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1 STATE OF ILLINOIS }
 2 COUNTY OF OGLE } SS
 3
 4
 5 In the Matter of the Petition
 6 of
 7 Mark Miller, Ogle County Planning and Zoning
 8 Administrator
 9 Ogle County, Illinois
 10
 11 Testimony of Witnesses
 12 Produced, Sworn and
 13 Examined on this 14th day
 14 of November, A.D., 2024,
 15 before the Ogle County
 16 Zoning Board of Appeals
 17 Present:
 18 Paul Soderholm
 19 Randall Bulthaus
 20 Jamey Sulser
 21 Mark Probasco
 22 Randy Ocken, Chairman
 23 Mark Miller, Zoning Administrator
 24

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1 MR. OCKEN: I call this November 14th,
 2 2024, special meeting of the Ogle County Zoning
 3 Board of Appeals to order at 6:00 p.m.
 4 Mr. Miller, please call the roll.
 5 (Roll call was taken.)
 6 MR. MILLER: Five present.
 7 MR. OCKEN: We have five members present;
 8 there is a quorum.
 9 Please rise for the Pledge of Allegiance.
 10 (The Pledge of Allegiance was
 11 recited.)
 12 MR. OCKEN: The verbatim transcript
 13 serving as minutes of the last meeting is on
 14 file and will not be read at this time.
 15 I will entertain a motion to approve the
 16 minutes of the last ZBA meeting.
 17 MR. SULSER: So moved.
 18 MR. OCKEN: Mr. Sulser moves. Is there a
 19 second?
 20 MR. SODERHOLM: Second.
 21 MR. OCKEN: Mr. Soderholm seconds.
 22 All in favor say aye.
 23 (All those simultaneously
 24 responded.)
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1 MR. OCKEN: Motion passes.
 2 All testimony will be taken -- no, we're
 3 not going to do that.
 4 This hearing is the only opportunity to
 5 place testimony and evidence on the record.
 6 There will not be another opportunity beyond
 7 tonight's hearing to submit additional evidence
 8 or testimony for consideration.
 9 Please turn off or silence all electronic
 10 devices.
 11 The procedures on hearings that will be
 12 followed tonight is as found in the ZBA Rules of
 13 Procedures or Citizen's Guide to the Zoning
 14 Board of Appeals, which are available on the
 15 desk near the entrance to this room.
 16 If anyone has trouble hearing, please let
 17 us know.
 18 Mr. Miller, what's the first order of
 19 business?
 20 MR. MILLER: The first order of business
 21 is to consider the request filed September 20th,
 22 2024, of Mark Miller, Ogle County Planning and
 23 Zoning Administrator, under the direction of the
 24 Assessment, Planning and Zoning Committee of the
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Page 5 1 Ogle County Board for an Amendment to the text 2 of the Ogle County Amendatory Zoning Ordinance 3 as follows: 4 Divisions 1, 2, 3, 5, 6, 8 and 9. 5 So I will start with Division 1. 6 MR. OCKEN: Okay. We will go through the 7 Divisions one at a time. If there are any 8 questions or comments, Board members, please 9 feel free to make those. 10 After we have gone through these, we will 11 have public testimony, if anyone wishes to speak 12 for or against this Text Amendment. As we go 13 through each Division, we will arrive at a 14 consensus on any possible changes or additions 15 and then we'll move on. 16 So, Mr. Miller, if you want to take us 17 through the first Division. 18 MR. MILLER: Okay. Well, one thing we did 19 throughout was to remove the references to 20 previous Text Amendment/Text Amendments. So 21 that is throughout. 22 MR. OCKEN: And those are the dates? 23 MR. MILLER: Yeah, the dates. 24 We have those on file at the office if In Totidem Verbis, LLC (ITV)	Page 7 1 MR. SODERHOLM: Do we vote on them one at 2 a time? 3 MR. OCKEN: We won't take a formal vote 4 unless there's a disagreement. If we have a 5 consensus, we'll move on. 6 Is everyone in favor? 7 (No verbal response.) 8 MR. OCKEN: Okay. We have no opposition. 9 MR. MILLER: Division 2 is the Rules and 10 Definitions. Most of these things we updated 11 language on. Some of the definitions we just 12 simply removed, just for being outdated. 13 Agricultural labor housing for more than 14 six seasonal temporary workers has not come up 15 in my time. So that was the first one. 16 The second was something that I have been 17 pushing for, for some time. We had come up with 18 the definition of, for lack of a better word, 19 Airbnb or short-term rentals had been previously 20 called boarding houses, Class 1 and 2, which I 21 never cared for that definition. It kind of 22 pictures up something that isn't accurate. 23 So that language is stricken, with the 24 addition, if you go down to the S's, with the In Totidem Verbis, LLC (ITV)
Page 6 1 something comes up that we need to research. 2 So the first one is in Section 3, the 3 Purpose. Added some wording in Number 2 to 4 include the Special Use Permits. 5 MR. OCKEN: This is on Page 1.2. 6 MR. MILLER: Yes, 1.2. 7 And added the verbiage "and underscores 8 the preservation of farmland and its economic 9 value contribution to the County." 10 Number 3 added "or incompatible uses" to 11 the standard verbiage of what zoning is. 12 And Number 9, "Where land and structures 13 adjoin incorporated communities," we added the 14 words "including municipality comprehensive 15 plans. Therefore, any zoning petition or 16 Special Use application being requested within a 17 mile and half of any municipality or village in 18 Ogle County requires formal review and decision 19 by the affected governing body of said 20 institutions prior to being processed by Zoning 21 Administrator." 22 So that is it with Division 1. 23 MR. OCKEN: Any questions or comments on 24 Division 1? In Totidem Verbis, LLC (ITV)	Page 8 1 insertion or addition of short-term rentals. 2 MR. OCKEN: Page 2.20. 3 MR. MILLER: Yes. 4 So the definitions are the same, Class 1 5 and Class 2. Class 1 is a short-term rental, as 6 defined as rental of less than 30 days for less 7 than -- 10 or less guests. Class 2 is the same, 8 short-term being less than 30 days and more than 9 10 persons. 10 So those remain the same in the 11 appropriate Zoning Districts, but we just 12 changed the definition on them. 13 Automobile laundry. Car wash, that's what 14 it is. 15 Commercial, we added a definition for 16 that. It is the same as the definition for 17 Business, but they are one and the same. 18 We did add the definition for a data 19 center as also being added as a Special Use in 20 the Industrial section, Industrial District. 21 But anytime we add some use like this, we have 22 to define that. You know, what is it? So 23 that's "a physical location that contains a 24 large group of networked computers and In Totidem Verbis, LLC (ITV)

Page 9 1 supporting infrastructure typically used by 2 organizations for the remote storage, processing 3 or distribution of large amounts of data. Data 4 Centers include, without limitation, "crypto 5 mining", "machine learning", "artificial 6 intelligence" (AI), e-commerce and cloud 7 computing facilities, and other similar uses." 8 MR. SODERHOLM: Where did you get those 9 definitions? 10 MR. MILLER: It was a combination. I 11 looked that up on the internet and I also had 12 attorneys help with that, too. 13 MR. SODERHOLM: Okay. 14 MR. BULTHAUS: I've got a question on 15 that. Crypto mining, that's a little different 16 than a data center. Processing and distributing 17 large amounts of data, machine learning, 18 artificial intelligence and e-commerce and cloud 19 computing facilities. Crypto mining is 20 completely different. 21 MR. MILLER: But it uses data centers for 22 their storage. 23 I guess I would mention to the Board, 24 since that has come up, when hopefully -- if and In Totidem Verbis, LLC (ITV)	Page 11 1 Business District, there's two, I think, Zoning 2 Districts that don't have a lot coverage -- 3 actually, it's, I think, B-3 doesn't have a lot 4 coverage maximum for buildings and impervious 5 surface. 6 And this ratio or formula just could be 7 simplified to mean you can't exceed, you know, 8 40 percent of the lot width impervious surface. 9 I don't think you need to have it more defined 10 than that. So that was the change there. 11 We eliminated lodging unit -- or lodging 12 house, which was a reference to boarding house. 13 That's not a term in use, common use. 14 We didn't -- on Page 2.18, we didn't have 15 a definition for Power Plant, oddly enough. 16 "Any stationary electric generating unit, 17 consisting of a boiler, a turbine or combine. 18 Cycle unit, or other heat generating fuel source 19 which produces electric power for purposes of 20 sale and/or exchange." 21 MR. OCKEN: Does the term turbine assume 22 then that's the generator? 23 MR. MILLER: Yeah. 24 MR. OCKEN: Okay. In Totidem Verbis, LLC (ITV)
Page 10 1 when a data center is proposed for Ogle County 2 as a Special Use in Industrial, that will need 3 to be described so it's not completely open- 4 ended. But it is a starting point, and it does 5 incorporate a lot of a different kind of 6 technology. 7 MR. SODERHOLM: It's a rapidly evolving 8 business, right? 9 MR. MILLER: Yeah. We may well have to 10 redefine that at some point, too. 11 Okay. On Page 2.12, expanded the 12 definition of junk to include "a large 13 accumulation of obsolete and inoperable farm 14 machinery." And I should mention that that is 15 not for working farms, which are exempt from 16 local Zoning by State statute. 17 But if somebody has something, a large 18 amount of inoperable farm machinery, that's not 19 associated with a farm, it wouldn't get an AG 20 exemption anyway. 21 But we did want to add that. 22 On the next page, 2.13, I simplified the 23 Landscaped Surface Area Ratio. Each Zoning 24 District, with the exception of AG and I think In Totidem Verbis, LLC (ITV)	Page 12 1 MR. MILLER: Rooming house, that was 2 another one that's -- that term is about 70 3 years old, at least. 4 Then we come to the short-term rentals, on 5 Page 2.20. 6 We added a definition for travel center. 7 We did define freeway plaza, which is 8 essentially the same thing. "A building or set 9 of buildings specifically designed to cater to 10 travelers. Including the sale of automobile and 11 truck fuel, food service and food sales." 12 The next one is one we really needed to 13 take a look at. We had in the Business 14 District, B-1, we allowed for Trucking, but 15 Trucking is not -- was not defined anywhere. 16 Well, what does Trucking in B-1 mean to me? 17 Which happens to be a lot smaller-scale 18 operation. We have had people want to come 19 under B-1 trucking with a freight trailer, which 20 is also -- which is clearly defined in the 21 Ordinance in Definitions. 22 But, you know, we have had this argument. 23 So we thought it was best to have some starting 24 point, at least to define what trucking means. In Totidem Verbis, LLC (ITV)

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1 "The use of operable vehicles for the purpose of 2 the transport of persons, goods or materials and 3 building(s) or area(s) specifically designated 4 for the storage or transfer of persons or 5 material, or temporary storage and services. 6 For the purpose of this Ordinance, Trucking 7 shall serve the county and surrounding county 8 local area, be limited to eight commercial 9 vehicles and not be considered a Freight 10 Terminal." 11 MR. SODERHOLM: I have got a question. 12 MR. OCKEN: Yes. 13 MR. SODERHOLM: How would that impact 14 Graphic Arts Express right there on 64, going 15 east out of town? 16 MR. MILLER: Well, that's a good example, 17 or bad one, I'm not sure, depending how you look 18 at it. That's zoned B-1. I'm not sure -- 19 MR. SULSER: How about Glendenning's? 20 MR. MILLER: Agricultural trucking would 21 be exempt from this sort of thing. 22 But as far as Graphic Arts Express, they 23 started out with just a couple trucks to serve 24 the local printing industry, and they grew and In Totidem Verbis, LLC (ITV)	1 was -- or is to eliminate the "Mobile Home 2 Subdivision District," which was previously R-3, 3 and replace it with "Mobile Home Park District." 4 We haven't had, in my time, a mobile home 5 subdivision. And anything -- any expansion of a 6 mobile home park, in addition to meeting the 7 proper zoning, is licensed through the Illinois 8 Department of Public Health. I don't know why 9 there would need to be these two separate Zoning 10 Districts. 11 And we can come back to that. It also 12 will come up with Division 5. 13 I think -- there was one on Page 3.4. We 14 added the section for the Soil and Water 15 Conservation District Resource Report 16 requirement, which has been a State law for some 17 time. Any person who petitions for a Variation, 18 Map Amendment or Special Use Permit shall 19 furnish a copy of such petition and proposal to 20 the Ogle County Soil and Water Conservation 21 District to initiate a consultation for a 22 Resource Report. 23 And it's interesting to add Variation, but 24 that is not for a Variation like we think of it In Totidem Verbis, LLC (ITV)
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1 grew and grew exponentially, and that's great. 2 But that would be basically a Nonconforming. 3 MR. SODERHOLM: So that's not going to 4 negatively impact them -- 5 MR. MILLER: No. 6 MR. SODERHOLM: -- and their business 7 operation right now? 8 MR. MILLER: No. 9 MR. OCKEN: We're just working on the 10 definitions. 11 MR. MILLER: I think that is it for 12 District Number -- or Division 2. 13 MR. OCKEN: Any questions or comments from 14 the Board in regards to Division 2? 15 (No verbal response.) 16 MR. OCKEN: Hearing none, are we in 17 consensus with the changes that have been made 18 here? 19 (No verbal response.) 20 MR. OCKEN: All right. We'll move on to 21 Division 3. 22 MR. MILLER: Okay. Division 3, General 23 Provisions. One of the things this Division 24 does is establish Zoning Districts. My proposal In Totidem Verbis, LLC (ITV)	1 for setback or height, but a Variation on land 2 use, which some counties use or do. 3 And that is it for Chapter 3. 4 MR. OCKEN: Any questions or comments on 5 Division 3? 6 (No verbal response.) 7 MR. OCKEN: Are we in consensus of the 8 changes made in Division 3? 9 (No verbal response.) 10 MR. OCKEN: Moving on to Division 5. 11 MR. MILLER: Division 5 has all the Zoning 12 Districts in it. Each Zoning District, as you 13 know, has a set of Permitted Uses and a set of 14 Special Uses. 15 MR. OCKEN: Excuse me, Mark, I just wanted 16 to clarify now. We have a Division 4, but we're 17 not considering that; is that correct? 18 MR. MILLER: Correct. That's 19 Nonconforming Building Structures and Uses. 20 Nothing in that will change. 21 MR. OCKEN: Okay. So moving on to 22 Division 5. 23 MR. MILLER: Under AG, I added in the 24 permitted use Agri-tourism, which is qualifying In Totidem Verbis, LLC (ITV)

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1 under the Agricultural Experiences Act, which 2 was legislation passed I think a couple years 3 ago. 4 The four things like -- well, the one that 5 I know has come up was a corn maze. That's 6 considered part of the Agricultural Experience 7 Act, and you can't require a Special Use for 8 those types of activities. It's also -- I 9 referenced a State statute for that. 10 Then the Special Uses elimination of 11 Agricultural Labor Housing for more than six 12 workers. 13 Airport. Airport was listed as a Special 14 Use in AG, as is aircraft landing field. But an 15 airport is also a Special Use in the Industrial 16 section. That wouldn't affect, you know, 17 somebody who has an airplane and they want to 18 get a Special Use Permit. We have had a couple 19 of those. Or crop dusting, those kind of 20 things. 21 This is a full-blown airport. We felt 22 that was actually an Industrial use. If the 23 airport gets expanded in Rockford, there's 24 probably a really good chance that it be In Totidem Verbis, LLC (ITV)	1 25 years ago, for the son or daughter of the 2 farm owner to build a house next to their 3 parents. But that was only one of four 4 criteria. 5 We had one, I think last year, that 6 qualified under one of these other categories. 7 That hasn't changed, but there's a proposal to 8 limit this to one per farm; "farm" being 40 9 acres. 10 MR. OCKEN: So that can only happen one 11 time on a given farm? 12 MR. MILLER: Yeah. 13 MR. SULSER: What size parcel would have 14 to be -- the house would have to be put on? 15 MR. MILLER: Well, that can be on as 16 little as 5 acres and set aside, but the farm 17 would need to be over 40 acres. 18 So let's say you have a 40-acre farm and 19 you want to qualify for this. It wouldn't be 20 that. Because if you split off 5, well then you 21 have 35 acres. So you would have to start with 22 45 or more to qualify. 23 MR. SULSER: Well, there's been 24 problems -- there would probably be problems if In Totidem Verbis, LLC (ITV)
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1 incorporated into the city, but who knows. 2 MR. SULSER: Question. 3 MR. MILLER: Yeah. 4 MR. SULSER: My understanding is, they are 5 going to extend the runway in Rochelle. Where 6 does that fall in the county? 7 MR. MILLER: That's in the city of 8 Rochelle. 9 MR. SULSER: That is? Okay. 10 MR. MILLER: Uh-huh. 11 Eliminated Boarding Houses. 12 Conversion of an existing single-family 13 dwelling to a two-family dwelling when not less 14 than one dwelling in it will continue to be 15 occupied by person or family member or employed 16 full-time in farming operations. 17 That's one that hadn't come up in my time. 18 I'm not sure it ever did. 19 Fur-bearing animal farms. I haven't seen 20 one of those in about 30 years or more. 21 Motor Carrier Facility, Class I and Class 22 II, is also listed in the Industrial section. 23 On Page 5.5, we have allowed a Special Use 24 Permit for what was intended for probably 20 or In Totidem Verbis, LLC (ITV)	1 say, for instance, you have got a farm and that 2 farm owner that has, like, three kids and he's 3 got a 40-acre farm and he gives each kid 4 5 acres. And I know there's been an instance 5 where that has happened. What happens if each 6 one wants to build? They can't? 7 MR. MILLER: They can build on 40 acres if 8 they can configure it that way. 9 MR. BULTHAUS: Question. We passed a deal 10 similar to that over by Byron a few months ago, 11 20 acres or 30 acres, but -- 12 MR. SULSER: Well, that was actually 13 subdividing that though. 14 MR. BULTHAUS: I don't think it was 15 subdividing. Subdividing, you have to put 16 streets and gutters in. 17 MR. SULSER: Well, it wasn't actually a 18 subdivision, per se. It was being able to sell 19 off. 20 MR. MILLER: Those were 5-acre tracts. 21 MR. SULSER: 5-acre tracts. 22 MR. BULTHAUS: Basically it was for 23 family. 24 MR. SULSER: But it wasn't for family. So In Totidem Verbis, LLC (ITV)

Page 21 1 that creates a problem there. So I don't think 2 we can really limit it to, you know, 40 acres 3 and -- you know, one 5-acre tract for one house, 4 for one sibling. I don't think it will work 5 that way. Because the thing -- 6 MR. OCKEN: You're saying if the farmer 7 has 40 acres and eight kids, every kid could 8 build a house, 5 acres, on the farm? 9 MR. SULSER: Basically that's -- I mean, 10 if the farmer quits farming and he gives each 11 child 5 acres, what are they going to do with 12 the 5 acres? Have 5-acre gardens because they 13 can't build a house? That ain't going to fly. 14 MR. BULTHAUS: There's also a spot down by 15 Rochelle on 38, west of Rochelle, and there was 16 a lane. There's at least two or three of them 17 houses that are family, and they are just -- 18 it's like a subdivision but it ain't. 19 MR. SULSER: Right. 20 MR. MILLER: It actually is a subdivision. 21 MR. BULTHAUS: Is it? 22 MR. MILLER: They had to subdivide it. 23 MR. BULTHAUS: It sure don't look like 24 one. In Totidem Verbis, LLC (ITV)	Page 23 1 to have less than 5 acres and you don't want it 2 to be subdivided, it would -- the parcel would 3 have needed to have been created before 4 October 30th of 1973. And that allows the split 5 of less than 5-acre parcels one time. 6 So if someone can qualify for that, that's 7 fine. Otherwise, we allow for the -- violating 8 the Plat Act by letting them do that. Maybe 9 just a minor thing, but. . . 10 MR. OCKEN: So this clarifies that 11 language then? 12 MR. MILLER: Yes. So it needs to meet the 13 requirements in the Plat Act. 14 MR. OCKEN: I had just one question back 15 on 5.5. So we are simply changing the 16 definition of "Solar Farm" to "Solar Energy 17 Facility"; is that correct? 18 MR. MILLER: Yes, that's correct. 19 MR. OCKEN: And the same thing with "Wind 20 Energy Facility"? 21 MR. MILLER: Yes. I don't know why those 22 hadn't gotten caught before, but they weren't. 23 MR. OCKEN: Okay. Nothing else in AG 24 District changed. In Totidem Verbis, LLC (ITV)
Page 22 1 MR. MILLER: Cook Sub. 2 MR. BULTHAUS: But it's all family. 3 MR. OCKEN: Well, what's our feeling on 4 this? 5 MR. MILLER: Do you want to make a note 6 then to add Division 5 to go back to it? 7 MR. OCKEN: Yeah, why don't we do that, 8 see if we have anything else. 9 MR. MILLER: Under 5.6, something I have 10 felt strongly about. For probably the last 20 11 to 25 years, we have allowed the separation of 12 house and buildings from the rest of the farm, 13 and that's fine, people have appreciated that, 14 without having to get property rezoned. Seems 15 like everybody's happy. 16 Well, there was one part of that that I 17 believe it should comply with the Illinois Plat 18 Act. The division of property in Illinois falls 19 under the Illinois Plat Act, and what that says 20 is that you have to subdivide your parcel if 21 you're going to divide it unless you can qualify 22 for one of nine exemptions. 23 The most common one is 5-acre parcels that 24 are split or more. But another one, if you want In Totidem Verbis, LLC (ITV)	Page 24 1 In Intermediate AG, the Permitted Uses. 2 Single-family dwellings are allowed on 10 acres 3 or more. There's a proposal to limit that to a 4 one-time division from the parent parcel. 5 That's the only one on that one. 6 Next Division is R-1, Rural Residential. 7 That hasn't changed, other than making the 8 minimum lot area/lot size 5 acres instead of 3. 9 And it's been -- I can't think of a few times 10 when anybody's been able to qualify for a 3-acre 11 R-1. Like I was explaining, it would have 12 needed to have been created prior to 1973 to be 13 a less than 5-acre split. So those are almost 14 always 5-acre requests that we see. 15 R-2. One of the things -- 16 MR. SODERHOLM: What page, Mark? 17 MR. OCKEN: 5.15. 18 MR. BULTHAUS: What? 19 MR. OCKEN: 5, 1-5. 20 MR. MILLER: I think you understand the 21 idea of spot zoning and why that's not a good 22 thing and generally illegal. 23 So we had, a few years ago, a request for 24 an R-2 to rezone, not close to anything, not In Totidem Verbis, LLC (ITV)

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1 within a mile and a half of a city or anything. 2 They just wanted this small lot. One of the 3 wordings with the Purpose and Intent is, it's 4 intended to be within the mile and a half. 5 My proposal would be to require it to be 6 within a mile and a half, with the exception of 7 -- I live in Lost Lake. It's R-2. Not close to 8 anything. There's some other subdivisions that, 9 you know, maybe it makes perfect sense to allow 10 expansion even though they are not within a mile 11 and a half. 12 So it does provide for some exceptions to 13 that. But if it would -- you know, R-1 is a 14 different story. R-2, you know, that can create 15 spot zoning if it's approved, just out away from 16 everything else. 17 So that was the main change on that. 18 R-3, you can see that was -- the R-3 19 Mobile Home Subdivision District that was -- 20 everything was just scratched out to be replaced 21 by R-3 Mobile Home Park District. 22 And that has been unchanged. 23 We took out Police and Fire Stations. I 24 don't know why they would want to be in a mobile In Totidem Verbis, LLC (ITV)	1 was. 2 MR. MILLER: Okay. Very good. 3 The B-2 "Local Business District," that 4 should be "Business Recreation District." 5 That's a typo. 6 MR. OCKEN: So that's B-2 Local Business 7 Recreation District? 8 MR. MILLER: No. B-1 is Local Business. 9 MR. OCKEN: So it should be -- so we're 10 striking "local business" there? 11 MR. MILLER: Well, not "business." It 12 should read the "B-2 Business Recreation 13 District." 14 MR. OCKEN: Strike "local." Okay. 15 MR. MILLER: We hadn't defined the purpose 16 of that. So it reads, "It's intended to help 17 implement the goals and objectives of the Ogle 18 County Amendatory Comprehensive Plan and is 19 intended to provide areas for recreational 20 business type of uses. This District is 21 provided to permit the development of these 22 business activities, to protect adjacent areas 23 against encroachment by incompatible uses, and 24 to lessen congestion on public roads. To these In Totidem Verbis, LLC (ITV)
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1 home park. 2 And B-1, if you go to 5.25, that's where 3 we can find Trucking under the Permitted Uses. 4 "Trucking, not including freight terminals, 5 provided that not more than eight commercial 6 motor vehicles are allowed outside of a 7 completely-enclosed building and no larger than 8 26,000 gross vehicle weight and no major motor 9 vehicle maintenance or major engine overhauling 10 is conducted." 11 That's Department of Transportation, 12 Class 6. That would be the largest straight 13 truck or non-tractor-trailer truck. When you're 14 getting into tractor-trailers, if it's a 15 truck-type terminal, that's an Industrial use. 16 I just don't see any other way around that one. 17 But it does allow for what I feel was more 18 the intent of local trucking, you know. 19 I don't think anything else changed in 20 B-1. 21 B-2, the only thing that changed was -- 22 MR. SODERHOLM: What page is he on? 23 MR. MILLER: 5.29. 24 MR. SODERHOLM: That's exactly where I In Totidem Verbis, LLC (ITV)	1 ends, certain uses which would interfere with 2 the operation of these business activities, and 3 the purpose of this District, have been 4 excluded. 5 So that's pretty standard language, the 6 Purpose and Intent. 7 And nothing in that District changed. 8 Nothing in the B-3 District changed. 9 If you go to I-1, Industrial District, 10 that's on 5.37. If you go to the next page, 11 5.38, that's where we put, under Special Uses, 12 Data Centers and, on Page 5.40, Power Plants. 13 Nothing else changed in that Zoning 14 District. 15 And nothing changed in Planned Development 16 District. I'm only aware of us having one of 17 those north of Oregon, Indian Cove Subdivision. 18 I don't know if anything would ever be proposed 19 to a planned unit development. It's basically a 20 mixed-use type zoning, but we left that in 21 there. 22 So questions on that? 23 MR. OCKEN: Okay. So let's go back to 24 Page 5.5. There was some discussion on that In Totidem Verbis, LLC (ITV)

Page 29 1 single-family dwelling. What's our consensus on 2 that? Do we want to approve it the way it's 3 stated or do we want to recommend a change for 4 that? 5 MR. BULTHAUS: 5.25, you said? 6 MR. SODERHOLM: 5.5. 7 MR. OCKEN: 5.5. It's when we're talking 8 about the Special Use Permits under this 9 provision shall be limited to one per farm. 10 I feel that's appropriate. Mark, how do 11 you feel about that? 12 MR. MILLER: Uhm -- 13 MR. OCKEN: I'm sorry. I'm looking at 14 Mark Probasco. 15 MR. PROBASCO: I like it. I'm fine with 16 that. 17 MR. OCKEN: Okay. Jamey? 18 MR. SULSER: No. 19 MR. OCKEN: No? 20 MR. SODERHOLM: I'm fine. 21 MR. OCKEN: Randy? 22 MR. BULTHAUS: It's a toss-up. It's the 23 guy's land, farmer or whatever, but I also don't 24 want to see it into a subdivision. In Totidem Verbis, LLC (ITV)	Page 31 1 the fact of the matter is that's what had 2 happened. It's like originally that's what they 3 were planning on doing, was they would have each 4 built a house. One kid did put a house on his 5 5 acres, but the other three did not. 6 MR. BULTHAUS: And even with the 5 acres, 7 you're seeing now, too, they build a house on an 8 acre and they rent the other 4 acres and 9 somebody farms it, you know. You see that too. 10 MR. SULSER: Yeah, you see that a lot. 11 MR. OCKEN: In regard to this Ordinance, 12 when it says intended for and occupied by a son 13 or daughter, parent or spouse of the owner of 14 the original agricultural tract. 15 So there was no requirement that they be 16 involved in the farming operation; is that 17 right? 18 MR. MILLER: That's right. 19 MR. OCKEN: So just a son or daughter. 20 MR. MILLER: Uh-huh. 21 MR. OCKEN: Okay. Any other discussion? 22 MR. BULTHAUS: On that point? 23 MR. OCKEN: (Nods head.) 24 MR. BULTHAUS: (Shakes head.) In Totidem Verbis, LLC (ITV)
Page 30 1 MR. SULSER: Well, that may very well be, 2 but the fact of the matter is, like I said, if 3 you got multiple kids -- 4 MR. SODERHOLM: Couldn't they apply for 5 exceptions in cases like that? 6 MR. MILLER: They can get it rezoned, or 7 part of it. 8 MR. SODERHOLM: That might be the 9 solution. 10 MR. OCKEN: Just leave it the way it is, 11 and then if they want something different, get 12 it rezoned? 13 MR. BULTHAUS: Because I think -- I know a 14 thing that happened there, too, where the person 15 gave 5 acres non-tillable land to each kid to 16 build a house. One child already had a house in 17 town; two of them built houses; one sold their 18 lot off; the other one died. 19 But yeah, but that was non-tillable land. 20 There's got to be 3 miles out of town. 21 MR. SULSER: I know specific -- this 22 specific family where that very instance did 23 happen, where he had 80 acres and gave each kid 24 5 acres. It has now since been sold off, but In Totidem Verbis, LLC (ITV)	Page 32 1 MR. OCKEN: Well, I think we have three 2 that are in favor of leaving it the way that it 3 is and two that are not. Am I correct? 4 Do we need a vote on that or do we just 5 recommend? 6 MR. MILLER: We can just note that. 7 MR. SODERHOLM: I think with the provision 8 that the exception can be made or a change can 9 be made upon appeal. 10 MR. OCKEN: Okay. So we note that there's 11 a difference of opinion on that. All right. 12 MR. BULTHAUS: Other question. 13 MR. OCKEN: Go ahead. 14 MR. BULTHAUS: While you're at 5.5. 5.4, 15 this fur bearing animal farm, is that struck out 16 or is it just ignored? 17 MR. OCKEN: We're removing that as a 18 Special Use Permit. 19 MR. BULTHAUS: Okay. 20 MR. OCKEN: Okay. Moving on to 21 Division -- are we at Division 6? 22 Supplementary District Regulations are 23 regulations that affect all the zoning 24 districts. So instead of putting all of these In Totidem Verbis, LLC (ITV)

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1 things in every single Zoning District, this 2 applies to any and all Zoning Districts. 3 The first one I propose, on Page 6.3, we 4 had broken down height requirements by lot size. 5 The first one being 0 to 0.49 of an acre; then 6 the next 0.5 acre to 1.5; and then 1.5 and less 7 than 3; and 3 or more. I can't think of very 8 many lots that are under a half acre that this 9 would be applicable. Possibly Proper Terrace, 10 but that would start at zero to an acre and a 11 half. And set at 12-foot mid sidewall height 12 instead of previously 10; and peak height of 23 13 instead of 22 feet. 14 It's not going to solve the problem of 15 somebody who wants to put an RV in their garage 16 and they have a small lot, but that just didn't 17 seem like something that came up very often. 18 MR. OCKEN: So we're just basically 19 eliminating the half-acre provisions and going 20 from zero to 1.5? The rest of them stay the 21 same? 22 MR. BULTHAUS: Yeah, the rest stay the 23 same. 24 MR. MILLER: On 6.10, we can issue a home In Totidem Verbis, LLC (ITV)	1 limitations of a home occupation permit. You 2 know, if it gets too big, you want employees, 3 that's probably going to be a Special Use 4 Permit. That's not the intention of a home 5 occupation. 6 But any of those items that are crossed 7 out could fall under something else as 8 contracting. Like a chimney sweep, basically a 9 contract worker. 10 I don't think there's anything else in 11 this section. 12 MR. SULSER: So how does this work as far 13 as, say, somebody has a detailing business at 14 their home? 15 MR. MILLER: If they're doing it -- if 16 they're bringing vehicles in, that could be a 17 problem, but if they go to somebody's house to 18 do it -- 19 MR. SULSER: Well, I'm aware of one that 20 is constantly doing detailing at their home. 21 MR. MILLER: I suppose it would be -- 22 could be something I can take a look at. 23 MR. SULSER: Just outside of Monroe 24 Center. In Totidem Verbis, LLC (ITV)
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1 occupation permit for a small scale businesses, 2 and I just propose to take out a few of those 3 because they -- not that we're prohibiting them, 4 but I don't know of many chimney sweeps, data 5 processing, interior designers, locksmiths, 6 telephone answering services or word processing 7 services. Any of those could fall under either 8 a consulting service or contracting, where 9 you're not doing the work there at the location, 10 you are doing it someplace else anyway. Word 11 processing, you know, that would be probably 12 different, but that could be a consulting 13 service. 14 But like I say, not planning to prohibit 15 any of these that got crossed off, but I don't 16 think they probably need to be listed 17 separately. 18 MR. OCKEN: So for example, with chimney 19 sweep, I know there is a chimney sweep business 20 in Byron. So they would simply -- well, it's 21 not a Special Use. 22 MR. MILLER: No, it's a home occupation 23 permit, and that's a one-time, good as long as 24 you live there and can qualify for the In Totidem Verbis, LLC (ITV)	1 MR. OCKEN: So would that fall under 2 Special Use Permit then? 3 MR. MILLER: Well -- 4 MR. OCKEN: Or a Business? 5 MR. MILLER: I guess my point would be, if 6 it's similar to the other home occupation 7 permits, we probably could allow that as a home 8 occupation permit. It would have to be small 9 scale though. 10 MR. SULSER: He's looking to hire another 11 person to help him too. So quite busy. 12 MR. MILLER: Okay. Well, generally a good 13 thing, but not always for my department. 14 MR. OCKEN: Any other questions or 15 comments on Division 6? 16 (No verbal response.) 17 MR. OCKEN: Are we in consensus with these 18 changes? 19 MR. SULSER: Yes. 20 MR. OCKEN: No opposition. 21 MR. MILLER: Okay. Division 7, there 22 aren't any changes. 23 Division 8 for Signage, the only change on 24 there is the addition of electronic signs. We In Totidem Verbis, LLC (ITV)

Page 37 1 hadn't defined -- 2 MR. OCKEN: So just for clarification, so 3 we have no changes in Division 6? 4 MR. MILLER: 6 was the general provisions 5 with the home occupations -- 6 MR. OCKEN: Okay. 7 MR. MILLER: -- and the height. 8 MR. OCKEN: And we don't have 7 listed on 9 here. 10 MR. MILLER: No, because it -- there were 11 no changes. 12 MR. OCKEN: There are no changes in 13 Division 7. So we are moving on to Division 8? 14 MR. MILLER: Yeah. 8, the only change is 15 the addition of "Electronic Sign." Pretty much 16 all the signs -- well, any organization that 17 wants to put up a sign, a church, you know, that 18 kind of thing, is going to -- fire department is 19 going to have an electronic sign. So it -- we 20 have been permitting them for probably ten years 21 now. Just put it in the Definitions. So 22 nothing else changes. 23 MR. OCKEN: Okay. 24 MR. SODERHOLM: What if I want to put a In Totidem Verbis, LLC (ITV)	Page 39 1 not very big. 2 MR. OCKEN: Okay. So for Division 8 then, 3 are we in consensus of -- I guess electronic 4 sign is the only change or addition. 5 MR. MILLER: Yup. 6 MR. OCKEN: So we're in consensus on that. 7 Moving on to Division 9. 8 MR. MILLER: Okay. This is the last 9 Division. First change is on Page 9.4. Would 10 be the addition of Number 4, to describe the 11 Planning, Assessment and Zoning Committee of the 12 Ogle County Board. 13 The Planning, Assessment and Zoning 14 Committee of the Ogle County Board shall have 15 the following duties under this Ordinance: 16 A, To review Map and Text Amendment and 17 Special Use Permit petitions and make motions to 18 approve or deny to the Ogle County Board; 19 B, To refer petitions and comprehensive 20 issues to the Regional Planning Commission 21 and/or Zoning Board of Appeals for additional 22 testimony; 23 C, To oversee Zoning Board of Appeals and 24 Regional Planning Commission decisions and make In Totidem Verbis, LLC (ITV)
Page 38 1 mural or a poster or a message on the side of my 2 barn on Pines Road? Am I going to be permitted 3 to do that? 4 MR. MILLER: If you're advertising 5 something -- 6 MR. SODERHOLM: No. I'm not just making a 7 comment. 8 MR. MILLER: Yeah, we have gotten into 9 some Free Speech questions. There was -- well, 10 2016, some people didn't like the president and 11 had some profane language on their barns. The 12 State's Attorney said that's protected by Free 13 Speech. 14 MR. SODERHOLM: Oh, really? 15 MR. OCKEN: As long as it's not 16 advertising a service or product, probably is 17 okay. 18 MR. SODERHOLM: Okay. Thank you. I'm not 19 planning on that, just was wondering. 20 COURT REPORTER: I was curious what you 21 were going to put on. 22 MR. SODERHOLM: You can drive by and see 23 my big yellow taxi. I'm serious. I have got a 24 sign coming that's going to be done, but it's In Totidem Verbis, LLC (ITV)	Page 40 1 motions to approve or deny to the full County 2 Board; 3 And serves as committee oversight function 4 of all Zoning, Assessments, Regional Planning, 5 and Zoning Board of Appeals processes and ensure 6 "legislative" role of Ogle County Board be 7 maintained and followed for constituents of the 8 county. 9 MR. OCKEN: So for this section, this is 10 all addition -- or no, this is not being 11 changed. This is an addition? 12 MR. MILLER: Right. 13 MR. OCKEN: Okay. Let's take a look at 14 these. So for Part A, To review Map and Text 15 Amendment and Special Use Permit petitions and 16 make motions to approve or deny to the Ogle 17 County Board. 18 How is that different than what occurs 19 now? 20 MR. MILLER: It's not. It's exactly what 21 they do now. 22 MR. OCKEN: So they do that now. 23 Okay. B, To refer petitions and 24 comprehensive issues to the Regional Planning In Totidem Verbis, LLC (ITV)

Page 41 1 Commission and/or Zoning Board of Appeals for 2 additional testimony. 3 That's -- 4 MR. MILLER: Uh-huh. 5 MR. OCKEN: -- referring back -- referring 6 petitions back to those bodies? 7 MR. MILLER: Yes. 8 MR. OCKEN: Do they have the power to do 9 that now? 10 MR. MILLER: Yes, if it's additional 11 testimony. If something comes to the light that 12 you guys didn't know about or wasn't brought up, 13 they can refer them back to the -- either to the 14 Regional Planning Commission and Zoning Board of 15 Appeals or to the Zoning Board of Appeals. 16 MR. OCKEN: And the County Board can also 17 do that, of course? 18 MR. MILLER: Yes. 19 MR. OCKEN: Refer back? 20 MR. MILLER: Yes. 21 MR. OCKEN: Okay. Part C, To oversee 22 Zoning Board of Appeals and Regional Planning 23 Commission decisions and make motions to approve 24 or deny to the full County Board. In Totidem Verbis, LLC (ITV)	Page 43 1 ZBA voted four-to-one to authorize; and then we 2 interject a vote on what we think. And then we 3 also say how we voted, not -- everything is read 4 out. Each one of the decisions is made by all 5 three committees, and then goes to the full 6 County Board for their -- for whatever their 7 decision might be. 8 MR. OCKEN: And can Assessment, Planning 9 and Zoning change the recommendations of the 10 Zoning Board of Appeals? 11 MR. JAMES: No. They just read off what 12 you did. If yours was four-to-one and the 13 Regional Planning was three-to-two, and then we 14 come up and say our vote was four-to-five -- or 15 four-to-three in favor or whatever, and that's 16 the recommendation, we give that to the full 17 County Board. We don't change -- whatever your 18 vote is, it is; and whatever Regional Planning's 19 vote is, it is; and then whatever our 20 committee's vote is, it is. Then we give that 21 information to the whole County Board. 22 MR. OCKEN: So when we look at Parts A, B 23 and C, that's not any different from what it is 24 now; is that correct? In Totidem Verbis, LLC (ITV)
Page 42 1 What's the change here or what is this 2 addition? 3 MR. MILLER: We need to ask Dan. That -- 4 I think it's the same as A. 5 MR. OCKEN: Mr. James, do you want to 6 address that? 7 MR. JAMES: Okay. You can give me the 8 question. 9 MR. OCKEN: Yeah. It's in regards to 4, 10 C, overseeing Zoning Board of Appeals and 11 Regional Planning Commission decisions and make 12 motions to approve or deny to the full County 13 Board. 14 MR. JAMES: Right. As you folks are part 15 of the process, Regional Planning comes in and 16 looks at the Comprehensive Plan, they give us 17 information on that, and then it comes to you 18 folks. You folks get public testimony and 19 anything that might be pertinent to the issue. 20 You are a quasi judicial system which collects 21 information. It then goes to the Zoning Board. 22 And it comes to Assessments and Zoning, 23 and then we take all this and we say, Okay, 24 Regional Planning voted three-two to authorize; In Totidem Verbis, LLC (ITV)	Page 44 1 MR. JAMES: Probably true. 2 MR. SODERHOLM: I have got a question 3 about that. The RPC meets prior to this ZBA, 4 right, the week before? 5 MR. JAMES: Yes. 6 MR. SODERHOLM: Right? 7 MR. JAMES: Yes, sir. 8 MR. SODERHOLM: The ZBA makes a 9 determination based on the finding of fact? 10 MR. JAMES: Yes. 11 MR. SODERHOLM: Then the ZBA reports 12 directly to the County Board, correct? 13 MR. JAMES: No. You report to our 14 committee. Our committee then takes the 15 Regional Planning Commission -- 16 MR. SODERHOLM: That filters back through 17 you? 18 MR. JAMES: Huh? 19 MR. SODERHOLM: That filters back to your 20 committee? 21 MR. JAMES: Yes. Everything comes back to 22 our committee because we're a committee system. 23 That was changed by State statute, by the 24 government, and that's the process we are In Totidem Verbis, LLC (ITV)

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1 recommending. 2 For a while -- they have done a lot of 3 changes in Springfield, and we are trying to 4 work through those. And basically that's what 5 we're -- that's the recommendation that we got 6 from Ancel Glink and also Barrick Switzer and 7 Long, that that is the process we should follow. 8 MR. SODERHOLM: Is the process not working 9 right now? It's been in place for how many 10 years? 50, 75 years? I don't know. 11 MR. JAMES: Well, we are using -- 12 MR. SODERHOLM: Is it not working now? 13 That's my question to you. 14 MR. JAMES: I'm determined that whatever 15 -- this is the process that we are using that -- 16 MR. SODERHOLM: Answer my question. Is 17 the process not working now? Yes or no. 18 MR. JAMES: Paul, understand what I'm 19 trying to tell you. We use this process now, 20 where it goes through each section. 21 MR. SODERHOLM: If that's the way it is, 22 why do we have to find new verbiage? 23 MR. JAMES: We're just trying to make sure 24 it's stipulated, like we were -- "Soil and In Totidem Verbis, LLC (ITV)	1 Remember when we had the educational thing 2 here? 3 MR. BULTHAUS: We had two of them. 4 MR. JAMES: What? 5 MR. BULTHAUS: We had two of them. Don't 6 ask me why we had the second one, but we had two 7 of them. 8 MR. JAMES: Well, you had availability for 9 people that couldn't come to the first one. 10 But the educational thing was so that we 11 understood the process of which we follow. Now, 12 that can change. They have 600-some bills in 13 veto session right now. 14 We're just trying to stay legal because we 15 need that in our standing when we deal with 16 other things involved with other situations 17 under suit. We are lawyered up over some stuff, 18 not necessarily about you folks or anybody else, 19 but there are other things that we have been 20 already involved with. I'm just following the 21 process. That is the process at this time, and 22 that's why we need to spell it out. 23 I don't know, Paul, whether it worked 24 good, bad or indifferent. I'm just telling you In Totidem Verbis, LLC (ITV)
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1 Water" wasn't in there. We didn't have "power 2 plant" in there. We're trying to make sure that 3 our written policy matches up with what the 4 process is, that's all. 5 MR. BULTHAUS: When I came on the ZBA 6 Board, we always got the Zoning recommendation, 7 the Comprehensive Plan, and APZ, and then we got 8 the facts on that, right, and then we made a 9 decision. 10 This, we're reversing, and the one that is 11 going to make the final decision is the APZ 12 Board. 13 MR. SULSER: No -- 14 MR. JAMES: That doesn't -- 15 MR. SULSER: -- that's not true. 16 MR. JAMES: Because here's the -- and I 17 don't want to put anybody's feelings -- 18 MR. SODERHOLM: Can we put him under oath 19 and put him on the stand? 20 MR. OCKEN: I don't think so. 21 MR. JAMES: Here's the problem: You folks 22 are appointed. Policy and that is decided by 23 the elected. That's what was given to us in the 24 education that we had. In Totidem Verbis, LLC (ITV)	1 what I'm dealing with right at this time. 2 MR. OCKEN: For my own clarification, it's 3 my understanding, and I think it was since I 4 have been on ZBA and prior to that, Regional 5 Planning Commission, did not petitions go to 6 Regional Planning Commission, then ZBA, then 7 Assessment, Planning and Zoning, and then the 8 County Board? 9 MR. JAMES: That's right. 10 MR. OCKEN: They never went to Assessment, 11 Planning and Zoning before ZBA, did they? 12 MR. JAMES: No. No. We refer -- 13 MR. OCKEN: Yeah. 14 MR. JAMES: We refer everything to you 15 guys. We don't make any decisions or anything. 16 It goes Regional Planning -- the application 17 comes to Mark; Mark brings it and says, Okay, 18 we're sending this to Regional Planning and ZBA; 19 and then it goes -- from there, it comes back to 20 our committee; and then it goes to the full 21 County Board. 22 They want it spelled out in the policy, 23 just like they wanted Soil and Water spelled 24 out. We're just trying to fulfill that. In Totidem Verbis, LLC (ITV)

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1 MR. OCKEN: So what's the purpose then of 2 the last part, "service committee oversight 3 function of all Zoning, Assessments, Regional 4 Planning, and Zoning Board of Appeals processes 5 and ensure "legislative" role of Ogle County"? 6 MR. JAMES: That is in specifics to 7 working that Mark -- so Mark is the head of the 8 Zoning, and that we have -- we have to look and 9 make sure that we keep everybody up to speed on 10 whether they change legislative things or if 11 they come before this. 12 So how would you get your information? 13 Meaning, if they change something in Springfield 14 the 1st of January, you would need to know about 15 that. And we are that -- to oversee that, to 16 make sure you have that, as far as education and 17 understanding that if there's any change in the 18 State Judicial. That's basically what that 19 states. 20 MR. OCKEN: Okay. Since we have opened 21 this up to comment, is there anyone here who 22 wishes to comment on this Text Amendment? 23 MS. HEUER: Yes. 24 With your permission, I have my comments In Totidem Verbis, LLC (ITV)	1 there is to it. 2 What's different about what you're reading 3 now is, if you put this designation for APZ 4 Committee in this Ordinance, it's now codified. 5 As Paul said and Randy referred to -- both 6 Randys -- the process is already in place. It 7 goes from Planning Commission, to ZBA, to APZ, 8 to the full County Board. But the statute that 9 regulates who makes the final vote has always 10 been the County Board. So if there is even -- 11 and legislative -- legislative is dealt with by 12 our State's Attorney and our judiciary 13 committee. So if something happens that you 14 need to be informed about, that would happen 15 through our standing committee system. 16 When you put a committee in an Ordinance, 17 it's there. So now, compared to all the other 18 committees in the County Board, we're all level. 19 But if you codify and put a committee in an 20 Ordinance, that committee is above all the 21 others. It can't be changed unless you change 22 the Ordinance. 23 Every two years, when we reorganize the 24 Board, the chairman of the Board, the new In Totidem Verbis, LLC (ITV)
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1 written that I will give to you. 2 MR. SODERHOLM: Tell her to come to the 3 mic. 4 MR. OCKEN: Yes, she will. 5 Is that mic on, do we know? 6 MR. MILLER: She'll have to push the 7 button probably. 8 MR. OCKEN: Thank you. 9 MS. HEUER: I apologize, I have allergies 10 and my voice is shot. 11 Okay. Number one, I want to clarify a 12 couple of components -- 13 MR. OCKEN: Please speak into the 14 microphone, if you would. 15 MS. HEUER: I would like to clarify a 16 couple components that Dan just mentioned. You 17 don't have to put "Soil and Water" in there. 18 That was Mark's decision. We asked him to put 19 it in. 20 Because we're codified by the State of 21 Illinois. We have statutes that say that if 22 there are certain applications connected with 23 Zoning, then NRI has to be filled out by Soil 24 and Water. That's in State statute. That's all In Totidem Verbis, LLC (ITV)	1 chairman of the County Board or the sitting, 2 returning chairman will change committee 3 members. He changes -- sometimes he changes 4 titles, which has happened in my tenure. He 5 changes titles. He changes the people that sit 6 on the committee. If he does that, it now has 7 to go through as an Ordinance. 8 So what this does is change the 9 composition of the County Board. It elevates a 10 committee like this (gesturing). 11 What we have right now works. Everything 12 is on the same level. It goes from any of our 13 outside committees or organizations who appear 14 before the County Board, give their information 15 to the committee at the County Board and then 16 the material goes to the County Board. There's 17 no interference along the way. And they change 18 with the new chairman. That's his right, to 19 change them if he wants to. 20 This upsets the apple cart. 21 MR. OCKEN: So how would this change what 22 you have just spoken to? 23 MS. HEUER: This will make the APZ 24 committee like this (gesturing). It's above and In Totidem Verbis, LLC (ITV)

Page 53 1 different than all the other County Board 2 committees. 3 MR. OCKEN: In what ways? 4 MS. HEUER: It's codified. 5 MR. OCKEN: What do you mean by that? 6 MS. HEUER: It exists in this Ordinance, 7 in your Text Amendment, just like the mention of 8 Soil and Water exists as a reference in it. 9 Which means if you want to change our role in 10 it, you have to change the whole Ordinance. 11 MR. OCKEN: And none of the other County 12 Board committees are listed in this Ordinance; 13 is that correct? 14 MS. HEUER: That's correct. 15 And there's another element to this. What 16 you -- with this codification, elevating the APZ 17 committee to a permanent position in these Text 18 Amendments, the Townships now have one more 19 place to attend to make sure that their remarks 20 that were made at ZBA are heard. 21 Now, as it is, they come right to you. 22 They file a letter of response; it goes to Mark; 23 it goes into the file. What you say and what is 24 incorporated in the testimony goes straight to In Totidem Verbis, LLC (ITV)	Page 55 1 Board, yes. 2 MR. OCKEN: Questions or comments from the 3 Board? 4 MR. SULSER: So basically if we strike 5 this last part out, that will -- it will still 6 go back to the APZ, even without this? 7 MS. HEUER: But, Jamey, here's the 8 difference: If you leave that in, if anything 9 ever changes to the APZ committee, they're in an 10 Ordinance. It can't be changed without an 11 Amendment made, and then it has to go to the 12 full County Board for a change. 13 MR. SULSER: Right. 14 MS. HEUER: It just can't be done by the 15 chairman. 16 MR. SULSER: Right. So what I'm saying 17 is, we can strike this out and -- I mean, it's 18 just -- it's not needed. 19 MS. HEUER: The process works now. 20 MR. SULSER: I recommend we strike this 21 out and just go along with the way we're doing 22 it. 23 MR. OCKEN: And you're saying all of 24 Number 4? In Totidem Verbis, LLC (ITV)
Page 54 1 the County Board. 2 MR. OCKEN: And how would that change if 3 this was implemented? 4 MS. HEUER: With this last section, it 5 creates another entity which the Townships would 6 have to address to make sure that what they put 7 in this testimony stays there and goes on to the 8 County Board. 9 Now it goes right there. 10 MR. OCKEN: So you're saying that APZ 11 could change or omit testimony? 12 MS. HEUER: No, they can't do that, but 13 they can make recommendations, according to that 14 last line. 15 MR. OCKEN: And can they do that now? 16 MS. HEUER: No. The Townships go from you 17 directly to the County Board. Because they know 18 everything that happens here, under oath, stays 19 in the testimony. We get a written script of 20 the testimony included in our Board packet that 21 goes directly to the County Board. 22 MR. OCKEN: But it also goes to APZ; is 23 that correct? 24 MS. HEUER: As a member of the County In Totidem Verbis, LLC (ITV)	Page 56 1 MR. SULSER: No. No, no, no. Just the 2 last part. 3 MR. OCKEN: The last statement? 4 MR. SULSER: Yeah, as far as -- 5 MR. SODERHOLM: I'm not ready to do any 6 voting on this right now. I have got more 7 questions. 8 MR. OCKEN: No, we're not voting. I'm 9 just clarifying. 10 MR. SULSER: As far as 4A, B and C, that's 11 all good. We do not need -- or I should say, 12 the bottom part in C, "service committee 13 oversight function of all Zoning, Assessments," 14 and so on. 15 MR. OCKEN: Well, what about Number -- I 16 mean, just all of Number 4? You're listing the 17 Planning, Assessment and Zoning Committee in the 18 Zoning Ordinance. 19 MR. SULSER: Right. 20 MR. OCKEN: And that's -- there are no 21 other County Board committees listed in this 22 Ordinance. 23 MR. SULSER: Actually, we wouldn't need 4 24 at all. Because this is just basically going In Totidem Verbis, LLC (ITV)

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1 over what's being done right now, with the 2 exception of the particular oversight. 3 MR. OCKEN: I guess that's my point. I 4 don't see where we need any of that in this 5 Ordinance. 6 MR. BULTHAUS: Just omit. 7 MR. SULSER: Just omit Number 4 then. 8 MR. OCKEN: Other questions or comments? 9 MR. SODERHOLM: So you're saying strike A 10 and B, and vote on and review 3C? 11 MR. SULSER: No. Just get rid of it. 12 MR. SODERHOLM: Get rid of the whole 13 thing? 14 MR. OCKEN: Eliminate Number 4. I don't 15 see how it improves anything. 16 MR. SODERHOLM: Can I ask a question, 17 Mr. Chairman? 18 MR. OCKEN: Yes, go ahead. 19 MR. SODERHOLM: Look at -- I'm going to 20 cite it. Page 9.3, Number 3, RPC, Item 4C, 21 quote, Oversee ZBA and RPC decisions and make 22 motions to approve or deny to the full Ogle 23 County Board. 24 This seems to me to totally emasculate the In Totidem Verbis, LLC (ITV)	1 MR. JAMES: We do that right now. 2 MR. SODERHOLM: You can take a decision 3 from the ZBA, sworn under oath, and you can deny 4 that? 5 MR. JAMES: I can say that, This is what 6 the ZBA voted. And yeah, you can, because 7 exactly what's involved, that's -- 8 MR. SODERHOLM: Does that happen 9 frequently? 10 MR. JAMES: Paul, that's why we have the 11 opportunity to send that back. 12 MR. SODERHOLM: Answer that question. 13 MR. JAMES: I don't really need to be -- 14 answer your question when you set it in this 15 context. 16 MR. SODERHOLM: That's fairly clear that 17 you can approve or deny to the full Ogle County 18 Board. 19 MR. JAMES: That's according to our 20 attorneys. 21 MR. SODERHOLM: That's the verbiage, and 22 that would hang out there ten years from now the 23 same way. It's pretty clear. It would pretty 24 well be emasculated, what we're doing here. In Totidem Verbis, LLC (ITV)
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1 ZBA and the RPC. Would you comment on that? 2 MR. OCKEN: Paul, which part, for my 3 clarification? 4 MR. SODERHOLM: The whole -- the whole. 5 MR. OCKEN: Which page? Which section? 6 MR. SODERHOLM: C. 7 MR. OCKEN: Oh, 4C. 8 MR. SODERHOLM: I just cited a full 9 reference. 10 It seems like the ZBA and the RPC is 11 emasculated. Would you please comment on that? 12 MR. JAMES: The comment is, is that you do 13 the open judicial quasi, under oath people give 14 you their opinions and discussion, and you 15 accumulate this information. And then the 16 Regional Planning sees if it fits the 17 Comprehensive Plan and does that. It all comes 18 from there to the APZ. 19 MR. SODERHOLM: Correction. The verbiage 20 says, Oversee the ZBA and RPC decisions and make 21 motions to approve or deny to the full Ogle 22 County Board. 23 MR. JAMES: We do that. 24 MR. SODERHOLM: That's fairly clear. In Totidem Verbis, LLC (ITV)	1 MR. JAMES: It's part of the process. We 2 all work together to get the information to the 3 full County Board. 4 MR. SODERHOLM: Can I ask you another 5 question? 6 MR. JAMES: I guess. 7 MR. SODERHOLM: Could you state under oath 8 who is behind this effort? Who's pushing this? 9 Are you acting independently? 10 MR. JAMES: You're on the edge of being in 11 probably some problem area. 12 No. We are working with our outside 13 attorneys, who were determined by our State's 14 Attorney, Mike Rock. 15 MR. SODERHOLM: Your committee has 16 retained outside counsel? 17 MR. JAMES: Yeah. 18 MR. SODERHOLM: Huh. 19 MR. JAMES: Yes, we have to -- 20 MR. SODERHOLM: Who's footing the bill on 21 that? 22 MR. JAMES: -- as complicated as it gets, 23 Paul. 24 MR. SODERHOLM: Who's paying for that? In Totidem Verbis, LLC (ITV)

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1 MR. JAMES: I have no idea. I imagine we 2 will, the County. 3 MR. SODERHOLM: Have you retained counsel? 4 MR. JAMES: Yes. 5 MR. SODERHOLM: Who paid for it? 6 MR. JAMES: The County does. 7 MR. SODERHOLM: Okay. 8 MR. OCKEN: When you say you retained 9 counsel, is this in regard to these lawsuits? 10 MR. JAMES: Yes, this is because of the 11 lawsuits. 12 MR. OCKEN: In regards to the -- 13 MR. JAMES: Solar. 14 MR. OCKEN: -- solar energy facilities? 15 MR. JAMES: Yes. 16 MR. SODERHOLM: Who stands to gain if 17 these four items are approved? Who stands to 18 gain? 19 MR. JAMES: I hope the taxpayers. This 20 process was initiated because Mark said that -- 21 Mark knows that we have been working on this for 22 eight months, to put these things back together 23 again. Some of these items have not been 24 initiated since, I believe, 1997. In Totidem Verbis, LLC (ITV)	1 population requirement, you can have a Regional 2 Planning Commission for your county. And every 3 county that adopted zoning, back when zoning was 4 formed in the state of Illinois, was able to 5 have a Zoning Board of Appeals. 6 Then the full County Board retains the 7 decision, and the final decision, on any zoning 8 petitions that are brought forward through the 9 zoning process. 10 All I would like to say is that there's 11 nothing in State statute that designates that an 12 Assessment, Planning and Zoning Committee at the 13 County Board level has any of these decision- 14 making abilities that are outlined in Division 15 9. 16 This full County Board decision stays with 17 the 24 board members on the County Board. 18 MR. SODERHOLM: Thank you. 19 MR. REEVERTS: So with that in mind, if 20 the County Board chairman, during a 21 reorganization period, chose to disband the 22 Zoning Committee of the County Board -- 23 MR. OCKEN: Assessment, Planning and 24 Zoning? In Totidem Verbis, LLC (ITV)
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1 MR. SODERHOLM: Let me just make one 2 comment, you know, and I'll bring up a specific 3 one. A data center, what's going to happen to 4 the consumer who's paying for electricity? What 5 will happen to that electric rate -- 6 MR. JAMES: I have no idea. 7 MR. SODERHOLM: -- if a data center goes 8 in? 9 MR. JAMES: I have no idea. 10 MR. OCKEN: We will still have more 11 comments, but is there anyone else here who 12 wishes to speak either before or against this 13 petition. 14 I should have asked, do you need names? 15 COURT REPORTER: I know Marcia, yeah, but 16 I will need his name. 17 MR. OCKEN: Yeah, please state your name. 18 MR. REEVERTS: Ryan Reeverts, County Board 19 member. 20 I would just like to echo some of 21 Ms. Heuer's comments tonight. I think that we 22 can all agree, under ILCS 5/5, the Illinois 23 County Code under the Division of Zoning, that 24 it specifically outlines that if you meet the In Totidem Verbis, LLC (ITV)	1 MR. REEVERTS: Yes. 2 -- you guys would still retain the ability 3 to make your recommendations to the full County 4 Board for decisions. Therefore, anything into 5 Section 4 of Division 9 is null and void. It's 6 not needed. 7 And I would echo an agreement with the 8 comments that have been made by Board members 9 tonight that it could be scratched from the Text 10 Amendment because it is not needed in the Text 11 Amendment. 12 Thank you. 13 MR. OCKEN: Any questions or comments for 14 Mr. Reeverts? 15 (No verbal response.) 16 MR. OCKEN: Is there anyone else here who 17 wishes to speak for or against this petition? 18 (No verbal response.) 19 MR. OCKEN: Questions or comments from the 20 Board? 21 MR. MILLER: We had one more item. 22 MR. OCKEN: Yeah. 23 MR. MILLER: I'm just still on -- 24 MR. OCKEN: Yeah, I just want to make sure In Totidem Verbis, LLC (ITV)

Page 65 1 we're -- we have discussed this. 2 Okay. Let's move on to our other item. 3 MR. MILLER: The only other item is on 4 Page 9.9, to add a provision on Variations. 5 Presently -- 6 MR. SODERHOLM: What page? 7 MR. OCKEN: 9.9. 8 MR. MILLER: If someone requests a 9 Variation that's 10 percent or less of what's 10 required -- so, for instance, 5 or 6 feet of a 11 60-foot setback -- we have an administrative 12 procedure for that. We notify the adjoining 13 property owners. 14 This would be -- well, to give you a 15 little more to this story. Back in probably the 16 '90s, it was decided that Variations should be 17 heard by the County Board. The Board of Appeals 18 still heard them, but the County Board has the 19 final decision. And that only lasted for maybe 20 a year or two and it went back to the way it is 21 now. So then -- 22 MR. OCKEN: At the direction of the County 23 Board? The County Board said, We don't want to 24 hear the Variances anymore? In Totidem Verbis, LLC (ITV)	Page 67 1 MR. MILLER: Yeah. 2 MR. SULSER: How about 1 foot? We have 3 had those. 4 MR. MILLER: Yeah, 1 foot would go to 5 the -- 6 MR. OCKEN: Yeah, that's what I'm saying. 7 If it's -- 8 MR. MILLER: 90 percent. 9 MR. OCKEN: If it's a Variation of greater 10 than 10 feet, then that would not go to -- 11 MR. SULSER: Basically you're talking a 12 setback of 25 feet, and somebody's wanting to 13 go, like, 12 feet, okay, so -- 14 MR. OCKEN: That's 50 percent, so that's 15 not going to -- it has to be more than 16 50 percent. So if they want to go to 8 feet, 17 then it will go to the County Board. Anything 18 less than 50 percent -- or I should say, greater 19 than 50 percent. 20 MR. MILLER: Yeah, it's kind of confusing. 21 MR. OCKEN: Yeah, as the footage goes 22 down, the percentage goes up. 23 MR. SULSER: This one came up at my 24 request for the Variations. Because there have In Totidem Verbis, LLC (ITV)
Page 66 1 MR. MILLER: Yes. They were wondering why 2 they heard all these Variations. 3 So that has been brought up on different 4 times in the more recent past. 5 And a possible compromise to having the 6 County Board hear everything would be if a 7 Variation is more than 10 percent but less than 8 50 percent, it would go to the Zoning Board of 9 Appeals, like it does now. If it's more than 10 50 percent, you guys would still hear it as the 11 Board of Appeals, but then the County Board 12 would have the final decision. 13 And it's been my experience, the 14 Variations that cause problems are the ones 15 where people are asking for, you know, 2 or 16 3 feet in lieu of some bigger setback, not where 17 they're just asking for a little amount. 18 So that's for your consideration. That 19 was an idea I came up with. 20 MR. OCKEN: So for clarification, just as 21 an example, let's say a setback is 20 feet. 22 Someone comes in and asks for a setback of, Can 23 it be a Variance of 12 feet? So that's less 24 than 50 percent. In Totidem Verbis, LLC (ITV)	Page 68 1 been some things that have come across in front 2 of us that have been absolutely asinine, as far 3 as Variations are concerned, and they have been 4 approved. And we should never have been the 5 end-all, be-all on these particular Variations, 6 that they needed to be looked at by the full 7 County Board. 8 MR. OCKEN: Well, we have, I believe, 9 three County Board members here. Mr. James is 10 the Chairperson of Assessment, Planning and 11 Zoning. 12 What's your feeling on this? 13 MR. JAMES: If they can be handled 14 inhouse, with Mark's supervision, and you're 15 only asking for a small -- say it's a 20-foot 16 and they needed 2 feet or whatever he set the 17 limit -- I said that probably makes perfectly 18 good sense. Because Variations don't go in 19 front of the full County Board anyway. 20 MR. OCKEN: But that is saying they would 21 if the Variance was -- 22 MR. JAMES: Over. 23 MR. OCKEN: -- over 50 percent. 24 MR. JAMES: Right, right. If there was a In Totidem Verbis, LLC (ITV)

Page 69 1 major imposition, but anything small I would 2 think either you guys could -- or it would be 3 done through Mark's office. Why -- I mean, if 4 you all -- if you want to drive out and look at 5 somebody that wants to move -- they're 15 feet 6 from alley and they want to be 13, and Mark 7 says, Well, that alley isn't used that much 8 anyway. So, I mean, it's just to take away some 9 of the nuisance. 10 MR. OCKEN: So you would be in favor -- 11 MR. JAMES: I wouldn't have a problem. 12 MR. OCKEN: -- of greater than 50 percent 13 coming to the County Board? 14 MR. JAMES: Yeah. 15 MR. OCKEN: Mr. Reeverts, Ms. Heuer, how 16 would you feel about that? 17 MR. REEVERTS: I would also agree. It's 18 my understanding that Mark has administered 19 Variances within his department in the past. 20 And I think increasing that percentage would 21 allow him to reduce the workload that goes 22 through the Zoning Board of Appeals and then to 23 the full County Board, should it have to go that 24 far. In Totidem Verbis, LLC (ITV)	Page 71 1 with what they say. So I'll say strike it. 2 MR. OCKEN: Strike it. 3 Do we need a vote on that, or is a 4 consensus is okay? 5 MR. MILLER: A consensus is okay. 6 MR. OCKEN: Okay. So we will be sending 7 this on then, with the notation that we do not 8 approve Section 4. You know, the -- 9 MR. MILLER: You want a motion. 10 MR. OCKEN: So we need a motion for that. 11 So we need a motion to send it on, but in 12 that motion we need to say that we are -- 13 MR. SODERHOLM: Not altering the current 14 Comprehensive Plan. 15 MR. OCKEN: Well, that we're not accepting 16 Section 4 -- what is it, 16-9-1, A -- no, A4. 17 Is that correct? 18 MR. MILLER: 16-9-1, A, Number 4. 19 MR. BULTHAUS: Make sure you get that down 20 right. 21 MR. OCKEN: Okay. So it's -- so we 22 approve of everything in this Text Amendment -- 23 MR. BULTHAUS: Except. 24 MR. OCKEN: -- with the exception of In Totidem Verbis, LLC (ITV)
Page 70 1 MR. OCKEN: Ms. Heuer? 2 MS. HEUER: We do hear Variances now. And 3 if they're egregious, yes, they should come 4 before the full County Board. 5 MR. OCKEN: Okay. Are we all in agreement 6 on that, a consensus? I don't think there's a 7 problem on that. 8 Anything else in Division 9? 9 MR. MILLER: Nope. That's it. 10 MR. OCKEN: Okay. Then we have gone 11 through everything. 12 The point of contention was back to 13 Number 4, on Page 9.4. What's the feeling of 14 the Board? 15 MR. SULSER: Strike it. 16 MR. OCKEN: Strike all of Number 4? 17 MR. SULSER: Strike it all. 18 MR. BULTHAUS: Make a motion. 19 MR. OCKEN: Mr. Probasco, your feeling on 20 that? 21 MR. PROBASCO: I am probably -- I'm a 22 little confused by it, to be honest, and so I'm 23 probably going to take the Board -- since we 24 have two people recommending it, I'm going to go In Totidem Verbis, LLC (ITV)	Page 72 1 16-9-1, A4, Planning and Assessment Committee -- 2 Planning and Assessment Committee of the Ogle 3 County Board. 4 MR. SODERHOLM: I second that. 5 MR. OCKEN: That's not a motion. 6 MR. SODERHOLM: Oh. Sounded good. 7 MR. OCKEN: I can't make motions. 8 Okay. Any other questions or comments 9 before we hear a motion? 10 (No verbal response.) 11 MR. OCKEN: Someone care to make a motion? 12 MR. SODERHOLM: Can we just cite the page, 13 Item Number 4 on Page 9.4? 14 MR. OCKEN: I think Jamey is going to make 15 a motion. I think he's going to get the whole 16 thing here. 17 MR. SULSER: I make a motion that we 18 strike 16-9-1, A4, Page 9.4 of the Text 19 Amendment. 20 MR. OCKEN: And approve everything else? 21 MR. SULSER: And I will approve everything 22 else in the Text Amendment changes. 23 MR. OCKEN: Okay. We have a motion -- 24 MR. SODERHOLM: Second. In Totidem Verbis, LLC (ITV)

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1 MR. OCKEN: -- to approve the Text 2 Amendment presented before us, with the 3 exception of 16-9-1, A4, Planning and Assessment 4 Committee of the Ogle County Board. 5 Mr. Soderholm, did you second? 6 MR. SODERHOLM: Yes. 7 MR. OCKEN: Mr. Soderholm seconds. 8 Is there any -- are there any other 9 questions or comments from the Board? 10 (No verbal response.) 11 MR. OCKEN: Hearing none, Mr. Miller call 12 the roll. 13 MR. MILLER: Bulthaus? 14 MR. BULTHAUS: Yes. 15 MR. MILLER: Probasco? 16 MR. PROBASCO: Yes. 17 MR. MILLER: Soderholm? 18 MR. SODERHOLM: Yes. 19 MR. MILLER: Sulser? 20 MR. SULSER: Yes. 21 MR. MILLER: Ocken? 22 MR. OCKEN: Yes. 23 (By voice vote five ayes.) 24 MR. MILLER: Five yes. In Totidem Verbis, LLC (ITV)	1 Now on this 14th day of November, A.D., 2024, I 2 do signify that the foregoing testimony was given 3 before the Ogle County Zoning Board of Appeals. 4 5 6 7 Randy Ocken, Chairman 8 9 10 11 12 Mark Miller, 13 Zoning Administrator 14 15 16 17 ~~Callie S. Bodmer~~ 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)
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1 MR. OCKEN: Motion passes by a vote of 2 five to zero. 3 Mr. Miller, do we have any other business 4 before us this evening? 5 MR. MILLER: Nope. That's all I have. 6 MR. OCKEN: Having no other business 7 before us, I call this meeting adjourned at 8 7:35 p.m. 9 (The hearing was concluded at 10 7:35 p.m.) 11 12 13 14 15 16 17 18 19 20 21 22 23 24 In Totidem Verbis, LLC (ITV)	