

1 STATE OF ILLINOIS)
2 COUNTY OF JO DAVIESS)SS

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5 In the Matter of the Petition
6 of
7 Text Amendment, JoDavieSS County Zoning Ordinance
8 Jo DavieSS County, Illinois

9

10 Testimony of Witnesses
11 Produced, Sworn and
12 Examined on this 5th day
13 of February A.D. 2009
14 before the Jo DavieSS County
15 Zoning Board of Appeals & Planning
16 Commission

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18
19

20 Present:
21 Nick Tranel
22 Susie Davis
23 William Tonne
24 David Jansen
Melvin Gratton, Chairman
Linda Delvaux, Zoning Administrator
David Akemann, Attorney

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1 MR. GRATTON: Good evening, everybody, and
2 welcome to tonight's proceedings. This is a
3 meeting of the Jo Daviess County Zoning Board of
4 Appeals. This is a continuation of a meeting
5 that began a week from last night, January 28th
6 and the purpose of the meeting is to continue
7 review of revised zoning ordinance for
8 Jo Daviess County. We're going to, I hope move
9 along quickly and get through most of what we
10 have this evening. If not, we can do this again
11 on another evening. But with your cooperation
12 we'll try to get as far as we can and see what
13 happens. I promise you -- I've been asked not
14 to run these meetings quite as late as I did
15 last time and I apologize for that. I know it
16 gets tiring and we'll try to make sure everybody
17 gets home at a reasonable time. If we don't get
18 it done tonight, we just won't get it done. But
19 we will make some kind of a determination near
20 the end of the meeting whether we need another
21 session or not. If we do, we'll schedule one.
22 Otherwise, we'll try to finalize our portion of
23 this sometime in the near future.

24 So I'm going to start by having Melissa

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1 call the roll so we can establish a quorum.

2 (Roll call was taken and all
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3 were present.)
4 MR. GRATTON: Okay. We do have a quorum
5 so we can proceed with business. We will
6 dispense with readings of the minutes, they will
7 be all part of the transcript that we will
8 review at the end of the entire process and
9 approve at a subsequent meeting. We'll get
10 right back into the document at hand that we
11 were dealing with. If you remember, we were
12 looking at some recommendations on amendments
13 from the County Board and we discussed many of
14 those and we got pretty well through those. We
15 were last dealing with County Board Amendment
16 No. 14 which deals with nonconforming uses and I
17 think the suggestion was to eliminate Section F
18 in that portion, it was damage or destruction
19 and this was due to -- this was on the uses. We
20 had already scratched that on the structures and
21 the suggestion is to eliminate that also on the
22 use section of this section and we'll open it up
23 then for any input that anyone has regarding --
24 well, let me do one thing first. We're going to

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1 -- in case any of you -- most of you were here
2 last time, but in case you're here for the first
3 time this evening, this is a public hearing and
4 you will be invited to testify if you would
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5 choose to and we invite you to do that. At the
6 time when you would like to speak, whenever it's
7 appropriate, if you would come forward and speak
8 into the microphone it would be appreciated.
9 That way we can hear better and everyone will
10 get a good sense of what's happening. There's a
11 legal pad on the podium in front of you there,
12 if you would put your name and address on that
13 so we can spell things correctly and when you
14 speak if you'd tell us what your name is and
15 your address and what your interest is in
16 whatever portion of this document you're talking
17 about we would appreciate it. We will try to go
18 through this in an orderly fashion. First of
19 all, I would like to finish up the amendments
20 that the County Board has suggested that we
21 review. Following those amendments we will
22 probably spend a little bit of time looking at
23 the uses and use standards. I think there was
24 an indication you wanted to spend some time on

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1 that. We will then go back through the document
2 and -- you know, Chapters 1 through 7 and if
3 anyone has any additional input we will take
4 that at that time.

5 So does anyone have any questions
6 regarding proceedings this evening? Okay. The

7 testimony you give this evening will be under
8 oath. I would like you to keep that in mind.
9 I'm going to swear everyone in so we can keep
10 proceeding as we move forward. So if you would,
11 would you please raise your right hand.

12 (WHEREUPON everyone in the room
13 was sworn in.)

14 MR. GRATTON: Thank you. Now we're back
15 on nonconforming uses and the suggestion here is
16 to eliminate the Section F, damage or
17 destruction. Under just a quick history, uses
18 can be nonconforming lots of record, they can be
19 nonconforming uses, they can be nonconforming
20 structures. What we're looking at on this
21 portion of this is nonconforming uses. So is
22 there any further discussion? This will be
23 found on Page 123 and 124 in the document I
24 believe. Steve?

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1 MR. MCINTYRE: Steve McIntyre, Apple
2 Canyon Lake.

3 MR. GRATTON: Come up and use the mic so
4 we can hear.

5 MR. MCINTYRE: My only point is I'm not
6 sure you want to actually eliminate that. You
7 might want to actually word it in such a way
8 like you have it in under nonconforming

9 structures that it will -- if damaged such
10 building or structure shall be restored or
11 reconstructed. Instead of actually eliminating
12 that, you might want to just reword it. I don't
13 know.

14 MR. GRATTON: You're correct, Steve, and
15 we were going to probably suggest that. If the
16 decision is to eliminate that, that's a great
17 point and yeah, we're thinking about along the
18 same lines there, so thank you. Any other
19 input? Nancy, you want to come up?

20 MS. SIGEL: Okay. Nancy Sigel (phonetic).
21 I have a question. If you have a nonconforming
22 use and you want to expand the use, this says
23 that if it's not allowed in that district --
24 say, just using this as an example, you have an

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1 airport landing strip, okay, so many feet long
2 and two -- you know, it's accessible for two
3 airplanes. You, now that the ordinance has
4 passed, decide you want to expand the strip.
5 You want to have three landing strips on your
6 property and you want to be able to accommodate
7 20 planes. Would that then require that I come
8 in for a special use permit to do that?

9 MR. GRATTON: I'm going to refer to Linda
10 and Dave, but my understanding is that's what

11 this document is saying is that --

12 MR. AKEMANN: This draft would say yes to
13 that unless there was prior governmental
14 approval for whatever was, you know, being
15 sought. In other words, if you had a permit to
16 build or construct that existed at the time for
17 that the answer would be yes, it would require
18 you to come in for the special use.

19 MS. SIGEL: Okay. Now, assuming you
20 granted me that special use and I put in the
21 other two landing strips and I've got my other
22 four friends that are, you know, flying their
23 planes in in addition to my two planes, but the
24 problem I had was that I -- let's say I had a

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1 neighbor next door that didn't like the fact
2 that prior to my getting the permit I was flying
3 planes in and out of there 24/7, so in order to
4 get that permit you -- in order to get the
5 permit to expand you put a requirement on me
6 which stated that, yes, you can -- you are
7 allowed to expand your, you know, airstrip
8 facilities on the ag parcel; however, you're
9 going to have to limit, you know, takeoff and
10 landing from 8 a.m. to 6 p.m. and you can only
11 do that Monday through Friday, but you can do it
12 now for six planes and you can have three

13 strips, so those are the requirements -- I'm
14 just -- this is, you know, speculating here --
15 that you would put on me to get that -- to get
16 that permit. My question to you is let's say a
17 couple years after I've had the permit and the
18 permit is granted for an indefinite time period,
19 now the four friends have determined that, you
20 know, they don't want to fly, they sold their
21 planes, they don't have their planes anymore, it
22 was a hassle. I liked it better when I just had
23 my two planes coming in and my one landing strip
24 and I decided I want to use the -- tear up the

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1 landing strips and you know, have the asphalt
2 hauled away. What I guess my question is can I
3 go back then to my -- the advantages that I had
4 as a nonconforming use which were that I was
5 allowed to fly those two planes in 24/7. I
6 didn't have that under the permit that was
7 granted, but I want to forget the permit, that
8 was a hassle, I just want to go back to being a
9 nonconforming use. Can I do that?

10 MR. GRATTON: I think I understand you
11 saying that if there's a cessation of the
12 special use what happens, right?

13 MS. SIGEL: Yes.

14 MR. GRATTON: Yeah, does it revert back or
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15 does that use continue and I'm going to let our
16 legal advocate speak to that.

17 MR. AKEMANN: It would depend on the terms
18 and conditions of the special use and the legal
19 rights the person had at the time that the
20 legislation changed and I don't know how to say
21 it other than that without, you know, a specific
22 case which --

23 MS. SIGEL: well, I had the right to -- to
24 -- you know, when -- before zoning came in I had

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1 the right to operate, you know, this one, small
2 landing strip with two airplanes and so that was
3 grandfathered in. Now here's -- the ordinance
4 takes effect and I want to expand -- that was
5 the only right that I had was to continue with
6 those two planes which I could fly in 24/7, but
7 my neighbors didn't like the 24/7 idea, so in
8 order for me to -- you know, to get a permit --
9 to get the permit approved in the County the
10 County put certain requirements on me, you know;
11 the eight-hour time slot, the five days a week,
12 so on and so forth. Now that's a hassle I want
13 to go -- I liked being able to fly in at 2 in
14 the morning and take off at 4 regardless of the
15 fact that my neighbors didn't like it, I liked
16 that better. So forget the four planes, forget

17 the other landing strips, I want my -- I want to
18 go back to just being grandfathered. Is that --
19 is that acceptable? Can I do that? Can I --
20 you know, can I have the permit for a period of
21 time and if I decide I don't like the permit get
22 rid of it and just go back to being
23 grandfathered?

24 MR. AKEMANN: I'd say normally -- normally

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1 as a general proposition when you rezone and get
2 a special use you convert your nonconforming use
3 status to a conforming lawful use and you -- you
4 stay with that use. Again, it would depend on
5 the terms and conditions of the special use that
6 was granted, but that's -- that's generally what
7 I would say, so, you know, if you had a
8 nonconforming use, you initiated and got it
9 changed that made it, you know, conforming to
10 something else, that's what it is at that point.

11 MS. SIGEL: And it couldn't go back -- you
12 couldn't go back to your grandfathered status?

13 MR. AKEMANN: No, probably not --

14 MS. SIGEL: Okay.

15 MR. AKEMANN: -- in my opinion. I mean,
16 again, you're into facts, specific things that
17 the text isn't designed to do, but that's the
18 upshot of the general principle even.

19 MR. GRATTON: Could she come in and
20 reapply for a special use and have those
21 conditions --

22 MR. AKEMANN: Amend the special use to
23 whatever variations --

24 MS. SIGEL: But you'd still have to be

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1 under a special use -- you would -- at the point
2 that you aggregated your grandfathered status
3 and took on the special use, it was the special
4 use then that governed that use of the property?

5 MR. AKEMANN: Generally speaking that
6 would be true.

7 MS. SIGEL: Okay, okay. Thank you very
8 much.

9 MR. GRATTON: Thank you, Nancy. Yes?

10 RICK DITTMAR: I just need a
11 clarification. Do you want me to come up?

12 MR. GRATTON: If you would, it's easier
13 for our stenographer.

14 RICK DITTMAR: I'm Rick Dittmar from
15 Woodbine Township and I just need a
16 clarification. I'm a little confused here. Can
17 a special use permit be granted for a
18 nonconforming use? 8-6-6c, when we're talking
19 this extension, it says a nonconforming use
20 shall not be extended, expanded, enlarged or

21 increased in intensity. But does that mean --
22 to me that says you can't do it, but can you
23 still get a special use for that like -- like
24 the airport she was talking about?

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1 MS. DELVAUX: Yes, yes, you can come in
2 and request that special use.

3 RICK DITTMAR: Okay. Thank you.

4 MR. GRATTON: Keep in mind what the
5 documents on nonconformity does, not only here
6 but throughout most ordinances that we looked at
7 throughout Illinois, there's all kinds of
8 degrees to which you can, you know, allow or not
9 allow nonconformities. You can allow them, you
10 know, to a certain extent. You can put a sunset
11 clause in there and some counties do that
12 especially in some of the bigger areas where
13 they want these to go away completely -- well,
14 grandfather -- not grandfather -- they will
15 allow them to operate for five, ten years,
16 whatever and then you're done, so when we looked
17 at this it was, you know, what works for
18 Jo Daviess County. Probably what this does is
19 makes, you know, some uses come back which would
20 not be an intrusive type use to get that
21 supplemental special use to -- to expand. But
22 on the other hand, it doesn't encompass just --

23 you know, some of those small uses. It can
24 cover such things as -- oh, Rentech, for

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1 example, was -- you know, and then you have to
2 say do we want language that will allow those
3 types of things to flow through a process or do
4 we want to just permit those and that's what the
5 committee struggled with as we did this. Steve?

6 MR. MCINTYRE: Also a clarification, I'm
7 asking a follow-up question that was given here.
8 Under enlargement under D -- since we're on
9 nonconformities I thought we'd stick with it.
10 Under enlargement it basically says no structure
11 that is devoted in whole or in part to a
12 nonconforming use shall be enlarged or added to
13 in any manner unless such structure and the use
14 thereof shall therefore (sic) conform to the
15 regulations of the district in which it is
16 located. My question is reading that and then
17 also looking at the use tables, if the use -- in
18 the use table if there is a blank square does
19 that indicate that it is -- therefore not
20 conform to the regulations of the district in
21 which it is located or does it mean something
22 else?

23 MR. GRATTON: The answer is probably.
24 Yeah, the reason for doing this is to not create

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1 more nonconformities, so if it's not something
2 that you would normally allow in that district
3 why would you want to expand on something that's
4 nonconforming?

5 MR. MCINTYRE: I'm just asking for a
6 clarification. If the square is not filled in
7 -- I'm just trying to be simple terms here, not
8 trying to be an attorney. If the square is not
9 filled in then it is not --

10 MR. GRATTON: I know, you don't make
11 enough to do that, Steve.

12 MR. MCINTYRE: I don't make enough. If
13 the square is not filled in then it is assumed
14 to be a nonconformity within that district,
15 correct?

16 MR. GRATTON: Yes, but there are some --
17 when we get into the use standards and use
18 tables we'll probably embellish this a little
19 bit so that --

20 MR. MCINTYRE: Things go hand in hand and
21 when you look at the use table it also means
22 that it -- it refers to the nonconformity and
23 then if it doesn't apply to the nonconformity it
24 refers back, so I'm just trying to make some

1 sense out of it.

2 MR. GRATTON: The answer to your question
3 is generally that's correct.

4 MR. MCINTYRE: Okay, thanks.

5 MR. GRATTON: Other discussion on
6 nonconformities? All right. The suggestion
7 before us then on this Amendment 14 is to delete
8 the Section F and I think if we delete that we
9 should also pick up some language that says what
10 should happen here if this use -- if whatever --
11 if the structure in this case is damaged or
12 destroyed. I guess the first question is do we
13 want to delete that before we have to come up
14 with what we want to insert there? So I'm going
15 to defer to my colleagues here at the table.

16 DR. TONNE: Mel, I actually thought you
17 were close to a motion there when you were
18 talking about doing for uses similar to what we
19 did for structures. And I'm wondering if you
20 can state that.

21 MR. GRATTON: If that would expedite the
22 process --

23 DR. TONNE: Yes.

24 MR. GRATTON: Just for discussion then

1 I'll put a motion on the table. I'm going to
2 suggest that we strike -- this is nonconforming
3 uses, 8-6-6 Section F, that we delete that as
4 indicated in this amendment and that we replace
5 it with language similar to that found for
6 nonconforming structures. I don't think I have
7 to state that all over again, but if you want to
8 turn the page and go to the next section on
9 structures, why, that's the language. Maybe we
10 should find it and look at it.

11 MR. MCINTYRE: 8-6-5-c -- 8-6-5-C.

12 MR. GRATTON: All right. That's on Page
13 122 and it states in the event that a
14 nonconforming building or structure is damaged
15 or destroyed by any means, such a building or
16 structure may be restored or reconstructed,
17 providing such structure is on the existing
18 footing of such buildings or structures. If
19 such restoration or reconstruction is not on the
20 existing footing, then such building shall not
21 be restored unless it thereafter conforms to the
22 regulations of the district in which it is
23 located. So I think that would be appropriate
24 language to substitute; is that correct, Dave or

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1 are we going too far with that?

2 MR. AKEMANN: It actually probably -- it
3 actually is probably already covered in that
4 section. There's no harm in repeating it either
5 if you want.

6 MR. GRATTON: Okay, so that's the motion.

7 DR. TONNE: I'll second it.

8 MR. GRATTON: Okay. Is there a discussion
9 on the motion then? Anybody? All right.
10 Hearing no discussion then the motion before us
11 is to go ahead and delete under nonconforming
12 uses -- this is 8-6-6 nonconforming use, Section
13 F we will delete and we will include language in
14 its place as indicated on Page 122, 8-6-5,
15 nonconforming structures C, damage or
16 destruction and we'll use the verbiage that's in
17 that paragraph. Okay. Melissa, would you call
18 the -- poll the members?

19 MS. SOPPE: Dave Jansen?

20 MR. JANSEN: Aye.

21 MS. SOPPE: Bill Tonne?

22 MR. TONNE: Aye.

23 MS. SOPPE: Susie Davis?

24 MS. DAVIS: Aye.

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1 MS. SOPPE: Nick Tranel?

2 MR. TRANEL: Aye.

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MS. SOPPE: Mel Gratton?

MR. GRATTON: Aye.

(By voice vote five ayes.)

MR. GRATTON: Okay. We will move forward then. Anything else on nonconforming uses before we proceed? Members, anything more? Okay. Let's keep moving then. We've got the use table here, but I would like to go to Amendment -- do you have the number, this is from the Galena Territory, what was the number of the amendment? I've got No. 1 on there.

MS. DAVIS: That's it.

MR. GRATTON: Okay. We had another No. 1 I believe in here, didn't we, that we didn't have to deal with, but anyway, it's on Page 30 of the handout that we have. This is not -- this is under 8-2e-5, zoning board procedures. And let me -- for those of you who may not have a copy of this, if you just have your zoning document you're probably wondering what we're talking about. It goes A, B and C under that procedure section. The suggestion here on this

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amendment is to add Section D to that and it's a relatively short paragraph, so I will -- I will just read that. When considering an application for a map amendment requesting the creation of a

5 planned development, PD district, the Zoning
6 Board shall conduct its hearing in two sessions.
7 The Zoning Board shall first conduct an initial
8 hearing at which time interested parties may
9 present evidence and testimony. This initial
10 hearing may be adjourned from time to time to
11 allow all interested parties to present evidence
12 in support of or opposition to the proposed
13 planned development. At the conclusion of the
14 initial hearing or any adjournment thereof, the
15 Zoning Board shall close the evidence and
16 conclude the initial hearing. The Zoning Board
17 shall thereafter make its finding of fact and
18 recommendation to the County Board at the next
19 regularly scheduled or special meeting of the
20 Zoning Board. This was one that we discussed
21 earlier. These requests are not common. They
22 don't -- I'm not saying not common, but they
23 don't happen frequently. It's not the type of
24 thing we hear every month. I think as we

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1 discussed that our thinking was it's not
2 necessary. However, as I review this again I
3 think there's little, if any, harm done in
4 adding it here. What it's going to do is add an
5 extra session or it may add a 30-day delay to
6 the next regularly scheduled meeting. So is

7 there anyone here who would like to comment on
8 that amendment? Yes?

9 MR. STEVENS: My name is Jim Stevens. I'm
10 here -- I'm an attorney and I'm here on behalf
11 of the Galena Territory Association. And it was
12 my firm that drafted the suggested modification.
13 And the reason that we suggested the bifurcated
14 hearing is because the PD district is a unique
15 district. There is so much latitude that is
16 afforded you as the Zoning Board, the County
17 Board and the developer and basically it's a
18 clean slate. You can come in and you can
19 negotiate your terms to have your development
20 basically any way you want it as long as it
21 meets with -- to the satisfaction of the County.
22 And with that unique type of zoning and the
23 opportunity that it would afford -- you don't
24 know me, I don't know you. I've been doing this

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1 for 29 years. I know what it's like when the
2 developers come in and they have a plan and you
3 think you've understood everything, you're
4 getting ready to vote on it and then somebody
5 brings up another question and it's like, well,
6 what's the landscaping? what's the lighting on
7 this? what's going to happen here? what's
8 going to happen there? And what we're

9 suggesting by having the two meetings is to,
10 one, you get all the evidence in and then you
11 have an opportunity to sit back and digest what
12 you've heard and then without having to sit
13 right here and in a matter of sometimes an hour,
14 sometimes five hours while you're here you have
15 to make a decision and what we're suggesting is
16 close the evidence, that's good and then that
17 gives you the opportunity to go back where it's
18 quiet, go through your notes, look at the
19 development as it's proposed. If you have
20 additional questions you have the next meeting
21 to go ahead and ask those questions. But it's
22 not just something that -- it's not like a test
23 that the developer comes in, gives their
24 presentations, you hear the parties that are in

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1 favor of and the parties that are objecting to
2 the presentation or the -- the parts thereof and
3 then you have to make a decision that night.
4 And so that's all we're suggesting and -- and we
5 think it's a good idea otherwise we wouldn't
6 have brought it up. But I'm also a municipal
7 lawyer, just like Dave. I've done this for a
8 long, long time as you can tell and we're
9 recommending this very thing to the
10 municipalities that we represent for that very

11 reason so that people can sit down. I mean,
12 it's almost like you're a doctor and you have
13 your oral exams and you're listening to
14 everything and then you have to make a decision.
15 We'd like to give you the opportunity -- you
16 always have that because you can make the motion
17 to lay it over to the next meeting, but this
18 would -- then you don't have the problem of the
19 developer saying why are you doing that, I
20 thought you were going to handle this all in one
21 night. You have the opportunity to review it,
22 think about it and then come back and that's the
23 reason why we're suggesting it.

24 MR. GRATTON: Okay, Jim, thank you.

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1 DR. TONNE: I want to ask you a few
2 questions if you would, sir.

3 MR. GRATTON: Jim, we have a question.

4 DR. TONNE: If I could.

5 MR. STEVENS: Yes.

6 DR. TONNE: So you're suggesting that
7 whenever the first meeting would adjourn or be
8 continued, but when that first session of single
9 meetings or adjourned meeting when the first
10 session would be adjourned that public testimony
11 be halted?

12 MR. STEVENS: Yes.

13 DR. TONNE: And I thought you said so that
14 we might be sure here at the Board that we
15 wouldn't have any other questions?

16 MR. STEVENS: Right.

17 DR. TONNE: If we've got other
18 questions --

19 MR. STEVENS: Then you could ask those at
20 the next meeting.

21 DR. TONNE: But not open to the public?

22 MR. STEVENS: Correct, all the testimony
23 would be closed so that way we know -- it's like
24 a trial, everything is in there.

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1 DR. TONNE: And like in a trial, where
2 would that new information from the petitioner
3 to the Board be challenged quasi judicially by
4 the public?

5 MR. STEVENS: They don't get an
6 opportunity.

7 DR. TONNE: They don't, that's right.

8 MR. STEVENS: No, they don't. Now, that
9 doesn't mean that you can't open it up again and
10 say we're going to send it back for further
11 evidentiary hearing. You always have that right
12 to do that.

13 DR. TONNE: And we have that now. In 13
14 years -- just a question again to you -- we've

15 continued meetings that were we thought
16 initially painfully simple because we thought
17 there was more research, even on occasion -- I'd
18 say half the time the petitioner wants a
19 continuance, he's not quite ready because of
20 questions he got from us, this could go either
21 way --

22 MR. STEVENS: Sure.

23 DR. TONNE: -- and so we have the power
24 now to continue or not continue. And we have

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1 continued things too long, six months, you know,
2 that's too long, but we've done it. So I'm
3 asking you -- aside from us devising our own
4 questions, then asking the petitioner for some
5 clarification, which isn't subject to more
6 public input, I think is actually somewhat of a
7 perversion of the quasi judicial fairness in a
8 zoning hearing open to the public.

9 MR. STEVENS: Okay. Let me -- we're in a
10 courtroom, let me equate it to that. You have
11 all the testimony that goes in and a lot of
12 times judges will say I'm going to take the
13 matter under advisement.

14 DR. TONNE: That's when -- if I'm right
15 about this, I'm not an attorney, but that's
16 when, you know, closing arguments are done,

17 everything is done, everything is done,
18 cross-examination, back and forth, okay, he does
19 that before a ruling and there won't be any
20 other chance for the petitioner then, correct?

21 MR. STEVENS: The way we're --

22 DR. TONNE: In a courtroom like the
23 example you gave.

24 MR. STEVENS: That's correct. In the way

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1 we're proposing this there wouldn't be --

2 DR. TONNE: And we can do that now --
3 under the current ordinance we could do that.
4 You're making it mandatory for a PD.

5 MR. STEVENS: Yes, because of the latitude
6 that's afforded in that type of zoning.

7 DR. TONNE: Okay. Thank you.

8 MR. JANSEN: Just stay there. I watch --
9 I don't know how many people do this, my wife
10 thinks I'm nuts, but I often watch the City of
11 Dubuque on cable and they have a three-meeting
12 requirement which ultimately winds up making the
13 motion and waiving the additional meeting
14 requirement. Is that something that would be
15 banned in your recommendation?

16 MR. STEVENS: I would -- it wasn't
17 contemplated. I don't think so. I don't think
18 it would be waived although I would almost defer

19 to Dave on that one. I know when you have first
20 reading, second reading, third reading, as you
21 say, there are times when they just waive it and
22 say there's no necessity to hold off on that.

23 MR. JANSEN: Yeah, generally it's consent,
24 calendar type stuff, simple -- yeah, that it's

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1 silly to carry on and waste everybody's time and
2 keep developers or anybody else from doing
3 something. I understand that. Go ahead, David.

4 MR. AKEMANN: The way the language or the
5 amendment reads is that the Zoning Board shall
6 thereafter make its findings at the next
7 regularly scheduled meeting or special meeting
8 of your Board. Normally the term shall is used
9 to be a mandatory word and I think --
10 essentially I think you all are aware of this
11 counsel, certainly aware of the issues involved
12 in this and I think some of you were at the
13 County Board committee meeting also where this
14 was discussed and -- but I would view the
15 language as currently drafted that that would be
16 a mandatory requirement of the Zoning Board and
17 I think basically the design of this paragraph
18 is to remove the discretion from you to continue
19 it or not at your will to another board meeting
20 for a vote or for another board meeting --

21 public hearing for testimony as you see fit to
22 mandate. That's as I read the draft.

23 MR. GRATTON: I don't have a question for
24 you, Jim, just a comment. I think this would

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1 probably function very similar to the process
2 we're having on these -- on the hearing on this
3 zoning document that we would do whatever it
4 takes and have as many hours of public hearing
5 and testimony as appropriate to get the job done
6 correctly. And at that time we would probably
7 want to sit back and give staff and other
8 members time to digest it for them to -- the
9 finding of fact, there's things to be drafted
10 and statements to be made that you're suggesting
11 we may not want to make at possibly a late hour
12 or something, that we would wait until our next
13 meeting before we took that evidence and made
14 the motion and made the ruling on the finding of
15 fact and whatever else we would include in that.
16 So I think that's what it's probably asking us
17 to do, something similar to that and with that
18 respect I don't have any real issue with it.
19 There are some cases, you know, in small PDS
20 that we may not need to do it, but for the -- I
21 guess I'm looking at does it do any harm to have
22 it in here? I don't think so. David?

23 MR. JANSEN: I guess a question for the
24 commission members and maybe David, what kind of

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1 precedent does it set for other districts? Do
2 we suddenly pick one out of the air and say
3 planned developments regarding this particular
4 narrow scope needs two meetings, but nothing
5 else does? Where might that end? And maybe you
6 can't answer that, David. It's possible that
7 it's just on everybody's mind. I'm a little
8 concerned about establishing precedent here that
9 would ultimately turn into, well, they're doing
10 it over here, let's -- now let's make it -- and
11 suddenly everything turns out to be a
12 two-meeting requirement. Is that something we
13 need to worry about?

14 MR. AKEMANN: Well, legalistically no.
15 Obviously this is per the County Board's benefit
16 and would it create a legal precedent? No, it
17 wouldn't. A political one, that's for others to
18 say. I think that the question that was asked
19 before is could you waive an ordinance mandate
20 and my answer would be no, unless you put
21 language in here that says you can.

22 MR. JANSEN: The only comment I'd make is
23 all politics is local.

24 MR. GRATTON: Okay. Any other questions

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1 for Jim? If not, we'll let him sit down.

2 MS. WIENEN: I've just got one question.

3 MR. GRATTON: why don't you --

4 MS. WIENEN: Cathy Wienen. What process
5 is broken that we're trying to fix with this
6 change?

7 MR. GRATTON: There's probably nothing
8 that's broken or needs fixing. The PD district
9 in the new ordinance has been completely
10 redrafted and it allows much greater flexibility
11 than what we have previously. And as Jim
12 indicated, this could open up a lot of different
13 elements as far as types of design and things
14 like that and I think his suggestion is we just
15 take that extra session to ruminate, if you
16 will, before we actually make the final
17 decision.

18 MS. WIENEN: But we can do that already,
19 correct?

20 MR. GRATTON: Oh, we can do it, yes.

21 MS. WIENEN: This would just be requiring
22 it versus --

23 MR. GRATTON: This makes it mandatory in
24 that PD district --

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1 MS. WIENEN: Okay.

2 MR. GRATTON: -- as far as a procedure.

3 And like I said, we don't have PD requests every
4 month, so these are not as frequent as some of
5 our other requests. In some counties you might
6 have -- this could be lengthening this
7 considerably. The way I look at this the way it
8 reads it says at the next regularly scheduled
9 meeting or special meeting. This would probably
10 lengthen the process by a month.

11 MS. WIENEN: At least if it's a big
12 project, yeah.

13 MR. GRATTON: It's telling us we should do
14 it at our next meeting, so that's usually every
15 month, so --

16 MS. WIENEN: Yeah, but if you take public
17 hearing on a hundred and fifty acre PD, you're
18 not going to do it in one night unless you're
19 really, really good. I mean, it's going to take
20 -- it could take three or four months before you
21 even -- so this is requiring it to the very next
22 meeting? You only get one meeting?

23 MR. GRATTON: No, no, no, you have as much
24 public hearing process, as much public testimony

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1 as necessary. You can have one, if you can get
2 it done in one, great. If it takes two, three,
3 four, six, whatever it takes, then this is
4 saying after we finish that process --

5 MS. WIENEN: You've got one meeting.

6 MR. GRATTON: -- we need to at our next
7 meeting then make the final recommendation.

8 MS. WIENEN: So at the board level you
9 can't delay it for two or three meetings.

10 MR. GRATTON: That's not what it says.

11 MS. WIENEN: That's what this is saying,
12 right, that you have to come back with a ruling?

13 MR. GRATTON: That's how I read it.

14 MS. WIENEN: Okay, so it's more of a
15 change on your end to say you have to have it
16 here, okay.

17 MR. GRATTON: It adds, like I said, a
18 month to the process.

19 MS. WIENEN: Yes, it does. Okay.

20 MR. GRATTON: Okay, so anybody else have
21 any input on this request? Okay. Anybody want
22 to put this in the form of a motion so we can
23 think about it some more?

24 DR. TONNE: In a motion, yes. I move to

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1 not approve Paragraph D here and I can speak to
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2 that if seconded.

3 MR. JANSEN: Second.

4 MS. DAVIS: I'll second it.

5 MR. GRATTON: We have a motion by Bill and
6 I think we have two seconds. Let's use Susie as
7 the second on this, I think she's closer and I
8 heard her first.

9 DR. TONNE: I want everybody to understand
10 we've actually talked about this considerably.
11 Even people from the Territory know that.
12 Meetings -- well, we had two meetings -- or a
13 meeting recently, but we had two previous in
14 December, I guess it was, or November. Anyway,
15 we talked about this a lot and yet, it's a
16 pretty simple thought. I think to continue some
17 of the thoughts that we heard from the testimony
18 here, that it isn't broken and I want a point of
19 clarification for everybody, so I ask, can we
20 now either as a Planning Commission or a Zoning
21 Board continue a hearing on a particular
22 petition now having closed public testimony or
23 having left it open -- we can do that now,
24 correct?

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1 MS. DELVAUX: Correct, you can.

2 DR. TONNE: Okay. Thank you, Linda. And
3 I mean, at our own discretion just feeling --

4 you know, let's say we've closed public
5 testimony and we're discussing it here and we
6 feel there are still some unanswered questions,
7 we can continue it, we don't have to rule that
8 night. And can the petitioner also having been
9 presented, can he ask for a continuance?

10 MR. AKEMANN: Anyone can ask for a
11 continuance --

12 DR. TONNE: Okay.

13 MR. AKEMANN: -- at any time.

14 DR. TONNE: I understand the latitude
15 that's in a PD, that's going to prompt perhaps
16 public concern, perhaps concerns by the Board
17 and the County Board. I've enjoyed actually in
18 the 13 years not ever being lobbied on a single
19 petition going into a meeting. Even when I
20 almost expected it it never has happened and I
21 think that's a good thing for this Board.
22 That's not I think what I would have hoped to
23 imagine would happen for the County Board where
24 they would probably make themselves more

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1 available and -- and that's the appropriate,
2 shall we say, place for the time lapse and it
3 does occur now. I think -- I think a judge
4 after hearing everything can put things under
5 advisement or the supreme court or anybody

6 because they really want to have more dialogue
7 or even more research and dialogue and we can do
8 that now should we, the judge -- actually
9 they're the judge, the ultimate judge, but
10 should we want to do that we can do that now.
11 So I really don't want to make an exception to
12 what has been the 13 years of our conduct and
13 invite in that month delay whatever pressure on
14 this Board. It would be appropriate I think at
15 the County Board level, but not at this level.
16 Maybe I'm Pollyanish about that, but it's
17 probably not like Chicago, I don't know.

18 MR. STEVENS: I'm not Chicago.

19 DR. TONNE: I think I better apologize for
20 that.

21 MR. STEVENS: Dave is.

22 DR. TONNE: Dave is, yeah. So that's my
23 thoughts.

24 MR. GRATTON: You're thinking then, Bill,

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1 if I hear you correctly, that this would open
2 this up for public pressure on the Board, is
3 that how you're interpreting this?

4 DR. TONNE: That seems to be -- that and
5 maybe we have more research or questions, but
6 who do we ask those questions of? Public
7 testimony is closed. And if it's not, why are

8 we waiting?

9 MR. STEVENS: You want me to answer?

10 DR. TONNE: well, that's his decision.

11 MR. GRATTON: Jim, give us an answer.

12 MR. STEVENS: All right. You're going to
13 consult your professionals, that's who you
14 consult. I mean, you won't be calling up the
15 petitioner, you won't be calling up the
16 opposition. You work within the confines of
17 your professional staff and ask them the
18 questions. And again, is this out of the
19 ordinary? Absolutely it is. Do you have the
20 flexibility to do this now? Yes, you do. But
21 what we're asking you to do is mandate it and,
22 you know, a month doesn't make or break the
23 project. What it does is it gives you an
24 opportunity to -- to think it through and not

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1 that you don't, but it's our suggestion and it's
2 something that we thought was important and we
3 certainly appreciate your thoughts on it also.

4 MR. GRATTON: Okay. I'm going to ask the
5 other members of the Board if they have any
6 comments on this request?

7 MS. DAVIS: Nope. I second Bill's --

8 MR. GRATTON: Nick?

9 MR. TRANEL: No.

10 MR. GRATTON: It depends a little bit on,
11 you know, how you interpret that time in between
12 on what might transpire and when I looked at
13 this I didn't see it as this would be a time
14 when, you know, Board members would be lobbied
15 one way or the other. Like you said, that
16 hasn't happened, I don't anticipate it happening
17 in Jo Daviess County. I looked at it -- if I
18 want to speak favorably for this, I looked at it
19 as more of a chance to take a complex issue
20 possibly and make sure that we had it in the
21 correct format and correct form and that the
22 findings of fact were really what we wanted them
23 to be and this gives staff some time to -- to
24 work through that and not just minutes, to sit

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1 down and really figure out what this is. It
2 also gives us as a Board a chance after -- maybe
3 it could be a lengthy discussion and a lot of
4 our meetings especially on something like this
5 could last into the evening and it gives us a
6 chance to -- not only tired, but a chance to sit
7 back and make, you know, maybe some more
8 rationale judgments. I know sometimes when I,
9 you know, think about things longer sometimes
10 you can see it differently if you spend a little
11 -- you know, just step out from under the

12 microscope for a minute and take a bigger view.
13 That's the way I was looking at this, not that
14 we would be necessarily lobbied or something,
15 so --

16 MS. DAVIS: And do we not do that already?
17 If we had to do a second one do we not do that
18 already?

19 MR. GRATTON: I think the answer is yes,
20 Susie, you know that and we know that. I think
21 that's why there's -- why you're hearing some
22 opposition to this is because it's a process
23 that we basically follow if the time is
24 necessary to do it correctly. I think that's --

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1 MR. JANSEN: Just a comment about
2 lobbying. In my short time on the Board I
3 haven't been lobbied. I know that, if I'm
4 hearing the County Board correctly, they don't
5 take testimony back at the County Board meeting
6 the night that something is being considered and
7 they're supposed to avoid having discussions
8 with people regarding that particular issue
9 unless they came here and -- not unless, but
10 they were supposed to come here and make their
11 determination or their -- what testimony,
12 whatever. And then the County Board chairs over
13 the years have warned members, you know, about

14 that, so I don't know that lobbying is likely to
15 take place. Maybe I'm naive to that, but it
16 just doesn't seem like it happens.

17 DR. TONNE: Well, I don't know, maybe I'm
18 wrong, but I think County Board members can
19 discuss it with their constituents, not that
20 it's going to be pleasant or unpleasant, but
21 that's probably their role I think. What they
22 can't do is give testimony on that issue here or
23 if they do then they have to exclude themselves
24 from voting.

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1 MR. JANSEN: That's true, that's true.
2 That's why I said all politics is local because
3 people will talk about those issues. The County
4 Board is not going to tell somebody in an
5 individual conversation to go away, that's --
6 that will be perceived as rude and not
7 listening, etcetera, but I just think that
8 that's not as much of an issue as one might
9 think.

10 MR. GRATTON: Okay. Any other questions
11 or discussion? Are we ready for --

12 MS. DAVIS: I would not sleep tonight if I
13 couldn't say this. This has been before us a
14 lot -- a lot of times this came up. There's
15 only one argument that there was that I -- I

16 have a hard time with and that is people -- I'm
17 very happy to say I think people are confident
18 in this Board that this will happen this way,
19 but wonder about the next commission. That's
20 the only thing that was ever said that made me
21 scratch my head. Okay. Do you understand what
22 I'm saying to you?

23 MR. STEVENS: Yes.

24 MS. DAVIS: Okay. Thank you. You had a

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1 blank look on your face.

2 MR. STEVENS: I'm sorry, no, no.

3 MR. GRATTON: All right. Anything else?

4 Are we ready for the question? Dave, you want
5 to add to this?

6 MR. AKEMANN: Well, it doesn't directly
7 bear on this, but I don't want to let it go
8 about what County Board members can do or not do
9 and if this affects your decision in any way I
10 want to tell you before you make the
11 recommendation to them. They can talk to -- on
12 a legislative matter such as a text amendment
13 they can talk with whoever they want at any time
14 they want. In fact, you know, part of their
15 duty is to listen to those who elected them to
16 represent them. They can even talk here should
17 they so choose. I was asked about this very

18 recently and I checked with the opinion's chief
19 at the AGs office because I wasn't finding
20 anything different that I'm seeing, you're not
21 either, so I just tell you so that part is
22 clear. The issue is whether they are eligible
23 to vote on the question at the County Board and
24 unless they have a personal conflict they are --

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1 they are eligible and if they are eligible to
2 vote, they can speak here. If they're not
3 eligible to vote because of a personal conflict
4 such as, for instance, a map amendment they were
5 proposing on their own property, it would be an
6 obvious conflict, they could not address this
7 Board or any committee, the County Board, but
8 absent that --

9 DR. TONNE: So generally speaking on any
10 issue they can give testimony at a zoning
11 hearing?

12 MR. AKEMANN: Well, again, this is a text
13 amendment.

14 DR. TONNE: Oh, on a text amendment.

15 MR. AKEMANN: On a legislative process
16 there's no one piece of property that's being
17 singled out and I would just say it that way.
18 If it's a legislative matter they don't have an
19 individual pecuniary interest different from the

20 general population then they are free to speak
21 and they are free to listen to or not to the
22 people that elected them, but I know they always
23 listen to people that elected them if they want
24 to talk to them.

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1 MR. JANSEN: But that's just limited to
2 text amendments?

3 MR. AKEMANN: well, any legislative
4 function and there are some things that happen
5 that are legislative and some are quasi
6 judicial, but if it's a legislative function
7 that's -- that's what the law is.

8 MR. GRATTON: Okay. I think there is that
9 lag time normally between our sessions and when
10 the County Board meets when there is that
11 opportunity for the public to contact their
12 local representatives if they choose to.

13 DR. TONNE: And even on occasion, Mel,
14 they've sent stuff back.

15 MR. JANSEN: Rarely.

16 MR. GRATTON: Okay. Any further
17 discussion? We have a motion and a second
18 before us to deny the request on we'll call it
19 the Galena Territory Amendment No. 1, Part D and
20 as I read into the minutes earlier. Are we
21 ready to vote?

22 MR. JANSEN: Uh-huh.

23 MR. GRATTON: Okay. The motion is to deny
24 this request. Melissa?

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1 MS. SOPPE: Bill Tonne?

2 DR. TONNE: Aye.

3 MS. SOPPE: Susie Davis?

4 MS. DAVIS: Aye.

5 MS. SOPPE: Nick Tranel?

6 MR. TRANEL: Aye.

7 MS. SOPPE: Mel Gratton?

8 MR. GRATTON: Nay.

9 MS. SOPPE: Dave Jansen?

10 MR. JANSEN: Aye.

11 (By voice vote four ayes, one
12 nay.)

13 MR. GRATTON: Okay. This motion fails, so
14 we will not recommend that this be included in
15 the document. The motion passes then, the
16 ability to include it failed.

17 We have several things or ways we can
18 proceed from here. We started making some
19 changes to the use table and we made some
20 motions at the last session to -- on the first
21 page of the use table I'd like to probably move
22 to that next and then following that we will
23 talk about any of the use standards that we want

24 to look at. what we did -- and I -- I just want

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1 to do this with clarity, on -- this is on Page
2 76. we already approved certain changes to this
3 document at our last session and so that we
4 don't -- that we aren't redundant and continue
5 it along the same lines, I just want to
6 highlight what those were. we added -- under
7 accessory uses Line 2 on that page we added
8 permitted to the commercial, manufacturing and
9 industrial districts. Go down, on duplexes we
10 had I think -- was it -- did we add 31 to 33
11 there? That's what my notes are showing.

12 DR. TONNE: Yes.

13 MR. GRATTON: Okay. When we go down to
14 the -- the next part is the ag and the non-ag
15 residences. what we I think approved was on the
16 non-ag we would include in the box an S for a
17 special use and a P with the footnotes under the
18 S on the non-ag to reflect that that would apply
19 to lots less than 40 acres and on the P with the
20 footnotes that would state that if the lots were
21 40 acres or more it would be permitted. So that
22 was -- those boxes have an S and a P with the
23 appropriate footnotes in them. we changed
24 standard on the first one on a modular home ag

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1 residence. The standard there did say 33, that
2 should have been 32, we made that correction.
3 when we go down to single-family attached
4 dwelling I'm showing that we have Use Standard
5 31 and 33 there. And were there any other
6 changes that we approved already on that?

7 All right. That brings us up to where we
8 are on the use table now and I know at the last
9 session there were people who had some questions
10 on specifics on -- on these. What I would like
11 to do -- we've spent considerable time trying to
12 determine what should go on a use table, what
13 should be permitted and what should not be
14 permitted and what shouldn't be included as far
15 as a use in there. That doesn't mean we've got
16 this perfect. There might be suggestions in
17 specific areas that would cause us to take
18 something out or add something. What most
19 zoning ordinances do -- this is just a little
20 different format. What most zoning ordinances
21 do is in each of the districts they have a list
22 of permitted uses and special uses and this
23 table takes place -- or it replaces that
24 particular list that you would find in each of

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1 those districts so that all of that information
2 is presented in one format so you can quickly
3 run down the list, you can look under
4 residential or commercial or industrial or
5 whatever.

6 DR. TONNE: It's a visual.

7 MR. GRATTON: It is a visual aid and it's
8 a quick find for people rather than reading
9 through all the lists, so that's the reason we
10 chose to do it that way. In most ordinances if
11 it isn't listed specifically as a permitted use
12 or a special use, just as the blank spaces
13 indicate here, it's not permitted. Now, there
14 are some catchall provisions in this and that's
15 Line No. 1, 2, 3, 4, 5 much like -- I think it's
16 No. 37 is it in our -- 36 or 7 in our current
17 ordinance --

18 DR. TONNE: Other.

19 MR. GRATTON: Other. Rural business uses
20 found to be compatible established uses on
21 adjoining property and this would require a
22 special use. And this does kind of catch all
23 those in case we miss something or it wasn't
24 included and I think Dave's opinion is this does

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1 pick up a lot of those uses that might not --
2 you know, we might not be able to think about
3 initially, but this use is -- the special uses
4 and permitted uses are considerably expanded
5 from our present document. I mean, there are a
6 lot more special uses on this table than there
7 is in our current document, so we're not -- I
8 think some people is viewing this as being more
9 restrictive when they see all these Ss and Ps,
10 but it's really not reflecting a lot of change.
11 If anything, we've put additional special uses
12 in here if you want to count them. I think I'm
13 correct on that. So what I will do right now is
14 we'll get into the use standards in a moment
15 unless they, you know, really play a role in the
16 discussion, but as far as what uses were put in
17 each of these areas, whether they're permitted
18 or special, would anyone have any opinions or
19 any desires to make changes, additions or
20 deletions here? Fran?

21 MS. PETERSON: Thank you. Fran Peterson.
22 Under the RP district there were some categories
23 listed on the table, but then they were blank
24 under the RP and they are in this case

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1 facilities that are already existing in the

2 Galena Territory and in Apple Canyon both and we
3 would like to have them listed as a special use.
4 The first one would be under -- this is under
5 commercial uses.

6 MR. GRATTON: Okay. This is in my
7 documents Page 77 for everybody, is that where
8 everybody finds it?

9 MS. PETERSON: Yep.

10 MR. GRATTON: Okay. Let's follow along
11 then.

12 MS. PETERSON: Health club.

13 MR. GRATTON: All right. Health club is
14 about halfway down the page.

15 MS. PETERSON: Uh-huh. We would like --
16 we're requesting that that be special use.

17 MR. GRATTON: In the RP you would like to
18 see that have an S in that box?

19 MS. PETERSON: Yes, please. The next one
20 further down just past race tracks, recreation
21 and entertainment indoor, recreation and
22 entertainment outdoor.

23 MR. GRATTON: All right, and your
24 suggestion there is --

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1 MS. PETERSON: Is an S.

2 MR. GRATTON: -- is special use?

3 MS. PETERSON: Yes, please. The next

4 page, 78, under public, quasi-public and
5 institutional. This one is unique to the
6 territory, cemeteries, mausoleums or
7 columbariums. We do have a cemetery in the
8 Galena Territories, so if we could make that an
9 S please. I don't believe you have one in Apple
10 Canyon, do you? Further down, marina. We both
11 have marinas. If we can have that as an S. And
12 then on Page 79 under manufacturing, industrial
13 and extractive uses. After landfill, landscape
14 waste, composting and mulching facility, if we
15 could have that as an S. And then further down
16 solid waste transfer station as an S.

17 MR. GRATTON: Okay. Is this the
18 collection or the transfer?

19 MS. PETERSON: Transfer.

20 MR. JANSEN: It should be collection.

21 MS. PETERSON: You think it should be
22 both?

23 MR. GRATTON: Which fits best?

24 MR. JANSEN: I think it's collection as

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1 opposed to transfer.

2 MS. PETERSON: Okay.

3 MR. JANSEN: The transfer station in
4 Elizabeth by example, all the garbage goes there
5 and then gets on a truck and goes someplace

6 else.

7 MS. PETERSON: Right.

8 MR. JANSEN: This is more where it's
9 collected if you think about it, the dumpster
10 sites.

11 MS. PETERSON: Uh-huh, okay, all right. I
12 will --

13 MR. GRATTON: So the one that fits your
14 request is solid waste collection and
15 processing. There's probably a little
16 processing other than separation.

17 MR. PETERSON: That's correct.

18 MR. JANSEN: Some automatic separation?

19 MS. PETERSON: Yeah.

20 MR. GRATTON: So S there?

21 MS. PETERSON: Yes, please.

22 MR. GRATTON: Any others?

23 MS. PETERSON: That's all. Thank you.

24 MR. GRATTON: These were all pertaining to

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1 the RP. If -- Steve, are your comments along
2 that same vein?

3 MR. MCINTYRE: Yep, the RP.

4 MR. JANSEN: Could I just ask a question?
5 Most of these are grandfathered activities.
6 Does it make any difference?

7 MR. GRATTON: Well, with a new RP district

8 it might.

9 MR. JANSEN: So if they did something
10 different or --

11 MR. GRATTON: This would allow those to be
12 used as special uses in that new request, is
13 that correct, Linda?

14 MS. DELVAUX: Really what it's going to do
15 is allow -- if they wanted to create a new
16 landscape waste, composting, mulching facility,
17 it's going to allow them within that Territory
18 or Apple Canyon Lake or any existing RP district
19 to ask for this via special use.

20 MR. GRATTON: Yeah, if it's not there then
21 it becomes more problematic.

22 MS. DELVAUX: Right, if they wanted a new
23 one, we don't have the ability -- it does become
24 a little problematic, so by putting a special

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1 use there you're not really hurting anything,
2 you're just allowing for them to ask.

3 MR. JANSEN: Let me get a little more
4 specific, Linda. The Galena Territory
5 Association I -- I'm trying to remember what
6 year we included a fitness center inside an
7 existing recreational building. Is there a
8 requirement there for any -- anything? They
9 just converted a room from one thing to another.

10 MS. DELVAUX: It was an existing building
11 used for those types of uses where there may be
12 actually a pool or something like that?

13 MR. JANSEN: Yep, exactly.

14 MS. DELVAUX: You know, unless you're
15 moving, creating a new --

16 MR. JANSEN: Building a new building,
17 yeah.

18 MS. DELVAUX: Yeah, yeah, so a new
19 building that they got -- they came through with
20 a special use, you know, included all of those
21 types of things, so this just allows the ability
22 if they needed to change, move, develop one of
23 these that they have.

24 MS. PETERSON: Expand, enlarge.

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1 MR. MCINTYRE: Actually I'm going to --
2 I'd like to address what you're -- the line of
3 questioning that you're having here and I'll
4 revert back to the question that I asked earlier
5 which was if it's not filled in is it then
6 considered a nonconformity and if it is
7 considered a nonconformity then that
8 nonconformity has to follow along with whether
9 you can enlarge it or not enlarge it or change
10 it -- its functionality or not change its
11 functionality based on its nonconformity because

12 it isn't conforming with the matrix that we have
13 here. So that's -- that was the nature of my
14 question earlier was to say, okay, if, for
15 example -- I'll use the recycling center at
16 Apple Canyon Lake. If we find out that in ten
17 years because of the pressure of the number of
18 homes that get built at Apple Canyon Lake we
19 need to enlarge that facility or make another
20 one someplace else, since it's not in the square
21 as an S, can we or do we start piling the trash
22 up at Dave's house?

23 MR. GRATTON: Well, Dave doesn't live
24 there anymore.

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1 MR. JANSEN: Thank God.

2 MR. MCINTYRE: So that was the nature of
3 my question, but anyway, having said that I'll
4 move on. There were two other ones that
5 actually --

6 MR. GRATTON: Steve, could we maybe just
7 get your question answered before you go to the
8 next -- you were going to move on, but you
9 raised a question and I'm not sure we were
10 giving you a clear answer. Dave, do you have an
11 opinion on that on what would happen if they
12 decided they needed a transfer station, for
13 example?

14 DR. TONNE: A collection point.
15 MR. GRATTON: Something wasn't in the --
16 MR. AKEMANN: It's not a permitted use in
17 the RP district, if that's the one we're talking
18 about and if it's an unlawful use at the time of
19 this change then it would become a nonconforming
20 use. In order to expand or enlarge under the
21 provisions of the draft contained you'd have to
22 come in for either a special use or a PD.
23 MR. GRATTON: If they're already a PD and
24 special use is not --

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1 MR. AKEMANN: They're an RP.
2 MR. GRATTON: RP right now.
3 MR. AKEMANN: PD is different.
4 MR. GRATTON: So they could come in and
5 change the underlying district in that area to
6 reflect something that did permit it or allowed
7 it as a special use?
8 MR. AKEMANN: Or a PD, as we've already
9 heard, can be whatever you want it to be.
10 DR. TONNE: I don't know that this matters
11 a whole lot really what we're discussing here in
12 the end, but Apple Canyon Lake is a
13 grandfathered RP. They have -- like Galena
14 Territory, they have a transfer -- or a
15 collection point, they have one.

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MR. AKEMANN: Yes.

DR. TONNE: If they need another one they have to -- they can't come because -- I mean, their -- their -- you're saying their RP is a nonconformity -- no, it's an RP, so they can do it, right? It's an RP, it's a permitted use because they already have it?

MR. AKEMANN: No. If you change the ordinance which you're doing -- proposing to be

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done in the RP district and you make something no longer permitted in that district you're creating a nonconforming use.

DR. TONNE: I see, okay, all right.

MR. AKEMANN: And I think that the person that suggested a change of allowing it as a special use is so they can come in and ask you for a special use.

DR. TONNE: I was acting under the assumption they wouldn't even have to come, they were already an RP.

MR. AKEMANN: Well, that would be my opinion, if that's what you're asking.

MR. GRATTON: All right, Steve?

MR. MCINTYRE: I think I understood what he said. It's exactly what I thought it was which is not permitted or -- if it's not filled

18 in. So then if that is the case then there are
19 a couple of other ones from Apple Canyon Lake's
20 standpoint that I think -- one is a restaurant
21 and it would be on -- under commercial uses. We
22 have a general restaurant and not a fast food
23 and I'd like that to also show an S. And then
24 we also have -- and I'm not sure if Galena

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1 Territory has self storage or not.
2 MS. PETERSON: Self storage?
3 MR. MCINTYRE: Storage units?
4 MS. PETERSON: No.
5 MR. JANSEN: No, that was turned down by
6 the Zoning Board.
7 MR. MCINTYRE: Okay. I didn't know. And
8 I'm not sure -- help me out, but I'm not sure --
9 what about our maintenance facilities or the
10 maintenance facilities as well which would be
11 like machine shop, welding/machine shop and/or
12 -- we do have a warehouse -- I wouldn't call it
13 a warehouse, but I would call it a storage
14 facility in RP which is where we store some of
15 our boats, so that would be also under -- just
16 above quasi-public, warehouse or self storage.
17 We do have a facility that stores boats as well
18 and I think that's it.
19 AUDIENCE MEMBER: What about the gas and

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fuel sales/storage?

MR. MCINTYRE: Oh, that's down at the marina. Gas and fuel storage.

MR. JANSEN: We already got marina.

MR. MCINTYRE: We got marina, but we also

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sell gas and also --

MR. JANSEN: Isn't that a function of a marina?

MR. MCINTYRE: well, it's -- the gas is sold not only to boats, but it's also sold to people with cars if they want.

MR. JANSEN: Sure.

AUDIENCE MEMBER: And we don't own the tanks, Morue (phonetic) in Dubuque owns it.

MR. JANSEN: Sure.

MR. GRATTON: So the suggestion there --

DR. TONNE: Page 77, service station, automotive at the bottom.

MR. AKEMANN: Mr. Chairman, may I point something out?

MR. GRATTON: Do you have a --

MR. AKEMANN: I just want to point out that as a special use -- permitted special use you have the 3h-5 "commercial uses", neighborhood commercial centers, designed primarily for the convenience of the residents

22 of the neighborhood in which they're located.
23 So that would encompass a number of things that
24 are being discussed which is already a permitted

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1 special use.

2 MR. MCINTYRE: I would agree some of those
3 things are, but some are not. Some are not a
4 commercial use like the landscaping facility is
5 not a commercial use.

6 MR. AKEMANN: That's true.

7 MR. MCINTYRE: And some of the -- the
8 collection of the waste is also not a commercial
9 use. I mean, a restaurant, yes, I could see
10 that, a golf course, a maintenance facility.
11 Warehousing is not, that's just basically a
12 storage facility, not necessarily a commercial
13 use, so I mean, I would agree with that that --

14 MR. AKEMANN: I'm just pointing out to the
15 Board some of that is already there.

16 MR. JANSEN: Agreed.

17 MR. GRATTON: So it becomes redundant then
18 if we put some of it in, but it's probably doing
19 no harm by adding it if it's already permitted.
20 Thank you, Steve.

21 MR. MCINTYRE: There's one last one and
22 that's a telecommunications tower, because we do
23 have a telecommunications tower on -- on lake

24 property for communications whether that's high

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1 speed Internet or -- or something, I don't know.

2 MR. GRATTON: Okay. We're still on the RP
3 district. Cathy?

4 MS. WIENEN: Okay, RP? I don't think mine
5 are RP questions.

6 MR. GRATTON: Okay. Why don't you save
7 them for a moment if they're not and we'll --

8 MS. WIENEN: Yeah, mine are different
9 ones.

10 MR. GRATTON: Any others on the RP?

11 MR. MCINTYRE: Oh, I do have one.

12 MR. JANSEN: No.

13 MR. MCINTYRE: Sorry. Am I allowed to do
14 it again?

15 MR. GRATTON: No, you get one shot at
16 this.

17 MR. MCINTYRE: And I -- and actually it
18 has to do -- and you'll probably have a
19 different thing about this, but this is a new
20 use and that's the WECS private and I realize
21 it's because of -- some of it is because of
22 density in some of the RP districts, but there
23 are some lots within the RP district that are
24 greater than one acre and it is allowed in an

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1 R-1 district from what I see as a private wind
2 energy conversion system and so if you allow it
3 as a special use there could be some latitude
4 there from a wind energy -- also Apple Canyon
5 Lake does have lots that do not have power to
6 them and as an alternative to some of those lots
7 -- for example, it might cost \$30,000 to run the
8 power from where it is all the way to one of the
9 back lots and it might cost \$20,000 to actually
10 put in a wind energy system and be off the grid.
11 That's kind of an easy economic decision and one
12 benefits everybody and I got to pay for it and
13 the other one just benefits me, so it's an
14 interesting way -- I'm not sure, but I would
15 petition that a wind energy conversion system --
16 and I agree that technology today it might be
17 that way, but technology tomorrow might be that
18 it's not intrusive on the ridge line of a home.
19 It could be all kinds of different things when
20 we get, you know, engineers involved and all
21 that.

22 DR. TONNE: Are you suggesting a special
23 use?

24 MR. MCINTYRE: I'm suggesting a special

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1 use under RP for a wind energy conversion system
2 for a private one. I'm not sure about
3 commercial, that has to do with whether, you
4 know, the Lake wants to generate revenue to put
5 it back on to the grid or something, but from a
6 private standpoint that's what I'd suggest.

7 MR. GRATTON: The setbacks would be
8 problematic probably.

9 MR. MCINTYRE: Unless you put it in the
10 middle of the lake, I don't know.

11 MR. GRATTON: Anything else on the RP
12 district? We had some suggestions as far as
13 additional special uses. All right. Let's look
14 at those. They started on Page 77 and let's
15 just go down there and if there's anything you
16 want to pull out separately and discuss that you
17 have a question about let's do so. Like Dave
18 said, some of these could be answered in other
19 ways, but just for the sake of expedience maybe
20 we don't need to sit down and pick out which are
21 which. Okay. Any questions or comments on Page
22 77? And we're looking at -- there were one,
23 two, three, four -- five additions suggested
24 there or was there more than that? I have five;

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1 is that correct?

2 DR. TONNE: Yeah.

3 MR. GRATTON: And then on Page 78 we had
4 four suggestions. Any comments on those four?

5 MS. SOPPE: Mel, would you go through
6 those because I only have three on that page?

7 MR. GRATTON: Okay. Which page are you
8 on, Melissa?

9 MS. SOPPE: 78.

10 MR. GRATTON: Okay. The first one is the
11 Line 2, the warehouse, self storage, do you have
12 that one?

13 MS. SOPPE: Yep.

14 MR. GRATTON: Then we skip down about four
15 or five lines, the cemeteries and mausoleums, do
16 you have that?

17 MS. SOPPE: Yep.

18 MR. GRATTON: Then we go down to the
19 marina about two-thirds of the way down.

20 MS. SOPPE: Uh-huh.

21 MR. GRATTON: And then I think Steve
22 suggested a telecommunications tower second from
23 the bottom. All right. Then on Page -- there
24 was nothing on that page? On Page 79 I have

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1 three, is that correct, additions? The waste
2 composting, solid waste and the wind energy

3 system private. So any discussion from the ZBA
4 there? Linda?

5 MS. DELVAUX: Mel, I would just suggest
6 that by the same reasoning if you were to
7 approve it as a special use in the RP, it might
8 be beneficial to do so in reference to the wind
9 energy private in the R-2 district as well.

10 MR. JANSEN: In the what?

11 MS. DELVAUX: R-2.

12 MR. GRATTON: Okay. While we're talking
13 about that, does everybody agree to make it a
14 special use in the R-2 as well?

15 MR. JANSEN: Would there be -- the only
16 thing that comes to mind is that's what, a
17 1-acre?

18 DR. TONNE: Half acre.

19 MR. JANSEN: Is there enough room for --

20 MR. GRATTON: Well, it will be
21 situational. Again, you'll have to have the
22 size. It doesn't mean that they can't -- lots
23 can't be bigger than that. There may be some
24 lots that are big enough, but on some of those

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1 minimally-sized lots it might not work.

2 MR. JANSEN: They'd be denied, yeah, okay.

3 MR. GRATTON: Any comments there?

4 MR. JANSEN: Huh-uh.

5 MS. SOPPE: Mel, I also had the gas and
6 fuel sales/storage. I think that's what Steve
7 had referred to.

8 MR. GRATTON: That's on which page,
9 Melissa?

10 MS. SOPPE: 79, the page we're on.

11 MR. GRATTON: Okay. Does everybody else
12 have that one?

13 MR. JANSEN: No.

14 DR. TONNE: No.

15 MR. JANSEN: I wondered if those are
16 typical functions at a marina, we've already got
17 that listed. Do you need to have it twice?

18 MS. DELVAUX: It doesn't appear that it
19 would be hurting anything. The only thing I can
20 think that would come to mind is a few years
21 back I had one of the fuel companies want to do
22 a storage place at the Territory area and we
23 didn't permit that, so if that's something that
24 the RP district would like to have it's

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1 certainly not going to hurt anything, but
2 provide those opportunities.

3 MR. GRATTON: Okay. Was that -- Steve,
4 was that your suggestion, the gas and fuel or
5 Fran, was that yours? That was over here, okay.

6 MS. PETERSON: We don't do --
Page 63

7 MR. MCINTYRE: Under marina in your
8 definition on Page 94 it only says boat fuel
9 sales, it doesn't say --

10 MR. GRATTON: Okay, so let's add that then
11 on Page 79 under gas fuel sales.

12 MR. JANSEN: And that fuel request, wasn't
13 that for propane storage, a bulk propane area?

14 MS. DELVAUX: Yeah, correct, I think
15 that's what it was.

16 MR. GRATTON: All right. Any comments on
17 these? Mike, real quick.

18 MIKE DITTMAR: You guys were discussing RP
19 areas and I had some agricultural ones that --

20 MR. GRATTON: We're not there yet. We'll
21 get to it. Members, does anyone want to put
22 these in a -- maybe a mass motion under the RP
23 and in the one section the R-2 for the wind?

24 MR. TRANEL: I'd move to adopt these.

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1 MR. GRATTON: Okay. We have a motion by
2 Nick to adopt the updated requests for this use
3 table. These are all the RPs that were
4 indicated. I'm not going to read them again
5 and, Melissa, I'm pretty sure you have all
6 those.

7 MS. SOPPE: Uh-huh, yep.

8 MR. GRATTON: Is there a second to the
Page 64

9 motion? Second by David. Okay. Now, is there
10 any other discussion on these? Okay. Melissa,
11 would you call the question?

12 MS. SOPPE: Susie Davis?

13 MS. DAVIS: Aye.

14 MS. SOPPE: Nick Tranel?

15 MR. TRANEL: Aye.

16 MS. SOPPE: Mel Gratton?

17 MR. GRATTON: Aye.

18 MS. SOPPE: Dave Jansen?

19 MR. JANSEN: Aye.

20 MS. SOPPE: Bill Tonne?

21 DR. TONNE: Aye.

22 (By voice vote five ayes.)

23 MR. GRATTON: Okay. We will recommend
24 that that be included in the use table. What

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1 district we want to go to next? We had somebody
2 that wanted to do the ag district. We'll start
3 with that. Go ahead, Dan.

4 MR. CASWELL: Dan Caswell from Berreman
5 Township. We're still on the use table?

6 MR. GRATTON: We're on the use table.

7 MR. CASWELL: I wasn't sure if I picked
8 this up, but when we were talking about
9 residences -- agricultural residences in an
10 agricultural district, I think currently we have

11 Ps in the use table, but under the proposed
12 revision you would need an S in there also if
13 the property was smaller -- if the lot was
14 smaller than 40 acres, correct?

15 MR. GRATTON: Yeah, and we did that at our
16 last session and it is in there like that. It's
17 there like what you're suggesting.

18 MR. CASWELL: Got it, okay. And I have a
19 question on that, but I can get to that after
20 the table if you want.

21 MR. GRATTON: Okay. Any others in the ag
22 district? Mike?

23 MIKE DITTMAR: Mike Dittmar, Elizabeth. I
24 just want to clarify something first. Things

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1 like agricultural repair and welding shops,
2 according to the table they're not allowed, but
3 I thought you said something that if they're
4 agriculture based they're allowed or -- but
5 that's not shown here.

6 MR. GRATTON: It's not shown there. You
7 could pick that up depending on -- like I
8 mentioned last time, if it's just a single
9 operator with one employee you could probably
10 put that under home occupation. If it didn't
11 fit there, if it was compatible with the
12 adjoining property it would get picked up

13 possibly on Line 5 on the first page there.

14 MIKE DITTMAR: So things like a welding
15 shop if it was done out of your garage with one
16 or two employees, they don't even have to come
17 ask permission?

18 DR. TONNE: One, not two, that's the
19 cutoff.

20 MR. GRATTON: The owner -- the resident
21 and one additional employee and beyond that then
22 you're going to have to go down here to the
23 special use.

24 MIKE DITTMAR: But it's not even on there

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1 as an S is what my point is.

2 DR. TONNE: It's a home occupation.

3 MIKE DITTMAR: I think at the last meeting
4 we talked about how we wanted to balance
5 agriculture and tourism and in a lot of
6 arguments that we had earlier, some people you
7 can't even look at their shop and tell that
8 there's a business going on and so whether you
9 have one employee or three, if you can't tell
10 then why wouldn't it be allowed? I mean, how is
11 it hurting tourism? It's helping agriculture.
12 How is it hurting tourism?

13 MR. GRATTON: Well, I'm not sure this is
14 something that we're indicating that's hurting

15 tourism. What we're doing is trying to put the
16 appropriate use in the appropriate district and
17 I think if you look at the table what we're
18 suggesting is that the appropriate place for a
19 welding and machine shop is in a manufacturing
20 or industrial area.

21 MIKE DITTMAR: For agriculture work?

22 MR. GRATTON: No, at what point does --
23 Kenzie (phonetic) Manufacturing, for example, at
24 what point do they become -- you know, a mom and

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1 pop operation and that's the way they started
2 and then they grow and where do you want that to
3 be located? Is that appropriate in the ag
4 district when it gets to the full-blown size?
5 There has to be a cutoff there where they -- you
6 know, if they come in and they want to have
7 additional employees, well, we can entertain
8 that under the special use for rural businesses
9 which are compatible and if it does no harm and
10 if it complies with everything else in the
11 ordinance chances are that would be considered
12 very favorably.

13 MIKE DITTMAR: So what I guess I'm asking
14 is like under welding/machine shop, agriculture
15 sales and services why is an S not there?
16 Because it's somewhere else?

17 DR. TONNE: What page are you on?

18 MIKE DITTMAR: welding and machine shop on
19 Page 79, vehicle repair on 78, agriculture sales
20 and service on 77, repair and services on 77 and
21 vehicle paint and body shop on 77. I mean, I'm
22 obviously a small government guy, but I would
23 compromise on an S there. I don't know --
24 unless it's written somewhere else. That was my

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1 question.

2 MR. GRATTON: well, I think the ability is
3 there because of this extra line that we have in
4 the ag district for ag-related industries here.

5 MIKE DITTMAR: That doesn't apply to a
6 number of employees?

7 MR. GRATTON: No, that would pick up
8 additional, but it would have to go through the
9 process and would have to be approved just like
10 a special use. You can put it in there if you
11 want to. You know, I think as we reviewed this
12 we said, you know, where would you ideally like
13 to see these, well --

14 MIKE DITTMAR: well, as a person who lives
15 in Elizabeth but owns land out in the country, I
16 don't know if I want to see farm tractors
17 driving down Main Street all the time because
18 they can't -- there's not an ag repair place out

19 in the country. That's in a manufacturing
20 district in town now. I don't think that's a
21 positive for the Village of Elizabeth or any
22 town, so that's why --

23 MR. GRATTON: And you're talking small
24 scale I'm assuming -- a small-scale shop versus

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1 an implement dealership where they repair
2 tractors as well?

3 MIKE DITTMAR: Well, in the definitions it
4 didn't -- it didn't -- wasn't real clear on --
5 agriculture service I would say should be
6 allowed in an agriculture area, but sales of a
7 big dealer I see your point on that.

8 MR. GRATTON: Well, there's a -- probably
9 a logical cutoff, I'm not sure where it is, you
10 know, between small business and large business.
11 Some of these will be compatible in the ag
12 district and the provision is there for that.

13 MIKE DITTMAR: Because we don't know where
14 the cutoff is, that's why I'd recommend Ss on
15 these things. Then the cutoff is in your hands.

16 MR. GRATTON: I'm not going to argue with
17 you. We can discuss it.

18 DR. TONNE: We actually have -- it's -- a
19 lot of what you're asking for is here under
20 rural business uses not specifically listed.

21 There's more than just welding, you know, it's
22 everything.

23 MR. GRATTON: And that covers everything
24 instead of just the welding shop. This is much

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1 the same as we just entertained. There are
2 certain provisions in the RP district that
3 encompass a lot of those types of uses. This is
4 one of those that works that way in the ag
5 district, but we'll entertain, you know, special
6 uses if you have some there and discuss them.

7 MIKE DITTMAR: Well, the ones I mentioned.
8 I also have another question too on daycare
9 centers and daycare homes in agriculture.
10 Reading the definition -- so if someone was
11 going to have a -- take care of kids in a
12 farmhouse as the job of the wife, for example,
13 they have to ask permission for it? It's S, am
14 I reading that correctly?

15 MR. GRATTON: No, under home occupation it
16 would allow the person who resides there plus
17 another employee. Doesn't that get picked up
18 there?

19 DR. TONNE: Everybody who resides there
20 can work there plus one who doesn't.

21 MR. GRATTON: Where is the standard for
22 that?

23 MIKE DITTMAR: Oh, I'm sorry.
24 DR. TONNE: Page 89.

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1 MR. GRATTON: Let's just take a quick
2 look.
3 MR. CASWELL: Can I just clarify something
4 on the daycare situation?
5 MR. GRATTON: Yeah.
6 MR. CASWELL: It's not listed in the home
7 occupations permitted, which as I read that it's
8 a little ambiguous, but it suggests to me that
9 it is not and therefore you might be able to
10 bring it in as a special use under daycare home
11 as it's currently drafted.
12 DR. TONNE: It is an S.
13 MIKE DITTMAR: I think that should be a P.
14 I think daycare center should be an S.
15 MR. GRATTON: And you've read the
16 definition of each?
17 MIKE DITTMAR: Yes, I did.
18 MR. GRATTON: Okay. I'm just saying as
19 you go through these be careful what you wish
20 for in some of these.
21 MIKE DITTMAR: Well, I guess I'm still
22 confused on it's not allowed in the table, but
23 there's this one line somewhere else that says
24 it's allowed and that's -- I was under the

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1 impression the tables make it easier and it's --

2 DR. TONNE: well, the one that says, more
3 or less, other applies to those that aren't
4 defined in here.

5 MIKE DITTMAR: I got that part.

6 DR. TONNE: And daycare center home and
7 daycare center, period, are defined --

8 MIKE DITTMAR: Right.

9 DR. TONNE: -- so that wouldn't be in the
10 other category, that would be in these
11 categories. And daycare center as defined and I
12 haven't read it in several months, but that
13 could be a rather large operation, I mean, a lot
14 of parking, deliveries, maybe even a bus --
15 school bus, small vans coming and going.

16 MIKE DITTMAR: I think that was more
17 daycare facility or institution is what you're
18 talking about.

19 DR. TONNE: Okay, so we decided -- and
20 it's open to debate here -- maybe that's not so
21 good in the ag district, that belongs in --
22 either in a town or in a commercial district at
23 least -- in the ag area in the county, but
24 that's -- I mean, we drafted this for clarity

1 sake and you can see on the table here daycare
2 home is a special use and that would be, I mean,
3 if you've got husband and wife and other people
4 residing there, adults that are working there,
5 okay, they could have six people I guess, but
6 only one employee who doesn't reside there,
7 okay, we just picked one, we picked a number, we
8 can make it two, but we picked a number from
9 somewhere which would tend to indicate due to
10 state daycare requirements and regulations of
11 certain size, maybe 12 kids or something --

12 MR. JANSEN: It's seven.

13 DR. TONNE: -- per employee.

14 MR. GRATTON: On the definition it goes
15 from three to eight.

16 DR. TONNE: All right.

17 MS. DELVAUX: I might be able to add a
18 little clarity into this. As I'm looking
19 through here we are contradictory in our
20 ordinance and I do think we need to clarify.
21 when we look at the definition of a daycare home
22 we also say it is allowed as a home occupation.
23 when we look under the standards for daycare
24 homes we state they are allowed as a home

1 occupation, but in the table we don't list them,
2 we list them as special uses.

3 MR. GRATTON: Okay, so we've got the
4 definition right, but we need to --

5 MS. DELVAUX: Right, I think when you get
6 over a certain number of kids that's when it's
7 no longer going to be your home occupation.
8 Then it's going to -- more into your daycare
9 center and I believe the magic number is eight.
10 At that point that's when we're talking special
11 uses and things such as that.

12 MIKE DITTMAR: The point that I'm trying
13 to make is -- and I used this last week -- in
14 tough economic times people are being restricted
15 in their entrepreneurship in their homes whether
16 -- by this and those things are blank, they need
17 to be Ss, I mean, that way they're at least
18 allowed whether it's under home use or
19 agriculture use or other. I just think that
20 we're regulating too much in this case and
21 that's why those blanks need to be Ss, the
22 daycare center needs to be P and I'm asking you
23 to think about that. I mean, that's --

24 MR. GRATTON: Okay. We're going to --

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1 because of our definition for the daycare home I
2 think, as Linda suggested and as it states in
3 the definition that should be a P instead of an
4 S, so we're going to update that. Now, the
5 daycare center --

6 MS. DELVAUX: Across the board?

7 MR. GRATTON: Across the board we could,
8 so what we're doing is we're including a P in
9 the daycare home for ag, R-1, R-2, RP.

10 MIKE DITTMAR: The example that I thought
11 of in my head is -- and this could happen in the
12 next year -- I just got laid off from John Deere
13 in Dubuque and I live in Jo Daviess County and I
14 want to use my skills to open a repair shop or a
15 welding shop and my two friends are not allowed
16 and I just think that's something -- if --
17 that's helping agriculture and they're not
18 hurting the scenery if they're doing it in their
19 house that that should be an S, so that is where
20 -- I think the entrepreneurship of people in
21 this time should not be restricted, so please
22 take that --

23 DR. TONNE: So you're suggesting two
24 instead of one?

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1 MIKE DITTMAR: I'm saying no number as
2 long as it doesn't -- they have a site plan, for

3 example, it should be allowed.
4 DR. TONNE: I can't go no number. I can't
5 support that.
6 MIKE DITTMAR: If they're in their shop in
7 their garage and you can't tell what number --
8 what difference does it make?
9 DR. TONNE: How big is the garage?
10 MR. GRATTON: well, are they each going to
11 drive to work? Do they each have a car? Do
12 they each have parking? Does it generate
13 traffic? It does make a difference the number.
14 And it's more than they're all hiding in a
15 building.
16 MIKE DITTMAR: We could do the what-ifs
17 and the tug of war all day, I know.
18 MR. GRATTON: We've done it with each
19 other already, but --
20 MIKE DITTMAR: I'll leave it up to you
21 guys and the County Board to decide. I just
22 think that that's too restrictive and it needs
23 to be easier, so --
24 MR. GRATTON: So we've got the daycare

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1 home that's permitted. You also have a
2 suggestion on the welding shop, you want to make
3 that an S -- you want an S included there?
4 MIKE DITTMAR: Yeah, agriculture sales and

5 service, repair service, vehicle paint and body
6 shop, vehicle repair and welding and machine
7 shop.

8 MR. GRATTON: Well, I'm not sure all of
9 those are ag related.

10 DR. TONNE: Right.

11 MIKE DITTMAR: I know a guy that paints
12 tractors out of his garage. I know a guy that
13 welds out of his garage. I mean, I think those
14 are all ag related, so -- and I couldn't find --
15 agriculture and sales and service was the only
16 agriculture service of tractors that I could
17 find in there that wasn't in the repair service
18 or anything. Thank you.

19 MR. GRATTON: Okay. Thank you, Mike. So
20 I'm not sure I've got everything. We added an S
21 in the welding and machine shop and what others
22 are we going to consider?

23 DR. TONNE: Agriculture sales and services
24 is on Page 77.

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1 MIKE DITTMAR: Yeah, and you might want to
2 divide that up.

3 MR. GRATTON: Special use?

4 MS. DAVIS: Are you putting that special
5 use?

6 MR. GRATTON: Page 77, Line 4.

7 MS. DAVIS: Yeah, in the ag district?

8 MR. GRATTON: In the ag district as a
9 special use, yes or no?

10 MS. DAVIS: As a special use, yes.

11 MR. GRATTON: Yeah, as a special use is
12 what we're -- because Susie wanted to know if we
13 wanted a major agricultural, you know, dealer
14 and as a special use you could entertain that,
15 but as a permitted use I think you want to look
16 at it.

17 DR. TONNE: What was the other one,
18 welding and --

19 MIKE DITTMAR: On 77 agriculture sales and
20 service and that's where -- I think agriculture
21 sales and service could be different, but if
22 it's special permitted you guys can entertain --
23 you guys can decide on that. Daycare center, I
24 mean, that's up to the definition. Daycare

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1 home, you said you'd put a P there. Repair
2 service on that page and vehicle paint and body
3 shop on 77.

4 MR. GRATTON: I'm not sure vehicle paint
5 and body shop fits in my mind in the ag
6 district. Anybody else have a thought on it?

7 MIKE DITTMAR: Where would you get your
8 tractor painted at?

9 MS. DAVIS: At a paint shop.

10 MR. GRATTON: well, this is allowing body
11 shops and paint shops. You're talking -- and
12 there is a provision for that -- if you remember
13 back on 77 for that, if it's ag related then
14 it's appropriate.

15 MIKE DITTMAR: But the employee number is
16 the number that --

17 MR. GRATTON: No, no.

18 MIKE DITTMAR: Okay. I won't argue with
19 you. If you say so, I -- I'm not that big of an
20 expert on it. Vehicle repair on 78 and then the
21 welding and machine shop is on 79 was my
22 suggestions.

23 MR. GRATTON: Farm machinery repair is one
24 thing, vehicle repair is another situation.

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1 DR. TONNE: Yeah.

2 MIKE DITTMAR: You're laid off from a car
3 plant in Bellevue and you live in Jo Daviess
4 County, it would be the same thing as a tractor.

5 MS. DAVIS: Come to town and rent a
6 building.

7 DR. TONNE: The Comprehensive Plan says
8 maintain the viability of small towns and maybe
9 that's where they need these businesses to be
10 located.

11 MIKE DITTMAR: That's great, but I'm just
12 saying if you own -- it's cheaper if you own it
13 already.

14 MR. GRATTON: A lot of things are.

15 DR. TONNE: We have a number of vehicle
16 repair shops that are functioning and we get
17 complaints -- anecdotal complaints and we can't
18 do much about it, they're grandfathered in, but
19 I wouldn't say we need more of those out in the
20 country.

21 MIKE DITTMAR: If you're looking for a
22 job --

23 AUDIENCE MEMBER: So where are you saying
24 tractors get painted?

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1 MIKE DITTMAR: In towns.

2 DR. TONNE: Boots (phonetic) Ag and
3 Service on Scales Mound Road.

4 MR. GRATTON: Here's another way of
5 looking at this and I think you're missing this.
6 If this is an appropriate use -- if you want to
7 start a manufacturing or sales or whatever and
8 it says that it's permitted in the manufacturing
9 district, then the right venue is for you to
10 come in and say I think this is a good place,
11 this is the district -- or we should change this
12 from agriculture to manufacturing, industrial,

13 whatever, to commercial, whatever you want to
14 allow there, make your argument for that and
15 then we would look and try to determine whether
16 or not, you know, that makes a -- sense zoning.
17 Instead of just allowing everything in ag, some
18 of these are more relevant and better suited to
19 a different district in which case you might
20 want to ask for a change in the zoning district.

21 MIKE DITTMAR: well, that's why I said put
22 an S and then they have to come to you and they
23 can state their case.

24 MR. GRATTON: well, no, you can come in

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1 and ask for a rezoning too and then it may be
2 permitted in that district and if it is a good
3 place for a commercial district, you want to
4 have sales and whatever there, that's
5 appropriate then.

6 DR. TONNE: See, once we rezone -- once we
7 rezone something to another district --
8 everything is kind of automatically ag. If it's
9 not zoned anything, it's ag. But once we rezone
10 it residential or commercial or manufacturing
11 it's forever that, okay? So they can come and
12 ask for that in the current ag district.

13 MIKE DITTMAR: See, I don't think a lot of
14 things should be rezoned and that's why they

15 should have permission in their home and in
16 their garage to do this. That's my belief.

17 DR. TONNE: To a point -- to a point we
18 all agree I think.

19 MIKE DITTMAR: That's why it should be an
20 S and this Board decides what that point is.

21 MR. GRATTON: Uh-huh.

22 DR. TONNE: Right.

23 MR. GRATTON: That's what we're trying to
24 do. In the ag district -- we're still in the ag

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1 district, we'll entertain any other suggestions.
2 Steve?

3 MS. WIENEN: I just --

4 MR. GRATTON: Cathy, you want to go first?

5 MS. WIENEN: The only thing I was thinking
6 is maybe to give the Board the latitude to hear
7 the guy that got laid off from John Deere and is
8 going to start repairing tractors in his garage
9 and -- him and his buddy, instead of maybe
10 saying rural business small -- which is a
11 totally arbitrary word -- a small business that
12 someone that wants to be an entrepreneur, two,
13 maybe three employees, some small amount, can
14 come to the Board and say I would like to put a
15 flower arranging shop in my basement and I'm
16 going to have three high school girls help me

17 five days a week, can I do that and then the
18 Board can look at it and say, okay, how many
19 deliveries are you going to have, what kind of
20 parking you got, yes or no. I think the picking
21 of one employee is completely arbitrary because
22 some businesses one employee -- you can't open
23 with one and with some one is enough, so can we
24 reword that one paragraph and get rid of all

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1 these little ss everywhere because you've given
2 yourselves the ability to hear anybody's request
3 and then you can shoot it down or pass it based
4 on its compatibility.

5 MR. GRATTON: well, that's basically what
6 we're doing is we're doing -- you know,
7 Bill Gates started in his garage, okay, there
8 were two of them, you know, him and another guy.
9 Now, at what point do you -- you know, is the
10 garage the appropriate place for that and what
11 point is Microsoft -- you know, everyone starts
12 someplace, but I think you're doing an injustice
13 to an ordinance if you just open up and you say
14 in the ag district, you know, you can do
15 anything and then you might as well not have
16 zoning.

17 MS. WIENEN: well, we're not saying you
18 can do anything. we're still saying it has to

19 be compatible.

20 MR. GRATTON: And we've covered that I
21 think.

22 MS. WIENEN: We're kind of saying that,
23 but then we're going in and we're superseding
24 these ss over top so that makes them more

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1 compatible which they really aren't.

2 MR. GRATTON: Yeah, but let's do it this
3 way. It needs to be compatible with the ag
4 district and I think it has to be ancillary to
5 that district and not -- you know, if it's
6 flower arrangement, well, if you're growing
7 flowers there and stuff like that that might be
8 appropriate. If you're going to start doing
9 commercial sales you're going to start
10 generating traffic having people coming and
11 going and then you open this up for a whole new
12 can of worms and then you have to say -- and
13 this is what we'll listen to here, we won't just
14 listen to the one side of it, when we sit here
15 we hear the other side. We hear, well, I don't
16 want that next to me, you know, they're coming
17 and going all day, all night and they're having
18 deliveries at 10 o'clock at night, the trucks
19 are waking me up. That's where you have to
20 balance, you know, is it right in that zoning

21 district or is that protection provided there
22 appropriate. We hear the other side more often
23 than --

24 MS. WIENEN: Well, I've been on the other

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1 side of that fence too, been on the
2 complaining --

3 MR. GRATTON: And everybody says why --
4 you know, why do you allow this.

5 MS. WIENEN: But I think we have to make
6 sure we don't accidentally slam our foot in the
7 door by accident in saying that if we have
8 someone that wants to start a bookkeeping
9 business and they need three employees, they
10 probably shouldn't be in an ag district, but
11 it's not going to hurt anything, so making sure
12 that our Board has the ability to make the
13 decision on the facts at the time instead of
14 trying to think everything through today when we
15 don't know what those requests would be.

16 MR. GRATTON: What about our catchall, is
17 that picking up what we're hearing tonight?

18 MS. DELVAUX: Uh-huh, yes.

19 MS. WIENEN: I think all these little ss
20 aren't necessary if the catchall is truly a
21 catchall.

22 MR. GRATTON: Yeah. If it's compatible

23 and it's not going to do harm to your neighbors
24 it's going to be looked on favorably when you

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1 get here. That's what I'm saying. To just say
2 you should permit these things to happen, we
3 don't -- you don't need us here then.

4 MIKE DITTMAR: That's why it was an S,
5 wasn't it? I asked for an S, so --

6 MR. GRATTON: well, the S is in that
7 section.

8 DR. TONNE: That definition too of rural
9 home-based off premise business it really is
10 pretty broad if you read it on Page 150.

11 MS. WIENEN: Yeah, it is.

12 DR. TONNE: I think we're covering
13 everything here.

14 MS. WIENEN: we should, but I just don't
15 want us to get ourselves in trouble where we put
16 ss in some boxes and then we have this -- is it
17 an S or is it a nonconforming, just defer it to
18 that --

19 MR. GRATTON: But on the other end, we
20 don't want to just fill in all the blanks with
21 ss either.

22 MS. WIENEN: No, so maybe don't put any of
23 them because it falls under this first heading.
24 I mean, why are we doing them?

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1 MR. GRATTON: Let's do the best we can.
2 Peter, I think you had a comment?

3 MR. TAYLOR: Peter Taylor, Elizabeth
4 Township. The question about the one employee,
5 is this one employee at a time if you have a
6 morning employee or an afternoon employee?

7 MR. GRATTON: Now you're splitting hairs
8 with us.

9 MR. TAYLOR: I don't know if it's
10 important, but my real reason for standing is
11 why don't we just change one employee to two
12 employees and make people feel better, it would
13 still be a little tiny home business and it
14 would allow --

15 DR. TONNE: Does that mean two in the
16 morning and two in the afternoon?

17 MR. GRATTON: Did you hear what Bill said?

18 MR. TAYLOR: I didn't. Sorry.

19 MR. GRATTON: He said does that mean two
20 in the morning and two in the afternoon or two
21 on one shift and two on the next?

22 MR. AKEMANN: Me?

23 MR. GRATTON: David -- I'm sorry. Kim?

24 MR. MONK: Kim Monk, Galena. I was just

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1 -- you know, when I'm listening to all this --
2 oh, great -- I'll sit down too. When I'm
3 thinking about this, you know, I understand
4 people wanting to do things in their private
5 homes, but then doesn't an assumed name -- you
6 know, a business -- an assumed name publication
7 come into being when you -- if you have a
8 business, it becomes successful, you're going to
9 have to start paying -- if you incorporate
10 you're paying taxes on it, suddenly you're going
11 down country roads and here's a florist shop and
12 a welding shop and they all have their logos and
13 their names, so that's just, you know, sort of
14 how I'm interpreting something you're trying to
15 avoid I think.

16 MR. GRATTON: Okay. Thank you. With the
17 number of employees, that was under the home
18 occupation, Bill, is that where the number is?
19 I think you just had it. What page was that?

20 MS. CASWELL: Page 88 at least in my
21 draft. What is it in yours?

22 DR. TONNE: Page 88.

23 MR. CASWELL: Top of 88.

24 MR. MCINTYRE: Actually starts on 87.

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1 MR. GRATTON: Okay. The suggestion here
2 is to change the No. 2 at the top, is that where
3 we're looking?

4 DR. TONNE: To answer his question it's
5 the whole day.

6 MR. GRATTON: In any single day, that's
7 spelled out in here. So the suggestion is and
8 we can have discussion on it, to two and these
9 are arbitrary numbers and we have to look at
10 them as such and some are --

11 MR. CASWELL: If we're going to talk about
12 home occupations can I raise something else to
13 save time?

14 DR. TONNE: well, let's talk about the
15 number of employees and we can finish.

16 MR. JANSEN: Let's do the number and then
17 take up Dan's concern.

18 MR. GRATTON: Let's just among the Board
19 discuss the number of employees. Is two a
20 better number?

21 MR. TRANEL: why is two a better number?

22 MR. GRATTON: why is two a better number?
23 That's the question. Okay. We have to argue
24 that and see. Any thoughts? I guess we'd say

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1 why is one better than two?
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2 MR. TRANEL: And why not three and if you
3 got three what's one more? You know, we can
4 keep going here. I thought it was pretty clear
5 that the one employee would be a garage
6 operation. Myself and somebody helping me,
7 that's a garage operation. But if I'm hiring
8 two, I'm -- there's three cars in the driveway
9 already and if I've got customers coming in
10 they're parking on the street and now we got
11 safety -- that's the purpose. I mean, that is
12 the purpose of it -- of zoning is safety and the
13 effect on your neighbor.

14 MIKE DITTMAR: If you're a 3,000-acre farm
15 and you have ten employees, what's the
16 difference?

17 MR. TRANEL: They're not parking on the
18 street.

19 MR. GRATTON: This applies to any size
20 farm, not just the 3,000-acre farm, so --

21 MS. WIENEN: So a farm can't have more
22 than one employee either?

23 MR. GRATTON: No, no, no, no, don't go
24 there. Okay. Do I hear any compelling reason

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1 to change the number of employees here?

2 DR. TONNE: No.

3 MR. GRATTON: Anybody want to make a
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4 compelling argument? Okay. Since we're not
5 making any changes we don't have to have a
6 motion. All right. Dan, you had something else
7 you wanted to -- wanted us to look at here?

8 MR. CASWELL: If you'd like to hear
9 something on home occupations.

10 MR. GRATTON: Sure.

11 MR. CASWELL: Okay. We're talking about
12 protecting -- giving people the right to be the
13 entrepreneur. We're concerned with protecting
14 the neighbors from harm and compatibility with
15 the neighbors and when you look at our use
16 standard that relates to home occupations, we do
17 that really well in the first nine points and we
18 identify things that circumscribe a home
19 occupation and we talk about things like it's
20 not going to cause a nuisance and the traffic is
21 not going to be a problem, we're not going to
22 have odor and emissions and we have signage and
23 we have number of employees, but then we go on
24 and we try to list which -- which home

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1 occupations are permitted and I know we talked
2 last time about the impossibility of being able
3 to identify all possible future entrepreneurial
4 activities that might be perfectly appropriate,
5 we can't do that, we'll never list them all.

6 And so what we have in this ordinance -- I think
7 in this section of the ordinance is a reflection
8 of why the use standards have grown so
9 significantly and it's a philosophy issue. It's
10 a question of do we protect the neighbor from
11 harm, do we try to ensure compatibility and
12 traffic and things like that or do we start
13 saying you can't do it unless we let you. And
14 I'm a little concerned that we're trying to get
15 into a list here of you can't do it unless we
16 let you and that's going to get people upset in
17 an ag district in particular.

18 MR. GRATTON: What if I were to offer
19 these as suggestions rather than as to the type
20 of --

21 MR. CASWELL: That's exactly -- the
22 ordinances that I looked at tended to do it some
23 of -- some of them even in cities and --

24 DR. TONNE: I think that's what we're

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1 doing here if you'll read on Page 88.

2 MR. CASWELL: Yes, I have read it.

3 DR. TONNE: It says the following -- the
4 following example of uses are permitted. Any
5 use or uses not listed shall require approval of
6 the Zoning Administrator. If she says yes,
7 you're good. If she says no, you can appeal

8 that, okay, so therefore you have the
9 possibility for anything.

10 MR. CASWELL: You have -- you do have the
11 possibility, I think that's right.

12 DR. TONNE: Okay, so --

13 MR. CASWELL: I don't think that's the
14 proper way to legislate this. I think what
15 you're doing is putting a responsibility on our
16 Zoning Administrator to make those decisions
17 when instead we should be protecting the
18 neighbors. We should be protecting those things
19 that we -- that we need to protect in that
20 district by Nos. 1 through 9 and saying if it
21 doesn't cause these problems you can do it, you
22 don't have to come in and ask permission from
23 the government in order to be able to do it.

24 DR. TONNE: 1 through 9 is, as you said,

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1 philosophical and broad. 10 is where the rubber
2 meets the road and it has to meet the road
3 somewhere in an ordinance. Philosophy -- you
4 know, No. 4, no exterior display of merchandise
5 sold or used in conjunction with the home
6 occupation shall be allowed. Okay, that's
7 pretty hard and fast, but traffic generated --
8 you know, all this is compatible with the
9 neighborhood supposedly in the opinion of the

10 Zoning Administrator and this Board ultimately
11 and the County Board. It can't be just wide
12 open.

13 MR. CASWELL: That's right, and that's
14 what Points 1 through 9 do is they give the
15 opportunity to this Board to respond if there
16 is, in fact, a problem. Now, it's nice to have
17 a list and say you can't do this and you can do
18 this, but I don't think that's the right way to
19 legislate it. The Board has the authority and
20 the Zoning Administrator has the authority to
21 say, you know, that a particular home business
22 is actually causing a problem because it's
23 actually creating a nuisance and --

24 DR. TONNE: Conceptually this whole

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1 redraft is about getting more things on paper
2 that our ordinance is silent about and there's a
3 lot of things that we're silent about in the
4 current ordinance and to talk about use
5 standards and use tables is exactly germane to
6 why we're redrafting the ordinance.

7 MR. CASWELL: Well, let me just give you
8 some examples then. Let's look at our list of
9 offices. There are certain things you can have
10 an office for without needing to come in and ask
11 permission from our government. Now -- and

12 actually I think you guys do a great job and
13 Linda does too. I'm not exactly concerned as we
14 sit here right today, but offices, okay, we
15 don't have -- in our list we don't have offices
16 for an attorney, we don't have offices for a
17 counselor or office for an insurance claims
18 adjustor or offices for medical transcription.
19 we don't have offices for editing or
20 proofreading, a clergyman couldn't have his
21 office as a home occupation here, administrative
22 billing. I just thought of those in five
23 minutes sitting around this afternoon. There's
24 probably a whole host of other things that we

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1 could list. Now, you can say we trust our
2 people to make wise decisions on it --

3 DR. TONNE: You know, the Zoning
4 Administrator could permit that, right?

5 MR. CASWELL: That is correct, it could be
6 permitted and --

7 DR. TONNE: She could say no and you
8 appeal it and you come in.

9 MR. GRATTON: Dan, if you look at this I
10 think these are examples and maybe we're not
11 expressing that strongly enough in here.

12 MR. CASWELL: If we took out any use not
13 listed shall require specific approval then you

14 could say they're examples and then people could
15 operate based on this and if there was a problem
16 someone could come to you and say, oh, too much
17 traffic, too much noise.

18 MR. GRATTON: Yeah, but if it doesn't meet
19 1 through 9 you don't do it.

20 MR. CASWELL: That's right, but it says
21 examples, but then what it becomes is a list
22 that is permitted and anything outside of that
23 list you need special permission and you have to
24 come -- come to the zoning folks to get that

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1 permission. Do you understand what I'm saying?
2 I don't know that this is an issue in
3 residential districts. I see it. I'm from an
4 ag district and that's what I'm speaking to.

5 MR. GRATTON: I think we can -- it would
6 be very simple to change the language there and
7 I do think they're good examples to leave in
8 there as to what -- what would happen -- we can
9 change the wording to indicate that these are
10 examples rather than, you know --

11 MR. JANSEN: It already says examples.

12 MR. CASWELL: If you cross out any use not
13 listed shall require express approval then what
14 you have is examples and you have a list just a
15 little bit further on that says there's some

16 things you can't do that are not permitted and
17 we've already decided those are prohibited
18 because they really are a problem, so that's my
19 suggestion.

20 MR. GRATTON: Well, I don't have any issue
21 with that. Does anybody?

22 DR. TONNE: Yeah, except that now the two
23 lists, those permitted and those prohibited,
24 that's it, there's no other category. I mean,

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1 there's no limit to the first category.

2 MR. GRATTON: They're only examples and
3 they would have to comply with Section --

4 MS. DELVAUX: You're right to say that
5 these are examples and then you go further on to
6 say that anything that isn't listed here come in
7 and talk to the administrator and we'll see if
8 it fits the criteria, so if you take that out
9 you're implying that, you know, okay, take a
10 look, here are some of the things you can do and
11 if you're not sure, you know, ask, find out, you
12 know, see if it meets the criteria. If you
13 eliminate that -- if you take any uses not
14 listed shall require approval of the zoning
15 administrator -- because all we're doing is
16 showing examples here. So if Dan wants to do
17 something and he doesn't see it he's going to

18 pick up the phone and call me and say this is
19 what I need to do, can I do it as a home
20 occupation and so then we go through 1 through 9
21 and either I'm going to say, yeah, you can or
22 no, you can't, it doesn't fit. At that point if
23 I say you can't, he always has an opportunity to
24 appeal that decision if he thinks he really does

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1 comply. And that's kind of the way it works
2 now. It's the way it would work tomorrow.

3 DR. TONNE: what if --

4 MR. CASWELL: That's not actually the way
5 it works now --

6 MS. DELVAUX: Yes.

7 MR. CASWELL: -- because we don't have a
8 list.

9 MS. DELVAUX: We don't have a list, so you
10 can't look at the list so you're going to have
11 to call in and ask on anything that you do to
12 find out.

13 MR. CASWELL: I don't think so. It seems
14 to me the way the ordinance reads now there are
15 certain things you can't do, but anything that
16 doesn't cause a problem, that doesn't violate
17 the provisions that are in there you can do and
18 that gives the freedom to the entrepreneur, to
19 the property owner to do what they like as long

20 as they aren't actually hitting one of these
21 areas that causes a problem for the neighbor.

22 DR. TONNE: In your opinion -- at that
23 point it's in your opinion.

24 MS. DELVAUX: Right, that becomes --

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1 DR. TONNE: what if you don't call so you
2 think -- you're gardening, landscaping and
3 you're whatever, you think that's what you're
4 doing, but you're doing something a little
5 different than that actually and so where does
6 -- what forces you to come in and find out for
7 sure? Nothing, you just go ahead and do it.

8 MR. CASWELL: That's exactly right and
9 that's my point. That the owner should have the
10 opportunity to act as long as they are not
11 violating one of these provisions that we set up
12 to protect the neighbors and to protect the
13 property values and things like that, so they
14 should be free to act and if there is a problem
15 we have a standard here in our zoning ordinance
16 which says we can deal with that problem, but if
17 it's not a problem why require people to come in
18 and ask first.

19 MS. DAVIS: In your opinion that's not a
20 problem, but in my opinion, I'm your neighbor,
21 that's a problem.

22 MR. CASWELL: Right.

23 MS. DAVIS: And then you go ahead and you
24 start your business, okay, and you're going

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1 along pretty good and I've finally -- I've had
2 it, so now I call her and now she needs to step
3 in and tell you, oh, this is a problem under No.
4 7 or whatever No. 7 is and now you're
5 established there, but now I think I'm right,
6 she's got a right to shut you down because you
7 do not comply with what it says. Am I right in
8 looking at that? This way you need to go in
9 first. I'm thinking this is an okay thing to
10 do, am I right, she's going to tell you yes or
11 no, right?

12 MS. DELVAUX: I think, Dan, what you're
13 asking is for us to be reactive instead of
14 proactive, being reactive to the complaint that
15 Mike Dittmar calls in and says, hey, he's been
16 really loud over there, he's got motorcycles
17 raring every night and he thinks it's a home
18 occupation and it's not, so we want to be
19 totally reactive instead of proactive to any of
20 these issues.

21 MR. GRATTON: Proactive.

22 MS. DELVAUX: No, he wants us to be
23 reactive and not proactive.

24 MR. CASWELL: Let me put it another way,

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1 Linda, because I think what it comes down to is
2 an issue what's called negative law and positive
3 law. Negative law says we will come in and we
4 will pass laws to protect people, to keep them
5 from doing harm and that's the way a lot of our
6 laws are. Positive law says you have to come in
7 and ask us permission before you can do
8 something, okay, those are two different
9 concepts in legislating and the more proactive
10 approach is to say we will decide what you can
11 do, you ask us and we will tell you and then
12 everything is okay and that's one way of
13 legislating. But I don't think that that is
14 compatible with the freedom of property owners'
15 rights and I speak from an ag district
16 perspective where my nearest neighbor is a
17 quarter mile away and he's not going to complain
18 if I have -- and I don't complain when he has
19 lots of vehicles over there and he doesn't
20 complain if I do, so it's a little different in
21 residential districts.

22 MR. GRATTON: And Dan, you live in
23 Berreman Township which is not typical of every
24 township and this ordinance is written for all

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1 of Joe Daviess County and we have to keep that
2 in mind when we're doing it. I think, you know,
3 we're kind of debating semantics here. I think
4 you're agreeing that you think 1 through 9 is a
5 reasonable thing to do and then we're going on
6 and we're saying, well, these are reasonable
7 examples that fit into these under this heading
8 and you go down there, if it's on there, okay,
9 and if it's not, you're not sure, why, ask Linda
10 and she goes over the list. I don't think we're
11 that far apart on it and I think there's some
12 philosophical differences maybe.

13 DR. TONNE: At least this gets on paper
14 what your process is. It's not unknown to you
15 what you got to do.

16 MR. CASWELL: At a minimum then I would
17 ask you to add a number of home office
18 occupations, those that I came up with in five
19 minutes just sitting at home this afternoon.

20 MR. GRATTON: As examples?

21 MR. CASWELL: As examples because then you
22 can do them and it's an office, it's just an
23 office occupation.

24 MS. WIENEN: Just say home office and

1 leave it at that.

2 MR. CASWELL: You could simply say
3 office-based -- office-based services or
4 something like that instead of trying to come up
5 with every possible one because there will be
6 more next year and more after that. That's a
7 good suggestion.

8 AUDIENCE MEMBER: And as companies shut
9 down and they actually ask their employees to
10 move to their homes instead of actually having
11 the brick and mortar --

12 MR. GRATTON: That's why we're allowing
13 things this way. We can't be all encompassing
14 -- what's your list quickly Mike -- or Dan, and
15 we'll --

16 MR. CASWELL: I actually like Cathy's
17 suggestion better, I think, office-based
18 services without a list probably does the trick.
19 I think that's better, simpler.

20 MR. GRATTON: That would be a w if we
21 would entertain that, office --

22 MR. JANSEN: I'd just add it to D.

23 DR. TONNE: Put it in D.

24 MR. JANSEN: D talks about offices.

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1 MS. DELVAUX: Would you want to use the
2 term general office? We do have that defined
3 and that is defined on Page 144. You might want
4 to read the definition and see if that's what
5 you're --

6 MR. GRATTON: And a lot of those things
7 you suggested, Dan, that came off the top of
8 your head are listed in D, aren't they?

9 MR. CASWELL: No, they aren't. I checked
10 them.

11 MR. JANSEN: He's got others that are
12 similar and --

13 MR. CASWELL: Similar examples but they
14 wouldn't be permitted without asking.

15 MS. DELVAUX: Page 144, it's office
16 general.

17 DR. TONNE: D, general office.

18 MR. GRATTON: Okay. As a suggestion in D
19 I added and other similar home-based office
20 occupations.

21 MR. CASWELL: Office general is a pretty
22 good definition it seems like in terms of
23 getting a general office.

24 MR. GRATTON: Okay. What's the wording?

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1 DR. TONNE: Offices, general instead of

2 all of D.

3 MR. JANSEN: And it did list a whole
4 bunch.

5 MR. CASWELL: Okay. Thank you.

6 MR. GRATTON: Okay, so the suggestion here
7 -- and we'll probably have to discuss this, but
8 the suggestion is offices, general and eliminate
9 all those suggestions or do we want to leave
10 those for examples?

11 MR. JANSEN: I'm one that thinks the more
12 examples the better. It helps Linda.

13 MR. CASWELL: As long as it's including
14 but not limited to.

15 MR. JANSEN: Sure, and it's not limiting.

16 MR. GRATTON: General.

17 MR. JANSEN: They can do some technical
18 corrections.

19 MR. GRATTON: Okay. Let's -- on this
20 particular one we've had a lot of discussion.
21 Let's put this into a motion so we can deal with
22 the home occupations, the amendment to D and
23 here's what I pencilled in: Offices, general,
24 for example, but not limited to and then the

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1 following list.

2 DR. TONNE: I'll second that.

3 MR. JANSEN: Call the question.

4 MR. GRATTON: Okay. Any discussion?
5 Melissa, on that question call the members.
6 MS. SOPPE: Nick Tranel?
7 MR. TRANEL: Aye.
8 MS. SOPPE: Mel Gratton?
9 MR. GRATTON: Aye.
10 MS. SOPPE: Dave Jansen?
11 MR. JANSEN: Aye.
12 MS. SOPPE: Bill Tonne?
13 DR. TONNE: Aye.
14 MS. SOPPE: Susie Davis?
15 MS. DAVIS: Aye.
16 (By voice vote five ayes.)
17 MR. GRATTON: Okay. We will recommend
18 that that insertion be included in here. Others
19 in the ag district, we still have some uses that
20 we need to go back and consider here and we're
21 going to wrap up here in 15 minutes, by the way.
22 MR. MCINTYRE: It shouldn't take me too
23 long. There's actually two that I have a
24 question on. I do not see construction sales

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1 and service from a definition standpoint, where
2 did I miss that? And my question is should it
3 make sense to put something like that in an ag
4 district? We do have some home-based
5 construction service type operations that are in

6 an ag area, you know, like contractors that do
7 their own trim work at home or --

8 MR. GRATTON: Steve, might it be called a
9 contractor shop and office?

10 MR. MCINTYRE: I don't know, that's why I
11 was asking.

12 MR. GRATTON: We do have that in there and
13 I think it covers what you're referring to.

14 MR. MCINTYRE: Then the next one is
15 recreation and entertainment indoor. There's
16 been some question whether -- I'll give you an
17 example. If we have a very large outbuilding
18 that gets converted from an ag purpose, now all
19 of the sudden it may be converted to a
20 recreational type of indoor -- recreational --

21 MR. GRATTON: And you want to do that why?

22 MR. MCINTYRE: I'm just wondering if that
23 should be maybe an S in that box or not. It
24 makes perfect sense to put an S in that box

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1 because we live in a recreational and
2 entertainment --

3 DR. TONNE: What kind of recreation?

4 MR. JANSEN: Is it going to generate 50
5 cars, 20 cars, 10 cars?

6 MR. MCINTYRE: But if you put an S there
7 it is permitted and if you don't then it's not.

8 MR. JANSEN: That's right, it's not.

9 MR. MCINTYRE: I'll think of one off the
10 top of my head. An indoor -- off the top of my
11 head an indoor shooting range for -- not guns --
12 but for paint -- paint guns or -- or better yet
13 bow and arrow from an ag point of view, you
14 know, like an indoor shooting range for sighting
15 in a bow and arrow, for example. I mean, it
16 might be an indoor recreational type function
17 and that was just off the top of my head.

18 MR. GRATTON: well, we do have paint ball
19 establishments.

20 DR. TONNE: we do have health club.

21 MR. JANSEN: we don't have anything for
22 archery though.

23 MR. MCINTYRE: I'm just using that as an
24 example that isn't on the list, but it would be

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1 an indoor entertainment type thing. You guys
2 can discuss. The other one was -- I had three
3 more. One was private club.

4 MR. GRATTON: Give us the page number
5 first.

6 MR. MCINTYRE: 78, club, private. we also
7 have in our -- in some of our ag areas a private
8 club like the Lions Club, for example.

9 DR. TONNE: The what?

10 MR. MCINTYRE: Lions Club.
11 DR. TONNE: Lions Club?
12 MR. MCINTYRE: Yeah, we had -- and I don't
13 know if that was on ag land, I think it is out
14 there on Elizabeth -- I'm just wondering if it
15 would be a permitted use or not, just asking.
16 DR. TONNE: Not --
17 MR. MCINTYRE: Not permitted, but a
18 special use. And then we also have salvage yard
19 in ag land and if we don't want it anymore we
20 can leave it blank or --
21 DR. TONNE: Yeah, we don't want it.
22 MR. MCINTYRE: I'm just asking the
23 question. And then warehousing, I'd just
24 question whether warehousing would be a -- would

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1 be a function -- I mean, we may have some old
2 barns or even new barns that may want to get
3 converted to warehousing of some kind. I don't
4 know. Just a question.
5 MR. GRATTON: It's warehousing and
6 wholesale.
7 MR. MCINTYRE: Yeah, I know that's
8 combined, but warehousing would be one thing,
9 wholesaling is something else I think, but --
10 and I don't know if -- I agree -- well, actually
11 warehouse -- we do have it under self storage,

12 so I'll retract that, so we're okay. Thanks.

13 MR. GRATTON: Any other suggestions on the
14 ag district as far as uses that we might want to
15 consider? Okay. The suggestions that we have
16 -- and I'm going to go through these so we're
17 all clear -- start on Page 77 I think. I didn't
18 see any on 76. Did anybody have any there?

19 MR. JANSEN: Huh-uh.

20 MR. GRATTON: Okay. On 77, the ag sales
21 and service, we were going to add a special use
22 in that column. We get down to daycare homes
23 and we were going to put P in each of the first
24 four columns.

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1 DR. TONNE: Correct.

2 MR. GRATTON: Anything else that I missed
3 on that page?

4 MS. DELVAUX: Are you putting an S under
5 daycare center in the ag district or not?

6 DR. TONNE: No.

7 MR. GRATTON: We can discuss it.

8 MS. DELVAUX: Just asking.

9 DR. TONNE: No.

10 MR. GRATTON: The center is the larger
11 scale operation, right? Okay.

12 MR. JANSEN: Linda, can I ask a question.
13 What's a child care facility as opposed to

14 daycare?

15 MS. DELVAUX: well --

16 MR. GRATTON: I think that it's full-time.

17 This would be taking in children in the
18 facility, foster children, something like that.

19 MR. JANSEN: Oh, okay, as opposed to just
20 babysitting?

21 MS. DELVAUX: It's a facility designed to
22 care for children, maybe those that have their
23 custody transfer rights taken away or things
24 like that.

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1 MR. JANSEN: Okay. Thank you.

2 MR. GRATTON: All right. Anything else on
3 77 that we want to include? Let's go to 78.

4 MR. MCINTYRE: What about the indoor --
5 recreational indoor, you're not going to
6 consider that?

7 DR. TONNE: No. You got everything else.

8 MR. MCINTYRE: Where am I going to put my
9 archery range --

10 MR. JANSEN: Come and ask.

11 MR. MCINTYRE: -- when I want to sight in
12 my bow and arrow in a non-wind environment area.

13 DR. TONNE: You yourself?

14 MR. GRATTON: Do it in your barn. If you
15 promise not to keep us up too late I'd probably

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let you use my barn.
MR. MCINTYRE: My only point is we live in
-- this is a recreational county like it or not,
we got -- we live in a recreational county and
for us to not allow -- for us to only allow an
indoor facility in RP and in commercial and a
manufacturing district may be a little
restrictive.
MR. GRATTON: Members, any thoughts on

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that?
DR. TONNE: No.
MR. JANSEN: No, I disagree.
DR. TONNE: I disagree.
MR. JANSEN: I respectfully disagree.
MR. GRATTON: Okay. I don't hear any
compelling arguments. Anybody want to make one?
DR. TONNE: No.
MR. GRATTON: Okay. We're on --
DR. TONNE: That's it in the ag.
MR. GRATTON: well, we had the welding
shop yet at the very end on 79 --
DR. TONNE: Yeah.
MR. GRATTON: -- is that correct, it's a
special use? Even though we think that is
covered we can still put it there. Anybody want
to make a motion?

18 MR. JANSEN: I move to adopt the changes
19 as presented.
20 MR. GRATTON: Second?
21 MS. DAVIS: I'll second it.
22 MR. GRATTON: Motion by David, a second by
23 Susie to include the uses as we presented them.
24 All those -- any discussion? All those in favor

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1 -- Melissa, poll the members, please.
2 MS. SOPPE: Mel Gratton?
3 MR. GRATTON: Aye.
4 MS. SOPPE: Dave Jansen?
5 MR. JANSEN: Aye.
6 MS. SOPPE: Bill Tonne?
7 DR. TONNE: Aye.
8 MS. SOPPE: Susie Davis?
9 MS. DAVIS: Aye.
10 MS. SOPPE: Nick Tranel?
11 MR. TRANEL: Aye.
12 (By voice vote five ayes.)
13 MR. GRATTON: Okay. Let's continue on the
14 use table.
15 MIKE DITTMAR: Can I interject for a
16 minute. Can you discuss why you didn't even --
17 didn't even discuss Mr. McIntyre's recreational
18 thing? You just said no and just dismissed it
19 and I'd like to hear your thoughts on that.

20 DR. TONNE: Two things. I think it's
21 covered under several other categories like
22 health club. I mean, if he wants to shoot
23 archery, whatever, you know, maybe he's going to
24 do archery and bowling, he's probably covered.

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1 MIKE DITTMAR: Under health club?

2 DR. TONNE: Yeah.

3 MR. DITTMAR: Okay.

4 MR. GRATTON: The other reason is I don't
5 care how good anybody is at this, we're never
6 going to be able to cover every one exactly and
7 if there's a compelling need in the future and
8 someone -- if Linda gets all kinds of requests
9 for someone to have that archery sighting
10 facility inside their barn we can amend this and
11 add it.

12 MIKE DITTMAR: Well, that's why you need
13 to listen to Mr. Caswell's suggestion on
14 negative and positive law and let us have the
15 freedom to do it.

16 MR. GRATTON: Okay. Again, there's a
17 philosophical difference. I think we're saving
18 time by not spending time, you know, debating
19 every one up and down. We can, it's going to be
20 a long night and a long six more sessions before
21 we get down though and we'll still probably

22 disagree on some.

23 DR. TONNE: Bearing in mind the rewrite
24 committee has probably had ten meetings on this

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1 table and ten meetings on the standards over the
2 last six years -- committee which has been
3 disbanded now, but --

4 MR. GRATTON: And most of these we've
5 taken and looked at what other counties are
6 doing and tried to come to some kind of a
7 consensus as to what best fits our needs in
8 Jo Daviess County and you do have to at some
9 point say yes or no, okay, and I think if we
10 want to keep putting gray areas in here we're
11 going to undo a lot of good that is already
12 here.

13 DR. TONNE: Notwithstanding though the
14 comments we're getting here are very good
15 really. The document is improving as we go.

16 MIKE DITTMAR: I'm very thrilled that you
17 guys are entertaining this all and it's going
18 days and days and days, don't get me wrong on
19 that.

20 MR. GRATTON: Oh, we enjoy it too. All
21 right. Let's look at --

22 MR. JANSEN: Mr. Chairman, I wanted to --
23 it's too bad, but I wanted to do this at the

24 last meeting, but Mr. Dittmar has encouraged his

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1 students to come and they were in the back row,
2 they left because after 9 o'clock they've earned
3 their 25 points and also at the last meeting
4 where there were more of them.

5 MR. DITTMAR: I actually have an
6 assignment where they have to go to the County
7 Board or school board and write papers on it.

8 MR. JANSEN: I think that's terrific and I
9 think it's good for them as bored as I see them
10 in the back row -- or saw them, but they
11 understand what government is and how it works
12 and how people can petition their government at
13 any level and of course, the best is the local
14 level because you usually get immediate reaction
15 and the further away it is the harder it is.
16 But I thought that was very good and I commend
17 you for that.

18 MIKE DITTMAR: If I may say real quick.
19 County government day with Mary, the chairperson
20 and Marv, they say the same story every year and
21 it's a great story. We were in county
22 government days and now we're here and I think
23 that's the -- that's the idea, so a lot of it
24 goes to -- thank you goes to those people, so --

□

1 MR. GRATTON: And we not only thank the
2 students, but we thank the citizens who
3 participate as well because it is a process and
4 like I said earlier, we won't all agree, but at
5 some point we have to say yes or no to
6 everything and then ultimately the County Board,
7 who are your elected officials, have to say yes
8 or no and do we want it different. So we've got
9 five minutes, let's look at the R-1 and the R-2
10 district. Are there any changes or additions
11 there? Any suggestions? Okay. The
12 conservation district doesn't have much in
13 there, but by the nature of it --

14 MS. WIENEN: There's a couple in the
15 conservation district just to make it
16 consistent. Those indoor and outdoor recreation
17 things, they are listed up in the text on Page
18 50, the public and private recreational built
19 facilities are allowed as a special use. So we
20 might want to put Ss in those two boxes like if
21 somebody wants to put in an interpretive center
22 or something so they're listed in the text as
23 special use.

24 MR. GRATTON: Get me on board with where

1 you are, Cathy.

2 MS. WIENEN: Page 50 is the special uses
3 for the conservation district.

4 MR. GRATTON: Okay.

5 MS. WIENEN: Item B, so I would think our
6 table on Page 77 for recreation and
7 entertainment indoor/outdoor should probably
8 have ss in it in the conservation district so
9 they match.

10 MR. GRATTON: Okay. That do not occupy
11 more than ten --

12 MS. WIENEN: Yeah, there's specifics, but
13 they are allowed as a special use and then on
14 Page 78 we've got camp institutional and camp
15 recreational. I would think at least
16 recreational camps would be allowed in
17 conservation districts and I guess I really
18 don't understand --

19 MR. GRATTON: Well, institutional camp if
20 you look at the definition is totally different,
21 so I think I'd be inclined to agree with the
22 recreational camp but not the institutional
23 camp.

24 MS WIENEN: Yeah. The recreational is

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1 like a state park kind of thing, so that
2 probably should have an S there or even
3 permitted depending upon how much control you
4 want to have.

5 MR. GRATTON: Any thoughts on that,
6 anybody?

7 DR. TONNE: Well, if I might, on Page 50
8 -- actually 49 in my copy, but you know, it
9 outlines the conservation district there,
10 permitted and special uses, maybe we just
11 transfer those Ps and Ss to the table.

12 MS. WIENEN: That's really just to make
13 sure we're consistent from one part of the
14 document to the next.

15 DR. TONNE: Yeah.

16 MR. GRATTON: Well, let's specifically
17 make those suggestions and make sure we've
18 covered them. We've done the camp -- the
19 recreational camp.

20 DR. TONNE: You know, there's quite a lot
21 of categories there. This is kind of
22 secretarial work you're asking us to do. You
23 know, open -- public parks, playground are
24 permitted.

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1 MR. GRATTON: And let me just explain to
2 everyone why this is a little different and not
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3 in the use table, because at a later date we
4 picked up the conservation district, it wasn't
5 in the original draft and it got put back in, so
6 the special uses and the permitted uses were
7 included here rather than the table. And I
8 apologize for the formatting there.

9 MS. WIENEN: So it's more of a clerical
10 thing just to bring them in to consistency
11 between the two more than a --

12 MR. GRATTON: I think as staff worked on
13 that -- can we direct staff to just incorporate
14 that into the use table -- those special and
15 permitted uses under the conservation district?

16 DR. TONNE: Where you can. I mean,
17 there's a police, for instance, where some of it
18 doesn't go, so you can't do it.

19 MR. GRATTON: If you recall, we picked
20 this up after we had all those others done and
21 we didn't get it transferred. Are you
22 understanding what we're saying, Linda?

23 DR. TONNE: Just do what you can.

24 MS. DELVAUX: Sure.

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1 DR. TONNE: I mean --

2 MR. GRATTON: well, they are listed, I
3 mean, under special and permitted uses. So that
4 would help make this document more consistent

5 throughout, yes. Anything else in the R-1 and
6 R-2 districts or -- we did R-1, R-2 --
7 conservation? we have camp recreational. what
8 other addition did we make? Did you add another
9 one, Cathy, that we missed?

10 MS. WIENEN: On the Page 77 the recreation
11 entertainment indoor/outdoor so that if you want
12 to do an interpretive center or something,
13 again, that just is making it equal to the list
14 in the front.

15 DR. TONNE: I'm not sure that's what that
16 is. I'm not -- I'm not sure an interpretive
17 center is a recreation, is it?

18 MR. JANSEN: More educational.

19 MS. WIENEN: Or if somebody wants to set
20 if -- if they get permission to do trail rides
21 on a piece of conservation ground.

22 MR. GRATTON: You're thinking the
23 interpretive type centers, right?

24 MS. WIENEN: Yeah, you know, an

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1 interpretive center where they do walks through
2 the swamp and --

3 MR. GRATTON: Could we direct the staff to
4 include that in the -- the interpretive center
5 -- permitted or special -- as a special.

6 Everybody in agreement? Okay. Manufacturing

7 and industrial, fill in the blanks, anything
8 additional that anyone would like there?
9 Commercial I guess we better cover.

10 MS. WIENEN: This one goes to commercial
11 and manufacturing and industrial, the wind
12 generators, they should probably be special uses
13 for those areas because a lot of new commercial
14 construction is -- they're incorporating private
15 wind generation and -- and if you've got a big
16 enough parcel you could do --

17 MR. GRATTON: You're talking private?

18 MS. WIENEN: well, private is -- is
19 starting to happen more frequently on commercial
20 property where they put the turbines and
21 everything, but if you have a big enough parcel
22 they may also qualify for wind generator
23 commercial, so --

24 MR. GRATTON: Those are 1,400 foot setback

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1 on those.

2 MS. WIENEN: Right, but we probably don't
3 have anything in our county yet, but if you got
4 something that covers 20 acres, a chemical
5 plant, you know, something like that, if they
6 want to put up commercial --

7 MR. GRATTON: Because of turbulence and
8 things like that they don't even like trees in

9 these, so I'm thinking mixing them in among
10 buildings I don't think is going to make a lot
11 of sense.

12 MS. WIENEN: No, but what I've seen like
13 traveling out west they'll have a commercial
14 piece of property that's, say, 40 acres and
15 along the highway frontage they'll have the
16 buildings and then the depth of property -- in
17 the back of the property they'll have wind
18 generators and they are the commercial ones, the
19 big honkers, so I don't know if we just put an S
20 here so that if -- or we just don't worry about
21 it until it happens and somebody comes and says,
22 okay, I'm buying a hundred acres and I'm going
23 to put in a furniture manufacturing store and
24 I'm going to generate power and sell back what I

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1 don't use. You know, I think at least the
2 private should be in here.

3 MR. GRATTON: Yeah, I think I tend to
4 agree with the private. I don't think the
5 others are -- could fit. Anybody else have a
6 thought?

7 MR. JANSEN: I concur with the private.

8 DR. TONNE: Yeah, special use all the way
9 across commercial, M-1 and industrial.

10 MR. JANSEN: I think you will see more of
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11 that.

12 MR. GRATTON: So we've added it looks like
13 ss all the way across on the private except in
14 the conservation. Anything else in the
15 commercial, manufacturing or industrial
16 districts? Anything? Okay. What we've added
17 then -- have we voted on the conservation
18 changes, Linda?

19 MS. SOPPE: No.

20 MR. GRATTON: Let's have a directive then
21 to staff, okay, and the directive was to
22 incorporate the permitted uses and special uses
23 in the conservation district into the use table
24 so that the format flows correctly and there was

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1 a suggestion in there to add interpretive
2 centers in that conservation district as well
3 and I'll offer that in the form of a motion.

4 DR. TONNE: Second.

5 MR. GRATTON: Is there any other
6 discussion? Okay. Melissa, let's vote on that.

7 MS. SOPPE: Who made the motion?

8 MR. GRATTON: I made the motion.

9 MS. SOPPE: Dave Jansen?

10 MR. JANSEN: Aye.

11 MS. SOPPE: Bill Tonne?

12 DR. TONNE: Aye.

13 MS. SOPPE: Susie Davis?

14 MS. DAVIS: Aye.

15 MS. SOPPE: Nick Tranel?

16 MR. TRANEL: Aye.

17 MS. SOPPE: Mel Gratton?

18 MR. GRATTON: Aye.

19 (By voice vote five ayes.)

20 MR. GRATTON: And then we added in the
21 commercial, manufacturing, industrial district
22 the private wind energy systems. What else did
23 we add that I -- as special uses? Did I miss
24 anything else? Help me here.

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1 DR. TONNE: Nope.

2 MR. GRATTON: Somebody want to put that in
3 the form of a motion -- I'll do that. Let's put
4 the wind energy conversion systems private,
5 let's add -- we've already added it in the R-2
6 and RP district, let's add it additionally to
7 the commercial, manufacturing and industrial
8 district and that's the motion.

9 MR. JANSEN: Second.

10 MR. GRATTON: Second by David. Any other
11 discussion? Okay. Melissa?

12 MS. SOPPE: Bill Tonne?

13 DR. TONNE: Aye.

14 MS. SOPPE: Susie Davis?
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15 MS. DAVIS: Aye.
16 MS. SOPPE: Nick Tranel?
17 MR. TRANEL: Aye.
18 MS. SOPPE: Mel Gratton?
19 MR. GRATTON: Aye.
20 MS. SOPPE: Dave Jansen?
21 MR. JANSEN: Aye.
22 (By voice vote five ayes.)
23 MR. GRATTON: Okay, so we will include
24 that. It's the time that I said we were going

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1 to wrap up, so we're going to do that. We still
2 have use standards to discuss and we can go
3 through the whole document also at another
4 meeting. So I think before we decide, you know,
5 to continue this let's discuss the next meeting
6 format. We do have a meeting -- regularly
7 scheduled meeting coming up on February 25th.
8 I'm going to be absent for that meeting, but
9 that doesn't mean you can't continue this at
10 that meeting if you choose or we can set another
11 special meeting to consider this. So what's
12 everyone's pleasure?

13 DR. TONNE: Can we ascertain that there
14 are people interested in testifying on the use
15 standards or the rest of the document?

16 MR. GRATTON: I do think at our last
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17 session we had people indicate that they did
18 want to testify regarding some of the standards;
19 is that correct?

20 MR. TAYLOR: Yes.

21 MR. GRATTON: I've heard that from several
22 people.

23 DR. TONNE: One?

24 MR. GRATTON: well, we had several last

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1 meeting and I don't even know if they're here
2 tonight, but --

3 MS. DAVIS: well, I think we need a
4 special meeting to continue this so once we get
5 that hat on we keep that hat on so we get it
6 done.

7 MR. GRATTON: Okay. Linda, do you have
8 the calendar or Melissa?

9 MS. SOPPE: I got it right here.

10 MR. GRATTON: Are we looking at March, I'm
11 assuming?

12 MR. JANSEN: well, we have to start with
13 Dave I think, right?

14 MR. AKEMANN: No.

15 MR. GRATTON: we'll give you a date and
16 then you'll respond.

17 MR. AKEMANN: I'll tell you.

18 DR. TONNE: How about the 18th?

19 MR. JANSEN: 18th of March?
20 DR. TONNE: February.
21 MR. JANSEN: These are -- okay, I thought
22 -- okay.
23 MR. GRATTON: What's --
24 MS. SOPPE: Are you looking in March?

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1 MR. JANSEN: He's saying February 18th.
2 MR. GRATTON: Oh, February 18th.
3 MR. JANSEN: That's what Doc said.
4 MS. DELVAUX: Dave has no wednesdays open
5 in February.
6 MR. GRATTON: That's what I thought, so
7 that doesn't work.
8 DR. TONNE: Thursday, the 19th.
9 MR. JANSEN: Are we trying to avoid dates
10 when the County Board members aren't available?
11 MR. GRATTON: Well, we're trying to make
12 it so they can be available.
13 MR. JANSEN: I know, I was trying to be
14 silly.
15 MR. GRATTON: I'm hearing people talk
16 about Thursday, the 19th. Anybody?
17 MR. JANSEN: We got a social environmental
18 committee.
19 MR. GRATTON: Okay -- oh, you've got
20 February and you've got March. That's why I'm
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21 getting confused.

22 MR. JANSEN: I'm looking at February. It
23 looks like February is out because you got a
24 couple of courthouse close dates the 12th and

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1 the 16th.

2 MR. GRATTON: Let's --

3 MR. JANSEN: Looks like March.

4 MR. GRATTON: -- move to March. Monday,
5 the 9th, what's that look like? Thursday, the
6 12th?

7 MR. JANSEN: what happened to the 9th?

8 MR. GRATTON: Susie is not available.

9 Nick is not available on the 12th.

10 DR. TONNE: Dave, how's your wednesdays in
11 March?

12 MR. AKEMANN: Good.

13 MR. GRATTON: what about the 18th in
14 March, that's a wednesday night?

15 MR. JANSEN: The 11th?

16 MR. GRATTON: 18th.

17 MR. JANSEN: No, we're asking about the
18 11th.

19 MR. AKEMANN: I'd just refer to the Board
20 Chair here.

21 MR. SCHULTZ: what's your question?

22 MR. AKEMANN: 18 March.
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23 MR. SCHULTZ: Is there anything up there?
24 MR. JANSEN: No. There's nothing on the

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1 11th either.
2 MR. SCHULTZ: The dates in March, is that
3 what you're asking or --
4 MR. AKEMANN: The 18th I believe, is that
5 correct?
6 MR. JANSEN: 11th and the 18th. The 11th
7 is open.
8 MR. GRATTON: The 11th is not working.
9 MR. JANSEN: Okay. I didn't know that.
10 MR. SCHULTZ: Looks like the 18th is open.
11 MR. GRATTON: Can we get everybody on the
12 18th? Should we try that one?
13 MR. JANSEN: Sure. All right. On the
14 18th we will continue with this process. What
15 we will be discussing then -- we'll continue on
16 the use standards and then we'll go through the
17 whole document if people so desire. Do I have a
18 motion to continue this session until March 18th
19 at 7 o'clock?
20 MS. DAVIS: I'll move.
21 DR. TONNE: Second.
22 MR. GRATTON: So moved.
23 DR. TONNE: Second.
24 MR. GRATTON: All those in favor.
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1 (All those simultaneously
2 responded.)
3 (The hearing was concluded at
4 9:43 p.m.)
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1 Now on this 22nd day of February, A.D.
2 2009, I do signify that the foregoing testimony was
3 given before the Jo Daviess County Zoning Board of
4 Appeals and Planning Commission.

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Melvin Gratton, Chairman

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Linda Delvaux,
Zoning Administrator

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Julie K. Edeus
Certified Shorthand Reporter
IL License No. 084-003820
P.O. Box 381
Dixon, Illinois 61021

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