.
 9 Over across these decades, we do expect to
 10 spend over \$5 million on these ongoing
 11 improvements. So this is a great opportunity
 12 for local contractors to have continued work in
 13 forestry management.
 14 And finally, the core component of our use
 15 is providing end-of-life options that are
 16 sustainable and alternative to normal
 17 cemeteries, and we -- you know, there's so many
 18 different trees in the forest that -- with the
 19 different price ranges, that we hope to provide
 20 kind of a good end-of-life option that is
 21 affordable to a variety of residents or
 22 visitors.
 23 And with that, I will pass it over to
 24 Rebecca.
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1 MS. OLSON: Thank you.
 2 I am going to speak a little bit more
 3 about the forest restoration and the management
 4 plan. Scott did give you a draft of our plan.
 5 It is still in progress, but that gives you an
 6 idea of where we are going with the plan.
 7 My name is Rebecca Olson, as we have
 8 already stated. I'm with Olson Ecological
 9 Solutions. I was brought on to this Better
 10 Place Forests team for various consulting
 11 property management goals for the environmental
 12 impacts that might happen to the property and
 13 just to make sure that we do our due diligence
 14 and don't disturb the wetlands and, you know,
 15 protect the ravines and scope a management plan
 16 that will ecologically take care of the health
 17 of the forest.
 18 And to get this plan, I worked with Jim
 19 Anderson, who is well-versed in forest
 20 restoration ecology. He is on staff at the Lake
 21 County Forest Preserve.
 22 MR. SODERHOLM: At what preserve?
 23 MS. OLSON: Lake County.
 24 The purpose of the restoration plan is to
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1 provide recommendations for the long-term care
 2 of the forest and to ensure that the proposed
 3 uses of this memorial forest maintain an
 4 ecologically diverse native forest community.
 5 The property has inherent conservation
 6 values that we would like to protect, and some
 7 of them have been touched on before. So this
 8 might -- a few might be repetitive, but I think
 9 it's important to put it in perspective with the
 10 rest of them.
 11 So the values that we can protect with
 12 buying -- protecting this forest would be
 13 protected lands, wildlife habitat, the social
 14 and cultural benefits, and the protection of air
 15 and water quality.
 16 So with protected lands, I think it's
 17 important to note that there are only 12 percent
 18 of lands in the United States that are protected
 19 permanently with public use forest preserves,
 20 state preserves, state forests, that sort of
 21 thing. 88 percent of lands are held privately.
 22 And so if we're going to make any difference
 23 with the ecological health of our nation, we
 24 have to work with private lands.
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<p style="text-align: right;">Page 21</p> <p>1 I think when you get a group like this who 2 has a way to -- it's economically viable to 3 protect a forest, it's a win-win for everybody. 4 So this 60-acre property is part of a 5 larger forest, and since it's going to be 6 protected by a conservation easement, it has 7 protected lands on both sides of it and there 8 are pieces of protected land around it. 9 The forest corridor that it is in is 10 important as a migratory bird wildlife corridor. 11 The forest width along the river, it is suitable 12 for some species that need that interior forest 13 to protect it and finding proper food and 14 shelter. Those birds don't find it again until 15 the Mississippi River, and all the farmland in 16 between is like a desert to them. So it is a 17 very important flyway. 18 Social and cultural benefits, you know, 19 sometimes it's recreation or such. In this 20 case, the social and cultural benefit is the 21 spiritual benefit that comes from natural areas. 22 Water quality protection, as we -- a forest, in 23 general, is the type of land use that will 24 contribute to water quality protection. If that <p style="text-align: center;">In Totidem Verbis, LLC (ITV)</p></p>	<p style="text-align: right;">Page 23</p> <p>1 system, and this forest does have potential for 2 restoration. 3 Our goal for restoration is to bring the 4 forest into a better native quality with greater 5 biodiversity in order to provide the greatest 6 conservation values like we discussed and as 7 ecologically functioning as possible. 8 So to meet this goal, we will follow a 9 restoration management plan. It's going to be 10 similar to what is in front of you. We will put 11 more detail and specifications into that plan as 12 we develop it. Mainly, the activities are 13 selective clearing of trees and shrubs, removal 14 of invasive species, and reintroducing native 15 plants. 16 And so selective clearing will open a 17 canopy to allow more sunlight to reach the 18 forest floor. The removing of the invasive 19 species will allow the native species to 20 repopulate the area. With the invasive species, 21 it does become very limited in what it has to 22 offer for wildlife and forest, like water 23 quality and protection. 24 We will see if the native seed bank <p style="text-align: center;">In Totidem Verbis, LLC (ITV)</p></p>
<p style="text-align: right;">Page 22</p> <p>1 forest was to be converted to farmland or to 2 residential, you get -- as you get more and more 3 developed land, you have more effects on water 4 quality. So the forest, in general, is great 5 for that, but with the plans to restore the 6 forest, the benefit is going to become even 7 greater. 8 Then there is a benefit to air quality 9 protection as well, and that happens with 10 forests, especially forests that are healthy and 11 generating younger trees. 12 So those are the values we're trying to 13 protect. In order to come up with 14 recommendations of how to protect them, we 15 conducted an assessment of the property 16 ecological restoration plan. So briefly, the 17 current condition of the forest, it's of medium 18 quality overall. It has some degradation. 19 There are some invasive species, there's about 20 15 percent shrub cover that is marginally 21 invasive that needs to be removed. In order 22 to -- well, I'll get into why. But forests of 23 medium quality do have potential for 24 restoration, and so the -- there's a scoring <p style="text-align: center;">In Totidem Verbis, LLC (ITV)</p></p>	<p style="text-align: right;">Page 24</p> <p>1 responds positively. And if it doesn't, we will 2 introduce new native plants that are as close as 3 we can find to this area. Then we will continue 4 to monitor it throughout the years, and we will 5 adjust the plan as the conditions of the forest 6 change. 7 ATTORNEY STREICKER: Why don't you tell 8 them your educational background. 9 MS. OLSON: He asked me to tell you my 10 educational background. 11 My master's degree in science is in 12 ecology. I have been in this field since 2000, 13 and for the first five or more years it was land 14 preservation, and then since then it's been 15 restoration and ecology. 16 ATTORNEY STREICKER: Is this microphone 17 on? 18 MR. ADAMS: If you push the little black 19 button. 20 ATTORNEY STREICKER: Can you hear me? 21 Okay. Great. 22 Thank you, everybody. Thank you to the 23 members of the Board for hearing us this 24 evening. My name is David Streicker, and I am <p style="text-align: center;">In Totidem Verbis, LLC (ITV)</p></p>

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1 local counsel for the Petitioner, and want to
 2 thank you, Harry, specifically for the help that
 3 you have provided us through this process.
 4 I just want to highlight a couple things
 5 for the Board members about the materials we
 6 have submitted. What you have is hopefully a
 7 very detailed Special Use Permit application.
 8 A couple things I wanted to just point out
 9 in the application. We did have a specific
 10 listing of some of the real property
 11 improvements that we intend to make to the site,
 12 you know, as Scott mentioned. Rehabilitating
 13 the existing residence, probably turning that
 14 into offices, trails, parking, et cetera.
 15 And one of the things I wanted to
 16 highlight for the Board, because we had a
 17 conversation with the Regional Planning
 18 Commission, and we're happy certainly to have
 19 their support, six-zero, for the project as far
 20 as its consistency with the Comprehensive Plan.
 21 But there was a couple questions from the
 22 Board members -- or from committee members,
 23 excuse me, about what the future property tax
 24 revenue from the project might look like. Since
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1 we had that meeting a month ago, we have had the
 2 opportunity to do some informal consultation
 3 with the Ogle County assessor's office.
 4 And one thing I certainly can represent to
 5 you all is that we're not seeking any property
 6 tax abatements for the project. Considering the
 7 use that we have contemplated, it's very likely
 8 that the existing property tax liability on the
 9 forested part of the site would remain
 10 consistent.
 11 We probably would do some, as Scott
 12 mentioned, minor real property improvements to
 13 certain portions of the site. And assuming
 14 those are made, the assessor would come out and
 15 assess those under normal custom and practice.
 16 So I think, you know, from a county tax base
 17 perspective, you're probably looking at
 18 something that's slightly more robust than you
 19 have now.
 20 But certainly we had this question from
 21 the committee about not going down to zero.
 22 That's not our intention here, to put it in any
 23 type of tax abatement or put it into a class of
 24 property that would be untaxable.
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1 So in case there's any questions along
 2 those lines, I am happy to field those to the
 3 extent I can. Obviously we're talking somewhat
 4 hypotheticals there, which is not something that
 5 the assessor likes to engage in. So these
 6 conversations certainly have been informal, but
 7 they were also instructive.
 8 What you'll also see in the application
 9 which we thought would be helpful to the Board
 10 is the legal definition of a cemetery in
 11 Illinois, which we are not, since we're not
 12 interring remains at the site. It's merely,
 13 what we're asking for, a conservation memorial.
 14 But if there is any questions legally
 15 related with a cemetery or activity, I'm happy
 16 to field those questions, if the Board has any.
 17 Also, what you'll see in the application,
 18 we did -- which I also find helpful -- list the
 19 Special Use Permitting criteria and how we think
 20 we fit in with that.
 21 I think as you have heard in the
 22 presentation from both Gia, Scott, and Rebecca,
 23 that we are in AG-1 Zoning District, that the
 24 activities that we plan are very low impact,
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1 consistent with the current use with regards to
 2 this maintenance of, you know, this important
 3 forested piece of the ecological eastern bank of
 4 the Rock River.
 5 But also, it's very consistent with I
 6 think a number of the uses on the neighboring
 7 parcels, since we're going to generate very
 8 little traffic, there's not going to be any
 9 exterior changes or visual sight line changes.
 10 And, again, we think that what we're planning is
 11 very consistent with the Ogle County Special Use
 12 Permit criteria.
 13 Finally, again, as I note, we were happy
 14 to have the Regional Planning Commission's
 15 support. As you'll note from the Staff Report,
 16 the long-term use Ogle County had for this site
 17 is a conservation area. I think it's relatively
 18 low quality for actual growing stuff, whether
 19 it's beans or corn, et cetera, based on the LESA
 20 score we got. But certainly, very valuable --
 21 as you saw from one of the pictures that Gia put
 22 up, a very valuable piece of the green wall that
 23 forms the entire eastern bank of the Rock River.
 24 So we are very excited about this project, and
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1 it will hopefully bring value to add to Ogle
 2 County.
 3 And with that, I think I would just note
 4 the application materials we submitted are the
 5 application, the Natural Land Institute letter,
 6 the draft ecological management plan, soil
 7 study, and traffic study. I would just ask that
 8 that be in the record, along with our testimony
 9 here today.
 10 Thank you.
 11 MR. ADAMS: Thanks, David, for going over
 12 that. I was going to go over those questions
 13 that the Regional Planning did want us to bring
 14 up, and you already covered them before I had
 15 the chance to ask them. So I appreciate that.
 16 And then I did forget to mention that
 17 yeah, they had their vote. It was six to zero,
 18 with one abstained.
 19 Then the City of Oregon also had no
 20 objection to the Special Use.
 21 MR. OCKEN: Could you expand a little bit
 22 on your dates of operation? You said you would
 23 be closed during the winter? Is that -- when
 24 does that start and when does that end?
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1 MR. ROYCROFT: Thank you for the question.
 2 There, of course, is variability each year, but
 3 I think we would be shooting for the end of the
 4 season being in October, flexibly, and then
 5 starting again in April, most likely. Of
 6 course, sometimes there would be snow on the
 7 ground with early storms, but we would shoot for
 8 about that, but we would want to have the
 9 flexibility to adjust our seasons appropriately.
 10 MR. OCKEN: Would there be staff on site
 11 during the time that you're closed then?
 12 MR. ROYCROFT: We are not certain. We do
 13 not plan to have a caretaker live on site at
 14 this time, but we do plan to have a gate over
 15 the site. So our staff will be there during any
 16 operational hours, but if we close, the gate
 17 will be closed, and we do not plan to have
 18 anyone on site every night or during the closed
 19 times.
 20 MR. OCKEN: And you said that this would
 21 not be open to the public. This is for, I don't
 22 know what term you used, patrons, customers?
 23 MR. ROYCROFT: Patrons, yeah, to come to
 24 consider the product or becoming customers. But
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1 we -- again, we don't want the impacts with the
 2 public visitation, because we understand that's
 3 a popular corridor already for visitors. We do
 4 often -- so we see ourselves as a private park,
 5 essentially.
 6 We do offer our neighbors the opportunity
 7 to walk the trails, the same way that you may
 8 offer your neighbors access to your property,
 9 because we do have this beautiful trail system
 10 that, you know, the people that we learn to know
 11 or who our staff learns to know often like to
 12 use the trails.
 13 MR. OCKEN: And so if relatives of someone
 14 whose ashes have been spread there wants to just
 15 come and visit then, they're able to do that?
 16 MR. ROYCROFT: Yes, and they would be --
 17 most of our customers or patrons book an
 18 appointment to visit. They know when they're
 19 going, they say, I want to make sure there's
 20 time, and we try and limit the kind of peaks in
 21 visitation to make sure everyone has a calm
 22 setting for their visit.
 23 But if you came up, if you were a
 24 relative, you would go in, you would meet one of
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1 our employees, you know, name who you're
 2 visiting, they quickly look at their records,
 3 and that will be an easy way to, you know,
 4 ensure they're involved with the operation.
 5 MR. OCKEN: So you have a gate at the
 6 entrance and that will be closed then?
 7 MR. ROYCROFT: We will have a gate that we
 8 plan to open and close once a day, during
 9 opening and closing.
 10 MR. OCKEN: So it will be open during the
 11 day? Someone can drive in and come back to what
 12 will be the office then?
 13 MR. ROYCROFT: Yes. Yes, it's an office
 14 and a visitors' center. So that will be where
 15 there are customer accessible restrooms and, you
 16 know, a greeting area, where they can sit
 17 perhaps out of the sun.
 18 MR. OCKEN: Okay. It's probably explained
 19 more in your plan, which I haven't had the
 20 opportunity to completely go through, but in
 21 terms of clearings, will you have areas of the
 22 forest that will be cleared out and connected by
 23 trails? Or how will that work?
 24 MR. ROYCROFT: I'm happy to start.
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1 Rebecca can jump in too if we need more details.
 2 We plan to -- there are many existing
 3 trails on site. So our first phase is, open the
 4 areas adjacent to those trails to be accessible
 5 to the trees.
 6 MR. OCKEN: And when I say cleared, I
 7 don't mean clearing out the trees, I mean
 8 clearing out understory --
 9 MR. ROYCROFT: Yes. So we work with
 10 Rebecca to say what level of understory clearing
 11 is appropriate.
 12 But, yes, that is the first kind of phase,
 13 to clear a good amount of the understory so the
 14 trees are accessible, and then maintain that
 15 understory so the trees remain accessible so you
 16 can at least walk up to them.
 17 MR. OCKEN: Okay. Questions from the
 18 Board?
 19 MR. HAYES: I have a question about
 20 sustainability for the family members and
 21 geological plan periods.
 22 What is your time period for, let's say --
 23 like, is this an indefinite time that family can
 24 visit their relatives? Are you looking at a
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1 hundred years? 200 years? indefinite? And how
 2 does that sustainability go forth, you know?
 3 I mean, you're talking an -- are you
 4 talking about memorials that are going to
 5 sustain the property, or are you talking about
 6 outside influence to sustain the property and
 7 for that length of time?
 8 MR. ROYCROFT: The goal of our use is
 9 indefinite, but, of course, we have only been
 10 around, you know, a short time compared to
 11 indefinite.
 12 So the way we address that is through a
 13 conservation easement, and so we will put in
 14 place a conservation easement to ensure the
 15 forested area of the property could never be
 16 developed and that our patrons could continue
 17 visitation of the site for decades or, you know,
 18 centuries to come.
 19 And so we -- as part of our use, we set up
 20 an endowment to fund the long-term maintenance
 21 and to fund for visitation. But the legal
 22 structure to kind of ensure the indefinite
 23 nature of this is that easement to protect the
 24 site.
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1 MR. HAYES: So you have an outside
 2 influence, money, coming in on top of the
 3 memorials, or is this just memorial money coming
 4 in?
 5 MR. ROYCROFT: It is funded by those
 6 memorials, and a portion of each purchase price
 7 of those memorials goes into that endowment for
 8 long-term funding.
 9 MR. HAYES: So you're just basically
 10 saying, If you buy into this, whatever I got
 11 is --
 12 MR. SODERHOLM: Can he can turn his mic
 13 on?
 14 MR. HAYES: That memorial funds the whole
 15 entire deal? So how many memorials are you
 16 talking about having to spread the ashes on?
 17 MR. ROYCROFT: Our current estimate is
 18 about 3- to 5,000, and that's based on the
 19 acreage. It's appropriate to have 50 to a
 20 hundred memorial trees per acre, and then
 21 there's about 50 acres of forest. So that is
 22 our target. And based on our business model,
 23 that is plenty of memorial sites to fund the
 24 long-term endowment.
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1 MR. OCKEN: Randy?
 2 MR. BULTHAUS: Kind of repeat what he
 3 said. You would have this approximately filled
 4 in 20 years, and you're hoping that these
 5 memorials would maintain this and pay for
 6 somebody there after these 20 years to take care
 7 of it? Because I know some of the cemeteries in
 8 this county are running out of money and either
 9 the township or the county is going to have to
 10 belly up and help pay to maintain them.
 11 MR. ROYCROFT: Absolutely. That is our
 12 intention. And it's very similarly structured
 13 to other nature preserves or conserved areas
 14 that are starting with an endowment to fund
 15 their long-term maintenance. So we just need to
 16 guarantee those upfront costs during the peak
 17 times of operations to ensure, you know, the
 18 ongoing management in decades to come.
 19 And it is worth noting that family members
 20 could choose to, you know, buy the rights to
 21 spread their ashes at their parents' tree as a
 22 really nice way in which your family can be tied
 23 together. Unlike buying grave lots, you can
 24 return to that same tree. We see those return
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1 purchases as a key component of our business
 2 model.
 3 MR. OCKEN: Other questions?
 4 MR. SODERHOLM: Yeah.
 5 MR. OCKEN: Mr. Soderholm.
 6 MR. SODERHOLM: First of all, I would like
 7 to commend you. I was happy -- one of the
 8 questions I would have had was, who is going to
 9 be the manager of the easements, and you have
 10 chosen or are working -- it says, hopeful --
 11 Kerry Leigh says it is hopeful she can get some
 12 kind of agreement worked out with you. So kudos
 13 to you for that.
 14 But it's still a work in progress, it
 15 sounds like, right? Kerry hasn't signed --
 16 Kerry Leigh has not signed off on this thing,
 17 yet, has she?
 18 MR. ROYCROFT: No, she has not. We cannot
 19 place that easement until we are the outright
 20 owners of the property.
 21 MR. SODERHOLM: What's that?
 22 MR. ROYCROFT: We are in contract to
 23 purchase the property as -- once we receive our
 24 Special Use Permit, we will go through with the
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1 purchase. So it wouldn't be feasible to place
 2 the easement at this time.
 3 MR. SODERHOLM: Okay. Good selection.
 4 Now, on this, the ecological restoration
 5 management plan, it's a long-term plan, I
 6 presume.
 7 Are you Rebecca Olson? You are Rebecca?
 8 MS. OLSON: Yes.
 9 MR. SODERHOLM: It -- I saw in the
 10 paper -- I'm pulling from a lot of different
 11 sources -- you're going to spend millions of
 12 dollars on facility construction and ongoing
 13 maintenance with local contractors, correct?
 14 Have you been out trying to clear the understory
 15 of a forest of Amur honeysuckle?
 16 MS. OLSON: Oh, yes.
 17 MR. SODERHOLM: That takes an army, it
 18 takes an army, a well-equipped army, and an
 19 ongoing battle.
 20 So how much of your millions are you going
 21 to devote to the maintenance of the understory
 22 of our forest?
 23 MS. OLSON: Yes, we --
 24 MR. SODERHOLM: I can hear him so much
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1 better. Nothing against you, but you -- you
 2 resonate. We're communicating, I think.
 3 MR. ROYCROFT: I will touch on the first
 4 part regarding millions. Yes, I tried to stress
 5 that when I presented, but our reconstruction of
 6 the home for our visitors' center is fairly
 7 minimum; the construction of the parking lot,
 8 that is fairly minimal; and so the work, the
 9 chunk of all that money will be the ongoing
 10 management, and that's, again, funded by those
 11 ongoing tree purchases.
 12 MR. SODERHOLM: And that will be fed with
 13 an endowment, the interest off of an endowment
 14 fund to maintain that?
 15 MR. ROYCROFT: Yes.
 16 MR. SODERHOLM: Will you be reforesting
 17 the burr oak and the hickory -- oak hickory
 18 trees? They have a finite life.
 19 MS. OLSON: What we want to create is an
 20 ecologically healthy forest that is regenerating
 21 its own trees. And if that does not happen,
 22 then, yes, we will be reintroducing --
 23 MR. SODERHOLM: Okay.
 24 MS. OLSON: -- the oaks and the hickories.
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1 MR. SODERHOLM: Okay. Because if you get
 2 an attack of oak wilt, somebody spent \$10,000 to
 3 get planted underneath the tree and the tree is
 4 dead, what happens?
 5 MS. DeBARTOLO: I can address that. You
 6 bring up a good point. Our intention is
 7 absolutely to manage that forest effectively to
 8 ensure the long-term health of the trees that we
 9 are, in fact, selling.
 10 What I will add is that often when people
 11 are purchasing a tree in our forest, it's not so
 12 much the attachment to the exact tree. They see
 13 that as not necessarily a long-term memorial.
 14 Of course, trees live and they die. Often
 15 they're more interested in leaving a legacy of
 16 conservation in the community that they call
 17 home.
 18 So oftentimes our participants aren't so
 19 much dedicated to trees that live for decades
 20 and decades. They realize that it's part of an
 21 active forest ecosystem.
 22 MR. SODERHOLM: Okay. I read in one of
 23 the websites out there on the internet that if I
 24 wanted to be buried -- if my ashes were to be
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1 interred below a giant sequoia, it would cost me
 2 \$30,000; to be interred -- now, just a minute --
 3 underneath a burr oak, a 150-year-old burr oak
 4 out there, just say hypothetically, 15,000 bucks
 5 to be placed below this giant, 150-year-old burr
 6 oak. How much of that 15,000 bucks stays in
 7 Ogle County? Any of it?
 8 MR. ROYCROFT: Yes, certainly. I mean,
 9 the --
 10 MR. SODERHOLM: In what form?
 11 MR. ROYCROFT: In what form?
 12 MR. SODERHOLM: Yeah.
 13 MR. ROYCROFT: In the salaries for
 14 employees, in all of the money going towards
 15 ongoing maintenance and management that will be
 16 done with local contractors, and then you can
 17 see a portion of the endowment also going into
 18 that long-term maintenance and management.
 19 ATTORNEY STREICKER: I was going to say,
 20 and through the property remaining on the tax
 21 rolls.
 22 MR. SODERHOLM: Okay. Taxes, yeah, that
 23 was -- that's what the Ogle County Board brought
 24 up, or the Planning Commission.
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1 So basically, will there be any kind of a
 2 dividend -- I don't know, there is a pretty
 3 large employer in this region that extracts
 4 natural resources and they shared some of their
 5 profit with the community. Is there any plan to
 6 do that in the --
 7 MR. ROYCROFT: We have not run through
 8 that idea yet, but, of course -- so no, not at
 9 this time. We see a huge benefit for the
 10 community being the long-term management and
 11 conservation parcel and the habitat, and then
 12 the ecosystem services that come out of that as
 13 kind of a benefit to the community as well.
 14 MR. SODERHOLM: Okay.
 15 ATTORNEY STREICKER: I might add, too,
 16 that one thing that struck me, this entire
 17 eastern wall along the Rock River coming north
 18 out of Oregon is entirely green wall. This is a
 19 key piece of that green wall that's completely
 20 undeveloped. So I would say that's a
 21 significant community benefit to making sure --
 22 MR. SODERHOLM: What's a green wall?
 23 ATTORNEY STREICKER: It's just all
 24 forested. You know, it's really beautiful if
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1 you're down on the river right there.
 2 MR. SODERHOLM: Oh, okay.
 3 ATTORNEY STREICKER: You know, it's
 4 private property. It could be turned into
 5 farmland or something else. So this makes sure
 6 it stays wooded for everyone's enjoyment.
 7 MR. ROYCROFT: Lastly, I would like to
 8 add -- can you hear me? -- that our use, most of
 9 the customers will not be, of course, from Ogle
 10 County. They may be from other areas, and they
 11 often come to visit for the weekend and they
 12 visit the local businesses. Many of our
 13 customers like to stay for the weekend or a
 14 night, since it is a decent drive from the
 15 more-populated region of Chicago. So we do
 16 think this will drive visitation to local
 17 businesses.
 18 MR. SODERHOLM: And, I guess, lastly, this
 19 beautiful management plan, I look forward to
 20 reading that in great detail, but it says it's a
 21 draft.
 22 And I would like to hear more about the
 23 NLI's role in this thing going forward, but I
 24 realize they can't say too much until it's been
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1 approved, correct?
 2 So anyway, I would like to -- I don't
 3 know, pending the implementation of this
 4 wonderful management plan, you know, I think
 5 that should be added into these minutes or into
 6 the motion, if a motion is forthcoming, that,
 7 you know, this management plan -- which is going
 8 to have to work for a millennia or until
 9 something else happens. That's a long time.
 10 That's setting this property aside for a long
 11 time.
 12 MS. OLSON: Yes, it is a long time, which
 13 is the beauty of it.
 14 And the -- when you get into restoration
 15 ecology, the bulk of the work happens in what we
 16 call the establishment area. And for a forest,
 17 that can be five to ten years. And then after
 18 five to ten years, it should be in really good
 19 shape. Keeping it in really good shape is a lot
 20 easier than getting it in there in the first
 21 place. So we do intend to work intensely on
 22 that for the first five to ten years, and then
 23 have this ongoing management that is not as
 24 great of a need. By then we will have the
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<p style="text-align: right;">Page 45</p> <p>1 honeysuckle under control. That's the goal. 2 MR. SODERHOLM: How many full-time 3 stewards will you have on site there cutting 4 brush and removing invasives? Two. 5 MR. ROYCROFT: Yes, we would have at least 6 one or two in charge of the facilities and 7 forest management, but for many of these efforts 8 we will have to contract that work under their 9 supervision. 10 MR. SODERHOLM: You know, I don't know -- 11 Ms. Olson is a local, sort of a local. But 12 you're in the epicenter of ecological 13 restoration. You have the Natural Land 14 Institute, you have the Nachusa Grasslands 15 Nature Conservancy Operation, you have the 16 Middle Rock Conservation Partners, the Byron 17 Forest Preserve, and a lot of interested private 18 landowners that volunteer in all of these 19 places. 20 So I hope that when you hire people, you 21 go to a Bill Kleiman or you go to a Todd Tucker 22 from Byron Forest Preserve or -- you know, the 23 Nature Conservancy at Nachusa Grasslands just 24 promoted a young man for an ecological <p style="text-align: center;">In Totidem Verbis, LLC (ITV)</p></p>	<p style="text-align: right;">Page 47</p> <p>1 get this, so we're going to do this, but we're 2 still going to collect and we're not going to go 3 this and that and the other. 4 So I think that should be done. 5 MR. OCKEN: Okay. 6 MR. ROYCROFT: Might I comment on that? 7 MR. OCKEN: Yes, sir. 8 MR. ROYCROFT: It is difficult for us to 9 have a condition that a conservation easement 10 will be placed on the property due to the time 11 frame in which it is required to get those. It 12 is a long legal process. It often takes 13 multiple years, and it's -- it would require us 14 to work with a third party that is out of our 15 control. 16 We are on a great step forward with them, 17 but it's hard for us to guarantee in a short 18 time frame that that is put in place. 19 One thing that we have done in many 20 jurisdictions is the requirement that we abide 21 by our forest restoration plan, which ensures 22 that the management of the property and a large 23 portion of it will be conserved as a forest and 24 properly managed. That can start right away, <p style="text-align: center;">In Totidem Verbis, LLC (ITV)</p></p>
<p style="text-align: right;">Page 46</p> <p>1 restoration job at the Natural Land Institute, 2 Tyler Pelligrini. 3 So anyway, enough said. 4 MS. OLSON: Absolutely. 5 MR. OCKEN: Other questions or comments 6 from the Board? 7 MR. HAYES: Mr. Chairman, I also agree 8 that the conservation easement should be 9 somewhat incorporated into the Special Use 10 Permit vote based on the idea that that's 11 really -- if you don't have the conservation 12 easement, you can kind of do anything you want, 13 you know, kind of thing, as far as not -- it 14 becomes basically just a corporation and you 15 don't have a conservation easement. So you just 16 kind of do whatever you want. If you have a 17 conservation easement, it puts a lot more 18 validity in the whole project. 19 I think that if we put that in there, 20 along with what Mr. Soderholm was saying, that 21 puts a little bit of bite in the whole project 22 that says, This is what they're going to do and 23 we're going to hold you to that. We're not 24 going to let, you know -- you know, we didn't <p style="text-align: center;">In Totidem Verbis, LLC (ITV)</p></p>	<p style="text-align: right;">Page 48</p> <p>1 before we get the easement in place. 2 MR. HAYES: I think, sir, the conservation 3 easement, it might take a long time to get it, 4 but I think in Ogle County we want to make sure 5 that if that does not happen over a period of 6 time that there's some sort of consequences for 7 it, because that's what you -- that's what 8 you're promoting, that's what you want to do, 9 but we also have to protect Ogle County. 10 MR. OCKEN: Do you have a response that 11 you would like to make? 12 ATTORNEY STREICKER: If I may. 13 MR. OCKEN: Sure. 14 ATTORNEY STREICKER: Again, this is David 15 Streicker. 16 Following up on Scott's comment, it would 17 be perfectly appropriate to have a condition of 18 final ecological management plan be submitted to 19 the County that we would follow, as Scott 20 mentioned, but I have often found that placing a 21 legal agreement can be very difficult to comply 22 with. You get into legal interpretation issues, 23 what is an acceptable conservation easement, et 24 cetera. <p style="text-align: center;">In Totidem Verbis, LLC (ITV)</p></p>

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1 I'm not sure exactly about the timeline
 2 concerns, but that -- we can certainly agree to
 3 a condition that's within our power to submit
 4 the final ecological restoration plan, but this
 5 forces us again to go out and get a third party
 6 to take affirmative action too, which is very
 7 difficult. And I don't know if that's the type
 8 of condition I have seen put on a Special Use
 9 Permit in the past.

10 MR. HAYES: I think what I'm really
 11 looking for is some sort of protection for Ogle
 12 County --

13 ATTORNEY STREICKER: Understood.

14 MR. HAYES: -- you know, and the people
 15 that are going to be involved with all this.
 16 The conservation easement really is key and
 17 critical. If you don't have that, that makes
 18 this project just another corporation and makes
 19 it -- it doesn't make it for long term. You can
 20 shut it down at will.

21 ATTORNEY STREICKER: Let me just say, in
 22 response, with the condition that we have to
 23 abide by our ecological restoration plan I think
 24 provides Ogle County a lot more security than it
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1 has right now with that parcel, for instance,
 2 that is just private property zoned ag. You
 3 know, there's a lot of activities that can take
 4 place on an ag-zoned property.

5 MR. HAYES: Agreed, but they also can do
 6 something better.

7 ATTORNEY STREICKER: We both want the same
 8 thing. I'm just --

9 MR. HAYES: I'm just putting the devil's
 10 advocate involved with it that, you know, your
 11 project is great, but there can be something
 12 better. And basically what your argument would
 13 be is, Well, we're going to do better than what
 14 you're currently doing with it. Well, that's
 15 appropriate to the landowner at the time, but
 16 the next landowner or the person that may be
 17 running it in the future might be doing
 18 something better.

19 So the conservation easement basically is
 20 the component in which it basically stays there.
 21 It's the sticking part. It's the bite. It's
 22 the bite that says, if you're going to stay
 23 there, there's not going to be, Oh, we want to
 24 change this over to something else, later on and
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1 we're going to just change it. Conservation
 2 easement is that bite.

3 MR. ROYCROFT: I would like to comment
 4 that for other projects in different
 5 jurisdictions and different states, many times
 6 there's been a restriction on our development
 7 area placed to ensure that the only development
 8 approved as part of the project is the
 9 renovation of the building, parking lot, and
 10 that it won't take more than X acreage, to
 11 ensure that nothing else would be done on that
 12 acreage. Therefore, that area would be
 13 conserved as well.

14 And we would be open to that form of
 15 condition.

16 ATTORNEY STREICKER: And that's
 17 essentially already in our application, which is
 18 why I pointed it out.

19 MR. OCKEN: So to be clear, you are in
 20 conversation with the National Land Institute,
 21 and you plan to move forward with that, to
 22 hopefully achieve this easement; is that
 23 correct?

24 MR. ROYCROFT: Absolutely. It is a key
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1 part of our use, and we want to guarantee a
 2 confirmation of conservation to our -- the
 3 families that are part of Better Place Forests
 4 as well. But based on the timeline of the
 5 contract for this property for this use permit,
 6 and then we might not start operations for
 7 multiple years, it could -- it's a long process
 8 to get the easement in place.

9 MR. OCKEN: From this letter, it sounds
 10 like the National Land Institute is
 11 interested --

12 MR. SODERHOLM: Oh, yeah.

13 MR. OCKEN: -- in pursuing this with you,
 14 but they were unable to do anything legally
 15 until you have the property; is that correct?

16 MR. ROYCROFT: That is correct.

17 MS. OLSON: I'd like to make a comment
 18 that's related. Between 2000 and 2004, I was on
 19 staff with the Natural Land Institute, and we
 20 worked very diligently in this area on land
 21 preservation, and they have a lot of
 22 conservation easements. The focus has been
 23 since before that time that we move forward. So
 24 I know firsthand that they have a very strong
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Page 53	<p>1 interest in conservation easement on this</p> <p>2 property.</p> <p>3 MR. OCKEN: Okay. Any other questions or</p> <p>4 comments?</p> <p>5 MR. SODERHOLM: I just want to commend you</p> <p>6 for the nice package and the management plan and</p> <p>7 things like that.</p> <p>8 MS. OLSON: Thank you.</p> <p>9 MR. SODERHOLM: It beats a subdivision.</p> <p>10 MS. OLSON: Yes, it does.</p> <p>11 MR. OCKEN: Any other questions or</p> <p>12 comments from the Board?</p> <p>13 (No verbal response.)</p> <p>14 MR. OCKEN: Has anyone filed for an</p> <p>15 appearance?</p> <p>16 MR. ADAMS: Yes, we have two. The first</p> <p>17 appearance that I have filed is Kim Smeegent</p> <p>18 (phonetic). Is she here? No? Is she on Zoom?</p> <p>19 Kim, are you on Zoom call-in?</p> <p>20 (No verbal response.)</p> <p>21 MR. ADAMS: The next appearance we have</p> <p>22 filed is Dean Ankney.</p> <p>23 MR. OCKEN: Go ahead, please come forward</p> <p>24 to the podium. Please raise your right hand.</p> <p style="text-align: center;">In Totidem Verbis, LLC (ITV)</p>	Page 55	<p>1 them to answer, you can do that now. Or if you</p> <p>2 just have a statement, we'll do that under</p> <p>3 public comment.</p> <p>4 MR. OCKEN: Which will be next.</p> <p>5 MR. ANKNEY: Can I throw questions in on</p> <p>6 my statement?</p> <p>7 MR. OCKEN: Well --</p> <p>8 MR. ANKNEY: So I can tie it together? I</p> <p>9 don't know, I mean --</p> <p>10 MR. OCKEN: This is your opportunity to</p> <p>11 direct questions to the Petitioners, and then</p> <p>12 you may conclude with the statements, since</p> <p>13 there's no other people that have filed for an</p> <p>14 appearance, then we'll go into statements and</p> <p>15 then you can give your statement.</p> <p>16 So now you can direct your questions to</p> <p>17 them.</p> <p>18 MR. ANKNEY: Will you have a setback line</p> <p>19 in the property to build a dwelling or trails?</p> <p>20 On the northern property -- on the</p> <p>21 northern property, I have 2340 feet of property</p> <p>22 that connects with your -- my southern property</p> <p>23 is your northern property, 2340 feet. Will</p> <p>24 there be a setback for a dwelling or trail in</p> <p style="text-align: center;">In Totidem Verbis, LLC (ITV)</p>
Page 54	<p>1 DEAN ANKNEY,</p> <p>2 being first duly sworn, testified as follows:</p> <p>3 MR. OCKEN: Please state your name and</p> <p>4 address for the record.</p> <p>5 MR. ANKNEY: Dean Ankney, A-N-K-N-E-Y,</p> <p>6 4872 South Chana Road, Chana, Illinois.</p> <p>7 MR. OCKEN: I would remind you that this</p> <p>8 is an opportunity only to question the</p> <p>9 Petitioner, not to make a statement or to offer</p> <p>10 personal testimony. If you wish to make a</p> <p>11 statement, you will be given an opportunity</p> <p>12 later in the hearing.</p> <p>13 So at this time you may direct questions</p> <p>14 to the Petitioners.</p> <p>15 MR. ANKNEY: Just questions? I can't make</p> <p>16 any concerns right now?</p> <p>17 MR. OCKEN: You'll have an opportunity</p> <p>18 later to give testimony to concerns.</p> <p>19 MR. ANKNEY: When will that be?</p> <p>20 MR. OCKEN: That will be following this --</p> <p>21 the appearances.</p> <p>22 MR. ANKNEY: At a later date or tonight?</p> <p>23 MR. ADAMS: No, no. Public comment comes</p> <p>24 up right next. So if you have a question for</p> <p style="text-align: center;">In Totidem Verbis, LLC (ITV)</p>	Page 56	<p>1 your project from that border?</p> <p>2 MS. DeBARTOLO: Thank you for your</p> <p>3 question, Mr. Ankney.</p> <p>4 I can tell you that at this time, based on</p> <p>5 the site plan that was submitted within our</p> <p>6 current application, we are not proposing any</p> <p>7 sort of dwellings or trail system on that</p> <p>8 northern parcel along your property line. So I</p> <p>9 can say with certainty that there won't be</p> <p>10 development there. I don't know what the exact</p> <p>11 setback will be at this time, but we do not</p> <p>12 anticipate any dwelling in that area. So I do</p> <p>13 not believe that would be relevant to your</p> <p>14 ability to use your property as you'd like.</p> <p>15 MR. ANKNEY: Well, it doesn't appear that</p> <p>16 on your sketch, your proposal. There's a</p> <p>17 shelter right off the boundary, right on the</p> <p>18 boundary.</p> <p>19 MS. DeBARTOLO: Let's pull it up right</p> <p>20 now. I'm fairly certain you may be thinking of</p> <p>21 what we call a congregation area in the forest,</p> <p>22 which wouldn't be a formal development. It</p> <p>23 would just be an area with benches or open air</p> <p>24 structures. We don't build any sort of actual</p> <p style="text-align: center;">In Totidem Verbis, LLC (ITV)</p>

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1 developments or buildings in those areas.
 2 But let me take a look here and make sure
 3 I'm understanding what you're speaking of.
 4 MR. ROYCROFT: Yes, it would not be a
 5 four-wall structure. We have a little rectangle
 6 showing benches and a potential open air -- like
 7 a gazebo at that location.
 8 MR. ANKNEY: A gazebo with a roof?
 9 MR. ROYCROFT: Yes.
 10 MR. ANKNEY: So that's a dwelling. People
 11 would dwell there.
 12 ATTORNEY STREICKER: It would not be an
 13 occupied dwelling.
 14 MR. ANKNEY: Nobody would dwell in the
 15 gazebo?
 16 ATTORNEY STREICKER: Correct. It's a
 17 shelter.
 18 MR. ANKNEY: Shelter? People dwell in
 19 shelters.
 20 ATTORNEY STREICKER: Dwelling is a defined
 21 term. This would be, as I understand it, a
 22 shelter, similar to what you see on a golf
 23 course or something like that. It's a covered
 24 area where you can get out of the sun or the
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1 weather.
 2 MR. ANKNEY: So people will dwell under
 3 the shelter.
 4 ATTORNEY STREICKER: It would not be an
 5 occupied dwelling.
 6 MS. OLSON: The term dwelling suggests a
 7 home or where a person lives. So people would
 8 congregate there, sit.
 9 MR. ADAMS: Dean, if I may, just to clear
 10 it up a little bit. For Ogle County, what they
 11 are talking about, would be considered an
 12 accessory building. That's how we would define
 13 that, as an accessory building.
 14 For an actual occupied dwelling, our
 15 Ordinance is 25 feet. Accessory building would
 16 be 10 feet. We would classify that as an
 17 accessory building, just to kind of clear up the
 18 definitions here.
 19 MR. ANKNEY: Will there be fences on your
 20 northern border?
 21 MS. DeBARTOLO: We do not anticipate any
 22 fencing at this time. Sometimes if there's
 23 security concerns, in the past that's something
 24 we considered, but at this time we will not be
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1 proposing any.
 2 MR. ROYCROFT: And we would be happy to
 3 work with you on signage or whatever you think
 4 is best for our shared boundary.
 5 MR. ANKNEY: So no fencing, no setback, no
 6 building on the border or shelter or structure
 7 that will appeal to congregating?
 8 MR. ROYCROFT: Yes.
 9 MR. ANKNEY: And that's shown on your
 10 print there? Does that turn -- can you get that
 11 on the screen?
 12 MR. ROYCROFT: We can get it on the screen
 13 if we want to pull up the previous PowerPoint.
 14 What is shown on the plan, it says, Future
 15 developments, scope may include landscaping,
 16 upgrades to plantings, trails, open air
 17 structures, or seating areas.
 18 It's important to note that this is a
 19 conceptual plan, and we are trying to show that
 20 we will be building trails and building these
 21 sort of congregation areas throughout the
 22 forest, but all of them would be in alignment
 23 with any of the required setbacks within the
 24 county, and we just -- this is conceptual. So
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1 it's not -- the locations aren't finalized.
 2 MR. ANKNEY: So you will sell 3- to 5,000
 3 trees. So assuming 5, 10, 15 years from now,
 4 will there be 3- to 5,000 people coming and
 5 going to this memorial?
 6 MR. ROYCROFT: That -- will there be that
 7 many people coming? No. It is -- there are
 8 mixed forms of visitation. It's important to
 9 note that the vast majority of families that
 10 choose Better Place Forests at different sites
 11 are planning for their future 20 years in
 12 advance. So many people who would buy trees
 13 today will only come back when someone has
 14 passed decades in the future. What that does is
 15 spreads out visitation over time.
 16 So we do not believe there will be --
 17 there may be a few thousand trees sold in a
 18 number of decades, but it will be another lapse
 19 of, you know, varied years in which those family
 20 members will return to spread the ashes.
 21 Then, of course, there will be ongoing
 22 visitation, which we loosely estimate, as what
 23 we have seen in general, is one visit per year.
 24 Some families visit more, some visit much less.
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1 ATTORNEY STREICKER: This is based on our
2 Fehr-Graham report.
3 MR. ROYCROFT: Yes, and all of these forms
4 of visitation have been considered in our
5 traffic study done by Fehr-Graham, which was
6 just passed to you all. But they estimate,
7 based on the number of 5,000 trees, I don't have
8 the figure right here, but it's between 30 and
9 60 average daily trips to the site.
10 MR. ANKNEY: So you're saying 30 to 60
11 people could be on your property per day?
12 MR. ROYCROFT: Yes, at max usage, when all
13 the trees have been sold.
14 MR. ANKNEY: Okay. That's quite a few.
15 Will they be spreading -- like, they bring
16 an urn. Will they be spreading all the ashes
17 around the tree? Are they allowed to spread all
18 the ashes around the tree?
19 MS. DeBARTOLO: Yes, with the purchase of
20 a memorial, they can. Again, we do mix it with
21 native soils so it's not so concentrated at the
22 base of the tree.
23 Depending on the volume of the remains
24 will determine the amount of soil. It's
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1 three-to-one soil to remains.
2 MR. ANKNEY: Okay. There's no structures
3 on the property now other than the house. If
4 there's going to be structures put on the
5 property, do you believe that the Natural Land
6 Institute -- which means natural land as it
7 is -- will allow structures to be put on a piece
8 of property that needs to be left alone in its
9 natural state?
10 MS. OLSON: It will be in negotiations as
11 far -- the Natural Land Institute will have
12 input on what they would accept. And the
13 Natural Land Institute does have several
14 easements where they do have structures, and
15 it's dealt with in different manners.
16 But they do not consider -- the
17 gazebo-type structures are not considered in the
18 same way that a structure with a foundation is
19 considered.
20 MR. ANKNEY: So there will be no
21 foundations on the gazebo?
22 MS. OLSON: Correct. Just the posts --
23 well, I shouldn't speak to that. I'm sorry.
24 MR. ANKNEY: With a footing.
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1 MR. ROYCROFT: I would just add that the
2 same way a nature preserve often has a meeting
3 center for their staffing or a visitor's center,
4 we would have the same. And it's common in an
5 easement that they delineate where that envelope
6 is for building and then to ensure that any area
7 outside of that development area would not have
8 further developments.
9 MR. ANKNEY: Will hunters and ATVers on my
10 property affect your memorial park, your
11 business?
12 MR. ROYCROFT: No, they will not, because
13 we want -- we want to provide the best
14 experience possible for these families, and so
15 part of our use will be sensitive scheduling
16 during hunting season in which, you know, in the
17 same hours in which hunters are usually out, we
18 would try to avoid booking towards that time.
19 We have no interest in affecting the use
20 of your property. And if there was a conflict,
21 we would be able to revise our customer
22 schedules or ensure that no memorial ceremonies
23 are scheduled at the peak hunting times.
24 MR. ANKNEY: So will the noise from a gun
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1 and ATVs and gun practice affect your memorial
2 park?
3 MR. ROYCROFT: It could. And we
4 recognize, as your neighbor, that that is likely
5 to occur, and we, as part of -- say, all of the
6 trees on our shared border, we might not have
7 ceremonies during that certain time of year.
8 And so some would understand that during -- to
9 buy in that part, they could only have the
10 ceremony during the summer. We have the
11 flexibility to kind of guide our operations
12 based on our neighbors' interest and sort of any
13 factors in the area.
14 MR. ANKNEY: Will you be -- would you be
15 willing to increase the setback line for your
16 structures and trails so the noise from the ATV
17 and guns and hunters on the adjoining property
18 will not affect your memorial park?
19 MR. ROYCROFT: We would like to work with
20 you and to ensure that there are no conflicts as
21 our use goes up to your property line, but it
22 would be hard to agree with an exact buffer at
23 this time until we look at the property and
24 where that overlap is.
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<p style="text-align: right;">Page 65</p> <p>1 We want to work with you on proper 2 signage, any sort of minimal -- just a way to 3 delineate the property and ensure that our 4 visitors are not affecting your property. 5 MR. ANKNEY: Will you be willing to accept 6 a hundred-yard setback line on the 2340 foot of 7 adjoining property line? 8 MR. ROYCROFT: Unless that is a 9 requirement of the County, we would prefer to 10 work with you on what that appropriate setback 11 be -- may be in individual places once we go 12 through with this project. 13 MR. ANKNEY: Okay. Thank you. 14 MR. ADAMS: I do have one more comment, 15 quick, before -- in case this brings any more 16 questions. 17 And that is -- it's a little hard to see 18 on their concept plan, but -- and, you know, a 19 good portion of that is within the floodway, you 20 know, and especially, like, as you see -- 21 MR. ANKNEY: No, there's a structure close 22 to my -- close to the northern property line. 23 MR. ADAMS: Yeah, I am just saying, as far 24 as even trails have to be permitted in the In Totidem Verbis, LLC (ITV)</p>	<p style="text-align: right;">Page 67</p> <p>1 what impact that could have and then guide our 2 plan. 3 This is purely conceptual, and we like the 4 flexibility to find a good balance that works 5 for us, and so if there are any concerns from us 6 or customers about using that area, we aren't 7 dedicated to it. 8 MR. OCKEN: Would you like to make a 9 statement at this time? 10 MR. ANKNEY: Sure. This is what I was 11 going to do first. 12 Hello, my name is Dean Ankney, a long-time 13 Ogle County resident and taxpayer. Thank you 14 for allowing me to state my concerns today. 15 Again, I'm the adjoining property owner to 16 the north of the said property. My concern is 17 that there's a lot of hunting and ATVing that 18 goes on by my southern property line, your 19 northern property line; approximately 2340. 20 Kind of saying what I was saying before. 21 Will there be a setback line on your property 22 for a dwelling, structure, kiosk, or trail that 23 my friends and I will not be restricted from 24 hunting deer, turkey, water fowl for the last 20 In Totidem Verbis, LLC (ITV)</p>
<p style="text-align: right;">Page 66</p> <p>1 floodway. Again, I don't know -- because it's 2 hard to see on this concept plan. But as I was 3 saying, setbacks earlier, the ones that I forgot 4 to mention was anything in the floodway as well. 5 MR. ANKNEY: The structure is close to the 6 property line, okay? 7 MR. ADAMS: I'm not -- I'm just saying 8 that we were talking about setbacks -- 9 MR. ANKNEY: There's people hunting, you 10 know. I would think that would be a concern. I 11 mean, you have people coming from Chicago or 12 wherever, they're probably not used to people 13 that hunt and people that run ATVs, and it could 14 be a concern. In fact, I know it will be a 15 concern. 16 MR. ROYCROFT: If I can respond to that 17 one more time. The manner in which we open the 18 forest is in phases. We're not going to do all 19 the restoration at once, and we're not going to 20 start making those trees available for selection 21 immediately. And it sounds like it's in our 22 best interest to not -- in our initial years of 23 operation to not start in that area, to work 24 with you and understand what your use is and In Totidem Verbis, LLC (ITV)</p>	<p style="text-align: right;">Page 68</p> <p>1 years? 2 Basically I'm asking for a hundred-yard 3 setback line on your property. This will allow 4 us to hunt up to my southern border undisturbed 5 and will not disturb your clientele. There will 6 be a lot of walking and hiking to spread ashes, 7 and gun and ATV noise will startle them. 8 To be honest, nobody really wants a 9 cemetery -- maybe it isn't a cemetery -- 10 memorial park in their backyard. Do you? 11 I have buildable parcels of 15-acre to 12 26-acre lots adjoining your property, and my 13 property will be reduced in value and 14 aesthetics. 15 I'm not trying to stop the selling of this 16 said property, because I buy and sell property 17 myself, but I ask the Board to consider the 18 serenity. A hundred-yard setback line will help 19 both parties. 20 Thank you very much. 21 MR. OCKEN: Thank you. 22 Is there anyone here to speak in favor of 23 this petition? Please raise your right hand. 24 RICK RYLAND, In Totidem Verbis, LLC (ITV)</p>

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1 being first duly sworn, testified as follows:
 2 MR. OCKEN: Please state your name and
 3 address to the recorder.
 4 MR. RYLAND: My name is Rick -- Reverend
 5 Rick Ryland. My address is 403 Jackson Street,
 6 Oregon, Illinois.
 7 I'm a member of the Oregon Planning
 8 Commission and the founder and co-president of
 9 Hands On Oregon, a nonprofit organization to
 10 improve Oregon. We have fixed the crumbling
 11 south wall of Conover Square and put the giant
 12 flag up on it. We have renovated 1,000 square
 13 feet of space in the lower level of Conover
 14 Square for the high school entrepreneur class
 15 use. We have built Veteran's Stage below the
 16 largest stationary horizontal flag at Conover
 17 Square so the Veterans can hold their annual
 18 ceremony on November 11th. And we are nearly
 19 done with saving an elderly man's house from
 20 destruction. He will be able to move in next
 21 year -- or next month.
 22 I was reintroduced into this property at
 23 1950 River Road in April of 2007. The lane from
 24 River Road all the way to the house is
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1 six-tenths of a mile long. The house sits on a
 2 bluff overlooking -- looking south down the
 3 river.
 4 I began working there steadily in 2008 as
 5 a maintenance man for the house and the grounds.
 6 During these past 12 years, I have grown very
 7 fond of the property. There are -- I was always
 8 under the impression that there were 60 total
 9 acres; 50 acres of woodlands and 10 acres that I
 10 mowed. I have also mowed the paths in the
 11 woods, and it's about two miles long, the loops
 12 and the different areas that you can go.
 13 It's a beautiful property. It borders
 14 Taft Campus and Lowden Park. There are plenty
 15 of deer and turkeys on the property, and I have
 16 seen numerous eagles over the years.
 17 I am thrilled that Better Forests has
 18 taken an interest in preserving the land. They
 19 have removed the invasive species such as
 20 honeysuckle, multi-floral rose, and the devil's
 21 plants, poison ivy and poison oak.
 22 The walk through the woods is very
 23 beautiful. I am thrilled that their plan is to
 24 preserve that land, that the trees are not going
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1 to be cut down for farming. If it's AG-1,
 2 that's what could happen.
 3 So thank you for listening.
 4 MR. OCKEN: Thank you.
 5 Is there anyone else here to speak in
 6 favor of this petition?
 7 (No verbal response.)
 8 MR. OCKEN: Is there anyone here to speak
 9 against this petition?
 10 (No verbal response.)
 11 MR. OCKEN: Okay. Mr. Adams?
 12 MR. ADAMS: Yeah, so as part of our COVID
 13 Zoom process, we have -- if we receive an email
 14 and if it's addressed, we can read them under
 15 public comments. So I do have four here that
 16 were emailed to me.
 17 The first is an email by Mark Herman, City
 18 of Forresteron Planning Commission Chairman and
 19 Byron Forest Preserve District Superintendent of
 20 Education.
 21 And this letter reads: I would like to
 22 voice my support for the zoning change proposed
 23 in Better Place Forests' 60-acre property
 24 located next door to Northern Illinois
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1 University Loreda Taft Campus on River Road in
 2 Oregon.
 3 I met with Gia DeBartolo and Scott
 4 Roycroft of Better Place Forests for a tour of
 5 their proposed facility last Wednesday afternoon
 6 and was very impressed with the plans for this
 7 beautiful wooded site. The demonstration site
 8 that they showed me had the forest understory
 9 and invasive plants carefully and professionally
 10 removed, and the mature hardwood, oak, hickory,
 11 and cherry trees remain.
 12 This company has a strong land ethic and
 13 would be an excellent fit for this scenic
 14 selection of woodlands located along the
 15 limestone bluff overlooking the Rock River.
 16 This 60-acre natural forest area will be
 17 maintained similar to the way the Byron Forest
 18 Preserve District manages our woodlands, by
 19 keeping out invasive species and maintaining the
 20 native plants and trees. This concept will
 21 benefit not only humans but also local wildlife
 22 and the river ecosystem in general.
 23 I cannot see any reason why this project
 24 should not be rezoned -- it's a Special Use --
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<p style="text-align: right;">Page 73</p> <p>1 to allow for the new Better Place Forests 2 operation to do business in Oregon, for the 3 benefit of regional families of the natural 4 beauty of the Rock River for decades to come. 5 Please contact me if you have any 6 questions. Respectfully, Mark Herman. 7 Also, I get this email that you guys have 8 included in your packet, but I will read it 9 because they did email it to me to present 10 tonight. 11 This is from the Natural Land Institute, 12 Kerry Leigh. 13 Dear Chairman Ocken. 14 I am reaching out to you today in regard 15 to the 60-acre property located at 1950 North 16 River Road for which the Better Place Forests 17 has submitted a Special Use Permit application. 18 We have been in discussions with the Better 19 Place Forests team regarding the Natural Land 20 Institute holding an eventual easement on this 21 property to protect its conservation value in 22 perpetuity. 23 Our team has had a chance to visit this 24 property, and I can confirm that due to the In Totidem Verbis, LLC (ITV)</p>	<p style="text-align: right;">Page 75</p> <p>1 that sits adjacent to NIU Loredo Taft Campus. 2 Jonathan Foley, a representative of the 3 company, has reached out to me to explain the 4 project and to allow me to ask questions after 5 receiving the request. In speaking with 6 Mr. Foley, I feel that Better Place Forests will 7 be an excellent neighbor. Their commitment to 8 forest conservation practices is very much in 9 line with ours, and I appreciate that they have 10 taken time to get to know what we do at Taft. I 11 also appreciate their willingness to ensure that 12 they address any concerns I had about land use 13 on adjacent property. At this time, I have 14 none, and support their request. 15 Please do not hesitate to get in touch if 16 further information is needed from me. 17 Again, Melanie Costello. 18 And last here, we have one Gayle and 19 Michael Noble of Oregon, Illinois. 20 Dear Mr. Adams and Ogle County Zoning 21 Board Members, 22 We met today with Gia and Scott from 23 Better Place Forests Company to learn more about 24 their project in Oregon. They did an excellent In Totidem Verbis, LLC (ITV)</p>
<p style="text-align: right;">Page 74</p> <p>1 location of this property in the Rock River 2 corridor, its proximity to a number of other 3 already-conserved parcels, and the quality of 4 the forest habitat, it is very deserving of our 5 conservation efforts. Because of these 6 attributes, Natural Land Institute would very 7 much like to see it protected in perpetuity. 8 We are hopeful that further investigation 9 and discussion with Better Place Forests will 10 lead us to determine that a partnership would be 11 in line with our mission and values. 12 Finally, the Natural Land Institute would 13 encourage Ogle County to approve their Special 14 Use Permit application to operate on the 15 property. 16 Thank you. Kerry Leigh, Executive 17 Director. 18 We also have one here from Melanie 19 Costello, Campus Director of NIU Loredo Taft 20 Field Campus. 21 Hello, Chairman Ocken. I am writing to 22 offer my support of Better Place Forests' zoning 23 request that will allow them to proceed with 24 their conservation memorial forest on a property In Totidem Verbis, LLC (ITV)</p>	<p style="text-align: right;">Page 76</p> <p>1 job of explaining what their plans are to 2 preserve green space in Ogle County in a unique 3 way. We want to express our support in their 4 endeavor. 5 Sincerely, Gayle and Michael. 6 That's all I have. 7 MR. OCKEN: Okay. Are there any other 8 questions or comments from the Board? 9 (No verbal response.) 10 MR. OCKEN: Okay. Hearing none, the Board 11 will now go through the finding of facts. For 12 each of the six standards, we have two prepared 13 statements: one in support of this petition and 14 one in opposition. For each standard, a Board 15 member will read the statement which he believes 16 is most applicable in this situation. The Board 17 members will either agree or disagree. All six 18 standards must be met in order to approve this 19 petition. 20 After the finding of fact, I will 21 entertain a motion in regard to this petition. 22 MR. ADAMS: Analysis Number 1) That the 23 proposed Special Use will not be unreasonably 24 detrimental to the value of other property in In Totidem Verbis, LLC (ITV)</p>

<p style="text-align: right;">Page 77</p> <p>1 the neighborhood in which it is to be located or 2 the public health, safety, morals, comfort or 3 general welfare at large. 4 MR. SODERHOLM: The proposed Special Use 5 will preserve the wildlife, vegetation, and 6 natural areas of the property. It would not 7 have a significant impact on the value, health, 8 safety, morals, comfort, or general welfare of 9 the surrounding property. I believe that 10 standard is met. 11 (All those simultaneously 12 responded.) 13 MR. ADAMS: Number 2) That the location 14 and size of the Special Use, the nature and 15 intensity of the operation involved in or 16 conducted in connection with it, and the 17 location of the site with respect to streets 18 giving access to it are such that the Special 19 Use will not dominate the immediate neighborhood 20 so as to prevent development and use of 21 neighboring property in accordance with the 22 applicable zoning district regulations. In 23 determining whether the Special Use will so 24 dominate the immediate neighborhood, In Totidem Verbis, LLC (ITV)</p>	<p style="text-align: right;">Page 79</p> <p>1 responded.) 2 MR. ADAMS: Number 4) That adequate 3 utilities, ingress/egress to the site, access 4 roads, drainage and other such necessary 5 facilities have been or will be provided. 6 MR. HAYES: It has been satisfactorily 7 demonstrated that adequate utilities, 8 ingress/egress to the site, access roads, 9 drainage, and other subject necessary facilities 10 are present for the proposed Special Use. 11 Standard is met. 12 (All those simultaneously 13 responded.) 14 MR. ADAMS: Number 5) That the proposed 15 use can be operated in a manner that is not 16 detrimental to the permitted developments and 17 uses in the zoning district, can be developed 18 and operated in a manner that is visually 19 compatible with the permitted uses in the 20 surrounding area, and is deemed essential or 21 desirable to preserve and promote the public 22 health, safety and general welfare of Ogle 23 County. 24 MR. BULTHAUS: The proposed Special Use is In Totidem Verbis, LLC (ITV)</p>
<p style="text-align: right;">Page 78</p> <p>1 consideration shall be given to: A) The 2 location, nature and height of building, 3 structures, walls and fences on the site; and, 4 B) The nature and extent of proposed 5 landscaping and screening on the proposed site. 6 MR. WILLIAMS: The distance to the closest 7 nonparticipating dwelling, the screening 8 provided by the naturally-existing forest, the 9 size of the parcel proposed to support the 10 intended Special Use, and the scope of proposed 11 future buildings will not cause it to dominate 12 the immediate neighborhood. I believe the 13 standard is met. 14 (All those simultaneously 15 responded.) 16 MR. ADAMS: Number 3) That off-street 17 parking and loading areas will be provided in 18 accordance with the standards set forth in these 19 regulations. 20 MR. SODERHOLM: Adequate off-street 21 parking and loading areas are provided for by 22 the area established for parking as presented in 23 the concept plan. That standard is met. 24 (All those simultaneously In Totidem Verbis, LLC (ITV)</p>	<p style="text-align: right;">Page 80</p> <p>1 located in AG-1 zoning district in an area of 2 mostly natural and open space uses and would be 3 compatible with the permitted and Special Uses 4 in the surrounding area. Standard is met. 5 (All those simultaneously 6 responded.) 7 MR. ADAMS: Number 6) That the proposed 8 Special Use complies with all provisions of the 9 applicable district regulations. 10 MR. SODERHOLM: The proposed Special Use 11 appears to comply with all the provisions of the 12 AG-1 Agricultural District, specifically 13 16.5.1(C), Special Use, for a similar use to 14 those listed and as voted on by the Ogle County 15 Assessment, Planning and Zoning Committee. That 16 standard is met. 17 (All those simultaneously 18 responded.) 19 MR. OCKEN: All six standards have been 20 met. I will entertain a motion to approve this 21 petition. 22 MR. SODERHOLM: Mr. Chairman, I -- get the 23 right number here. 24 I move that we accept the application by In Totidem Verbis, LLC (ITV)</p>

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<p>1 Better Place Forests Company out of San 2 Francisco, that we adopt -- for Special Use 3 Number 02-20 (sic) SU for Special Use, with 4 amendment that the management plan be strictly 5 adhered to for long-term perpetual care and the 6 forest be managed accordingly. 7 MR. OCKEN: Mr. Soderholm moves. Is there 8 a second? 9 MR. WILLIAMS: I'll second, Mr. Chairman. 10 MR. OCKEN: Mr. Williams seconds. 11 Does the Board have any questions or 12 comments? 13 (No verbal response.) 14 MR. OCKEN: Hearing none, Mr. Adams, 15 please call the roll. 16 MR. ADAMS: Mark Hayes? 17 MR. HAYES: Yes. 18 MR. ADAMS: Randall Bulthaus? 19 MR. BULTHAUS: Yes. 20 MR. ADAMS: Dave Williams? 21 MR. WILLIAMS: Yes. 22 MR. ADAMS: Paul Soderholm? 23 MR. SODERHOLM: Yes. 24 MR. ADAMS: Randy Ocken? In Totidem Verbis, LLC (ITV)</p>	<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 In Totidem Verbis, LLC (ITV)</p>
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<p>1 MR. OCKEN: Yes. 2 (By voice vote five ayes.) 3 MR. OCKEN: This motion has been approved 4 by a vote of five to zero. 5 Before we go on to the next order of 6 business, I'm going to declare a 10-minute 7 recess. 8 MR. ADAMS: One quick comment before we 9 go. Because this is a somewhat unique use and 10 there is the 12-month period to engage in or 11 start this Special Use, obviously conservation 12 is one half of it, and so when conservation 13 activities do begin, please contact the Zoning 14 Office so that Mark and I can come out and 15 inspect the conservation activities so that we 16 can get evidence of that portion of the use 17 being started. Thank you. 18 ATTORNEY STREICKER: Thank you. 19 MS. DeBARTOLO: Thank you. 20 MS. OLSON: Thank you. 21 MR. ROYCROFT: Thank you. 22 MR. OCKEN: 10-minute recess. 23 (The hearing was concluded at 24 7:32 p.m.) In Totidem Verbis, LLC (ITV)</p>	<p>1 Now on this 24th day of September, A.D., 2020, 2 I do signify that the foregoing testimony was given 3 before the Ogle County Zoning Board of Appeals. 4 5 6 7 8 Randy Ocken, Chairman 9 10 11 12 13 Harry Adams, 14 Zoning Administrator 15 16 17 18 Callie S. Bodmer 19 Certified Shorthand Reporter 20 Registered Professional Reporter 21 IL License No. 084-004489 22 P.O. Box 381 23 Dixon, Illinois 61021 24 In Totidem Verbis, LLC (ITV)</p>

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

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1 MR. OCKEN: We are back in session.
 2 Mr. Adams, what's the next order of
 3 business?
 4 MR. ADAMS: The next order of business is
 5 to -- is for a continuation of considering the
 6 request filed July 21st, 2020, of Harry Adams,
 7 Ogle County Zoning and Planning Administrator,
 8 under the direction of the Planning and Zoning
 9 Committee of the Ogle County Board for an
 10 Amendment to the text of the Ogle County
 11 Amendatory Zoning Ordinance, as follows:
 12 Division 2, Section 16-2-2: Rules and
 13 Definitions.
 14 Division 5, Section 16-5-1: AG-1
 15 Agricultural District.
 16 Division 5, 16-5-2: AG-2 Expanded Use
 17 Agricultural District (new).
 18 Number 4: Division 5, Section 16-5-10:
 19 I-1 Industrial District.
 20 So a couple of notes here before we get
 21 into the text. Let's see, the Regional Planning
 22 had their meeting -- get the date here. Let's
 23 see. Where is it? There it is. Ms. Busser
 24 made a motion to approve, with a spelling typo
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1 corrected; seconded by Mr. Probasko. Motion
 2 carried there seven to zero.
 3 All right. So unless you guys have
 4 anything, I'll just get started.
 5 MR. OCKEN: Go ahead.
 6 MR. ADAMS: Okay. So a quick -- a brief
 7 overview for everyone here, especially the
 8 community members. So end of last year, the
 9 Solar and Special Use Special Committee had made
 10 a set of recommendations for the zoning
 11 department, including one additional
 12 consideration. It was not one of the original
 13 five or six recommendations, but was simply a
 14 consideration, and that was the basis for this.
 15 The other conditions are in the process of being
 16 implemented but are not Ordinance changes.
 17 So the -- kind of the initial concern or
 18 the idea behind the consideration was -- and it
 19 took a little bit of, I guess, effort to kind of
 20 drill down exactly what the concern was to get
 21 to.
 22 And the two concerns primarily were that,
 23 number one, in the Special Use process it's a
 24 little different from the Amendment process,
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1 where the municipalities don't -- are not able
 2 to file an objection like they can through the
 3 map amendment process.
 4 And the other part is that there's a
 5 little over 700 Special Uses within the county,
 6 and it can be difficult for planning purposes to
 7 know -- to capture those on the Comprehensive
 8 Plan Map. So some of them were, you know,
 9 suggested, again, a new zoning district be
 10 created. It was tweaked a little bit from what
 11 the initial suggestion was, and this is just
 12 kind of where that ended up in working with
 13 primarily Wayne, who was chairman of that
 14 committee, as well as the -- a couple of the
 15 other committee members and some Board members.
 16 And so that's kind of the basis for this,
 17 where it started, and kind of why this got
 18 drafted.
 19 As the -- I think it was about last
 20 January, I think is when this was presented to
 21 that committee. As it was presented then and is
 22 presented tonight, again, this is just that
 23 consideration brought to what is a possible form
 24 of it and to bring it to the public forum for
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1 debate tonight, as well as to discuss it, you
 2 know, as it is in the public forum, under oath,
 3 with minutes, and the whole thing.
 4 So we'll get right into it. It's broke up
 5 into two. The first is Exhibit A, which is what
 6 I'll go over first, which is -- kind of marks
 7 the changes to both I-1, AG-1, the proposed
 8 changes, and then as well as the new proposed
 9 AG-2.
 10 And then Part B, which is some rules and
 11 definitions, as well as a minor change to the
 12 Industrial District.
 13 And, again, these can be, you know,
 14 separated out if the committee so choses to do
 15 that.
 16 So, again, the only changes under Exhibit
 17 A to Intermediate Ag, if you flip to Section C
 18 you'll see the red line cross-out, and I
 19 believe -- yeah, you guys are in color. Good.
 20 The red line cross-out is the Special Uses
 21 that would or could be moved.
 22 MR. OCKEN: This is under AG-1?
 23 MR. WILLIAMS: Yeah, you said
 24 Intermediate. I was going to clarify.
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1 MR. ADAMS: And so the suggested uses to
 2 move the first one on the list is accessory
 3 pollution control facility. The only one that I
 4 could think of currently in the county is for
 5 dirt that they take off from the Winnebago
 6 Landfill, set aside, and then they bring it back
 7 because they have to cover it each night.
 8 The second one is asphalt or concrete
 9 batch mix plant.
 10 The next one is ethanol and biodiesel
 11 production facility.
 12 The next one is excavating mining. You
 13 know, a quarry, basically.
 14 The next one is junkyards.
 15 The next one on the list is motor carrier
 16 facility, Class II. Class I would stay; Class
 17 II would move. And if memory -- well, I'll
 18 just -- well, the difference between Class I and
 19 Class II is the number of trucks on site.
 20 The next one on the list is self-service
 21 storage facility.
 22 The next one on the list is solar farm.
 23 The next one on the list is oil or gas
 24 well drilling. You know, pump jacks, that kind
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1 of stuff.
 2 And then the last one is the wind energy
 3 conversion system, commercial.
 4 That is the sole changes to the AG-1 -- or
 5 proposed to the AG-1 Agricultural District. And
 6 then where those would go of course would be
 7 into the proposed AG-2 Expanded Use Agricultural
 8 District.
 9 So I'll read the blue. That would be
 10 different text. Again, everything in this
 11 Number 3 here on the thing -- or in the 15-5-2
 12 is a direct copy from AG-1, except for what is
 13 color coded for you. And I'll read the color
 14 coded parts.
 15 So, again, AG-2 Expanded Use Agricultural
 16 District. Part A, Purpose and Intent. This
 17 district is intended to help implement the goals
 18 and objectives of the Ogle County Amendatory
 19 Comprehensive Plan and is established to
 20 preserve the integrity of the AG-1 Agricultural
 21 Zoning District by clearly indicating that
 22 AG-1 -- that, in the AG-1 District, agriculture
 23 is the primary use of the land. Agriculture in
 24 the AG-2 District, while important, is not
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<p style="text-align: right;">Page 9</p> <p>1 regarded as necessarily the primary use. The 2 AG-2 District is intended to be a zoning 3 district that permits Special Uses that may not 4 be incidental to agricultural use of the land; 5 however, all agricultural activities are also 6 allowed in this District. 7 One quick point, because this sometimes 8 gets misunderstood. So when you read our 9 Ordinance, we have a 240-acre minimum to be 10 classified as a farm. That is not the minimum 11 parcel size for the Ag District, or in this 12 case, the AG-2 District either. That is simply 13 the minimum size that is required for a new 14 dwelling to be built. That is strictly for 15 residential -- the residential use portion of 16 AG-1. So you can have an agriculture or a 17 proposed AG-2 parcel of any size. 18 If it gets below five acres, you have to 19 have a one-lot agricultural subdivision. But, 20 again, that doesn't limit the minimum size. 21 That minimum size is only for dwellings. You 22 do, on occasion, get this where someone will 23 sell five acres for a hog confinement or 24 something along those lines. And this, again, In Totidem Verbis, LLC (ITV)</p>	<p style="text-align: right;">Page 11</p> <p>1 the larger ones; pollution control facility; 2 self-service storage facility. 3 This one was actually one of the 4 recommendations -- not part of this 5 consideration, but was its own -- one of those 6 original six recommendations that was to change 7 the name solar farm to solar energy conversion 8 system, commercial. Our wind, as you'll see 9 down here is wind energy conversion system, 10 commercial, most people call them WECS. So, 11 again, that will just match terminology. That's 12 the only change there. 13 Again, oil or gas well drilling; and wind 14 energy conversion systems. 15 Again, everything else would be the same 16 for the two of them. 17 So that is kind of what defines the two 18 districts. Again, they're very similar. It's 19 just the one, like I said, is expanded use for 20 uses which remain agriculture, possibly with 21 secondary uses. 22 One question that I have had a number of 23 times, and that is specifically in reference to 24 solar. There has been some concern that this In Totidem Verbis, LLC (ITV)</p>
<p style="text-align: right;">Page 10</p> <p>1 is fine. The 40-acre minimum is only for 2 dwellings, and that would be the same for both. 3 Moving on to Part C under Special Uses. 4 Again, this is the big, major change. The -- 5 one change, and this will be covered a little 6 bit more in Exhibit B under the Rules and 7 Definitions, and that is aircraft service/repair 8 minor, Special Use. That was what was added to 9 the AG-1 District, as opposed to use of the 10 aircraft service and repair, and this breaks it 11 into minor and major. But we'll cover that in 12 Exhibit B. 13 Then, of course, there will be Part D, 14 which is additional AG-2 Special Uses. Again, 15 these are all the ones that were formerly from 16 the AG-1 District that we had just read. 17 So you have asphalt or concrete batch mix 18 plant. You have the accessory pollution control 19 facility. Here is where the major portions of 20 the aircraft or landing strip are. You have 21 aircraft or landing strip repair major; ethanol 22 biodiesel facilities; excavation, mining 23 quarries; the junkyards; motor carrier 24 facilities, Class II, because, again, these are In Totidem Verbis, LLC (ITV)</p>	<p style="text-align: right;">Page 12</p> <p>1 would make it more difficult for solar -- solar 2 energy conversion systems, or solar farms. And 3 this is only true of solar. The other ones this 4 would not necessarily be true of. 5 As part of our Solar Ordinance that was 6 passed back in January of 2019, as one of those 7 conditions solar is required to have approval of 8 the municipality within a one and a half mile 9 radius. So the difference in the zoning change, 10 as we know, they can only file objections, of 11 course a three-quarter vote, which is a lesser 12 hurdle. 13 So it would, in fact, add -- that wouldn't 14 affect solar, because the approval is required 15 under the Special Use conditions. This could 16 only -- would only be the opportunity to file an 17 objection, which, again, it wouldn't even be 18 able to get to the County Board level if the 19 municipality rejects it under the current 20 conditions; that was the January 2019. 21 But, again, for the other uses, it would 22 allow, with the zoning change, for the 23 municipalities to file that objection to force 24 the three-quarter vote. In Totidem Verbis, LLC (ITV)</p>

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1 So, again, there was a lot of confusion
 2 regarding that. So I wanted to get that on
 3 record.
 4 So -- and then also, where that came from
 5 for this -- part of the Special Use conditions
 6 was, at that time, you know, there was some
 7 concern from certain municipalities that they
 8 had no input through the Special Use process,
 9 which they don't have. I mean, they can come
 10 and be part of the public hearing, but they
 11 didn't have an official means of filing an
 12 objection, because you're not allowed to file --
 13 municipalities can't file an objection to force
 14 a three-quarter vote in the Special Use process.
 15 So as one of the secondary parts of this,
 16 by having the AG-2 Zoning District, it is an
 17 opportunity for there to remove the requirement
 18 of that as a Special Use, because they couldn't
 19 do the three-quarter vote. So they went with
 20 the required approval as a separate condition.
 21 This would alleviate some of the concerns of
 22 those municipalities. So we wouldn't give them
 23 the input, and so it's kind of some grounds to
 24 eliminate that mandate. So it would give a
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1 certain amount of control back to the County in
 2 those planning radiuses, and away from being a
 3 hundred percent approval from the
 4 municipalities. Again, that's only for solar.
 5 So it wouldn't -- like I say, it wouldn't
 6 clean that up as written, but it does give kind
 7 of that spring board for some future changes.
 8 MR. OCKEN: That's for the one and a half
 9 mile zone for municipalities that we're talking
 10 about?
 11 MR. ADAMS: Yes. So anything outside of
 12 the one and a half mile zone, it -- neither one
 13 can become an issue; neither the mandate, nor
 14 the ability to file an objection.
 15 Then one other additional concern, and
 16 this is -- I had gotten, and that is the
 17 additional costs, and there are additional costs
 18 to the Map Amendment to go with the Special Use.
 19 So the Resources Report from Soil and Water
 20 would be the same as is, like, the EcoCAT, et
 21 cetera, but you do have the additional filing
 22 fee. So for the total process for the
 23 landowner, it would be an additional \$500;
 24 however, that could be conditionally removed if
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1 you guys so chose to do that for this.
 2 But anyways, the added costs, again, was
 3 part of it. But it's -- like I say, it would
 4 only be the 500. Because, again, just like we
 5 had with Love's a year ago, you know, you do the
 6 Special Use and the Map Amendment at the same
 7 time. So it's -- you know, the court reporter,
 8 you know, you would have anyways for the Special
 9 Use, you know, that type of thing. So, again,
 10 it would be just the \$500 fee.
 11 So that's kind of the District in a
 12 nutshell. And, again, the two main points from
 13 it were, like I said, kind of from Planning
 14 Comprehensive Plan concerns with, again, it's
 15 hard to capture them appropriately in the
 16 Comprehensive Plan as Special Uses as opposed to
 17 its own zoning district, especially with the,
 18 like I say, Comprehensive Plan map.
 19 Then Part B, or Exhibit B, which, again,
 20 is Number 1, Division 2, Section 16-2-2, Rules
 21 and Definitions, and that was kind of the change
 22 of aircraft repair and service. Because this
 23 was, again, one of the parts of the Solar
 24 Special Use's suggestion was that, you know, we
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1 don't have a delineation between the Rockford
 2 Airport versus the Mt. Morris Airport. So we
 3 have the two changes here.
 4 One is aircraft repair and service. So
 5 that is proposed to change to aircraft repair
 6 and service, major, which is general repair,
 7 rebuilding, or reconditioning of aircraft
 8 exceeding 25,000 pounds maximum takeoff weight.
 9 And that number there, where it actually
 10 comes from, that's the maximum take-off weight
 11 of the (inaudible), a World War 2 multi-purpose
 12 airplane, but it's a very large, twin engine
 13 propeller-driven aircraft.
 14 And then, of course, minor is anything
 15 under that 25,000 pounds.
 16 For airport or aircraft landing field,
 17 again, major and minor. Airport or aircraft
 18 landing field major: Any landing area, runway,
 19 or other facility (including heliports),
 20 designed, used, or intended to be used, either
 21 publicly or privately by any person or persons
 22 for the landing or taking off of aircraft and
 23 hang gliders, including all necessary taxiway,
 24 aircraft storage and tie down areas, hangars and
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1 other necessary buildings and open spaces, and
 2 does exceed 20 based aircraft not including FAR
 3 Part 103 ultralights.
 4 So, again, major is anything over 20; and
 5 then minor is anything up to and including 20.
 6 So based aircraft, that's one of the FAA
 7 things. They categorize, or count, the number
 8 of based aircraft at a landing field, and so
 9 that's the -- kind of the easiest one for the
 10 Zoning Department to be able to kind of keep
 11 track of because it's, you know, something that
 12 the FAA has.
 13 Just kind of an as example, I called Mt.
 14 Morris and asked them what their base aircraft
 15 was, and as of maybe six-ish weeks ago, give or
 16 take a couple weeks, they had 14, 14 based
 17 aircrafts. And then, of course, that would
 18 exclude Ultralights under 256 pounds, because
 19 those you don't need a pilot license and they're
 20 not registered aircraft. So that would be
 21 included.
 22 Then, again, the next definition is to
 23 change solar farm to solar energy conversion
 24 system, commercial, again as part of that
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1 recommendation.
 2 And then the next part, Division 5,
 3 Section 16-5-10, I-1 Industrial District, this
 4 would do the same change for aircraft landing
 5 fields. We do a lot of Special Use in
 6 Industrial. So this would do major and minor,
 7 because, again, Industrial can be some fairly
 8 heavy uses. So it would allow both.
 9 Then kind of the major change to
 10 Industrial here is the addition of solar energy
 11 conversion system, commercial, as a listed
 12 Special Use in the Industrial District. If you
 13 guys remember the Honsmeier (phonetic) Special
 14 Use over just north of Mt. Morris -- that's just
 15 about finished, going up, if you guys haven't
 16 had a chance to go over and take a look at it --
 17 so that was something like, just like Better
 18 Place, had to go get a special consideration
 19 because it wasn't a listed use. We don't have
 20 this as a listed use in the Industrial District.
 21 And, again, solar, you know, is often
 22 considered a much less invasive Special Use than
 23 some of the other ones listed in Industrial.
 24 Since we have an approved one just a couple
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1 years ago, it just seemed to make sense to
 2 include that as a listed Special Use. Again,
 3 they would still have to go through the process
 4 of Special Use, but it would be listed and would
 5 eliminate that extra step of going to the
 6 committee for consideration first.
 7 So that's kind of the text and kind of a
 8 backstory in a nutshell.
 9 MR. OCKEN: Questions or comments from the
 10 Board?
 11 MR. HAYES: I've got a couple questions.
 12 On your Airport 20 based aircraft, because
 13 you're not including the Ultralights as the
 14 based aircraft, if the FAA does change its
 15 requirements for Ultralights, would that be an
 16 automatic to your --
 17 MR. ADAMS: Yeah, so if they -- if they --
 18 if they change the size -- you know, like in
 19 Canada they're substantially bigger than our
 20 256's, theirs is like 600 pounds. So as long as
 21 it falls under Part 103. If they change their
 22 rules under Part 103, if they came out with a
 23 new part, we would have to update this.
 24 MR. HAYES: Okay.
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1 MR. ADAMS: If they kept it -- if they
 2 just changed the weight limit, you know, stall
 3 speed, that kind of stuff, if they kept it under
 4 the 103 number, yes, it would be automatic.
 5 MR. HAYES: Because there is talk of
 6 eliminating it altogether because of the --
 7 MR. ADAMS: Oh, the drones?
 8 MR. HAYES: -- the drones. Because of the
 9 drone scenarios. They're like every aircraft
 10 now because it's -- Canada has clamped down on
 11 it, the whole nine yards. So they're
 12 classifying -- trying to get a handle on
 13 everything in the air. Just something that --
 14 MR. ADAMS: Yeah.
 15 MR. HAYES: Just something that we don't
 16 want to chop ourselves in the foot by saying,
 17 you know, that, and all of the sudden Mt. Morris
 18 gets clipped on that.
 19 MR. WILLIAMS: For the Definitions, again,
 20 under aircraft repair service, minor/major,
 21 under minor I have reconditioning of aircraft
 22 exceeding 2500 pounds. Does that mean --
 23 MR. ADAMS: You might not have the
 24 corrected one.
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1 MR. WILLIAMS: So that has been corrected?
 2 MR. ADAMS: Yeah, that was the typo that
 3 was Toni's suggestion from Regional Planning.
 4 MR. WILLIAMS: And then on -- again, on
 5 the last one, Industrial Use, the solar energy
 6 conversion system. So that would be Industrial,
 7 we're doing a Special Use Industrial, you're
 8 just adding it to that, and it also would be
 9 allowed in the AG-2 --
 10 MR. ADAMS: Yeah.
 11 MR. WILLIAMS: -- under Special Use?
 12 MR. ADAMS: Uh-huh.
 13 MR. WILLIAMS: And AG-1 also under Special
 14 Use?
 15 MR. ADAMS: No. It moves from AG-1 to
 16 AG-2.
 17 MR. HAYES: So pretty much, you know, if
 18 anybody wants to move into the category -- the
 19 new category as AG-2, they would have to go from
 20 AG-1 to AG-2, go through that change, and then
 21 apply for a Special Use Permit?
 22 MR. ADAMS: It would be concurrently, just
 23 like Love's was. You know --
 24 MR. HAYES: Basically it's the same two
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1 things at one time?
 2 MR. OCKEN: So could be done at one
 3 meeting?
 4 MR. ADAMS: Yes.
 5 MR. OCKEN: Apply for an amendment, AG-1
 6 to AG-2, and then a Special Use Permit.
 7 MR. ADAMS: At the same meeting, yes, just
 8 like Love's was.
 9 One additional thing, I did have this --
 10 couple questions. Zach Owens asked me this.
 11 And that was, what about any existing uses that
 12 are out there? And we have a very
 13 well-thought-out, what we call, existing
 14 non-conforming. You know, the quote-unquote
 15 grandfather clause. And, again, this would be
 16 no different than any of the others. So any
 17 existing uses out there in their current zoning
 18 classification would not have to change.
 19 Like, again, if you remember Covia, when
 20 they rezoned from B-1 to AG-1 for their
 21 additional 11 acres from last August. So that's
 22 in the AG-1. That would stay in the AG-1 under
 23 there.
 24 It's only for, again, any new petition.
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1 All the rest would stay grandfathered through
 2 the existing non-conforming.
 3 MR. OCKEN: And this proposed amendment
 4 came from the solar committee; is that correct?
 5 MR. ADAMS: It was -- so the -- yeah, they
 6 had originally -- it was originally proposed as
 7 an Industrial Agricultural District, but after
 8 kind of working with Wayne and kind of, like I
 9 said, drilling just a little bit deeper, that it
 10 just -- it seemed that, you know, the expanded
 11 use was a better direction than a secondary --
 12 kind of a -- if it's Ag Industrial, then is it
 13 AG or is it Industrial? Where do you -- you
 14 know, how do you classify it? It opened up some
 15 other things.
 16 So by, again, as it says, kind of keeping
 17 the integrity of the Agricultural District but
 18 also -- and it does that by keeping AG, kind of
 19 like Intermediate Ag does, but still at the same
 20 time highlights it on the zoning map, and
 21 especially the Comprehensive Plan Map, for, yes,
 22 it's agricultural but it is a little bit
 23 different.
 24 MR. OCKEN: Which other counties have this
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1 AG-2 zoning?
 2 MR. ADAMS: The -- so the -- well, one of
 3 the other parts of where this came from, this
 4 actually was -- used to be an Ogle County
 5 district back in the '70s and '80s. In the '92
 6 redo, it was dropped. So that's primarily where
 7 it came from.
 8 MR. OCKEN: You say there was an AG-2
 9 before?
 10 MR. ADAMS: Yes.
 11 So there was -- other ones have additional
 12 AG districts. With this, with AG-1, then the
 13 Expanded Use and the Intermediate Ag, with the
 14 three versions, that would be a little more --
 15 you know, they wouldn't normally have -- you
 16 know, I don't know of another one that has three
 17 of them. So, you know, that would be something
 18 that would be a little bit different.
 19 They usually have, like I say, something
 20 additional for smaller or some of the other
 21 stuff, but this is a little bit different that
 22 way.
 23 But at the same time, we only have one
 24 Industrial District. Most other counties have
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1 two or three. They'll have a light and heavy or
 2 something like that. Again, didn't think that
 3 an Industrial District, a light industrial,
 4 would work, because we would really run into
 5 some spot zoning concerns. Because where a lot
 6 of these uses would fit would be in places that
 7 are completely surrounded by agriculture, and if
 8 you throw a light industrial that doesn't have
 9 any other industrial within five miles, it
 10 really falls into a spot zoning issue. So,
 11 again, it would just -- it just seemed like kind
 12 of a compromise or the solution to that.

13 So the -- and just to -- I guess, from the
 14 input that we have had, the other comment that I
 15 have gotten a lot from the public that have
 16 called and different Board members and whatnot,
 17 and that is -- because I have gone over the --
 18 kind of the benefits of long-term planning and
 19 allowing the municipalities to have some input
 20 on what are fairly major land uses, those
 21 additional ones that could affect the longer
 22 planning, but, you know, as they say, the devil
 23 that you know is safer than the devil that you
 24 don't know.

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1 No, our current system is probably not
 2 perfect. I don't think any Zoning Ordinance is.
 3 This tries to correct one of those things. But,
 4 of course, the question is always, does this
 5 create more problems solving this problem? You
 6 know, and that's kind of what we're here to do
 7 tonight, so.

8 MR. WILLIAMS: Why wouldn't we move those
 9 into a B-1?

10 MR. ADAMS: What's that?

11 MR. WILLIAMS: The ones we're taking out,
 12 you know, say, like, the ethanol, biochemical
 13 production facilities we took out of Special Use
 14 AG-1 and went into AG-2 Special Use, why
 15 wouldn't they just go into Business? Because a
 16 lot of these that are changed are mostly
 17 business concepts. Asphalt, concrete batch mix
 18 plants, I mean, that's more than a farmer that
 19 has five trucks and hauls grain. That would be
 20 different.

21 MR. ADAMS: Yeah. Yeah, well, and any
 22 number of trucks -- any number of trucks that
 23 are strictly agricultural do not count as --

24 MR. WILLIAMS: Yeah, it was just an

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1 example. But mostly, if you look at them all
 2 the way -- junkyard, again, somebody making --
 3 it's a property for a profit. You know,
 4 self-storage storage facility.

5 MR. ADAMS: That was -- especially
 6 self-service storage facility, we went back and
 7 forth on that one for a long time. We had a lot
 8 of these that are possibly more business in
 9 nature.

10 MR. WILLIAMS: Right. It looks like all
 11 of them.

12 MR. ADAMS: So one of the reasons for
 13 that, especially with oil, wind -- well, let's
 14 see -- those ones especially, like, there's
 15 still going to be -- it's expected that there
 16 would still be significant agriculture around
 17 the bays in the area. You know, like a wind
 18 tower, you know, they might put them every
 19 quarter mile. So you would still farm around
 20 them.

21 But, again, with the Business concern --
 22 and we did go over that -- it was similar to the
 23 Industrial concern with some of the spot zoning.
 24 And a good example would be if -- why can't I --

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1 I'm drawing a blank.

2 Benesh, when they did the Special Use to
 3 expand theirs, you know, there's not any
 4 Business nearby. And until that's kind of
 5 opened up, because, you know, that's future
 6 expansion, it's still expected to be an
 7 agricultural use.

8 No, I mean those are very good points, and
 9 those are things that went round and round.
 10 The -- this is kind of what we had settled on.
 11 I'm not saying it's the only way or even the
 12 best way, but it's just --

13 MR. WILLIAMS: You know, just looking
 14 through it, you know, going from the AG-1 --
 15 you're moving everything from the AG-1 into the
 16 AG-2, everything that's possible in AG-1 is
 17 going to AG-2 through Special Use and everything
 18 else, you know, there isn't really any other
 19 changes other than in the AG-2 you're just
 20 designating that it doesn't have to be
 21 primarily -- the farmland doesn't have to be
 22 primary.

23 MR. ADAMS: Yeah.

24 MR. WILLIAMS: So, I mean, that doesn't

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1 fit for AG.
 2 MR. HAYES: Yeah, not really.
 3 MR. ADAMS: The --
 4 MR. WILLIAMS: I mean, that's my whole
 5 point. There isn't a whole lot of changes. We
 6 have everything in place with the AG-1. And
 7 personally, I do like the Special Use because
 8 it's tied to that project. So if we go to a
 9 whole other zoning and it goes to an AG-2, they
 10 can do anything within that.
 11 MR. ADAMS: There's still all --
 12 MR. WILLIAMS: It's still going to go to
 13 Special Use.
 14 MR. ADAMS: Still Special Uses, yeah.
 15 It's still tied into the use.
 16 MR. WILLIAMS: There's no difference from
 17 AG-1 to AG-2, other than we're stating that it
 18 doesn't have to be agricultural primary.
 19 MR. ADAMS: Yeah.
 20 MR. WILLIAMS: That's the only change
 21 we're really making.
 22 MR. ADAMS: That's the only change. And,
 23 again, like I said, primarily for planning
 24 purposes and municipality involvement.
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1 MR. HAYES: But at the same point in time,
 2 most of these changes here are business --
 3 strictly --
 4 MR. WILLIAMS: Business, right.
 5 MR. HAYES: -- business in nature.
 6 MR. WILLIAMS: I feel like it would be
 7 better for a Business classification on it than
 8 an AG.
 9 MR. HAYES: I mean, we're muddying -- in
 10 some ways, we muddy the water anyway on AG-1
 11 going and letting -- it's de facto spot zoning
 12 anyway with Special Use. It's de facto, just --
 13 we just call it something else. We call it
 14 Special Use, but basically it's still a
 15 business -- if you have the same business in
 16 town, it would fall under the category of
 17 Business, correct?
 18 MR. ADAMS: Yeah, exactly. And that was
 19 the concern, like you said, because there is a
 20 lot of, like you said, muddy water in AG because
 21 they are businesses. And this was, like I say,
 22 to capture it better. Again, it's not perfect,
 23 but it was to capture it a little bit better
 24 because it would -- you know, it would stand out
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1 even though it's an expanded use.
 2 You know, would a lot of these -- like you
 3 say, are they more business or industrial in
 4 nature? Sure.
 5 One thing, because of the -- if you go
 6 to -- so certain areas in the county, the
 7 development is sparse enough that -- and that's
 8 how those Special Uses got on Agriculture in the
 9 first place.
 10 And so, again, you know, if you put, say,
 11 a solar farm in maybe, say, Lincoln Township,
 12 there's certain parts of Lincoln Township that
 13 there's not a lot of other zoning districts in
 14 there. And so, again, you know, that's -- that
 15 was kind of -- it keeps it from being spot
 16 zoning but does again mark it as, you know,
 17 something a little bit more business-oriented
 18 than opposed to --
 19 MR. HAYES: In the business
 20 classifications, is there a Special Use Permit,
 21 or is it just if they get a permit, they get a
 22 permit?
 23 MR. ADAMS: Again, it depends on the use.
 24 In some things that are Special Uses, in some
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1 districts are permitted uses in others.
 2 But there is -- if you -- I should have a
 3 copy. Did you want me to check those? I can
 4 get that from the Ordinance.
 5 MR. WILLIAMS: You can use mine.
 6 MR. ADAMS: Yeah, so if we go to the
 7 Business 1 here, so B-1 Business, so some of the
 8 Special Uses are animal hospitals, car washes,
 9 filling stations, major automobile repair
 10 facilities, restaurants, sewage treatment
 11 facilities, taverns.
 12 So those are the permitted Special Uses.
 13 Those aren't quite as intense as, say, the
 14 ethanol plant. And additionally, not just -- I
 15 mean, because, again, there's various uses. But
 16 like you said --
 17 MR. HAYES: I can see --
 18 MR. ADAMS: -- self-storage would --
 19 MR. HAYES: I can see a lot more gas
 20 stations on AG property than a great big ethanol
 21 and biodiesel production facility, and be more
 22 useful for the communities. You know, I mean,
 23 if you have a gas station -- convenience store/
 24 gas station in a smaller community and you're in
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1 AG, that would be easier in some ways to get
 2 than Business, right?
 3 At the same point in time, you're putting
 4 it over here on AG for ethanol and biodiesel. I
 5 mean, it's -- that's a large facility, and then
 6 you're expecting this small gas station or
 7 something like that to go and apply for
 8 Business.
 9 MR. ADAMS: Yeah.
 10 MR. HAYES: Seems a little bit like, you
 11 know, counterintuitive.
 12 MR. ADAMS: Yeah, no, and those are --
 13 sure.
 14 MR. HAYES: If you're going to make it one
 15 way, you need to follow suit with this.
 16 Somebody is going to say, Hey, it's a business,
 17 they file taxes as a business and such, like a
 18 corporation, you know, kind of deal. Well, then
 19 what's -- how are you coming up with the idea --
 20 somebody comes in and says, How are you coming
 21 up with AG-2, and an ethanol plant, whatever
 22 like that, huge corporation that's from around
 23 the world, and my little gas station over there,
 24 you know, whatever I have got, doesn't qualify
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1 for the AG-2 --
 2 MR. ADAMS: Sure.
 3 MR. HAYES: -- Special Use.
 4 MR. ADAMS: So a couple things. Like,
 5 those are already in the AG-1 District --
 6 MR. HAYES: Sure.
 7 MR. ADAMS: -- so this doesn't make them
 8 any more available to the AG District. This is
 9 that step, like I said, to better separate those
 10 uses, because, exactly, like, you know, for the
 11 oil wells or, like you say, the ethanol or batch
 12 plant, you know, those are already, and why is
 13 that only just regular AG-1? And that was the
 14 initial concern. And so, again, that's what
 15 brought this whole thing to be.
 16 MR. WILLIAMS: But those are Special Use
 17 under AG-1 though.
 18 MR. ADAMS: And they are still -- they
 19 would also be a Special Use under AG-2.
 20 MR. WILLIAMS: So what's the advantage of
 21 anyone zoning AG-1 now? You're just taking away
 22 a possibility to those land by moving those out?
 23 I mean, wouldn't it make more sense -- if you
 24 are going to have a property, wouldn't you want
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1 it to be in AG-2 now, just so you have a
 2 potential? I mean, I can see AG-1 just totally
 3 going away.
 4 MR. ADAMS: Well, part of the petition
 5 process, you guys know, I mean, you have to have
 6 a concept plan. And so if you say, I just want
 7 it because I want it, you know, you don't get
 8 that. I would assume that this wouldn't make it
 9 through the appeal process, that the Board
 10 wouldn't approve that, that the County Board
 11 wouldn't approve something that is, "I just want
 12 to," without an actual concept plan with a
 13 proposed use.
 14 MR. WILLIAMS: But the permitted uses from
 15 AG-1 and AG-2 are the same?
 16 MR. ADAMS: Yes.
 17 MR. HAYES: So why couldn't I do that?
 18 MR. ADAMS: The --
 19 MR. HAYES: The permitted uses are --
 20 MR. ADAMS: Oh, I see -- yeah, yeah, yeah,
 21 yeah.
 22 MR. HAYES: I mean, if you have the same
 23 permitted uses, I want the same -- I'm going to
 24 do the same thing. So your permitted uses are
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1 automatic.
 2 MR. ADAMS: Yeah.
 3 MR. HAYES: So you really don't have
 4 anything to stand on when you're moving from
 5 AG-1 to AG-2 --
 6 MR. WILLIAMS: Right.
 7 MR. HAYES: -- because you're already
 8 there.
 9 MR. ADAMS: Well, you do still need the
 10 concept plan. And if their concept plan is, you
 11 know, I want the permitted uses and they're
 12 already zoned AG-1, you know, what would be the
 13 reason for approval for that petition?
 14 MR. WILLIAMS: I would, I mean,
 15 theoretically say, I have this chunk of land and
 16 I am leaving to it my estate, and I want to make
 17 sure that my heirs have the ability to do
 18 whatever they want without having the legal
 19 process. I want to take care of that before I
 20 die. I mean, that would be -- I would see that
 21 coming, because that makes that land more
 22 valuable now, where right now everything is
 23 already covered under the AG-1. You know, I
 24 don't see any changes really.
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1 MR. HAYES: Well, you're actually
 2 diminishing --
 3 MR. WILLIAMS: AG-1.
 4 MR. HAYES: You're actually diminishing
 5 AG-1. So in a way you --
 6 MR. WILLIAMS: Yeah, you're taking away
 7 AG-1.
 8 MR. HAYES: -- you're taking away people's
 9 ability -- right now you're taking people's
 10 ability away.
 11 MR. BULTHAUS: Question. What is the
 12 difference between the AG-1 and AG-2? You still
 13 got to get a use permit and you got to go
 14 through the County Board. They vote different
 15 to get it passed?
 16 MR. ADAMS: Yeah, they do. So with the
 17 AG-2, it -- with a Map Amendment, which is
 18 separate from the Special Use Petition, it does
 19 allow the municipality, in the 1.5-mile planning
 20 radius, to file an objection and force a
 21 three-quarter vote, which is not something
 22 that's available to the municipality under the
 23 Special Use only process.
 24 MR. BULTHAUS: But isn't that what the
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1 County Board -- they represent the
 2 municipalities too, and this might come back and
 3 bite them. It's not going to take very many
 4 people to object to something, and some day them
 5 people might not be here that objected to it, or
 6 they might want something and they won't get
 7 their thing passed. You know what I'm saying?
 8 MR. ADAMS: Uh-huh.
 9 MR. BULTHAUS: I don't see that much
 10 difference in it. The Special Use, I could see,
 11 because that gives us still control as if you
 12 just put it in industry. It kind of bothers me
 13 some with agriculture, you know.
 14 Now, Lee County has got an AG-2 deal, but
 15 theirs basically was a backup to the Illinois
 16 Livestock Management deal. So that protected
 17 the farmers that were already there if they
 18 expanded, had their pollution control and that.
 19 This -- by putting this AG-2, if the
 20 County Board has six, eight people object to it,
 21 you're done. Am I right or wrong?
 22 MR. ADAMS: Yes, it would be -- yeah.
 23 Yup. If the municipality filed the objection,
 24 yes.
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1 MR. BULTHAUS: So, I mean, really AG-1 is
 2 a simple yes or no, either it passes by the
 3 majority or it don't. And it's -- you know, it
 4 might make the County Board have to work at it,
 5 is what I'm saying. I mean, I'm not -- it
 6 just -- it just seems like we're making more
 7 hoops or whatever to jump through.
 8 I can see moving some things to a
 9 different category for a Special Use, but this
 10 AG-2, it's all in AG-1 now. I mean, it just
 11 seems like that's just going to give some people
 12 some power to control things that they
 13 shouldn't.
 14 If the County Board votes yes, fine. You
 15 know, 16 to 15 or something, that's the way it
 16 goes. I just hate to see 6 or 8 people can
 17 object to something.
 18 MR. HAYES: So this is basically to give
 19 the municipality a little more say so? Is that
 20 the gist of it?
 21 MR. ADAMS: Yeah, so the municipalities
 22 would get the right to object to the use within
 23 the 1.5-mile planning radius. The other is,
 24 again, like you said, to make it for long-term
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1 planning, the plan map and stuff, to make it a
 2 little bit clearer and a little better,
 3 differentiate some of those uses that you say
 4 are a little muddy in the AG-1 District.
 5 But, again, as you pointed out, and then
 6 weigh that against, you know, what does that do
 7 by diluting the AG-1 District and taking stuff
 8 away from it? That's been the back-and-forth,
 9 and that's why, of course, we wanted to get it
 10 here, so that we could see, again, which is the
 11 better side and, again, do the pros outweigh the
 12 cons, for sure.
 13 MR. OCKEN: Will AG-2 have the same tax
 14 rate as AG-1?
 15 MR. ADAMS: Yes.
 16 MR. OCKEN: There won't be a difference in
 17 taxes?
 18 MR. ADAMS: No.
 19 MR. OCKEN: So if a landowner has, say,
 20 160 acres, and let's use a solar farm as an
 21 example, wants to put in a 15-acre solar farm,
 22 is it just that 15 acres that needs to be
 23 rezoned from AG-1 to AG-2?
 24 MR. ADAMS: Yes. And it doesn't need to
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1 be separated out as an additional parcel either.
 2 So, like -- what are some of the ones that we
 3 have done recently?
 4 MR. WILLIAMS: It would be the same as
 5 AG-1 right now, because we can sub-parcel those
 6 out with a Special Use for X amount of acres.
 7 MR. ADAMS: Yeah, exactly.
 8 My mind is drawing a blank here. But,
 9 yeah, you can have -- you'll see it where
 10 there's a certain couple acres on the corner of
 11 this intersection that is zoned to Business for
 12 this particular use but the rest of it stays
 13 AG-1. I can't think of a named example.
 14 But, yes, only that -- say, like, the
 15 2-megawatt, it would be only the 11 acres that
 16 it sits on, and it would not need to be its own
 17 parcel.
 18 MR. OCKEN: It wouldn't need to be
 19 surveyed?
 20 MR. ADAMS: No. They would need the
 21 concept plan of what would be zoned, but it
 22 wouldn't have to be a separate survey, no. They
 23 would just have to have a legal description.
 24 And that's actually true of any parcel of
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1 greater than X number of acres. That legal
 2 description is enough to actually sell the
 3 property. It doesn't have to be surveyed, so.
 4 MR. BULTHAUS: I think Randy had a good
 5 example. If you surveyed 11 acres off in the
 6 corner, that's like you just do for a house. Or
 7 if that land is suitable for good tillage or
 8 good farmland, your LESA, hey, got too high of
 9 value, it's got too high of value to be a solar
 10 farm. You know, I mean, you got another check
 11 and balance right there.
 12 MR. ADAMS: You still have the LESA for
 13 Special Uses too. I mean, the Regional Planning
 14 Commission does consider those on Special Uses,
 15 but yeah, that would -- I mean, it's considered
 16 either way. But, yeah, no, it would be
 17 considered for sure.
 18 MR. BULTHAUS: I mean, that --
 19 MR. WILLIAMS: I just personally feel like
 20 instead of creating the AG-2, if you did these
 21 line strikes that we created the AG-2 for and
 22 moved those to a Business Special Use, I mean,
 23 that would be a whole lot easier than
 24 creating -- I mean, creating a whole other
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1 zoning classification.
 2 MR. BULTHAUS: I think so.
 3 MR. WILLIAMS: That's what I would like to
 4 see, because, I mean, they're all business
 5 behind it.
 6 MR. HAYES: I'll be very honest with you,
 7 when you say "wind energy conversion systems,
 8 commercial," it says right there, commercial,
 9 business.
 10 MR. ADAMS: Yeah.
 11 MR. HAYES: I mean, you know.
 12 MR. WILLIAMS: And a business is taxed at
 13 a higher tax rate, right?
 14 MR. ADAMS: The -- well --
 15 MR. WILLIAMS: I mean, right.
 16 MR. ADAMS: It's taxed on the use.
 17 MR. HAYES: An ethanol plant, you know,
 18 would be.
 19 MR. ADAMS: So an ethanol plant would be a
 20 tough one for Business. The landscape area
 21 ratio of a Business District, depending on how
 22 tight, that might be kind of close.
 23 MR. WILLIAMS: But a Special Use, we would
 24 be able to allow it, just like now, versus the
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1 AG-1.
 2 MR. ADAMS: You could, you could allow it,
 3 but it does have a more restrictive landscape
 4 area. It's not too bad. It's not as bad as
 5 some of the others ones. 35 percent has to
 6 maintain landscape.
 7 MR. WILLIAMS: Which doesn't seem like a
 8 bad idea.
 9 MR. ADAMS: Yeah, for runoff and stuff.
 10 MR. HAYES: To be honest, junkyard, I
 11 don't even want to be classified as an AG
 12 junkyard.
 13 MR. ADAMS: If you guys want to, want to
 14 go line by line, if you want to make
 15 suggestions?
 16 MR. WILLIAMS: If you want me to, I can
 17 propose something.
 18 MR. ADAMS: What do you like? I mean,
 19 that's why we do this.
 20 MR. SODERHOLM: Are we going to hear from
 21 the gentlemen out here?
 22 MR. ADAMS: We'll get there.
 23 MR. WILLIAMS: I'm going to just state, so
 24 I would like to propose not even creating an
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1 AG-2.
 2 MR. ADAMS: Yup.
 3 MR. WILLIAMS: And then instead -- so out
 4 of the AG-1 that you designated to AG-2, I would
 5 like to move these into a Special Use under the
 6 Business.
 7 MR. ADAMS: Okay.
 8 MR. WILLIAMS: And that would be the
 9 accessory pollution control facility uses;
 10 asphalt or concrete batch mix plants; ethanol
 11 and biodiesel production facilities; excavation,
 12 extraction, screening, mining, crushing, washing
 13 or quarrying or raw materials from the earth,
 14 provide such operations are not conducted nearer
 15 than one thousand feet to any school or to any
 16 dwelling other than the residence owned and/or
 17 occupied by the owner, lessee, or operator of
 18 the premises on which the activity takes place.
 19 The removal of dirt, soil, or sand, when not
 20 requiring the use of explosives, shall not be
 21 nearer than 500 feet from any residence. The
 22 County may, as a condition for granting a
 23 Special Use Permit under this paragraph, require
 24 such condition or conditions as it deems
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1 reasonable under the circumstances, including,
 2 but not limited to, a plan of reclamation and/or
 3 a bond.
 4 Junkyards, provided screening is provided
 5 as defined in Section 16-6-22 of this chapter.
 6 Motor carrier facility, Class II.
 7 Pollution control facility, provided that
 8 such lots shall conform with the setback
 9 requirements set forth in the application state
 10 and federal laws in regulations (refer to
 11 Appendix 1 of this Ordinance for application
 12 procedure and standards for approval).
 13 Self-service storage facility.
 14 Solar farm.
 15 Oil or gas well drilling, provided such
 16 wells is or will be located more than 200 feet
 17 from any residence district or to a dwelling
 18 other than the dwelling of the lessee or owner
 19 of the site.
 20 Wind energy conversion system, commercial.
 21 That's it.
 22 MR. OCKEN: I don't see that the solar
 23 farms should be moved into Business.
 24 MR. WILLIAMS: For commercial, I think it
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1 should be. For private, no. Private is a whole
 2 new classification.
 3 MR. OCKEN: I still think that can be done
 4 on a farm, in a rural area. I mean, that, to
 5 me, is different from self-service storage
 6 facilities, and oil and gas well drilling and
 7 things like that. It seems to me that a
 8 landowner should have -- should be able in the
 9 AG-1 District to get a Special Use Permit for a
 10 solar farm.
 11 MR. WILLIAMS: But they would still be
 12 able to apply for it. I mean, it would be the
 13 same way as doing it now. They would just do a
 14 Map Amendment to Business and then they would be
 15 able to go forward with it.
 16 MR. HAYES: Right. It's just a difference
 17 between -- it's like -- well, there's some on
 18 64. Genslers have some, Carmichaels have some,
 19 and they're private.
 20 MR. OCKEN: I am not talking about the
 21 private. I'm talking about --
 22 MR. HAYES: Commercial.
 23 MR. OCKEN: -- commercial.
 24 MR. ADAMS: The one -- if I might, and I
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1 know what Randy is saying. So a couple ones,
 2 like with wind, the solar, and from the pump
 3 jacks and the oil and gas, those are ones that
 4 are pretty routinely farmed around and farmed,
 5 you know, 99 percent of the use, you know,
 6 underneath it.
 7 And even on the -- even with the solar --
 8 a ground-mount, maybe not -- there's been --
 9 with certain ones you see doing grazing
 10 underneath them with the solar up above, you
 11 know, and some other AG uses intermingled. So
 12 there is -- you do see that, where those already
 13 have a certain amount of agricultural use kind
 14 of together with them.
 15 MR. OCKEN: You know, when you're looking
 16 at asphalt, concrete batch mix plants,
 17 junkyards, quarries --
 18 MR. HAYES: These clearly are not.
 19 MR. OCKEN: -- those kinds of things,
 20 yeah.
 21 You're looking at a solar installation.
 22 There's no noise, there's no dust, there's no
 23 dirt, there's no traffic. You have just got
 24 solar panels producing electricity. So I don't
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1 see why that can't be a Special Use Permit.
 2 MR. WILLIAMS: Under AG.
 3 MR. OCKEN: In AG-1.
 4 MR. WILLIAMS: Right.
 5 MR. OCKEN: To me, that's a lot different
 6 than these other things that we mentioned.
 7 I agree with you on the other things. I
 8 don't see any problem with that. I think they
 9 should be Business.
 10 MR. ADAMS: So solar stays AG-1. Wind
 11 stays AG-1, right?
 12 MR. WILLIAMS: Yeah, under Special Use.
 13 MR. OCKEN: For your motion. Yeah, on a
 14 Special Use.
 15 And then the other one that's kind of --
 16 and since it's your motion, the oil and gas --
 17 MR. WILLIAMS: I mean, is there -- you're
 18 just talking, like, the individual natural gas
 19 well or --
 20 MR. ADAMS: The wells -- I don't know if
 21 you ever get to, like, western Kansas --
 22 MR. HAYES: Oklahoma and so on and so
 23 forth.
 24 MR. ADAMS: -- yeah, you know, where you
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1 see them with little paths around them and they
 2 try to farm around.
 3 MR. WILLIAMS: Yeah, that's fine. Is
 4 there a clarification on size?
 5 MR. ADAMS: We don't have that, but,
 6 again, you can add that to Part B.
 7 MR. HAYES: If you start putting up a
 8 20-acre building, that kind of thing, and taking
 9 it completely out of AG and -- just because it's
 10 AG-1 Special Use Permit, and all of the sudden
 11 you have got a big building, 20 acres, covering
 12 the lot with all this concrete.
 13 MR. WILLIAMS: I get what you're saying
 14 too, where a lot of those -- like on those,
 15 yeah, the windmills, you can farm right up to
 16 the base, around them. Same with the solar, you
 17 can farm up, you don't have to have the setback
 18 requirements or grazing or whatever else.
 19 So I would be fine to put that under
 20 Special Use, and then the County would still
 21 have control over the sizing of what's allowed
 22 or what's not. And then it takes the majority
 23 vote from the County Board, right?
 24 MR. ADAMS: Yeah.
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1 MR. OCKEN: Now, before we go to a motion,
 2 we do have appearances. So we need to do that.
 3 And we'll get back to --
 4 MR. ADAMS: One point about natural gases.
 5 It can be -- like you say, when you get out
 6 west, it can be a pretty heavy use, but at the
 7 same time --
 8 MR. WILLIAMS: I mean, regionally we're
 9 not going to see that.
 10 MR. ADAMS: -- we're not going to see
 11 that.
 12 MR. WILLIAMS: Right.
 13 MR. ADAMS: I marked that as back to AG-1.
 14 MR. WILLIAMS: Yeah, that would be fine
 15 under the Special Use of AG-1.
 16 MR. ADAMS: So just real quick, so your
 17 suggestion was accessory pollution control;
 18 asphalt or concrete; ethanol; mining; junkyards,
 19 motor carrier, Class II; pollution control; and
 20 self-serve storage can be moved to B-1?
 21 MR. HAYES: Which classification is the
 22 fracking in?
 23 MR. ADAMS: That would go under oil and
 24 gas drilling.
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1 MR. WILLIAMS: It would be Special Use
 2 B-1.
 3 MR. ADAMS: The oil and gas -- okay.
 4 MR. WILLIAMS: No, no, no. Everything
 5 would go into Special Use.
 6 MR. ADAMS: Special Use B-1, yeah.
 7 MR. WILLIAMS: And then the other would
 8 remain in Special Use AG-1.
 9 MR. OCKEN: Solar farm, wind, and gas,
 10 those three stay Special Use AG-1.
 11 MR. ADAMS: Special Use AG-1.
 12 MR. WILLIAMS: Then I would like to see
 13 the others moved into Special Use B-1. That's
 14 my motion.
 15 MR. OCKEN: And then you're talking about
 16 not creating an AG-2?
 17 MR. WILLIAMS: Right. Correct.
 18 MR. OCKEN: Okay.
 19 MR. WILLIAMS: I mean, we already have
 20 Intermediate Ag, AG-1. Why not -- now we have
 21 AG, period, you know, with this; Intermediate,
 22 which is still nice for the small and division
 23 of farmsteads and stuff like that.
 24 MR. HAYES: Like you say, take away from
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1 what guys can do with their ground. So if we
 2 leave it, you know, there, it's part of it.
 3 MR. OCKEN: Okay. If there are no other
 4 questions or comments from the Board, at this
 5 time we will go to appearances.
 6 MR. ADAMS: Yeah. Herb Lujack (phonetic).
 7 Did you call in, Herb?
 8 MS. STEHULAK: He's not here.
 9 MR. ADAMS: Okay. Joan?
 10 MS. STEHULAK: I don't have anything.
 11 MR. ADAMS: I did get one here from Brian
 12 Duncan two days ago. It kind of missed the
 13 cutoff date, but if Randy is okay with it, I
 14 don't think that would be a problem.
 15 MR. OCKEN: I don't think Brian is here.
 16 MR. POOLE: Brian is not here. He
 17 couldn't make it.
 18 MR. OCKEN: Okay. Were you going to speak
 19 on his behalf?
 20 MR. POOLE: I hadn't planned on it, but I
 21 guess I could say something.
 22 MR. OCKEN: Okay. Once we get to
 23 testimony, I'll come back to you then.
 24 MR. POOLE: That's fine.
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1 MR. OCKEN: Any other appearances?
 2 MR. ADAMS: No, no other appearances.
 3 MR. OCKEN: Okay.
 4 MR. ADAMS: I do have some comments --
 5 some email comments.
 6 MR. OCKEN: Why don't you go through
 7 those, and then we'll go through the testimony.
 8 MR. ADAMS: Okay. We have one here from
 9 Ken Iccles, Lincoln Township Clerk.
 10 Dear Mr. Adams,
 11 At our last monthly township meeting, the
 12 Lincoln Township Board of Trustees was briefed
 13 on the proposed Zoning Ordinance change filed
 14 July 21st, 2020. The proposed change would
 15 increase property designations and rearrange
 16 classifications to include a new AG-2 expanded
 17 use Agricultural District.
 18 After exhaustive discussion, it was the
 19 view of the Board of Trustees that the
 20 underlying motive for the proposed change may be
 21 to inhibit solar farms in Ogle County. If this
 22 were true, we feel that in good faith
 23 transparency in this process has not been
 24 accomplished. We also feel that the zoning
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1 system in place without a new category is
 2 sufficient and well-rounded.
 3 The Lincoln Township Board of Trustees
 4 adamantly disagrees with this new proposal and
 5 voted unanimously not to support it.
 6 This is from Allen Ockerlander, Chairman
 7 of the Marion Township Planning Commission.
 8 Dear Mr. Adams,
 9 This email is to express my concern that
 10 your office is not forwarding documents to the
 11 Marion Township Planning Commission in a timely
 12 fashion.
 13 The ZBA currently has before it three
 14 petitions to change the Ogle County Zoning
 15 Ordinance. Letters to announce the dates for
 16 hearings on the above were dated 8/1/20, but
 17 were not received by our office until 8/17/20.
 18 Late arrival did not allow sufficient time to
 19 study the 31 pages of proposed text changes, so
 20 we could not hold our scheduled Marion Planning
 21 Commission meeting on 8/15. Instead, we held an
 22 emergency meeting to assess the proposal on
 23 8/18.
 24 Our recommendations were adopted by the
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1 Marion Township Board at its 8/24 meeting. This
 2 recommendation, pursuant to the AG-1 petition,
 3 stated that the Township Board not approve this
 4 petition in its current form until there is more
 5 time to discuss and evaluate changes.
 6 The ZBA tabled their AG-1 hearing until
 7 9/24/20, yet your office did not notify us of
 8 the change. Thus, both Marion Township Planning
 9 Commission, which should have met on 9/15, and
 10 the Marion Township Board, which meets on 9/28,
 11 have been denied the ability to discuss and
 12 evaluate these substantial changes.
 13 It is hoped in the future that your office
 14 will be more prompt in communicating with us so
 15 that the citizens of Marion Township will not be
 16 denied the rights to make input on vital zoning
 17 decisions.
 18 Most sincerely, Allen Ockerlander,
 19 Chairman of Marion Township Planning Commission.
 20 We also have from Marion Township Planning
 21 Commission, again from Allen Ockerlander.
 22 Marion Township Planning Commission held
 23 an emergency meeting on 8/21/20 to consider
 24 three petitions for text amendments of the Ogle
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<p style="text-align: right;">Page 57</p> <p>1 County Amendatory Zoning held on 8/27/20. 2 Members present were Allen Ockerlander, Joan 3 Stehulak, Buck Hageman, Randy Stuckenberg, and 4 Curt Freeberg. 5 Immediately upon opening the meeting, a 6 motion was made by Freeberg and a second by 7 Stehulak that our meeting might not be a legal 8 meeting. Motion passed unanimously. 9 Nevertheless, it was agreed to continue the 10 meeting because it was felt the Township Board 11 should have some guidance on the substantial 12 changes being proposed. 13 After the above, Chairman Ockenlander 14 stated he had numerous conversations with both 15 the ZBA office -- that was Shannon -- and the 16 health department to discover the rationale 17 behind the petition changes, and that he would 18 share those insights as the meeting continued. 19 After careful consideration and discussion 20 of the changes made to each petition, the 21 committee took the following actions -- again, 22 these are the ones we heard last month -- 23 individual private sewage disposal systems, they 24 had -- motion was made by Freeberg and a second <p style="text-align: center;">In Totidem Verbis, LLC (ITV)</p></p>	<p style="text-align: right;">Page 59</p> <p>1 I found the discussion by Mr. Adams how 2 the application process works and there was no 3 need for the townships to see the proposal 4 before the ZBA meeting interesting. Amusing. 5 He probably had not the least -- he probably had 6 the least amount of experience with the process 7 than anyone else in the room. 8 During this previous solar application, 9 the County Board voted to approve whatever the 10 ZBA decides. Is that still the case? If so, 11 what Mr. Adams suggested would mean that the 12 townships would have no say on zoning issues 13 until after they had been decided. What is the 14 process for zoning issues going forward? Will 15 the townships get a chance to review them before 16 the ZBA meeting or not? 17 And that was from Mark. 18 That was the emails that I had. 19 MR. OCKEN: Okay. So that takes care 20 of -- we have no appearances then. Those are 21 emails. 22 Is there anyone here who wishes to speak 23 in favor of this amendment? 24 (No verbal response.) <p style="text-align: center;">In Totidem Verbis, LLC (ITV)</p></p>
<p style="text-align: right;">Page 58</p> <p>1 by Stutenberg that they have no objections. 2 Motion passed unanimously. 3 Business district, reserve flag lots, 4 setbacks for accessory buildings, interstate 5 freestanding signs, motion was made by 6 Stutenberg, second by Stehulak, that the 7 Township Board approve as written, with the 8 addition of the word gazebo, which we did add 9 last month, in two places. 10 AG-1 changes. AG-2, expanded use, 11 industrial use. Motion made by Stutenberg, and 12 a second by Stehulak, that the Township Board 13 not approve this petition in the current form 14 until there is more time to discuss and evaluate 15 the changes. 16 Respectfully submitted, Allen Ockenlander, 17 Chairman. 18 Curt Freeberg of Byron. 19 I intended to testify or comment about the 20 Ordinance text changes creating the AG-2 21 District, but there was no opportunity after the 22 proposal was tabled to allow requests. I 23 understand it is on the agenda for this week, 24 although I haven't seen the notice anywhere. <p style="text-align: center;">In Totidem Verbis, LLC (ITV)</p></p>	<p style="text-align: right;">Page 60</p> <p>1 MR. OCKEN: Is there anyone here to wishes 2 to speak against the amendment? Mr. Freeberg. 3 MR. FREEBERG: Go over to the mics? 4 MR. OCKEN: Yeah, that would probably be 5 best. I will swear you in first. 6 CURTIS FREEBERG, 7 being first duly sworn, testified as follows: 8 MR. OCKEN: Please state your name and 9 address to the recorder. 10 MR. FREEBERG: Curtis Freeberg, 5754 East 11 Illinois Route 72, Byron, Illinois, 61010. 12 MR. OCKEN: Is that microphone on? 13 MR. FREEBERG: It is now. 14 A little background. I have been involved 15 in zoning here since 1987, on or before. I 16 actually wrote the Marion Township Planning 17 Commission -- our planning document, which is 18 obsolete right now. 19 My family and I did have a community solar 20 project proposal. The only land around it that 21 we did not own was bordered by a railroad. It 22 got turned down anyway. If you look up the pay 23 schedule for 30 years, that was a potential 24 million dollars for my family. So what you're <p style="text-align: center;">In Totidem Verbis, LLC (ITV)</p></p>

<p style="text-align: right;">Page 61</p> <p>1 doing, here, messing around with these things, 2 can have a lot of effects on people. 3 You said earlier there was a Solar 4 Ordinance written in 2019. I have not seen that 5 come to Marion Township for approval or anything 6 else. I was on the ZBA for two terms, one was 7 when we were doing the wind stuff, and I have 8 never seen the Wind Ordinance come through for 9 any kind of approval or comment. 10 You mentioned -- I mean, it's pretty 11 obvious from your comments tonight even, this 12 whole thing was brought about by a solar issue 13 and a wind issue, and there's a few other things 14 being bounced around. 15 During the solar hearings, they decided 16 that they would give the cities the opportunity 17 to sit here and they would just go they would 18 just go by whatever the cities wanted. Well, to 19 me, that's taxation without representation 20 because I'm within that distance of Byron. So 21 the Byron Town Board can say what they can or 22 can't do on my property, but I can't alter any 23 of them. 24 I'm just wondering, Mike Reibel, on August In Totidem Verbis, LLC (ITV)</p>	<p style="text-align: right;">Page 63</p> <p>1 best suited for farming, protect uses that would 2 hinder farm operations, and that includes 3 woodlands and wetlands. You want to prevent 4 scattered nonfarm development. 5 Well, up where I am, that corridor of 6 Marion Township, there's all kinds of scattered 7 development, and it's all under AG use, AG-1 and 8 Special, and I don't recommend you change those 9 things to some kind of different application. 10 If you put a quote-unquote map of Marion 11 Township, if you change the color of those 12 residences, all the sudden you see there's a 13 whole lot of stuff that isn't really AG land 14 anymore and never will be again. 15 I'm looking at this. If you want to 16 preserve AG land for farming and preserve the 17 rural land use, look at what you're doing. 18 Under AG-1, there's no solar or wind or ethanol, 19 as far as that goes, in any way under AG-1 land. 20 One question is, what makes something in 21 AG-1 versus AG-2? And apparently it has nothing 22 to do with productivity or location or anything 23 else. It's just whether you want to put a solar 24 array on it. In Totidem Verbis, LLC (ITV)</p>
<p style="text-align: right;">Page 62</p> <p>1 3rd, he surveyed a whole bunch of counties, and 2 I remember a presentation saying how other 3 counties were approaching, at that time, was 4 wind -- well, green energy. And when I think to 5 solar, they really are creating a new district 6 or they were handling it through Special Use. I 7 don't recall any comment of any county doing 8 both. 9 And what you're proposing here, doing 10 another -- adding in another district just so 11 towns can force a 45 percent, or a 40 percent, 12 whatever it is, majority. Anyway, you're just 13 making it harder, making it more difficult for 14 any solar to come into Ogle County. 15 I can tell you from my experience, I know 16 of at least three solar companies that have no 17 interest in trying to do business in Ogle County 18 because, the way they look at it, the rules have 19 changed. After they submitted applications and 20 everything else, all the sudden the County 21 decided they didn't like their Ordinance, so 22 they started making up rules as they went along. 23 I would like to just -- okay. You stated 24 the purpose of AG-1 is to protect land use, land In Totidem Verbis, LLC (ITV)</p>	<p style="text-align: right;">Page 64</p> <p>1 So let's look at what is approved: 2 aircraft buildings, animal hospital, banquet 3 facility, room and board, boarding house, 4 cemeteries, commercial kennels, fairgrounds, 5 firearm range, golf courses, recreational camps, 6 which would include buildings or lodging, 7 dining, eating, offices. 8 And the reason I'm bringing those up, they 9 all involve buildings. If you want to talk 10 about reserving stuff, once you put a building 11 up, it's pretty permanent. It ain't going to be 12 ag again, because people don't generally come in 13 and start tearing buildings down. 14 Also as far as Rural, you're letting 15 commercial there. You're letting firearm 16 ranges. And I can tell you that I got some 17 neighbors a half mile away from me across the 18 valley that like to shoot, and I can hear them. 19 So it's interesting to me that you would allow 20 kennels and firearms out there and all these 21 other things, having people coming and going, 22 but, by golly, you can't have a solar array out 23 there. I don't understand the logic of that. I 24 think it's illogical. In Totidem Verbis, LLC (ITV)</p>

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1 And under Accessory Uses for AG-1, you
 2 allow private wind energy but you don't allow
 3 private solar. Can you explain that to me?
 4 MR. ADAMS: So what was printed in this is
 5 what the Zoning Ordinance is. At this time, the
 6 text that we have approved -- actually, am I not
 7 supposed to be talking.
 8 MR. OCKEN: No, that's fine.
 9 MR. ADAMS: So last month we had a
 10 meeting, and we added the term private use to
 11 the solar and accessory uses. So it does say
 12 private use now. That hasn't changed.
 13 MR. FREEBERG: When did this happen?
 14 MR. ADAMS: Last month.
 15 MR. FREEBERG: Last month it got tabled
 16 before anything was discussed.
 17 MR. ADAMS: No. We heard 005, which
 18 included the addition of the term "private" to
 19 the solar that was allowed as the accessory use
 20 in the AG-1 District.
 21 MR. FREEBERG: Because the original
 22 hearing, which I assume didn't have any --
 23 didn't say anything about solar, didn't say
 24 anything about solar.
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1 MR. ADAMS: Only the stuff that's in color
 2 is changed. The rest of this is already all in
 3 the Zoning Ordinance as it is.
 4 MR. FREEBERG: As long as you're changing
 5 it, let's take a look at what you have got.
 6 So that covers AG-1.
 7 You didn't number the pages, but mine,
 8 under AG-2, Page 11, it permits everything
 9 except -- it permits everything. It's just AG-1
 10 all over again. Same with Special Uses, it's
 11 just AG-1 all over again. But, again, you get
 12 into the category of Additional Special Uses and
 13 all the sudden we're singling out solar and
 14 wind.
 15 It's interesting to me, this whole
 16 Ordinance, this whole proposal, there's not one
 17 place where solar is permitted. It's always a
 18 Special Use. Everybody knows that just a
 19 Special Use by itself doesn't mean much, because
 20 they always put conditions on Special Use.
 21 And during the solar hearings, they put
 22 conditions on a special fund for
 23 decommissioning, which is \$2,000 per megawatt, a
 24 special plan for disposal, and I think a special
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1 insurance requirement. I want to know, when you
 2 say we're going to have these things as a
 3 Special Use, are those going to be required on
 4 the Special Use?
 5 MR. ADAMS: So, yeah, the -- what we refer
 6 to as the Solar Ordinance, as you said, had been
 7 through zoning, and it wasn't in the January
 8 2019. It was what they call the standard
 9 conditions for solar. It was passed under
 10 Resolution 01-01-2019. If you get a chance, I
 11 can email that to you.
 12 So, yeah, that's the standard conditions
 13 as adopted by --
 14 MR. FREEBERG: So there never a
 15 requirement of special funds?
 16 MR. ADAMS: Yeah, that's still the adopted
 17 special conditions.
 18 MR. FREEBERG: You're not going to get
 19 solar in Ogle County, I can tell you that right
 20 now.
 21 Okay. Then you get into your AG-2 thing,
 22 and I think Randy mentioned this, you equate
 23 solar to asphalt and concrete plants, major
 24 aircraft, ethanol plants, mining and crushing --
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1 all of those are noisy, things coming and going,
 2 airplanes coming and going -- pollution control
 3 facility, junkyard, self-storage.
 4 All that is -- ground cover, you know,
 5 with solar it's just posts. After the thing
 6 runs out in 25, 30 years, they want to come in
 7 and pull it out and go back to farming, they
 8 can. That's not going to happen with any of
 9 this other stuff.
 10 Once again, under Accessories in AG-2, it
 11 mentions private WECS, but it doesn't say
 12 anything about private solar, at least the
 13 version we got.
 14 The other thing I'm wondering is,
 15 according to the explanation of how this process
 16 works that you did give last week was totally
 17 foreign to me. The township -- that was in that
 18 email I wrote that I asked the question, that
 19 the townships don't even hear about it until
 20 after the ZBA meeting and before the county
 21 board meeting.
 22 Because during those hearings, another
 23 thing they voted on was, the Township would
 24 agree on whatever the Zoning Board proposed or
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1 decided. So if that's still the case -- and I
 2 haven't heard anything about changes, if that's
 3 still the case, then if the Township doesn't
 4 hear about it until after this solar thing,
 5 after the ZBA decides, then the Township
 6 essentially would have no say, because the ZBA
 7 is going to decide and the County Board is just
 8 going to agree with the ZBA.

9 Now, as far as Marion Township this month,
 10 it's their fault they meet the third Tuesday of
 11 the month, and when the Township starts -- or
 12 the month starts on a Tuesday, since it starts
 13 on a Tuesday, they don't really start counting
 14 until the second week of the month, so they're
 15 not even going to have their meeting until the
 16 coming Monday, as far as giving an update to
 17 you.

18 MR. ADAMS: Did you want me to answer that
 19 point?

20 MR. FREEBERG: Huh?

21 MR. ADAMS: Did you want me to answer that
 22 point about the process?

23 MR. FREEBERG: No. Marion Township, it's
 24 their problem on that. Just to let you know, I
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1 don't know if you're aware of what's going on
 2 with the solar business.

3 I don't know if you're aware of this
 4 Pursue Green Project that's going through Ogle
 5 County. That's going to transport 2,000
 6 megawatts. I mean you're messing around with a
 7 2-megawatt solar system. They're going to
 8 transmit 2,000 megawatts right down the railroad
 9 right-of-way. So I don't think Ogle County is
 10 going to have anything to say about it.

11 They're transmitting it from Mason, Iowa,
 12 to Plano, Illinois, to Chicago and the eastern
 13 grid, and that is going to be directed -- direct
 14 competition for Commonwealth Edison's customers.

15 So sometimes I wonder what's going on with
 16 Ogle County solar. They're trying to protect
 17 the ComEd plant over there in Byron. Well, that
 18 is going to be closing one of these days anyway,
 19 and I would encourage you to think a little bit
 20 more about accepting some of this other economic
 21 investment that wants to be done in Ogle County.

22 As they go through and have 5,600 new
 23 construction jobs in Illinois, 1.8 million in
 24 new investments in the project, and 3.75 billion
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1 savings in -- that they will save ComEd rate
 2 payers. If you want to see that, you can.

3 Mention what's going on in Lee County.
 4 They just had, in the September 14th paper, a
 5 five-page announcement of their zoning hearing
 6 on a utility solar farm that went on for five
 7 pages. It involves 22 landowners, 69 parcels,
 8 it's going to produce 600 megawatts of power.

9 In the spring they approved a hundred-
 10 megawatt solar system. It's going to take up
 11 800 acres.

12 A couple weeks ago, they approved a 175-
 13 megawatt solar system that's going to take up
 14 1287 acres. They don't even say how much
 15 community solar they have got.

16 Lee County, they also, back on May 11th,
 17 in the Ogle County Life, they announced the
 18 hearings for wind energy, for 28 wind towers,
 19 that would produce 118 megawatts.

20 So the clean energy business is moving
 21 fast, and Ogle County is just scratching their
 22 heads.

23 By the way, as you go down to Lee County,
 24 you'll notice with their wind farms, they're
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1 taking down the original ones and replacing them
 2 with more efficient ones. In wind energy, as
 3 far as your Ordinance, they are saturated
 4 because, you know, they don't want to get into
 5 shadows of each other because then they become
 6 insufficient. So Lee County is -- they're going
 7 to solar big time.

8 I have one over one here.

9 MR. OCKEN: Curt, if you could conclude
 10 here, just in the interest of time.

11 MR. FREEBERG: This is just going to be
 12 short.

13 Nine solar farms, they have 150 sheep
 14 grazing on or next to solar projects. So I
 15 don't know if these are going to be AG-1 sheep
 16 or AG-2 sheep or Industrial sheep or what kind
 17 of sheep they're going to be, but that's the
 18 kind of stuff that's going on in the solar
 19 business. I'm not sure that Ogle County is
 20 aware of it.

21 Thank you for letting me talk.

22 MR. OCKEN: Thank you. Any questions?
 23 (No verbal response.)

24 MR. OCKEN: No.
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1 Is there anyone else here who wishes to
 2 speak against the petition? Mr. Hopkins.
 3 MR. HOPKINS: It's getting late for an old
 4 man to be out, you know.
 5 MR. OCKEN: You have been sitting too
 6 long.
 7 MR. SODERHOLM: You have got to get up and
 8 milk them cows.
 9 LYLE HOPKINS,
 10 being first duly sworn, testified as follows:
 11 MR. OCKEN: Please state your name and
 12 address to the recording secretary.
 13 MR. HOPKINS: Lyle Hopkins, H-O-P-K-I-S,
 14 7074 West Penn Corner Road, Polo, Illinois,
 15 61064.
 16 I'm here, and I don't want to bore you.
 17 It's late.
 18 I technically am against the whole change
 19 here. It's making more rules and regulations,
 20 and it all boils down to this mile and a half
 21 deal back -- Ogle County Zoning, when it was set
 22 up, the mile and a half, it was to take
 23 information from the villages and towns if
 24 something in the area was coming up, to decide
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1 on what they want to do.
 2 Now the villages and towns want to make it
 3 mandatory, basically, that they have the say.
 4 If they want to have a say about it, why don't
 5 they incorporate that mile and a half and have
 6 it in their town and on their zoning? Because
 7 each village and town usually has a Zoning
 8 Ordinance of some kind, and it doesn't
 9 necessarily always meet ours. So that's that
 10 part.
 11 This was -- a lot of this was brought --
 12 back with the windmills, there was one County
 13 Board member that just hated windmills, and he
 14 got enough people stirred up to where we don't
 15 have any windmills. Farmers on the west side of
 16 the county say, if Carroll County starts having
 17 windmills and I'm a mile over the line and I
 18 can't have one but I've got to look at them over
 19 at the neighbors', is that right? You know, I
 20 mean, where is Ogle County? Got their head
 21 stuck in the sand?
 22 So that's one.
 23 Solar then, the reason that got blown out
 24 of the water, because in the northeastern part
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1 of the county a lot of the people thought it was
 2 going to be these multitude of acres in solar
 3 because when they put the platted ground on, the
 4 total acres of the farm was put on and not the
 5 actual acres of the solar farm, where it was at.
 6 And to me, that's a little deceiving, and that's
 7 what stirred up things. Once you get a bunch of
 8 women riled up, you know, you got your hands
 9 full.
 10 So on the AG-2, in about 1975 or '76 we
 11 all jumped on that bandwagon to put our farms
 12 where we fed cattle and livestock to protect
 13 ourselves for the A-2. Well, now, to simplify
 14 it, then the State came in and said the Illinois
 15 Livestock Management Act, that they control
 16 livestock facilities and have rules, so it's not
 17 done in a county where somebody just doesn't
 18 quite like you and you want to put up a
 19 building, 15 people just all the sudden stormed
 20 the place and make it sound like you're going to
 21 pollute the whole world. The State makes the
 22 decision now and not the counties.
 23 So I think the rules that we have had on
 24 the books have worked. Special Use, we have
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1 more control over Special Use than we do
 2 anything else in zoning.
 3 I'm asking you to recommend that we leave
 4 everything the way it is, because sometimes if
 5 it ain't broke, why try to fix it? I think
 6 everything has been working very well the way we
 7 have been doing it.
 8 So anyway, that's my comment, if you have
 9 any comments.
 10 MR. HAYES: Yeah, Lyle, I have a couple
 11 questions for you.
 12 Under what we're talking about tonight as
 13 far as trying to influence to move these text
 14 amendments over to the Business District -- I'm
 15 a farmer, you're a farmer -- it seems to me that
 16 we lost -- somehow back in the 1970s, whenever,
 17 we got the idea that we wanted to protect the
 18 ground, we wanted to protect AG. All the sudden
 19 now we have got -- well, everybody calls it spot
 20 zoning. Whether it's zoned actual zoning, you
 21 know, kind of deal, or if it's Special Use or
 22 whatever anybody says about it, it's something
 23 that's really not agriculture. Asphalt plants,
 24 a -- you know, some of these junkyards.
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1 MR. HOPKINS: How about quarries?
 2 MR. HAYES: Quarries are mining. It's a
 3 mining thing. That could be --
 4 MR. HOPKINS: We have got a quarry that's
 5 been in existence for 80 years, are they
 6 grandfathered in?
 7 MR. ADAMS: Yeah.
 8 MR. HAYES: I would think so.
 9 MR. HOPKINS: Whew, because we got one.
 10 MR. HAYES: I'm looking at the
 11 perspective --
 12 MR. HOPKINS: Of new.
 13 MR. HAYES: In AG -- you know, you and I
 14 are in AG -- we're looking at the idea of
 15 preservation of ground, and being very mindful
 16 that we're getting the outside push from
 17 Chicago, Rockford, the Quad Cities, all over the
 18 place, including, you know, even another company
 19 that comes from California that comes down --
 20 MR. HOPKINS: Yeah.
 21 MR. HAYES: -- and every one of the
 22 solar -- every one of the solar stuff, every one
 23 of the wind deals that come through the table,
 24 everything like that, has been from outside
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1 influences coming in. These are all outside
 2 influences that are coming into AG areas.
 3 They're coming into AG areas predominately.
 4 I think you and I have been very, very
 5 careful with the idea that says, you know, we
 6 let this in, then we let this in, then we let
 7 this in, and then eventually -- unfortunately, I
 8 have been down this road, and I got some
 9 personal interest in some of that type of
 10 stuff -- that your good intentions or my good
 11 intentions on a piece of property that I have
 12 quite a long ways away from here, we got
 13 overrun, and eventually the Board gets overrun
 14 and then we lose our community due to the fact
 15 that we lost the community values of the deal.
 16 And we were looking for dollars, we were looking
 17 for this, we were looking for that, and then all
 18 the sudden the big corporation was --
 19 A big corporation is running me right now
 20 in another area of the world. They are running
 21 me, and it was from good intentions. It was
 22 from good intentions that we were doing the
 23 right thing, and then all the sudden you get a
 24 company that comes in and all the sudden they're
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1 now running the show because they're telling
 2 you, Hey, I want to have tax abatements. In
 3 order for me to stay here, I want tax
 4 abatements.
 5 MR. OCKEN: Okay. In interest of time,
 6 should we move on?
 7 MR. HAYES: It's just, I want to use some
 8 of maybe a little bit of your input in the idea
 9 that says, Are we headed in the right direction,
 10 when we start looking at things like this and
 11 maybe putting a presentation out that says,
 12 instead of being in AG it should be somewhere
 13 else?
 14 MR. HOPKINS: I don't know. I just think
 15 things have been -- worked pretty good the way
 16 they are, I guess, and that's my feeling.
 17 MR. HAYES: Okay. That's what I was
 18 looking for.
 19 MR. HOPKINS: There's businesses -- okay.
 20 We start right by the White Pines State Park.
 21 There used to be a gas station, local
 22 restaurant, there was another little ice cream
 23 joint, there was a restaurant down at the end.
 24 They have all now closed up and they're houses.
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1 You know, things go in cycles.
 2 I don't know, I just feel like what we
 3 have had has been working pretty decent over on
 4 the poor side of the county, the west side.
 5 MR. HAYES: You're not poor, by any means.
 6 MR. HOPKINS: But, you know, I just wanted
 7 to come and voice my -- a lot of these things
 8 have come because we have had a couple people at
 9 different times get on the County Board, and
 10 they're just going to change, they going to make
 11 the difference, they're going to -- and one of
 12 them right now is dead set against Special Uses,
 13 and that's what brought up a lot of this right
 14 now. That's -- I guess that's why I said if it
 15 ain't broke, don't fix it.
 16 Thank you for listening to me.
 17 MR. OCKEN: Thank you.
 18 MR. ADAMS: Appreciate it, Lyle.
 19 One quick thing, Lyle. Going about the
 20 notices, and I have kind of noticed the same
 21 thing, you start talking about huge parcels. So
 22 you'll see in some of the petitions going
 23 forward, we'll start labeling the acres to be
 24 adjusted and not the whole parcel.
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1 You'll see that in next month's. You
 2 know, there's a hundred-and-some-acre parcel and
 3 he wants to rezone. So in the notice that's
 4 published, I mean, it's going to talk about the
 5 ten acres, not the 180.
 6 MR. HOPKINS: Yeah, that's what stirred up
 7 some people, got them all fired up. You're
 8 going to take this much out of production?
 9 Well, I was able to rent 15 acres by a
 10 solar farm because it's rougher ground. We have
 11 got livestock, and the farmer that owned the
 12 ground wanted to seed it down. So we put oats
 13 in, alfalfa, making hay off it, because it's a
 14 little rougher. Won't be erosion.
 15 The solar place looks pretty neat to me.
 16 They still had to plant trees and put these
 17 things, a cyclone fence, so the neighbor to the
 18 north couldn't see it. Well, he had a great big
 19 grove of trees, he couldn't see it anyway. But
 20 that's -- I'll leave it alone. Thank you.
 21 MR. OCKEN: Thank you. Mr. Poole, did you
 22 want to make a statement?
 23 MR. POOLE: Sure.
 24 MR. OCKEN: Please raise your right hand.
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1 KEITH POOLE,
 2 being first duly sworn, testified as follows:
 3 MR. OCKEN: Please state your name and
 4 address to the recorder.
 5 MR. POOLE: Keith Poole, P-O-O-L-E. My
 6 address is 16541 West Brick Church Road, and
 7 that's Polo, Illinois, 61064.
 8 Do you want me to move to the mic? Can
 9 you hear me okay?
 10 MR. OCKEN: Can everybody hear?
 11 COURT REPORTER: Yeah, just come up. That
 12 mic is horrible.
 13 MR. POOLE: I agree with Lyle. I'm
 14 opposed to the AG-2. I think things have been
 15 working pretty well the way they are.
 16 I mean, I guess one of the reasons I got
 17 up, just a point of clarification, you're
 18 talking about the mile and a half that the
 19 municipalities can weigh in. I also believe on
 20 a Map Amendment change, can a township with a
 21 planning commission weigh in on that and move it
 22 to three-quarter vote outside that mile and a
 23 half?
 24 MR. ADAMS: Yeah, so a township with a
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1 planning commission can also, in that -- so of
 2 the 24, I think we have 13 of them have planning
 3 commissions. So, yeah, it would be the same
 4 thing. With a planning commission, if the
 5 planning commission votes to oppose it, then the
 6 township trustees have a chance, if they also
 7 then vote, to file that petition with the county
 8 clerk, yes, they can force the three-quarter,
 9 absolutely.
 10 MR. POOLE: So that would also make it
 11 harder for farmers outside that mile and a half
 12 to make those changes when you put in that AG-2
 13 for those -- just those few, little things.
 14 I do kind of like -- I shouldn't say I
 15 like. I'm comfortable with the way it is now.
 16 I understand kind of the direction you're trying
 17 to go with some of those bigger things, yeah,
 18 and that would probably work.
 19 So that's all I had. Thank you.
 20 MR. OCKEN: Thank you.
 21 MR. ADAMS: Hey, real quick. Is the China
 22 pig industry going to take prices up?
 23 MR. POOLE: You know -- well, maybe we
 24 should talk about it after.
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1 COURT REPORTER: And I would like to
 2 remind you, you're under oath.
 3 MR. OCKEN: Thank you. Any other
 4 questions or comments from the Board before we
 5 entertain a motion?
 6 MR. SODERHOLM: I have just got a question
 7 of Lyle. You guys listed a number of these
 8 businesses or operations that are going to be
 9 taken off this and moved over to AG-2.
 10 MR. ADAMS: To B-1.
 11 MR. SODERHOLM: B-1. Are you comfortable
 12 with that, if they don't touch the farm, like
 13 you would propose?
 14 MR. HOPKINS: Yeah, that's -- I'm
 15 flexible, but, you know, I --
 16 MR. HAYES: Now --
 17 MR. SODERHOLM: So we can't solve the
 18 problem by saying, Let's go with the Lyle
 19 Amendment, and call it quits.
 20 MR. HAYES: Now, the township stuff that
 21 you were talking about right there, is that only
 22 under AG-2 or is that AG-1?
 23 MR. ADAMS: That's any map amendment.
 24 MR. HAYES: That's any map amendment?
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1 MR. ADAMS: Any map amendment, yes. But
 2 like I say, that's only the townships with a
 3 planning commission.
 4 MR. HAYES: So only if we move to AG-2
 5 would that really apply for these things, right?
 6 MR. ADAMS: Yes.
 7 MR. HAYES: So if we only did AG-2 -- if
 8 we did AG-2 --
 9 MR. ADAMS: That would affect any of those
 10 ones on the list, yeah -- could, if the Planning
 11 Commission --
 12 MR. HAYES: And the same goes true for the
 13 B-1?
 14 MR. ADAMS: Yeah, same would go true with
 15 the B-1, of the ones we were talking about that
 16 Dave had suggested B-1, yup.
 17 MR. OCKEN: Any other questions or
 18 comments?
 19 (No verbal response.)
 20 MR. OCKEN: Mr. Williams, are you ready to
 21 make a motion?
 22 MR. WILLIAMS: I would like to make a
 23 motion that we do not approve an AG-2 District.
 24 Instead, the line strike items -- and I'll read
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1 through them again -- would be moved into a
 2 Special Use Business 1. And that would be the
 3 accessory pollution control facility use;
 4 asphalt or concrete batch mix plant; ethanol/
 5 biodiesel production facilities; mining;
 6 junkyards; motor carrier facilities Class II;
 7 pollution control facilities; self-service
 8 storage facilities. And that would be it.
 9 MR. OCKEN: And you're recommending that
 10 those be moved from AG-1 --
 11 MR. WILLIAMS: AG-1 to Business 1 Special
 12 Use.
 13 MR. OCKEN: B-1 Special Use.
 14 MR. WILLIAMS: Yup. The other ones would
 15 remain in AG-1. The ones that would remain in
 16 AG-1 Special Use would be the solar farm, oil
 17 and gas production, and wind energy conversion.
 18 MR. OCKEN: Okay.
 19 MR. SODERHOLM: Second it.
 20 MR. BULTHAUS: Second.
 21 MR. OCKEN: Mr. Williams moves;
 22 Mr. Soderholm seconds.
 23 Any questions or comments from the Board?
 24 (No verbal response.)
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1 MR. OCKEN: Hearing none, Mr. Adams --
 2 MR. ADAMS: I do have a quick question.
 3 We did not discuss in your motion --
 4 MR. WILLIAMS: The language is fine for
 5 the definitions.
 6 MR. ADAMS: -- Exhibit B, for the new
 7 definitions, aircraft repair, major, minor;
 8 airport landing fields, major, minor; solar
 9 energy conversion system, commercial; and adding
 10 solar to the list of Special Uses in Industrial.
 11 MR. WILLIAMS: My motion --
 12 MR. ADAMS: Includes those unchanged?
 13 MR. WILLIAMS: All those things, yes.
 14 MR. ADAMS: Thank you.
 15 MR. OCKEN: So solar is listed as
 16 Industrial or AG-1?
 17 MR. ADAMS: Or AG-1.
 18 MR. WILLIAMS: Correct.
 19 MR. ADAMS: Yes.
 20 MR. WILLIAMS: Both Special Use.
 21 MR. ADAMS: Both, yes.
 22 MR. OCKEN: Okay. Mr. Williams moves;
 23 Mr. Soderholm seconds.
 24 There's no questions or comments, Mr.
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1 Adams, call the roll.
 2 MR. ADAMS: I'll just go down the -- Randy
 3 Bulthaus?
 4 MR. BULTHAUS: Yes.
 5 MR. ADAMS: Paul Soderholm?
 6 MR. SODERHOLM: Yes.
 7 MR. ADAMS: Dave Williams?
 8 MR. WILLIAMS: Yes.
 9 MR. ADAMS: Mark Hayes?
 10 MR. HAYES: Yes.
 11 MR. ADAMS: Randy Ocken?
 12 MR. OCKEN: Yes.
 13 (By voice vote five ayes.)
 14 MR. OCKEN: The motion is approved by a
 15 vote of five to zero.
 16 Do we have anything else on the
 17 agenda this evening?
 18 MR. ADAMS: Nope.
 19 Just some news, we will be having a
 20 meeting next month for two rezone petitions.
 21 MR. OCKEN: I call this meeting adjourned
 22 at 9:23.
 23 (The hearing was concluded at
 24 9:23 p.m.)
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1 Now on this 24th day of September, A.D.,
 2 2020, I do signify that the foregoing testimony
 3 was given before the Ogle County Zoning Board of
 4 Appeals.

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Randy Ocken, Chairman

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Harry Adams,
Zoning Administrator

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Callie S. Bodmer
 Certified Shorthand Reporter
 Registered Professional Reporter
 IL License No. 084-004489
 P.O. Box 381
 Dixon, Illinois 61021

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