

JO DAVIESS COUNTY
PLANNING COMMISSION/ZONING BOARD OF APPEALS
MEETING MINUTES
MAY 27, 2026

I. Call to Order

Chair Huschitt called the meeting to order at 6:00 PM on Wednesday, May 27, 2026 in the Jo Daviess County Board Room, Jo Daviess County Courthouse in Galena, Illinois.

II. Roll Call

Roll Call was answered as follows: Present – Gary Diedrick, Don Hill, Steve McIntyre, Ron Mapes, Peter Huschitt. Present: 5. Present electronically – 0. Present electronically: 0. Absent: 0.

Also in attendance: William Meeker, Planning & Development Administrator; Melissa Soppe, Planning & Development Office Manager.

III. Establishment of a Quorum

Chair Huschitt declared that a quorum of members was present.

IV. Approval of Minutes

A. DRAFT PC/ZBA & Ad Hoc Zoning Subcommittee Study Session Minutes - April 16, 2026

Huschitt states correct spelling of Tony Jones name, shows as Toby Jones.

A motion to approve DRAFT PC/ZBA & Ad Hoc Zoning Subcommittee Study Session Minutes - April 16, 2026 was made by Gary Diedrick and seconded by Don Hill.

The motion carried by roll call vote. Ayes – Gary Diedrick, Don Hill, Steve McIntyre, Ron Mapes, Peter Huschitt. Ayes: 5. Nays – None. Nays: 0. Absent: 0.

B. DRAFT PC/ZBA Minutes - April 22, 2026

A motion to approve DRAFT PC/ZBA Minutes - April 22, 2026 was made by Don Hill and seconded by Gary Diedrick.

The motion carried by roll call vote. Ayes – Don Hill, Steve McIntyre, Ron Mapes, Peter Huschitt, Gary Diedrick. Ayes: 5. Nays – None. Nays: 0. Absent: 0.

V. Unfinished Business

None

VI. New Business

A. CASE NO. 26-25: Susan Schamberger (11801 E Meyer RD, Stockton, IL 61085), owner/petitioner:
Variance from the rear-yard setback to permit a 7-foot setback where 40-feet is normally required; and Variance from the front-yard setback requirement to permit a 13.5-foot setback where 50-feet would normally be required. Site location: 11801 E Meyer RD, Stockton, IL 61085. Property zoned Agricultural (AG).

Zoning District: Agricultural (AG)

Acres: 1.0-Acre

Parcel No: 15-000-133-10

Wastewater Treatment: This property is served by a septic system (located south of the home) sized for a three-bedroom residence in optimal soil conditions. Approval of the Variance should not affect this system. Any plumbing in the proposed accessory building must be connected to an approved septic system.

Access Considerations: The County Highway Engineer has no concerns regarding the existing access to the property.

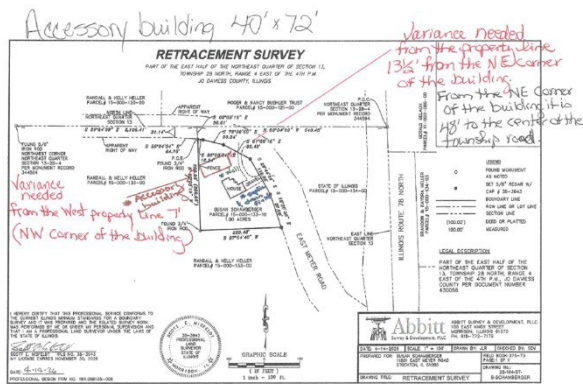
Other Considerations: The subject property is situated southwest of E Meyer RD, just west of IL Route 78 N and includes one-acre of land area. The existing residence and attached garage appear to have been built in the 1990s (date unknown). The petitioner wishes to construct a 40-foot x 72foot accessory building to the northwest of the residence. Given the relatively small lot area (one acre), the petitioner seeks Variances from the side- and front-setbacks.

Property Location



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Red Notations — Location of Variances



Standards for Variations: The Zoning Board of Appeals shall make findings of fact based upon the evidence presented to it specifying the reason for making such variation including findings with respect to the following standards:

1. The physical surroundings shape, or topographical conditions of the specific property will cause practical difficulties or a particular hardship to the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.
2. The conditions upon which a petition for a variation is based are unique to the property for which the variation is sought and are not applicable generally to other property within the same zoning classification.
3. The purpose of the variation is not based exclusively upon a desire to make more money out of the property.
4. The alleged difficulty or hardship is caused by this ordinance and has not been created by persons presently having an interest in the property.
5. The granting of the variation will not alter the essential character of the locality, and will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public street, or increase the danger of fire or flooding, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.
7. The variation requested is the minimum variation that will make possible the reasonable use of the land or structure.

Variance Findings of Fact/Explanation of Criteria:

1. What is there about the physical nature of this particular site that creates a necessity for a variance?
2. What is there about the request in general that distinguishes itself from other properties in this same zoning classification?
3. Is the purpose of this request to solve a problem for the property owner or strictly to increase the value of the property for purposes of selling it?
4. From the testimony, who was responsible for creating the situation which now requires that a variance be granted on this property?
5. Will this request be out of character with the neighborhood (such as allowing a forty-foot structure in a high-density residential area)? Will it be detrimental to the public, such as creating a blind spot at an intersection?
6. What affect will this variation have on the public's safety or on the value of other property or improvements to property in the area?
7. Can reasonable use be made of this property without the variance and is the variance requested the least amount needed? (Have they asked for a 20-foot variance, when only a 10-foot variance is needed?)

Administration of Oath: Chair Huschitt administered the oath to testify to the owner on this request.

Susan Schamberger, owner Do you have any questions?

Huschitt states you want to do a 40' x 72' accessory building? Can you elaborate on the use of that size of structure?

- Susan Schamberger states that I have six grandchildren, so I have all kids of bicycles, looking to get a motor home, extra truck, and storage. I am overflowing. I went from town to this place, which is my parent's property. Personal storage.

Diedrick asks if any utilities will be run to the proposed structure.

- Susan Schamberger states probably only electric.

Public Testimony Open

None

Public Testimony Closed

Review for rear setback from 40' to 7'

Standards for Variance: 1 - true; 2 - true; 3 - true; 4 - true; 5 - true; 6 - true; 7 - true, septic is on one side of the house and the well is on the other; the best place to put the structure. Standards met.

A motion to approve CASE NO. 26-25: Susan Schamberger (11801 E Meyer RD, Stockton, IL 61085), owner/petitioner: Variance from the rear-yard setback requirement to permit a 7-foot setback where 40-feet is normally required. Site location: 11801 E Meyer RD, Stockton, IL 61085. Property zoned Agricultural (AG); was made by Gary Diedrick and seconded by Ron Mapes.

The motion carried by roll call vote. Ayes – Steve McIntyre, Ron Mapes, Peter Huschitt, Gary Diedrick, Don Hill. Ayes: 5. Nays – None. Nays: 0. Absent: 0.

Review for front setback from 50' to 13.5'

Standards for Variance: 1 - true; 2 - true; 3 - true; 4 - true; 5 - true; 6 - true; 7 - true. Standards met.

A motion to approve CASE NO. 26-25: Susan Schamberger (11801 E Meyer RD, Stockton, IL 61085), owner/petitioner: Variance from the front-yard setback requirement to permit a 13.5-foot setback where 50-feet would normally be required. Site location: 11801 E Meyer RD, Stockton, IL 61085. Property zoned Agricultural (AG) was made by Ron Mapes and seconded by Peter Huschitt.

The motion carried by roll call vote. Ayes – Ron Mapes, Peter Huschitt, Gary Diedrick, Don Hill, Steve McIntyre. Ayes: 5. Nays – None. Nays: 0. Absent: 0.

B. PROPOSED AMENDMENTS TO TEXT OF THE JO DAVIESS COUNTY ZONING REGULATIONS (Title 8, Jo Daviess County Code of Ordinances):

Title 8, Chapter 2, Administration and Enforcement:

Title 8, Chapter 3, District Regulations

Title 8, Chapter 4, Supplemental Regulations

Title 8, Chapter 5, Use Table and Regulations Title

8, Chapter 7, Definitions

Huschitt would like to extend a thank-you to the Ad Hoc Zoning Committee for the work that they have done. We ZBA members sitting on this Zoning Board of Appeals hear the cases and at times hear that there perhaps should be changes in our Zoning Ordinance. Minor changes and updates, we will try and take those on. However, with the update of the Comprehensive Plan, it was decided that there should be more of a thorough review of all of our ordinances. Things that came up are the 40-acre rule, which I would like to see it called the Special Use Permit Rule. This question comes up on

this often and so it was decided by County Board to form an Ad Hoc Committee to take a look at the Zoning Ordinance. They met for a little over a year to a year and a half, discussing areas that they felt needed to be revisited in the ordinance. Once they completed their work, they issued a white paper which contained the area that they felt needed to be updated and they did that by writing the white paper which were recommendations which were presented to the County Board for consideration. The County Board then assigned us to that project here tonight to have the public hearing.

Last month we had the study session, it wasn't a public hearing, we as a ZBA did not interact, it was to hear what the recommendations were and why those recommendations were made. It brings us to this point tonight, where we do have a public hearing, where the public will not be able to speak to the various recommendations that are in front of us. Thank you to the Ad Hoc Committee, they did a lot of heavy lifting. It is not easy sometimes when you look at your zoning ordinance, which is a pretty big book, and different opinions of what it should be. I thank them for the work they did. I also want to thank the staff at Planning & Development because they put a lot of extra time in this process and this process is not over yet.

We will be given a staff report, and we have divided the various recommendations into three sections. We are anticipating a lot of public discussion tonight. I am not sure if we will get through all of it this evening. We may need to continue this meeting. Once we start a section, it is imperative that we finish that section. Informal poll of who is here for each section. At the end of each section, before we go on to the next one. We will have a staff report. I then open it up for the public hearing. That is where anyone that wishes to speak on the topic can do so. Once the public has finished, I will close the public hearing. Once the public hearing is closed, it is closed and will not be opened. We are charged with making a motion, which is a recommendation to the County Board. Whatever comes out of tonight's meeting or if continued, it is a recommendation to the County Board. County Board will act on the recommendations at a future meeting. This hearing is for the public to give us their input, their thoughts on those particular things and our goal is to make a recommendation to the County Board.

Sign in on the notebook with name and address for anyone that wishes to speak. No time limit is set for speaking, but please be concise as possible, and we ask that you speak as much to the topic versus making multiple trips to the mic. If someone spoke before you as stated various reasons that you agree with, just state that I agree with this speaker and if you want to review the points quickly, it just helps expedite the meaning and if you have additional thoughts please feel free to share them. If you have spoken and later on someone makes a topic that makes you think of something else, we want to be respectful to everyone's opinion, we will allow you to come the mic a second time, but we ask that it only be additional information which you have not already stated and preferably anything else someone else has stated and be concise as possible since this is a large crowd. Let's just make sure that we are always courteous, we are not here to attack people or condemn their opinions. I strongly believe that everyone is entitled to their opinion, with that said, I don't have to agree with it, I don't even have to like it, but I believe, as a human being, I need to be kind and

courteous to the fact that they have an opinion that may very well differ from mine and I am entitled to my opinion and articulate it just as much as the next person.

Meeker presents the Staff Reports. We have moved the LESA information to Section 1 since it is related to the Special Use Permit Rule.

SUMMARY OF AMENDMENTS:

Based upon public comments received to date, the outline of the amendments is presented in order of those proposals that have provoked the greatest interest first. Full text of the amendments is attached to this report. Any written public comments received prior to distribution of the agenda are also attached as exhibits to this report and hence become part of the public hearing record. For purposes of the public hearing, the staff report is divided into three sections, each addressing proposed amendments that are similar in nature for discussion purposes. It is recommended that the Commission take public testimony during the discussion of each of these three sections; in other words, the Commission is encouraged to listen to testimony regarding the amendments in each section of the report, then discuss the matter before making a motion regarding amendments in each section before moving on to the next section where the approach should be repeated. It is believed that this may streamline the discussion.

SECTION I

TITLE 8, CHAPTER 3, DISTRICT REGULATIONS: The following amendments were recommended:
Within the Agricultural (AG) Zoning District:

- **Reduce the minimum “lot area” from 40-acres to one-acre for all properties zoned AG.** Additionally, eliminate the need to apply for a Special Use Permit for “nonagricultural” residences constructed in an AG zone unless the parcel is less than one acre in area.
- **Eliminate restrictions on the amount of non-agricultural accessory areas** that may be placed on a property zoned AG.
- **Delete Section 8-4F-2, Land Evaluation Site Assessment (LESA) – LESA and Natural Resources Inventory Reports:** Delete the requirement for a Land Evaluation and Site Assessment (LESA) for any proposal converting agricultural land to non-agricultural use. This would also eliminate the requirement for preparation of a Natural Resources Inventory (NRI) which evaluates soil types on properties where a potential use conversion is proposed to determine if valuable agricultural land is being eliminated. Potential Concerns: Many of the concerns expressed in the prior section of this report related to the reduction in the minimum lot area in the AG zoning district apply to these proposed amendments as well.

Consistency with the Illinois Plat Act (765 ILCS 205) and Other State Statutes:

Following consultation with the States Attorney regarding the proposed reduction in minimum lot area in AG zoned areas from 40-acres to one-acre, it was determined that pursuant to Section 10620 of the Illinois Property Tax Code (as referenced in the Plat Act), the minimum lot area may not be reduced to less than two-acres. This information was found following the Ad Hoc Zoning Ordinance Subcommittee's formulation of a recommendation:

"Nothing contained within the provisions of this Act shall prevent or preclude individual counties from establishing standards, ordinances, or specifications which reduce the acreage minimum to less than 5 acres, but not less than 2 acres..."

For this reason alone the Commission's discussion should focus on whether or not to reduce the minimum lot area to two-acres since a one-acre minimum would violate State statutes.

Nothing in the proposed amendments alters exemptions from preparation of a Plat pursuant to the Illinois Plat Act, as follows:

(b) Except as provided in subsection (c) of this Section, the provisions of this Act do not apply and no subdivision plat is required in any of the following instances:

1. the division or subdivision of land into parcels or tracts of 5 acres or more in size which does not involve any new streets or easements of access;
2. the division of lots or blocks of less than 1 acre in any recorded subdivision which does not involve any new streets or easements of access;
3. the sale or exchange of parcels of land between owners of adjoining and contiguous land;
4. the conveyance of parcels of land or interests therein for use as a right of way for railroads or other public utility facilities and other pipe lines which does not involve any new streets or easements of access;
5. the conveyance of land owned by a railroad or other public utility which does not involve any new streets or easements of access;
6. the conveyance of land for highway or other public purposes or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use;
7. conveyances made to correct descriptions in prior conveyances
8. the sale or exchange of parcels or tracts of land following the division into no more than 2 parts of a particular parcel or tract of land existing on July

17, 1959 and not involving any new streets or easements of access; 9. the sale of a single lot of less than 5 acres from a larger tract when a survey is made by an Illinois Registered Land Surveyor; provided, that this exemption shall not apply to the sale of any subsequent lots from the same larger tract of land, as determined by the dimensions and configuration of the larger tract on October 1, 1973, and provided also that this exemption does not invalidate any local requirements applicable to the subdivision of land; 10. the preparation of a plat for wind energy devices under Section 10-620 of the Property Tax Code. Nothing contained within the provisions of this Act shall prevent or preclude individual counties from establishing standards, ordinances, or specifications which reduce the acreage minimum to less than 5 acres, but not less than 2 acres, or supplementing the requirements contained herein when a survey is made by an Illinois Registered Land Surveyor and a plat thereof is recorded, under powers granted to them. (c) However, if a plat is made by an Illinois Registered Surveyor of any parcel or tract of land otherwise exempt from the plat provisions of this Act pursuant to subsection (b) of this Section, such plat shall be recorded. It shall not be the responsibility of a recorder of deeds to determine whether the plat has been made or recorded under this subsection (c) prior to accepting a deed for recording. (Source: P.A. 99-78, eff. 7-20-15.)

Comprehensive Plan Consistency:

The Jo Daviess County adopted an updated Comprehensive Plan in 2024. In general the Plan recognizes that more dense development that is not adjacent to the incorporated communities will adversely impact the inventory of viable agricultural land and otherwise increase the need for community services (sewer, water, roadways, public safety, etc.) in areas where existing services are inadequate to meeting the services needs that are generated by increased land-use density. Even when considering a two-acre minimum lot area in AG zones, this concern remains. The following is an excerpt from the Comprehensive Plan's Goals and Objectives which succinctly outline the following interests with respect to land-use:

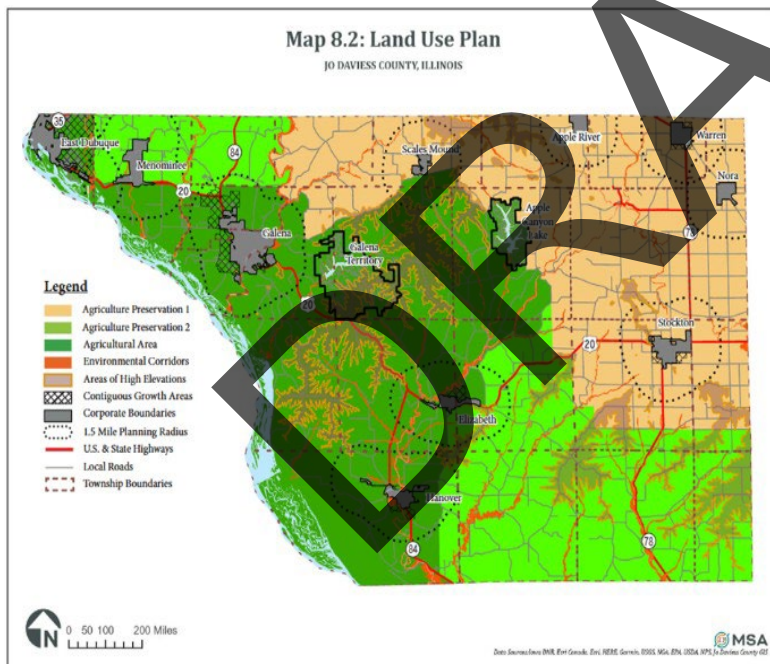
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Goal VI: Maintain Rural Character and Improve Quality of Life

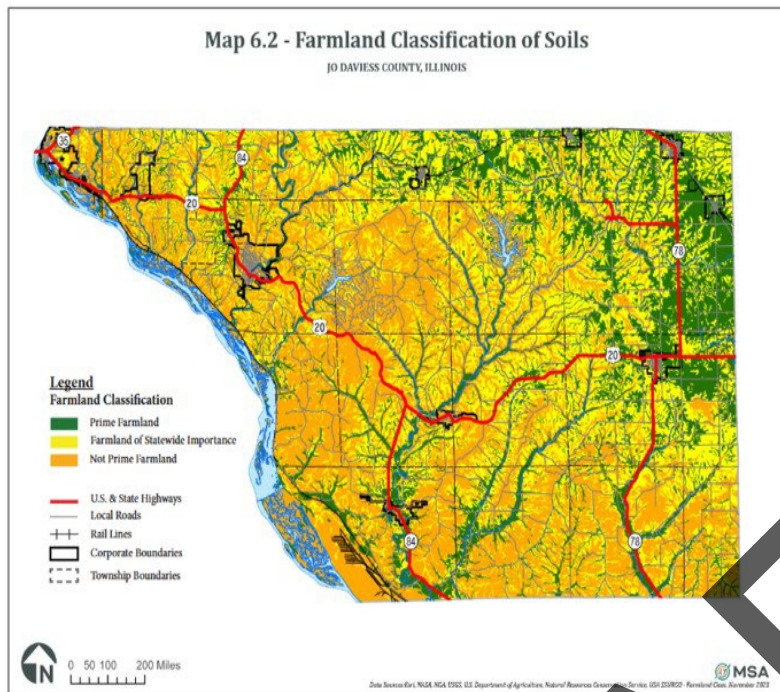
The county's rural character and exceptional quality of life are integral and will be both enhanced and safeguarded. Given the significance of these ambience factors to Jo Daviess County, development proposals will be scrutinized with the aim of protecting and promoting:

- The rural setting.
- A leisurely pace of life.
- A secure environment.
- The vitality of towns, schools, and community churches.
- Minimal congestion.
- The pastoral aesthetic.
- Preservation of small-town heritage.
- Thoughtful and unobtrusive development.
- The limited proliferation of billboards.
- Diverse public and private services.
- An appealing family-friendly environment (including affordable, available child care.)
- The position of the county as an attractive retirement area.
- Rural dark skies.

The following map illustrates the “contiguous growth areas” to the incorporated communities as set forth in the Comprehensive Plan.



The following map from the Comprehensive Plan shows the “Farmland Classification of Soils” within the County, illustrating those areas of prime farmland, farmland of Statewide importance, and nonprime farmland:



Concerns Expressed by Jo Daviess County Health Department:

Many AG zoned properties are served by a private septic system and well. The Department is concerned that by lowering the minimum lot size to 1-acre (NOTE: now two-acres), there may not be adequate space for these necessary systems in some areas. This would require variances to be considered in order to meet setbacks and possibly sizing requirements, which should always be a last option scenario. We must also consider setbacks from neighboring property's well and septic systems as this often affects available space. There should also always be a second area reserved for a replacement septic system for when the original is no longer functional.

I just recently had to work with a contractor to find a suitable location for a new well to be drilled on a property that was an existing 1-acre lot. Half of the property was river and a neighboring house to the front limited where the new well could be placed to one small area near the driveway of the property. This solution now is going to complicate finding a space for a new septic system in the future because of the setbacks.

This also ties to motion d: Allowing 1 acre lots with no restrictions on the coverage of accessory structures is going to further complicate the issue of having adequate space available for a well and septic system. More and more accessory structures are including plumbing fixtures that connect to a septic system, making the space required even larger. The Illinois Sewage code requires 10 feet separation between a drain field and a structure.

Motion c: If a building permit is not required, are plans still reviewed to make sure a septic permit isn't needed? Plumbing would still require a septic system to be installed even if the building isn't required to be permitted.

Concerns Expressed by Nancy Breed, former Chair of the 2024 Jo Daviess County Comprehensive Plan Update Subcommittee:

The following is the full text of her comments...

Jo Daviess County's Comprehensive Plan was updated and approved just two years ago. It gives resounding support to smart growth for our cherished Driftless landscape and rural culture. The Ad Hoc Zoning Subcommittee was formed to review and recommend County policies consistent with the updated Plan. I applaud their work and support their recommendations with two exceptions: 1) I strongly support NO CHANGE to the minimum 40-acre guideline for Agricultural Permitted Uses, and 2) I strongly urge the CONTINUED USE of the Land Evaluation Site Assessment (LESA) tool. To quote the 2024 Comprehensive Plan: "Random rural development threatens agriculture, the scenic beauty, and other resources. Scattered rural residential development, in particular, has been increasing over the past twenty years and has, in some cases, compromised the ability of agriculture to flourish. A continued increase in scattered rural residential development will ultimately result in the same problems generally associated with urban sprawl – inefficient use of large areas of land to house a small number of residents, increased traffic, and excessive energy usage as residents drive longer distances to acquire goods and services. Infrastructure and services required to support rural development (e.g., country road upgrades to accommodate increased traffic; longer routes for school buses, emergency services, fire, and police protection) are more costly per housing unit than the same services provided to concentrated development in communities and planned developments. Scattered rural development is not a cost-effective form of development for the county."

I understand one of the top three goals of the Ad-Hoc Zoning Subcommittee was to "reduce the need for Variances without compromising County-wide respectable standards." Changing the minimum acreage from 40 acres to 1 acre for agricultural permitted uses is NOT smart growth and is NOT aligned with County-wide respectable standards which support agriculture, tourism, and scenic unspoiled vistas. Knowing the County holds firm to existing high standards for land use will eventually result in fewer Variance requests; just say NO to those who persist in requesting special treatment not in compliance with existing guidelines. Do not be pressured by individuals, developers and realtors who seek variances to County ordinances for self-serving gain. Hold tight to the values of the majority of our 21,000 residents expressed in our Comprehensive Plan. LESA has been an excellent tool for Jo Daviess County land use issues for decades. If it needs a refresh, fine, but don't throw it out. Contiguous or cluster growth must prevail. Paving paradise is a real threat to the future of Jo Daviess County.

Concerns Expressed by Robert Melcher, Member of the Jo Daviess County Water Research Management Subcommittee:

The following is the full text of Mr. Melcher's comments...

I've been a member of the Jo Daviess County Water Research Management Planning Committee since 2014. Over the years we have learned a lot about the hydrogeology of the County. In terms of septic effluent, research done in the county shows that septic effluent is going into the shallow aquifer that our private wells draw from. Does the proposed change of the minimum residential lot size from 40 acres to 1 acre take into account the increase in the amount of septic effluent we would have in the shallow aquifer and the drinking water issues that would be related to that? I have lived on a farm north of Stockton for over 50 years. Our well water tastes good and is safe to consume. I recently participated in an in-depth water sampling project, and the test results showed that the chloride levels in our well water is over four times the normal background level. Analysis showed that the source is not road salt. It seems very likely that the source is from our water softener that is entering the aquifer from our septic system and then is showing up in our well water. Adding more septic systems out in the county isn't going to improve the quality of our drinking water. I don't know if there is a magic minimum lot size in terms of limiting interactions between residential septic fields/systems and wells, especially given the nature and extent of our karst terrain, but I'm pretty sure that one acre is not enough. If you are changing this to make it easier for people to build in Jo Daviess County and in the process, you destroy the reasons they come (good water, good air, and beautiful scenery) we will all be poorer in the end.

Concerns Expressed by Beth Baranski, Local Architect and Member of the Ad Hoc Zoning Ordinance Subcommittee:

Ms. Baranski's full letter is attached to this report; the following are excerpts from her letter that specifically address the AG lot area issue...

This change is contrary to the comprehensive plan. The County's comprehensive plan serves as the foundation and policy guide, and the zoning ordinance provides the legal framework and regulations to bring that plan into effect. They are connected. The comprehensive plan that was written in 1999 relied heavily on community input - community meetings, 1822 surveys (22% of households in the County) and multiple stakeholder meetings. The top three most serious issues identified were 1) Property tax increases, 2) Loss of natural beauty, and 3) Loss of farmland to development. The recently updated plan reinforces priorities to address these issues and continues to reflect a thoughtful response, recommending that development be directed to the communities. The introduction to the 2024 comprehensive plan states: The desire to encourage development and create better paying jobs in the County is coupled with an understanding that new development should be located to efficiently provide services and infrastructure and to ensure wise use of the County's many natural resources. The County is challenged to maintain a balance between serving

the interests of individual property owners and directing development in ways that will benefit the entire County. The manner in which this balance is achieved will determine the legacy passed on to future generations...

The heart of this plan relates to its recommendation to direct residential, commercial and industrial development to communities, while preserving productive farmland and the rural character of the County. The goals and objectives of the Comprehensive Plan are laid out to support this land use approach (e.g. Goal II: Promote Vibrant Communities, Goal III: Support Economic Development and Growth, Goal V: Support Agriculture, Goal VIII: Promote Cooperative Planning, and Goal IX: Support Strategic Growth and Development).

The county will likely be subsidizing this. Privately owned working lands generate more public revenues than they receive back in public services. It stands to reason that a home built in a municipality utilizing municipal services will be less expensive to service than a home built out in the country. American Farmland Trust did a study of over 150 communities across the country and found that the cost of community services for residential development was greater than the revenue generated (with a range of \$1.02 to \$2.11 paid for every dollar of revenue). A study of Ann Arbor Township in Michigan showed that the smaller the lot sizes the greater the shortfall, stating that "there are many "external" costs associated with development which are borne by the entire community, not just by the newcomers," and noting that "it is in the community's best interest to mix efficient development with the preservation of its farmland and open spaces to keep taxes from rising dramatically as residential development demands new or expanded services."

Septic systems are problematic given our hydrogeology. Water testing in the County indicates that septic effluent is releasing contaminants into the shallow aquifer from which most private wells draw their water. Microplastics, pharmaceuticals and personal care products and other constituents likely from septic effluent have been detected in springs and wells throughout the county. More septic systems spread throughout the county will be detrimental to groundwater quality in the shallow aquifer. Most of the county has shallow soils, particularly those areas with topography where residential demand appears to be greatest. A homeowner on 1 acre in the county whose septic field fails may have few alternatives.

Concerns Expressed by James Considine, Galena Territory Resident:

The following comments were submitted by James Considine; they are verbatim from his letter (attached):

I would like to object to two proposed amendments to the Jo Daviess County Zoning Ordinance. The amendments will be subject to a public hearing before the Planning Commission/Zoning Board of Appeals on May 27, 2026.

First, under Chapter 3, District Regulations, in the Agricultural District, the minimum lot size for an agricultural residence would be changed from at least forty (40) acres to one (1) acre. I object to this change since no reason or explanation for the change has been provided and the change conflicts with the County Comprehensive Plan 2024 as described below:

- *Section 1.1 states “Preservation of natural, agricultural, and historic resources remains a priority”. The proposed action goes against this policy by allowing residential development on agricultural land.*
- *Section 8.7, Land Use Issues and Needs states: A continued increase in scattered rural residential development will ultimately result in the same problems generally associated with urban sprawl -- inefficient use of large areas of land to house a small number of residents, increased traffic, and excessive energy usage as residents drive longer distances to acquire goods and services. Infrastructure and services required to support rural development (e.g. country road upgrades to accommodate increased traffic; longer routes for school buses, emergency services, fire and police protection) are more costly per housing unit than the same services provided to concentrated development in communities and planned developments. Scattered rural development is not a cost effective form of development for the county. The proposed amendment would allow scattered rural development and, therefore, should be rejected.*
- *A high priority under Goal V is to: Maintain an Agriculture Preservation Area that encompasses large contiguous areas of prime and important farmland, for use as an informational tool, locating areas where non-agricultural development is to be limited. The proposed amendment conflicts with this priority.*

Second, under Chapter 4, Supplemental Regulations, the Land Evaluation Site Assessment process is being removed. I object to this amendment since no reason or explanation has been provided and the amendment would conflict with the Jo Daviess Comprehensive Plan that states:

- *Section 8.8, Agriculture and Agricultural Preservation Areas states: The scenic beauty of the area is also alluring to people who want to live in a rural setting in order to enjoy the ambiance, serenity, and privacy of country living. The demand for rural residential development is steadily increasing. Also increasing is the potential for conflict between rural residential growth and agriculture.... Presently, the Jo Daviess County Planning Commission is using the Land Evaluation and Site Assessment (LESA) system to evaluate development proposals for impacts on productive farmland....This LESA criteria has been tested for a number of years and has proven a workable and valuable tool in evaluating projects. The LESA system was approved by the Illinois Department of Agriculture, Bureau of Land & Water Resources and the USDA Natural Resources Conservation Service and was adopted July 11, 2006 by the Jo Daviess County Board.....It is desirable to preserve the most productive prime farmland to the fullest extent possible, while preserving large areas of important and other farmland as much as possible without being unduly restrictive. The Comprehensive Plan*

clearly states the reason and purpose for the LESA system used by the County. No explanation has been submitted, which explains why this should be eliminated.

- A recommendation as stated in Goal IX is: *Rural development proposals are evaluated based on farmland protection and avoidance of agriculture/residential conflicts, using the Land Evaluation and Site Assessment (L.E.S.A.) system.*

Concerns Expressed by Harry Drucker, Driftless Valley Farm, Hanover: Verbatim comments from his attached letter:

Although I am unable to personally attend the May 27 public hearing on the proposed changes to our County's zoning ordinance, I would like to submit this note to **respectfully oppose the proposal to amend the zoning regulations that would reduce the minimum lot size from 40 acres to 1 acre in the Agricultural District.** My reasons for opposing the proposal to reduce the minimum lot size are as follows.

Reducing the minimum lot size is inconsistent with the Jo Daviess County Comprehensive Land Use Plan (the Plan) which was adopted in July, 1994, after much public input and comment. The current Plan, as well as past plans, for Jo Daviess County have been consistent in their focus on balancing growth with preserving the county's rural, agricultural, scenic, and historic character. Goals of the Plan include (1), directing growth towards existing towns and already developed areas; (2), preserving farmland and the agricultural economy; (3), protecting the rural character and scenic beauty of the County; (4), protecting water quality and natural resources; (5), supporting sustainable economic development; (6), and encouraging sensible infrastructure development. Encouraging new development in existing towns and already developed areas where infrastructure already exists saves the taxpayers money (think ambulance, fire, utility, road, sewage, etc.). By discouraging scattered rural subdivisions, the Plan also prevents the fragmentation of farmland and minimizes conflicts between farming operations taking place next to residential areas.

Reducing the minimum lot size in an Agricultural District from 40 acres to 1 acre will have significant land-use, economic, infrastructure, and environmental consequences and undermine the whole purpose of the County's Plan. Adopting the proposed change will lead to smaller lots that fragment farmland, making commercial farming less practical and less profitable. In addition, a patchwork of 1-acre residential parcels can permanently eliminate productive agricultural land.

Allowing 1-acre lots will encourage low-density residential development in rural areas which will spread development outward rather than concentrating growth near existing towns and infrastructure. It will increase traffic, commuting distances, and long-term public service costs (think increased taxes).

Increased infrastructure costs will be passed on to the County's taxpayers. Tax revenue from scattered 1-acre homes will not cover the long-term costs of serving those properties (rural roads,

emergency services, utilities, schools, etc.). Eventually the County may be forced to expand sewer, water, and road systems into previously rural areas, at taxpayer expense.

Reducing lot sizes from 40 to 1 acre will fundamentally change the character of the County. Once land is subdivided into 1-acre parcels, reassembling it into productive agricultural acreage is extremely difficult and the change may create an irreversible long-term shift away from farming. Protecting productive farmland and maintaining the County's agricultural identity are central goals of the County's Plan. The Plan discourages scattered rural subdivision development that fragments farmland and the proposed zoning change completely undermines the Plan's goals. The 2024 plan adopted by Jo Daviess County continues the County's longstanding policy direction: encourage carefully managed growth near existing communities while preserving Jo Daviess County's agricultural land, scenic landscapes, environmental resources, and historic rural identity. Zoning rules in Jo Daviess County are designed to implement and reinforce the goals of the County's Comprehensive Land Use Plan by translating broad policy goals into enforceable land-use regulations.

Adopting the proposed zoning change to reduce the minimum lot size from 40 acres to 1 acre will not only undermine the goals of the County's Plan, adopting the proposed change will render the Plan irrelevant and lead to uncontrolled, unplanned, and ill-advised development in our County.

For the foregoing reasons, I respectfully oppose the proposed change to reduce the minimum lot size from 40 acres to 1 acre.

City of Galena Comments:

The following comments from the City of Galena are included verbatim (full letter is attached to this report):

The City of Galena strongly opposes the Jo Daviess County proposal to reduce the minimum required rural lot size from 40 acres to 1 acre for single-family dwellings. This proposed amendment conflicts with adopted comprehensive plans, threatens County fiscal stability, endangers critical groundwater resources, and contradicts best-practice land-use planning principles as well as Illinois statutory guidance. The city also believes that this is in violation of the Illinois Plat Act. Please inform us how it is not.

1. Conflict With Adopted Comprehensive Plans

Jo Daviess County Comprehensive Plan

The County's 1999 and 2024 Comprehensive Plans emphasize directing residential, commercial, and industrial development into municipalities while preserving productive farmland and protecting rural

character. The 2024 plan explicitly states the County seeks to "direct development to communities" as part of its long-term growth strategy.

City of Galena Comprehensive Plan (2025)

Galena's 2025 Comprehensive Plan, developed through an intensive public process, serves as a 20-year blueprint for land use, housing, infrastructure, and resource conservation. It commits the city to strategic, managed growth, reinvestment in existing areas, and preservation of historic and natural landscapes.

The County's proposed 1-acre rural lot standard fundamentally contradicts both jurisdictions' adopted planning frameworks.

2. Fiscal Impacts: Rural Residential Development Is a Net Cost

Cost of Community Services (COCS) studies consistently show rural residential development is a fiscal liability, requiring \$ 1.02 to \$2.11 in services for every \$1 generated in tax revenue, while farmland generates a net surplus.

Reducing lot sizes to 1 acre would increase County expenses for road maintenance, emergency response, school transportation, and utilities, shifting long-term tax burdens onto existing residents. Illinois Counties Code (55 ILCS 5/5-12001) requires zoning to protect the public welfare and avoid unnecessary fiscal burdens.

3. Groundwater and Environmental Risks

Jo Daviess County contains extensive high-sensitivity aquifers and shallow soils. Studies conducted in the County document septic-related contaminants including pharmaceuticals, microplastics, and other pollutants—in local wells and springs. On a one-acre lot, septic field failures leave little room for safe relocation, increasing contamination risk. Protecting groundwater is a statutory obligation under 55 ILCS 5/5-12001.

4. Ongoing Rural Sprawl is Already Evident

County building permit maps from 2006—2023 show that 70—74% of all new homes were built in agricultural or agricultural preservation areas, indicating accelerating rural sprawl. A 1-acre

minimum lot size will intensify farmland fragmentation, undermine agricultural viability, and further increase public service demands.

5. Best Planning Practices Strongly Oppose the Change

Professional and statutory planning standards support:

- Directing growth into incorporated areas where services already exist.
- Preserving large blocks of farmland to maintain rural character and agricultural productivity.
- Aligning zoning decisions with adopted comprehensive plans, consistent with Illinois statutes (55 ILCS 5/5-14001; 65 ILCS 5/11-12-4). Illinois Plat Act (765 ILCS 205/1 et seq., 651 ILCS 5/1113 et seq).
- Protecting groundwater and environmentally sensitive areas, avoiding dense septic-dependent rural development.

Conclusion

The proposal to reduce rural minimum lot size from 40 acres to 1 acre is inconsistent with local and regional planning goals, fiscally unsustainable, environmentally risky, and contrary to Illinois zoning authority requirements. The City of Galena urges the County to reject the amendment and maintain its commitment to strategic, responsible, and plan-based development.

Since the date of the release of the staff report, which was last Thursday, we have received 15 additional letters. Those again are letters of opposition. We have them available online and are from - Vito Ippolito, county resident; Jo Daviess County Beef Association; Barb Koch, county resident; Rachel Lenstra, county resident; Gerald Podraza, county resident; Larry Priske, county resident; Stockton Township; Patricia Willy submitted two emails opposing the proposal; Wayne & Debbie Zonca, county residents; Linda Skisak, county resident; Jill & William Millhouse, county resident; Diane Gallagher, resident of East Dubuque; Mary Ann & John Pressnell, Galena Territory residents; Scott Cook, Casper Cemetery.

McIntyre asks if we are able to ask questions of the person speaking.

- Meeker states that if you are asking for clarification of their comments, yes, but you cannot get into deliberation.

Woman asks if the public is able to ask the zoning board questions.

- Meeker states that you can, if it relates to their opinion they cannot answer because it is a hearing for the public to provide comments to the zoning board. You can ask a question and make note of it, it may not be answered right away.

Zoom member asks if the website can be shared with those on zoom.

- Meeker states yes.

Public Testimony Opened

James Asta, 500 N High Street, Galena

- 24-year resident, I own businesses here, and currently operate a business here. I am here to speak against this proposed amendment. Firstly, it is very clear it goes against the County Comprehensive Plan. The top three concerns with the community input are that of the property tax increases, loss of natural beauty, and loss of farmland to development. Those top 3 concerns are concerns related to this proposed amendment as well. Those very things that people are here to speak about tonight. Something that goes against, which I believe was about 22% of residents that responded to that, it was a lot of public input. A lot of people spoke about this and it was important and a lot of work done to develop the Comprehensive Plan. Why the hurry to go against this and rush this? With all that input and all that work done, why not talk about the Comprehensive Plan, is it wrong, is it bad, was it improperly built. Why the rush? I speak here today as a political independent, I am not registered with a party, I don't do that, I vote for people of Democrat party, Republican party, I voted for greens, I voted for independents. However, it is also important to acknowledge that lately in the US, we have seen a smash and grab of the liberties of common citizens. I will give just one example, we have seen the rollback of the voting rights act, in this country 2026, we have black voters being disenfranchised all across the south, how does that relate, this feels like that, this is rushed, this is not considering us the people like what do we want, how do we feel about this. Yeah, we have this hearing, but this is huge and this is a big thing that could permanently affect this county and may not ever be able to be undone, of course, right. This feels like another assault on us, when this is so important to us and it really is. That is why it is part of the Comprehensive Plan. The day after that Supreme Court decision southern states moved immediately to take away rights and redistrict majority black districts, this unfortunately is the situation, this is fact and this is not in dispute, you may not like it, but this is the fact. This is what it feels like to a lot of us and that is why we are here tonight; this is the energy we are living in every single day. The members of the County Board are very tied in with the Republican Party, the party that is just supporting the same assault I just spoken about, which is not in dispute. I have lost trust in a lot of government and so have a lot of other people. It is really hard for me to trust right now. Also on the board we have people that own farmland, vacation rentals, and other businesses too, right. That is all good, I am a business operator myself, I am a landowner, I have been an employer, I have driven all over

this county running a service business. I know how beautiful it is. I have seen these farmlands that these board members own, I have been on them too. That is all good, except when it is a conflict of interest, when you are voting to help yourself out. I think that sucks. This carries major consequences, this decision, that we all got to live with. If you are thinking for those on the County Board and making the recommendation, if you are going yes on this, just know that this may not work out the way you think it will, right. We have had an example of that last couple years, things didn't work out the way a lot of people thought they would. That could happen here too. You guys want to wear all of that, you want to own that decision. Especially if the people are unhappy about that and this permanent change, this causes problems in the community and division among people. What I propose is slowing this thing way down, serious impact to the public and county lands that is permanent. I think this should be brought to public vote at the next available opportunity. Now putting this on the public vote, that avoids that conflict of interest, right, because it is the public that is voting on it and vote in their own interest. We can vote in our own interests. Give the public the best opportunity to change the course of business in this county. Now, if this proposed amendment is such a good thing right now, today, then there is no need to rush is there? It will be a good thing come time for the next election. And despite some of the County Board believing that some landowners should be able to do whatever they want with their land, this is a recipe for disaster for most of us. And a potential windfall for a few. That is what I think, for those that support the amendments, if this is really so good, slow it down, take some time to sell it, sell it to me, and sell it to everybody in this county and then let us make the choice. Thank you.

Lyle Eaton, 828 E Reusch Rd, Elizabeth, land surveyor

- I used to think the 40-acre rule was a really ridiculous rule, but the more I realized it is a safeguard to be able to help up determine the rule where people can and can't build. Could that be lowered, do I feel like it could be lowered, it could be lowered, possibly, but two acres, I feel like is not enough area for someone to build on. I also don't want to see all of these two acre lots filter down all of our beautiful roads, because that is what would happen. I feel that it would be irreversible. So I feel like it could be lowered, but not two acres and I don't know what the magic number is. There possibly could be other changes too, but I feel like we are rushing this as well. And as far as the LESA score, I am quite certain that is a State Law that you have to have a LESA score to proceed with any building or areas that are special uses.

Beth Baranski, 1015 S Bench St, Galena

- I have already submitted comments in writing to you that touched on my concerns about changing the minimum residential lot size. In those comments I touched on how this recommendation is in conflict with the Comprehensive Plan, first. Second, how rural residential development costs the county more than it is receiving in taxes. Unlike working

farms and timber lands cover the costs of the public services. How the smaller the minimum lot size is made the greater the public service cost is, which would go against any idea to arbitrarily reduce the minimum lot size as some sort of compromise. One might say even supports the idea of increasing the minimum lot size. Third, how adding septic fields throughout the county with random rural residential development will compromise the water quality in the shallow aquifer that private wells pull drinking water from. I should have added concerns here related to storm water management, but tonight I would like to place more emphasis on the conflict this specific text amendment has with the Comprehensive Plan. The Comprehensive Plan represents the broad goals of the county residents, the voice of the people, if you will. And zoning regulations are meant to support those goals. This is important for many reasons, not the least of which being as you all know that while the Comprehensive Plan isn't a law like zoning is, the courts treat it as evidence as to whether or not a zoning decision is reasonable. They check to see if the zoning decision aligns with the development goals in the plan. If the zoning ordinance conflicts with the Comprehensive Plan they can be argued that a zoning action is arbitrary or capricious. I served on the Ad-Hoc Zoning Committee that has brought these recommendations forward under consideration tonight, I voted against the proposal to change the minimum residential lot size from 40 acres to one acre, now two. I always think it is important to try understand the perspectives of people that I don't necessarily agree with and this case was no exception. I puzzled over how others could think this change would be good for our county. My current understanding is that it comes down to beliefs about individual freedom, which I respect. But the role of government is to ensure the greatest level of health, safety, and welfare for the greatest number of people. Certainly, people can agree that granting everyone complete freedom results in infringements on the rights of others. And I think that is the case here. Deciding where to draw those lines is never easy and that is why no small group of people should have the power to draw those lines for everyone else. When it comes to land use this is why we do Comprehensive Planning, to have a countywide conversation involving as many people as possible and to come to a consensus on a vision for the future. The people of Jo Daviess County have done just that and while not everyone may agree with everything, but as a whole we have been remarkably consistent in our vision. In 1997, a vision survey was conducted as a precursor to the 1999 Comprehensive Plan. As stated, before the top issues were property tax increase, loss of natural beauty, and loss of farmland. 96% said that the rural character and lifestyle of the county should be maintained. 92% said agricultural productive land should be preserved for farming. 92% said scenic areas should be identified and preserved. 86% said residential and business development should be encouraged to locate within communities and planned developments rather than in open areas of the county. 89% said development guidelines should be established in county to protect the scenic and rural character of the county. The vision statement was crafted to reflect these and other responses. The 1999 Comprehensive Plan laid out goals for achieving that vision and the zoning ordinance was updated to support those goals. The Comprehensive Plan was just updated again in 2024 and again vision and goals were affirmed by a broad consensus by the

people of the county. The introduction of the 2024 Comprehensive Plan states, 'the desire to encourage development and to create better paying jobs in the county is coupled with an understanding that new development should be located to efficiently provide services and infrastructure to ensure wise use of the county's many natural resources. The county has challenged to maintain a balance between serving the interests of serving individual property owners and directing development in ways that will benefit the entire county. The manner in which this balance is achieved will determine the legacy passed on to future generations. The heart of this plan relates to its recommendation to direct residential, commercial, and industrial development to communities while preserving active farmland and the rural character of the county.' There is a lot of noise going on, but this is the document that is long-standing consensus of the people of Jo Daviess County. I had expected that the Ad Hoc Zoning Committee would be reviewing the ordinance to ensure that it is consistent with the recently updated Comprehensive Plan, which is a normal next step. That was not the way this process was designed. At the end of the April 16th study session that you had with the Ad Hoc Zoning Committee to clarify the intent of the proposed text amendments there were questions about the process and about how recommendations for changes to the Zoning Ordinance ought to be brought forward. It is my belief that the process that has led to the recommendations before you now were inadvertently disconnected from the Comprehensive Plan. And that is a big problem. In your deliberations of all of the proposed text amendments before you, I would ask that you consider the relative weight of a countywide consensus documented in the Comprehensive Plan versus the recommendations of the Ad Hoc Zoning Committee, which were clearly countered to the vision and goals in the Comprehensive Plan. And I hope the County Board will do the same. Thank you.

Heidi Hurd, 1000 S Bench St, Galena

- My husband and I own the home that was built by Captain Hezekiah Gear back in 1856. We love the driftless area, and we are eager to do our part to protect its many treasures. And it is in the service of this goal that I appear before you now to add my voice to so many others who oppose the Ad Hoc Zoning Committee's recommendation to reduce the minimum agricultural lot size from 40 acres to two acres. I am a law professor at the University of Illinois and I regularly teach environmental law and environmental policy to bright young law students who are eager to protect nature's rapidly dwindling resources. My students consistently tell me that the course material that they find most powerful and most compelling is a reading authored by the 20th century most famous land manager, Aldo Leopold. Himself a lifelong Wisconsin farmer in the driftless area. Although Leopold urged decision makers, like yourselves to implement what he called a land ethic. This is how he summarized that land ethic; a decision is right when it tends to preserve the integrity, stability, and beauty of the biotic community. It is wrong when it tends to do otherwise. Well a zoning change that encourages wasteful low density urban sprawl that invites the intensified contamination of our drinking water by exponentially expanding predictable

sewage leaks into our shallow aquifer. A zoning change that guarantees increased air pollution and carbon emissions as new homeowners undertake lengthy commutes for basic goods and service providers drive lengthy routes to get to them. That reduces available agricultural land and at times when alarms are being sounded worldwide about the need to conserve it for essential food production in an increasingly populous world. A zoning change that sacrifices the essential source of the Driftless Area signature beauty at a time when the world is becoming ever uglier. This is not a zoning change that is consistent with having the kind of land ethic that the next generation hopes land managers like all of you will take to heart and act upon. Fortunately, the Planning Commission doesn't need to invent anything new to live up to my students most current hopes for their future. When the County adopted the Comprehensive Plan back in 1999, it created a visionary blueprint that expressed widely shared and widely expressed desires on the part of the counties residents to live by a true land ethic. I beg you to hold fast to that Comprehensive Plan. For the sake of my students and for all those like them who hope that there will still be land to protect when they hold positions like yours. I implore the committee to reject this ill-conceived, utterly ad hoc invitation to homogenously urbanize Illinois's corner of the driftless area. The next generation both deserves and will be very grateful to you for your stalwart allegiance to the Comprehensive Plan because it uniquely promises, in Leopold's famous words, 'to preserve the integrity and stability and the beauty of the region's exquisite biotic community.' Thank you.

Judith Gratton, 8418 W US Highway 20, Galena

- I would like to say that the 2 previous speakers have eloquently expressed my thoughts. I would like to add this. The adoption of county zoning by the Jo Daviess County Board is an example of good government. I am proud to say that I was part the work to develop the plan and was a member of the Jo Daviess County Board and was privileged to vote when the adoption of zoning to protect this beautiful county from poor land use choices. No one likes to be told what they can and cannot do with their land that they own; however one individual's choice may not be the best use of the land for the good and of the whole and to protect this god given land for future generations. I strongly urge the zoning commission, as a previous speaker said, slow down, you cannot ask for too much public input and to respect the fact that once some of these changes are made, they are made forever. I would like to say that for the county to do away with county zoning and that any votes against it is what I would say needs to be done. I would hope that county zoning continues long into the future and it chooses to protect the beautiful land we all call home. Thank you for your time.

John Schultz, 27 W Arrowhead Dr., Galena

- I apologize I don't have prepared an eloquent speech like the previous people have all had. I'll try to be as distinct as possible. My family has been farming in this county since 1840's. I continue to farm; I own approximately 300 acres which is mostly north of Casper Bluffs. I am surrounded by several thousand acres that is now owned by people that can afford to own

40, 80, or 160 acres and just use for their own private recreation. That doesn't necessarily generate a whole lot of revenue for the county. The 40 acres was put in to preserve farmland and it is not really working in my neighborhood. It needs to be less than 40, two is probably not the right number. I know Carroll County uses 5 acres, but it needs to be less than 40 acres. Of my 300 plus acres, less than 1/3 of it is marginal grow crop land, the rest is forest, valleys and things like that that don't lend itself to row crop. The eventual use of that property will be housing, not in my lifetime, not in my children lifetime, but at some point. I suggest that you reduce it from 40, not necessarily the two acres, but some other reasonable number. Thank you.

Tom Richardson, 12482 W Cross Road, Galena

- I am going to go back about a 10-year time period, West Galena is where I reside. We had a proposed additional subdivision on good farmland and the conclusion was no more additional building until all roads are brought up to specifications and not one thing has been done about it. By putting more houses in a smaller area you are adding to the county expenses and the city who are all supposed to be getting together to fix it, nothing has been done, so it has been recorded by the County Board that no more houses in West Galena until the infrastructure are repaired or improved. If we go to a two-acre lot, we are going to run into the same situation that we have, and it is on the county minutes, you can go back and check it. Thank you.

Larry Priske, 4700 N Council Hill Road, Galena

- I did submit a written letter to the county prior to being here tonight. I still want to share it. I have lived in Jo Daviess County for 65 years. During that time my wife and I have owned three houses and several businesses. Currently, we live at 4700 N Council Hill Road, which is 1/4-mile past Buckhill Road, 1/2-mile past Dewey Avenue, we are right on the shoulder of Galena. We maintain 120 acres of largely timber land. We manage that as sustainable timber for the long, and not clear cut. Like many, we have been frustrated at times by zoning with our small businesses. Signage has been an issue, how far I can be from another house, we also own a rental unit, we have been dictated by the City of Galena at one point, we had to be no more than 400 feet from our existing home, this was before the county even had zoning. My point being that it is always been part of my life with regulations and sometimes has been a problem. Having said that, I do believe that many including myself fail to realize that zoning was created for the majority and not intended as a detriment to the minority. There are ways for me to profit from my land, I could have sectioned it into smaller sections years ago. We recently put the property into a conservation easement, prior to doing that we thought about sectioning off part of it to children for five-acre parcels. Which has potential to be developed at some point. We chose not to do that because we recognize that the land is more important than my profitability off the land. That is why I feel the 40 acres is important, 40 acres should be maintained. 40-acre restriction has its place. I could be dead in 10-15 years, it

is not about me, it is about preservation of the land and what that land brings to this county, what the land brings to all of us. Jo Daviess County is a gem like few others and we all know that. It needs to be protected. I believe the current zoning laws are comprehensive and effective and allow for exemptions. We have the right to take advantage of those exemptions and we should. A farmer who wants to make sure that his child has a place to build a house next to the homestead should have that opportunity. The 40-acre exemption is critical protection of this land as a whole. I don't think it needs to be modified and if anything it needs to be strengthened. This county is ripe for development and exploitation. There are processes in place to allow for zoning variances. I shudder to think what this county might look like if we had not had the restrictions that currently exist. What an amazing thing for all of us living in this county to say, that we are part of it and part of its preserved, lands, water, wildlife and farms. We have to pat ourselves on the back and say we have done pretty good job to this point. We shouldn't risk losing more land. I'm not interested in testing the waters to see what this county would look like without comprehensive effective zoning guidelines. Thank you.

Ken Beach, Freeport, IL, owns property on Morseville Road, Stockton

- I am a retired Water Resources Manager and enjoy the outdoors greatly. The change in the homestead rule from 40 acres to one acre, now two, is in direct conflict with the Comprehensive Plan. Preservation of natural and agricultural and historical resources is a quote from that plan. I don't believe in this change we are going to live up to that plan states. Scattered rural development costs residents more do to the desired infrastructure and services at these properties. In addition, increased numbers of septic systems place ground water resources at risk of contamination due to the susceptible geology of the region. In my professional work, I helped design a new septic system for the state of Illinois because we were pushing the limits for the septic systems and made a modified mound system that is similar to what Wisconsin did. Those systems are meant to be used in unique situations, we shouldn't shrink the size of the acreage that is necessary to properly put in or properly design septic system. The land evaluation site tool assessment is critical to properly evaluate the property for possible development that has been used successfully for decades. Rural development is also being observed at a fast pace, passing these proposed ordinance changes will only accelerate this rural development. There have been hundreds since the plan was put in place of development and many exceptions have been passed. I oppose those changes and believe the county should take a stronger stand to slow the development in rural areas of the county. The zoning board should be listening to the residents following the referendum results from the 1990s or have a new referendum and request these changes. Thank you.

Dan Sullivan, 2959 W Longhollow Road, Elizabeth

- I have been a farmer and resident here in excess of 25 years. I own 132 acres on West Longhollow Road. I got a cow/calf herd of about 130 head. At one time I raised thoroughbreds and we sold them all over the United States and China. I am here protesting, I also wasted 57 years as a lawyer, so I recommend here tonight that the Ad Hoc Committee needs to get together with the State's Attorney because I don't think you looked at all of the law. There report is incomplete. I am protesting because what you are doing if you reduce this and take away the 40-acre limitation, it will do irreparable harm to the agricultural economy, the tourist economy, the hunting rights economy, and the environmental security that is there to protect wildlife, like our bald eagles or turkeys and our deer. That is why I am here. I have only researched this for two days and I gave you a sheet of paper to read so you don't have to listen to an old broken-down lawyer for too long. I made extra copies if anybody here want to look at them. I looked at the development in the county and we have a lot of communities like Galena and Galena Territory and they have water rights covered and they have the sewage covered. We don't have that under your plan, we don't have the sewage under your plan protected. Furthermore, I kind of oppose here today you characterizing this as reducing the zoning for agricultural purposes to two acres, I don't know who is on your subcommittee, but I can tell you they didn't farm, because you can't raise nothing economically on two acres. So I kind of tried to, it is just a misrepresentation. We are here tonight with you misrepresenting that we are going to have zoning two acres for agricultural purposes. Let me tell you why. I raise cattle, I have to have two acres of pasture to put one cow on. Now, if I were to buy a cow, a little calf, and raise him up to 800 pounds like I do, and sell him for a feeder, I looked at the market, and maybe I can get on 800 pounds, \$4. And so, I'm supposed to operate my farm for \$3,200 a year. Now, that's just that's not right. So then I looked around, and I see they raise corn here, and I looked up and saw that a bushel of corn last year in Jo Daviess County was 212 bushels. And at about \$4.60 at the top price. So, if I farmed an acre, I'd get \$975. So you're not zoning to raise corn. And I looked at soybeans, that's the other crop we have here. And you get 54 bushels per acre, for \$550, for the total. So you can't raise soybeans. So, even with 132 acres, I have to go out and rent additional hay ground because I can't feed my cattle all winter long. And so, now you're going to take away my hay ground. That I have to go out and rent, and the farmer that's looking to rent his ground, he's lost that, so he's going to be forced to sell to the city slickers who come out here like I did and buy 2 acres. Okay. The ad hoc committee didn't consider the adverse economic effect on the agricultural community, and they had to. And they didn't do it. Now, the other thing is, I looked at the water rights, because I grew up in Southwest Kansas, and they don't have much water because they had irrigation. And now all the creeks are dry. And so, I looked at it, and I saw that I have two streams on my property. My cattle drink those streams. You have a whole bunch of city slickers move in next door to me, and they drop the aquifer, and they pollute the water. Then I've got a natural, reasonable use to protect my cattle, so I'm going to have to sue you. Because I can't let my cattle you know, not drink, or be or have the

water polluted. So, the ad hoc committee didn't look at that. I think they broke the Water Act of 1985. Or whatever it was, 83. Now, there's one other area that concerns me. I got a son-in-law, he hunts. So I let him hunt. I'd make a couple of thousand bucks. The hunting rights in Jo Daviess County are extremely valuable. What do you think will happen to the hunting rights when you divide everything up and you put a house every 2-acres or so. Won't be no more hunting. Now, last year, there were 4,965 firearm permits issued in Jo Daviess County. There were 539 muscle loaders in Jo Daviess County. Now, they blow about a thousand bucks unless they get down to the local bar, and they blow a bunch more. So, that's \$543,000 you guys are talking about that's going to be taken off the table. Now, I started looking at the DNR. The DNR has a right to impose zoning regulations and adversely rule against zoning regulations. Did your ad hoc committee go to the DNR and conduct a study so that they can eliminate the hunting rights out here? I don't think so, and I think it breaks the law to go ahead without involving the DNR. Finally, there's nothing in here about the Environmental Protection Act. The ad hoc committee did not consider the EPA regulations. And I didn't look at the Environmental Protection Laws, the Illinois Pollution Control Board, or the Illinois Environmental Rules, but the ad hoc committee didn't either. And I can almost guarantee you, I happen to put in fill-in stations on all that. You don't comply with the EPA regulations and you need to research them, because if you don't, you're going to draw a lawsuit. We just shouldn't have this enacted. The Ad Hoc Committee should go back. They should research it, they should get some competent legal advice, and when they do, you won't do that, and I won't have to come back here. Thank you.

Donna Hawley, 7495 S Rocky Hill Road, Galena

- I'm out on Rocky Hill Road with my husband. I have not been as blessed as some of these folks here to live here my entire life. I just recently became aware of this meeting, and so good for you guys that I haven't had the time to prepare a well written out speech that could take 10 minutes. I thank the people that have come up before me, and those who have opposed it. I'm going to say ditto to everything that they've said, and I want to approach this from since I don't have a prepared thing, and I don't have statistics. I do believe in everything that they've said, and I'm going to approach this from a more personal angle. First of all, I do agree that this needs to at least slow down. I don't like the idea of it being modified at all. And I do believe that this should be a subject put out for the voters to handle, not just a committee, not just a zoning committee. And I come to this conclusion from a very personal angle, because, again, I have not lived here my whole life. Most of my life has been my adult life has been spent in cities, and high residential areas. And I can tell you, I grew up on 40 acres when I was a child. And all the things that have been said about the beauty of this area. The wildlife. I didn't see, Blue Jays. I didn't see dragonflies. I didn't see lightning bugs as an adult anymore. Because when I was 17-18 years old, there was a big push in my community to do this. And they did. And 40 acres became a subdivision. And there is so much light pollution in that area now, and a draw on public utilities, that where I grew up, the town

name isn't even the same anymore. It had to be annexed by another town. That's how big the change went, because the area that wanted this to happen could not support the added sewage, the added electric, the added anything that was needed for that high-density residential. It just couldn't support it, so it completely changed everything. Now, the children of those people, they don't know what the wildlife looks like anymore. My husband and I moved here nearly 5 years ago. I head up the, Christmas parade, that's my thing, Jeep Jingle, and I'm happy to do it for this community, because it's such a beautiful place. We are privileged to have been able to find a place to fit in in this community and to purchase real estate and live and become part of a community where the first night that we lived here, I walked outside, and I said, good lord, they're stars. Listen to the crickets. Look at the beautiful dragonflies in August. Look at the beautiful deer that come into our yard. We're surrounded by thousands of acres of farmland, and my husband and I said from day one, this'll never be developed in our lifetime, based on that 40-acre vision that was adopted in the late 90s. Please don't change that. We came out here for that. It is a beautiful, charming place to be. The community I grew up in is a giant character free city now. All of the boundaries have changed, all of the names have changed. There's nothing worth visiting there anymore. You could go anywhere and see the same thing. It's nothing but light pollution, the streets are constantly needing maintaining because of the increased traffic to get to those areas because of the high-density residential requirements. We don't want to see that happen here. Now, that's just me speaking, and it seems like most people here agree with that. But we can't even speak for everybody. That's why this needs to be put to a vote. This needs to be a referendum. This is it does not feel fair or right. Coming from that situation and being blessed enough to be able to come back into an area like I grew up in, I don't want to see that changed. I want to see the people who live here have the right to speak. But in the meantime, someone spoke about marketing it. I say something a little bit different. Let's get everybody educated, because you know what, I'm very community-minded. I lived here 2 weeks when I got up and spoke at a City Council meeting, because I couldn't sit on my hands and bite my tongue any longer about parking meters. I care about my new community. I feel blessed to call this home. I love where I live. I think all of us love where we live, and I think that we all have a right to be properly educated and find out what is it that makes this seem so promising to lower it to 1 or 2 acres. I disagree with lowering it and I think that everybody should have a right to make that decision when they cast their vote. Thank you.

Dan Caswell, 8775 S Town Hall Road, Stockton

- From Berreman Township. There are some things I agree with many of the folks who have spoken. Already about Jo Daviess County is the best place to live in Illinois. And there's a lot of people here who care about the county, and I appreciate that. But I feel a little like, Daniel in the lion's den, because I'm going to give you a little different perspective. To maybe think about here. The ad hoc committee was drawn from a wide range of interests and experience, including quite a few farmers. And took about a year and a half, talking to a lot of different

groups and a lot of different people around the count, to try to understand what people were thinking. And so I think, in a sense, the committee had the opportunity to draw from an even larger group, then we're getting tonight with a public hearing, and the people who are interested enough to come out and speak. The committee proposals, in my view, reflect not just caring about preserving what we have, important as that is, but about helping the county to grow and flourish, going forward. You know, unfortunately, if you're not growing, you're dying. Maybe slowly, but dying nonetheless. And I agree with some folks who have said this is not just about me. Because it's not. It's about our kids. It's about our grandkids. It's about young people who can stay and put down roots and have places to live, and young people and work to do, and people who will come to this great place to live and build homes and build businesses. The Comprehensive Plan has been talked about a lot. And I would suggest that the Comprehensive Plan is more complex than has been represented here thus far, because I think, these proposals are driven by key aspects of the Comprehensive Plan, where we identify needs in Jo Daviess County. These are things where we're lacking, things that we need. One of those is creation and retention of good-paying jobs. They talked about high-tech industries, work-from-home jobs. All of these things are a great fit for a place like Galena. But if you unduly restrict where people can live, they are less likely to come. The plan talks about a need for diversification of the economy, and if our sole efforts on are focused on preserving tourism and agriculture, we may find ourselves actually blocking and discouraging diversification of the economy, you know. It's easy to forget that economies are actually driven by people. If you don't have people, you don't have an economy. If we want to grow and diversify the economy, we need to encourage young people to stay. And encourage other young people and young families to come, and the current 40-acre rule does neither of those things. For farm families with kids who'd like to stay in Jo Daviess County and raise families of their own, for other young families who might like to live rurally, for younger newcomers drawn to the beauty of Jo Daviess County, the 40-acre rule either prices them out of the market, or they can pay the fee, take the time, and go through the process of a special use permit, to potentially build on smaller acreage. And if I, as I am told, special use permits are almost always granted. Then why do we make people go through the time and expense of the process while scaring others away from even trying. If we want to make Jo Daviess County more accessible for our young people to stay, and for other families and couples and people in general to move to than making rural housing options simpler, more certain, and more affordable, would seem to be one part of that equation. A third need identified in the Comprehensive Plan is development, which will allow young people to find meaningful career opportunities here. Jo Daviess County has the second-oldest median age in the state. And it's getting older. From the 2010 to the 2020 census, there was a 15.5% decline Between ages 16 to 24, there was an 18.6% decline between ages 25 to 64, and there was a 26.5% gain, for people over 65. I fit that category. The Comprehensive Plan identifies the number one strength that we have for development, it was in the development strengths, weaknesses, opportunities, and Threats Survey, the SWAP survey. The number one opportunity was remote work. And you can see how that can fit in with some of the things going on in our

world today. And that's a huge opportunity for Jo Daviess County in retaining or attracting young people and young families. But if we're intent on telling people where they can live, rather than letting the market work that out, we push them elsewhere. Other things in the Comprehensive Plan include supporting productive farmland. And preserving our rural ambiance and tourism. But I have a question. Why do we have to protect farmers from selling their productive farmland? Or, why do we need to block them from selling the land as they choose? And my answer is we don't. We'd probably run a greater risk of selling productive farmland where buyers are encouraged to look for 40-acre parcels. Farmers know where their good land is. And what small portions might be better suited to another use based on terrain and soil condition and timber. We heard from farmers that pretty much every farm of any size has small patches that are just not very useful for farming. I know that's the way my farm is. We're in Berreman Township, I actually have a lot of land that's not that useful for farming. But farmers don't sell good land, unless they have to. What condition creates a have to sell scenario? When the farmer can no longer farm, or passes away, and there are no children ready nearby and willing and able to continue the farm. The Comprehensive Plan notes that county tourism, the tourism economy is strong, the rural development that has taken place hasn't really hurt that. And I would say that's because the scenic beauty of the county is still there. I think tourists are not as offended by rural homes as we might suppose and tourist activity tends to be centered in towns like Galena. The plan uses terms like, carefully planned use of the land allowing for efficient and smart growth. That sounds good. But what they really are code words for government-controlled growth. Government-controlled growth doesn't actually work that well. Growth can be messy. But we want to have a vision for a growing, vibrant county where people want to live and businesses want to locate. Or do we want to preserve the status quo? Even to the point of dying out. Let me touch on just another point or two. There's been some discussion of the cost of community services, and folks who live in town talking about it, it costs more to service folks who live rurally, and that presumes that people living rurally, expect the same services as those in town. In my experience, they generally don't, they tend to be more self-sufficient. And also it also says that government efficiency is more important than growth. And I would suggest to you that government-controlled efficiency is the antithesis of growth and flourishing. Those statistics ignore not just the tax dollars that you might get from the land, but, the fact that when you have people, you have construction, you have services, you have spending, you have businesses. Those things all have to fit into the economic picture. And so I don't think that's a valid reason to say more people shouldn't live here. I've heard concerns about the size of rural lots in relation to septic, I think a 2-acre minimum as well as meeting the Plat Act makes more sense. A 5-acre minimum like Carroll County would still be an improvement, over 40 acres, in my view. The LESA score is becoming irrelevant for special use permits if you have a smaller lot size. But it may still be relevant for other things, and that's something I think that the board is going to need to think about. To me, it comes down to a couple of fundamental issues, you know, do we want to preserve the status quo, and government control at all costs, even as we age, even as we move toward becoming a dying county. Because I like the way it is now. And I do

like the way it is now. Or, we want to change the game a little bit. Trust people a little more. Give a little more freedom. Give people in the county an opportunity to flourish in the future, long after most of us are here to see it. And I think the modest changes proposed by the Ad Hoc Committee move us in the right direction. Thanks.

Thomas Van Gelder, 6500 N Rocky Road, East Dubuque

- I am a resident of Village of Menominee, address is East Dubuque. I just briefly want to, talk with you guys about the optics of this whole thing. Beth Baranski was too kind or too circumspect to bring up her opening statements on her proposal, which I found over here and read. Anyway, the optics are that she showed up for the first committee meeting, and it sounds like the decision had already been made. And that there was very little discussion. So, my mind immediately went to, I guess Beth was the, token environmentalist on the committee. So, and I'm not sure who's on the ad hoc committee. I don't know, why they decided to approve this, this extreme change, which is it is an extreme change to drop them 40 acres down to 1 or 2. But something of this size, I think it needs to if you're really if you really want to defend it and go after it, it needs to go to referendum. For the people of the county to decide. Again, it should not be decided. Strictly by a vote of the county board, and that's all I want to say. Thank you.

Tony Kemp, 2800 S Irish Hollow Road, Hanover

- I have the Inn at Irish Hollow out on Irish Hollow Road. I have about 500 acres out there, with about 2 miles of frontage, so I could break it up really nicely. About 30-plus years ago, Carol told me 200 acres of land that I could not afford. I wanted it, we worked it out, we figured out a way to do it, and I needed to somehow get that mortgage paid, and the law at that time was 5 acres. So, not having to think, because the law was 5 acres. I guess it was in 1996 or so, something like that, 1995 or 1996. It was 5-acres, and I thought, I can sit my guests were like, we have a lot of guests saying, oh my god, we love this place, we want to have something here, we want to have a house. And I thought, let me start breaking some of the land I purchased in 5-acre lots. So I started taking deposits for my guests, and they all were like, yes, we're so excited to become part of Irish Hollow. We are going to have a 5-acre home site, and I think after 30 deposits that I took. I woke up one morning, and I woke up thinking, my beautiful property is going to look like a quilt. It's just going to be fences and fences and fences and so I thought, we need to rent more rooms, make more breakfast, and that's what we did. Because it just it the reason why we purchased that beautiful land it was gorgeous. It was it's still all open. Rolling hills, and we were so fortunate to be able to put so much together of 500 acres. To kind of just have it open for our guests to roam. We farm it, we have a lot of farming going on the property. So, the 5 acres I didn't have to think about it. The gentleman there just spoke about, let's trust. let's trust people. Let's have development and trust people. Well, when the law says 5 acres, I was like, okay, that's what's okay. The county is saying that it's okay for 5 acres. I personally had to say no, that's not right! That's going to

just ruin everything about my property. So I did that personally. That was my own thing. We just we were able to pay that mortgage and not have to sell one single 5-acre lot. And I couldn't be happier about that. But it was because of that just saying, like, they're in front of me, it's okay. It's okay, do this. So there was something that came in, is it 1999, Beth, when it got changed to 40 acres? Something happened then. There was a reason. We were trying to fix a problem. Something happened at that point, and we said, we have to make a change. So now, here we are, at another point. What problem are we trying to solve right now? Why did the ad hoc committee think that it should be lowered from 40 acres? I understood it completely from my personal experience, why it went to 40, and I was like, thank God. So now, as we try to go down to two acres, one-acre, what problem? What are we trying to solve? What's I guess that's a true question. Ad hoc committee, what was the reason, and we could ask questions. Why is there actually this proposal? What's, like, what are we trying to solve here? Oh, we will. Okay. Yeah. I think that's a major thing, because I'm not sure how to think about this right now, because I mean, right now, it's like, wow. Maybe this is a good time to, like, break it up. Maybe, there's a way to do plan development, if we speak to the gentleman that was speaking about, we need more places for people that don't have the money for 40 acres, whatever. Maybe the county and the communities should have some areas around the town areas designated for some beautiful farm developments, maybe there's a need for an area like the Shenandoah area of the Galena Territory. Maybe there's a way that we actually help support an area where it's concentrated, and you have, like, a development area where it's concentrated of 3-to-5-acre areas, not county-wide. Not countywide. Because, as I said here, when the law is something, even somebody like myself, who I felt coming from, you know, I'm here 40 years, but before that, I was in the suburbs of Chicago. And 5 acres was wow, that's enormous! So I felt like I was really, really doing something great. As I kept growing and learning, and as I can feel here, truly, part of this community. I mean, it's so much of my life. I mean, there's so many people that I've worked with, I've done shows with, and people that have worked at my inn, and it's if we can have the discussion of what we're trying to solve, and maybe there's just a different way that we can help. Maybe there's a different way that we can do this by still following a Comprehensive Plan, and honoring the beauty of the nature that we have here. There's probably a way that we can do both, handle that, and preserve what we have.

Steve Barg, 7354 W Blackjack Road, Hanover

- I haven't heard a lot of other Hanover addresses, just give them one to the team. I'm the Executive Director of the Jo Daviess Conservation Foundation, which is a member-driven non-profit conservation organization. Whose mission is to preserve and steward land and water in Northwest Illinois for the lasting well-being of people and wildlife. Our board doesn't get involved in county governance issues very often, but this is one of those exceptions. So, with the support of my 16 volunteer board members, I'm here to speak against the proposed zoning changes. We believe the proposed changes will diminish the real quality of life and

threaten our mission to preserve and care for land, soil, and water resources that we all depend on. We ask that you vote no to the proposed dramatic changes. Which include changing the 40-acre homestead rule to 1 or 2 acres, and dropping the requirements that protect prime farmland and protective and productive and precious soils known as LESA. These two aspects of the zoning ordinance are foundational and fundamental to the entirety of the zoning ordinance. Change these two elements and you change the whole ball game for development in this county. If enacted, these fundamental changes will affect every resident and landowner in the county. To understand the possible ramifications of such dramatic change. Many public hearings should be held throughout the county providing information as to not only why these changes are being considered in such a sweeping manner, but also the opportunity to learn what changes could mean to residents, landowners, and land itself. And here I respectfully disagree with the previous speaker who said that the ad hoc committee was more representative and more public input than if I heard it correctly, than the comprehensive plan was. I just think that's I don't know how that could be said. That just seems fundamentally false. Therefore, we ask that you act with prudence, not haste and solicit much more public input. Including, but not limited to a voter referendum. Voter referendum, as you know, was used to gauge public interest and input 30 years ago when zoning was first enacted. And these systematic changes being proposed deserve the same approach. Some proponents of these changes argue that because zoning variances and specialty use permits are so often get passed through the Board of Appeals group. Somehow, this means that the 40-acre and LESA requirements don't mean much. Again, I believe this is a false argument. The 30-year track record of requests for variances has established a norm that landowners and developers have come to know and operate within. There are plenty of developments that have been turned down on their merits alone, because they don't meet the requirements. Are changes needed for a zoning ordinance to work even better? Most likely, yes. But let's not start with such dramatic changes without much more public dialogue and education of what this means to our properties our ways of life, our clean water, and our communities. We implore you to vote no on these proposed changes. Thank you

Mel Gratton, 7914 US Route 20 W, Galena

- I live on Highway 20, just outside of Galena. I've lived here for over 80 years. I've had the opportunity to do what you gentlemen are doing. I was on the original planning committee, and I did that for 27 years. During that time, we started with a generic document. It did not fit Jo Daviess County whatsoever. We didn't have a Comprehensive Plan, it was created. From then, we had some guidance going forward. After the Comprehensive Plan, we had a rewrite, because Comprehensive Plans are supposed to come before the zoning ordinance. So, we rewrote the zoning ordinance. I had the opportunity to be involved in all of that. I understand what happened, I saw the process work. There were a lot of citizens who shared their visions with us. So that they had input into it. And let me digress just a few seconds here. What we are doing here tonight, what you have before you are a public hearing. If you change this

document, to make everything permitted, do you know what that means? Do whatever you want. Right now, people think they can't build in the country. Please read the document we have carefully. It says that you can build a non-ag residence if you have 2 acres, and you have a special use permit. The special use permit goes through a group of really mean and you know, hard to deal with people. I know I was one of them. No. And the reason people are getting that special use permit? It's because they're looking at the standards that are spelled out there. It's because these things have been established through precedence and what's gone before it. That's what makes this whole thing work. Without this forum that we have right here, without the special use. Do what you want. You have the special use. You need 2 acres to build in the country. If anybody told you different than that, they were wrong. And if you didn't read the ordinance and see it, three lines close together, they all spelled it out. And it said, it's permitted to build over 40-acres. But you didn't go, you didn't read far enough, if that's what you're thinking. So, there's nothing in this document that prevents rural housing development. The reason let me tell you the reason that this works. It works because we have designed some tools that make it work. And there are tools that provide input through this public hearing process that we have. They know you're there. They know. But, no, you need to be. I like to talk to people. I really do. I enjoy it. And I think I've lived here long enough to see some changes happen in my lifetime. Let me tell you, when I was a young man, I did not believe in zoning. Until I saw the things that were happening around me. And those things changed my mind over time. I still think everybody has property rights and personal rights. But guess what? Everyone in this room also has rights. Take that special use away. And put it as a permitted use? This hearing would not be happening. You would have absolutely nothing to say. Hopefully, there's some guidelines that go along with this suggestion to change this. I don't know what it is, but I haven't seen it anywhere. But it needs a little extra work if that's the route you want to go. I want to tell you how people think that's sit up here. Now, I might be wrong, and if I'm speaking for everybody. But what happens is that most of us, we get that packet with all that information in it. That packet contains a lot of information that is conducive to great planning. There's a Natural Resources Inventory report. Very, very important. There's also in there a LESA a score. And I want to talk a little more about LESA, because nobody's talked about it yet. And I have a few things if you'll permit me, Peter, to explain. Let me tell you the experience that I had sitting there. I can remember early on in the zoning process we were ruling on a quarry request. It was down near Stockton. Skip and Carol remember they were there that night. And guess what? I thought the quarry met the standards. I thought the quarry probably could have been sighted. But I came in with an open mind, like everybody, I think, sitting here does. And we heard public testimony. And the culmination of all that testimony that night, change my viewpoint on it. I can remember the testimony that Skip gave. He told us about what was going on under the surface area, he talked about the mine shafts through that area. And some of the other, geological problems that we had there. I did not know that. That was not in the report that we got. After I heard that and some other testimony that night, I changed my mind. And that's the way we have to operate. We have to be able to be open, and understanding, and willing to not form our

opinions based on what we personally think and feel all the time. But to be open to what's out there. So, Skip and Carol, you did us a service that night. And I appreciate it, because it was a lesson that I learned early on in the process. So, thank you. I've got a whole speech I spent a lot of time. In doing this, but I'm just going to highlight it. I want to get to the LESA scoring system. And I want to and then I'll let you put the rest of this into the minutes. I haven't heard any testimony or very little testimony on what the LESA scoring system is and why it's important. And I think that has to be emphasized, and I really want to cover that. LESA, Land Evaluation and Site Assessment. It means in the land evaluation, you know, that is the soil, that is what's on top of the ground and under the ground. In Jo Daviess County, this varies widely. And we get a report on each specific parcel. You still get that, I'm assured. And it tells you what the productivity of that soil is also tells you a lot of septic information and other, subsoil information and things like that that are very important, and if you as a landowner are using that for your benefit, or if you have one through this process, pay attention to it. There's good information in there. But the second part of that, involve site assessment. And the site assessment, goes on, and it there's 200 points that can be scored on the site assessment. What it does, it follows the comprehensive plan, it looks at things like distances from communities. It looks at septic quality in that area for all the soils. It also looks at some of the other things here, which are totally measurable. And it promotes a system which is has long term planning principles that are objective versus subjective. And all of this goes together. This is a comprehensive thing is individually scored, so any of us could breathe it, score it and you should get pretty much the same answer. It's one of the things we improved on that. LESA comes from the Illinois Department of Agriculture. They don't make us use it, but they highly suggest that we do use it. The reason for it, it protects agriculture. Okay. And go back and pick up, some of this information that was in here. Let me just kind of give you a personal, observation here. Imagine that you're a visitor coming to Jo Daviess County for the first time. Most of the people will say, man, I never realized that something this beautiful existed in the Midwest. We're living here in an oasis. We have a golden goose out there in Jo Daviess County. And what we do to protect that is extremely important. Scenic vistas have value. We can talk about the economic advantages of agriculture, tourism, scenery in Jo Daviess County. has value. Let me give you an example of this. It's because the agriculture continues to be viable in the county. It's one of the few things that protects those vistas and views that you like. Many of these people come here initially because you know, they want to see the history, they want to visit Galena. They want to go shopping, or have recreation in mind. All of these things are important, and they're major draws in this county. They tell their friends when they return what they experienced. And it's one of the greatest sales things in the world. I've visited with a lot of tourists. I live next to public highways, we're which is a shortcut to, the Galena Territory. And I get to visit with people occasionally. And guess what? They share with me what this means to them. How important it is. They come up to me and they say, my family just loves seeing all the houses. Oh, wait a minute, I misspoke. My family loved seeing all the cows on the hillside, is what they actually say. Okay? If you want them to come out and fall in love with the houses on the hillside, support this. If you like

seeing the cows on the hillside like I do, I urge you to, say no to it. I have so much history and information that I'd be willing to share with everybody. That stuff gets lost if you don't share. So please consider all these things. I appreciate what you do. This is a wonderful process, keep it alive and healthy.

David Hoff, 3223 W Headquarters Rd, Elizabeth

- We live in on Headquarters Road, outside of Elizabeth. I just came from the courtroom downstairs. There are about 60 people down there and before I came up, I asked everybody, if they opposed this change, and they all agreed. So, I asked them candidly, I hope for the people that are sitting down there, if somebody wants to come up, and be in support of this I don't want to misrepresent them, but that's how many people are downstairs in the courtroom down there. And I guess I would everybody's not going to get a chance to speak here. So, I'd ask everybody here to raise their hand, if they're opposed to this change right now in this room just to give an idea of how everybody feels. How everybody feels here. Thank you for the chance.

Connie DuBois, 122 S Scout Camp Road, Stockton

- My husband and I raise sheep on a farm north of Woodbine. I think I beat the guy in Hanover as far as how small you can be. So, I think we've had a lot of really eloquent speakers, a lot of good information. When I came to this meeting, I mostly had questions. And, so I've had a chance to have a number of those filled in with information. I've also got some different perspectives. My husband and I have been in this area for over 30 years, I grew up in a small town, Stockton's big to me. I grew up in a town of 635. When I say I lived in town, we still had a barbed wire fence going across the backyard and angus cow cattle out there. So, a couple of things. One is, after hearing this, I now support the fact that we need to slow down and I'm not for the current zoning change. But I also recognize what the challenges are. And I have some counterpoints to the gentleman who focused entirely on the economy. Where I want to go with this is I have several young men that my husband and I have known for years. And they've helped us on the farm over the years. And they would love to be able to farm. They can't afford it. They can't buy a farm anywhere. They can't even live near a farm with significant acreage. So, I believe that the zoning may not be what the solution is to that. So, we can look at the zoning, and we can protect the resources. And we can respect the families that have farmed here for 200 years or 150 years. My husband and I have been blessed to be surrounded on one side by the Huntenlocker Farm and on north of us was the Roberts Farm. We respect that heritage, and they've taught us a lot. But I think when I know that there's also a challenge, not only with those younger people trying to get into farming, but what happens to that farmland when there's not a family member that wants to farm after the folks pass on, or when there's not a family member, period and, once again I would like if we can step back and possibly not consider zoning the answer, maybe there's some level of financial support. Maybe there's some level of specific farm loans, something that can

address that issue, other than zoning, because it is a real issue. I would also, when Curtis Huntenlocker, that's the gentleman that was across the street with the farmland passed, if I think about the fact that his acreage could have gone to 1 acre subdivision and instead of having maybe 10 houses on it. You have 400 houses on it. That's mind-blowing. So, I guess my question would be where, as you deliberate, what do you think we will look like in 10 years? Now, hopefully we have jobs, and I think you can bring jobs to the area without having a free-for-all on how and where people build, but where what are we going to look like in 10 years? If you go to Scales Mound, you know, where the Jesus Saves rock is, where you can look over everything. And it's just a sea of green. Blows my mind. Can you tell? It blows my mind. Thank God to be God! And never come back. We can tackle the problems of our youth. Let's not try to zone our way out of it. Thank you

Carol Schwerdtfeger, 1126 S Elizabeth Sales Mound Road, Elizabeth

- Thank you. My husband Skip, and I came here in 1964 with two little children. We are residents and voting, registered voters and citizens here and actively defending this Garden of Eden, we have found, like all of you other people are trying to do in the best ways possible for everyone. And there were two important things that needed more emphasis. I was disappointed my testimony at the last county board meeting did not make the public record. Because had I known it didn't, I would have brought it tonight, because that testimony included four pieces of evidence supporting the science behind the driftless area. And the driftless area is the only driftless area identified as such, on this planet, currently I know there have to be others, but apparently, either they're not already so developed over that they've lost its essence, or for whatever reason, if you Google it, this is you'll get all the same information. Also, in our information center in Galena, they used to have a wonderful thick book about the driftless region. And there is the underlying problem with it is the bedrock is very, very porous. Form of limestone, and its scientific name is Karst, and karst because it's porous, has lots of fissures. In fact, one of the maps shows the grid all the way to the surface, where all the groundwater can run all down into all of our wells. And septic effluent, as it disperses through the septic field, eventually makes its way there. As well as ag, and whatever else enters our water. So, if I hope that I can resubmit it as the whole packet to you to explain that in detail. But because in my because I had the same questions you did about the reasons why our ad hoc committee felt it important to make these changes. I did ever since that county board meeting, it was a complete mystery, and so I hit the books, via AI and the internet. And I've been researching ever since that meeting. And I could find no reasons for it, so I had to, just make some assumptions. And let me gather my thoughts here, and explain, in the course of further research, search, I learned that Jo Daviess County is not only the is, I always thought partly in the driftless region. I thought when we got to Stockton, and that massive view opened up, that was the edge of the glacial moraine, and I did not realize our entire county is in the driftless area. And our county was the first county to be settled by white people. And originally, our county borders encompassed the area, now part of seven

other Illinois counties. Some of you may already know that. So when we compare our zoning ordinances to other Illinois counties zoning ordinances, we are doing ourselves harm. Instead, we should be comparing our zoning ordinances to the Wisconsin counties which lie in the driftless region. So I researched some of those, and they have wonderful, simple ordinances that would protect the driftless area far better than we're doing, and we're doing an admirable job. So, I'm glad to see some notes being taken, because I feel that that will save, you know, I know the goals of our ad hoc committee and the county board are very lofty goals, and they're all about preserving it for posterity and about also, they want to economic development. There is nothing that will bring more people than history, and all the scenery that we have to share them. If we just market the driftless area when I explored Galena Country website, and one beautiful publication they have, which is our primary marketing for the county right now, it's interactive people can go to it on their phones and laptops. Sorry, I've been fighting bronchitis for a long time, and I propose that. Okay. So, then I can stick to this one. Protecting groundwater is a statutory obligation, and that's why it has to be held first and foremost when our groundwater is so delicate of resource. There have already been two residential resort developments that are mostly most of the homes are in septic's and it didn't take long before Galena Territory had to eliminate their swimming beach due to pollution levels of Lake Galena. So that's just a recent history example of the potential consequences. Someone mentioned previously in testimony the areas of development where can people go that would that they're trying to make places for. There are 9 underdeveloped communities in our county, towns, cities, and villages, each with a 1.5-mile radius for planned growth. For those desiring smaller acreage properties, areas where if you need a more affordable housing, there could be multi-family housing potential for them. We're only guessing at reasons that you're trying to solve. The creative thinking is what it's going to take the next generation of with creative thinkers. Perhaps the day will come when septic treatment technology equals or surpasses that of community water and sewer treatment capabilities in Jo Daviess County. That might be the time to reconsider. We know that technology is changing more and more rapidly with each passing decade. And so the best we can do is to make our plans based on current technology, protect our fragile area, and just wanted to add a little more information for the LESA score. I wanted the LESA score is the primary purpose of it is to guide land use planning and zoning decisions. And this is all from official records. The farmland is considered currently the gold standard, and it's precisely what we need in a county that is 100% driftless. And as a last suggestion, I propose the board is well advised to vote no on these amendments as written, and do more research. On all the new information available regarding since we've lost the EPA protections, we used to have, we will need more Illinois and county protections. And since we may not get to all three sections today, I would like to add my recommendation that there be a new ad hoc committee to study the best ways to use the driftless area Information now available benefit of preserving and protecting our Garden of Eden, while enhancing our education and marketing to the benefit of all our present and future residents, of our truly one-of-a-kind, Jo Daviess County. Thank you for listening to everyone.

Shari Kochman, 306 4th Street, Galena

- I'm also president of the board of the League of Women Voters of Jo Daviess County. I speak on behalf of our members, and with your permission, I ask that League members who are in attendance, if they're inclined to stand, to see how many are represented here. The League of Women Voters of Jo Daviess County opposes the proposed zoning change allowing for building on now 2-acre lots. The League is a state, national, and local political organization that promotes active and informed citizen participation in government. We do not support or advocate for any party or candidate. We do, however, take stands on issues, and only after our members have studied them and reached consensus. The league at all levels supports the wise conservation and preservation of our water resources, including groundwater. In 1990, our league conducted a study of groundwater in the county. We then adopted a consensus position to control potential sources of groundwater contamination, to enforce ordinances that influence groundwater quality, and to educate residents about groundwater contamination and methods to reduce its sources. We spearheaded collaborative efforts to develop water resource management plan that included water sampling, and analysis. Scientific sampling indicated that microplastics, pharmaceuticals and personal care products were already evident in our groundwater, and we're most likely the result of septic effluent discharged into the shallow aquifer from which most private wells draw their water. The League's position is that residential development should be encouraged only in areas that can be connected to water and sewer systems as part of the Comprehensive Plan. More septic systems spread throughout the county on 2-acre lots will be detrimental to groundwater quality, and detrimental to the health and welfare of those residing on those lots. The League of Women Voters of Jo Daviess County opposes the proposed zoning change allowing for building on 2-acre lots. Thank you.

Wendy Clark, 1107 4th St, Galena

- I want to thank you for this opportunity. I know that this makes for a long evening for you guys. I grew up here in Jo Daviess County, out on Pilot Knob Road. Not far down the road from John Schultz. I used to wave at him when he went by on his tractor when I was a kid, but I've also spent the last 28 years or so of my life elsewhere working as a wildlife biologist and also a natural resource and land use planner, so I have sort of some perspective on the process that you guys are going through, and what it's like to try to contend with all this information, so I hope I can be brief. I've been scribbling notes on things that other people have said to try to not have to repeat things that they have said. One thing I'd like to say is to echo the idea that more time might be needed to consider this. I realize that there are constraints, on, process and what you guys can do, and how you need to do it. But I think that, in particular, Steve Barg's recommendation that maybe there ought to be some meetings out throughout the county to help kind of inform people, so people can really understand the consequences of making these changes. I think that could be a very useful

thing. In my work, I worked for the federal government, for all those years that I was in planning and in biology. And actually, that was something that we shifted to early in my career, was doing what we, you know, town hall meetings, or we call them public cafes, or whatever. And they were an informal structure, and they were a really good way to kind of get that information, and also give you folks time so you know, you're sitting here tonight, and you've got this fire hose of information coming at you, and then you're supposed to try to make a decision. So, I would recommend doing something like that. I also would like to address the question of why this is going on. Again, lots of people have asked this question about the 40-acre rule change. And why the change. And we've heard some things from other folks that I think kind of get at that, but I also kind of searched through the materials and didn't really find any explanation about why this was being proposed. And again, in my career, we didn't do anything without defining what we called the purpose and need. That was the thing that really told us, why are we doing this? Why are we planning this, you know, campground, or road change, or whatever it was we were doing? We always had to have a purpose and need. And so I feel like that's something that's kind of missing here, because you don't actually know if you're accomplishing what you intend to accomplish if you if you don't even know what it is you're trying to do. So I think that, you know, maybe that ad hoc committee had something in mind, but it's certainly not been very available to us. Now, a couple of things that we've heard are that some things about farmers in particular needing to be able to make some economic gains from their property, particularly at a time when farming is becoming more difficult, and it's kind of almost starting to die out a little bit, or be replaced by other things. And I'm very sympathetic to that concern, it kind of breaks my heart to drive around and see sort of the relic farms, or see farmland just sort of vanishing and not being part of this county to the extent that it used to be. But I also recognize that we are all kind of constrained. Zoning is something that isn't, I would disagree that it's a government controlled, of course I was a government employee, but I would say that zoning is something that, as you can see right here, is something that comes from all of us. It's something driven by the people, and we are all constrained by it. So, I may also be struggling to make ends meet, but I can't put a U-Haul dealership or an RV park, or carve off, you know, a corner of my property and build a house on it. I'm constrained that way as well. So, it's a difficulty, and I'm not unsympathetic to it. But I think that we have to respect that, you know, the rules are made in a way to try to consider all kinds of different issues, not just the need for a particular group of people to be able to make a go of it economically, and I think that it's important, as Mr. Gratton noted, that there is an avenue for doing that. As one of the speakers noted, farmers know what part of their land is or isn't productive, and they have an avenue for being able to carve off a piece and sell it and make some money off of it. If it meets certain criteria. And that gets back to the LESA thing, and I'll get to that in a second. I also want to, again, a lot of people have talked about the Comprehensive Plan, and there are a lot of things in it, obviously. It covers all kinds of stuff. And of course, the thing that we've talked about tonight is about maintaining the rural character of Jo Daviess County. That's kind of the focus of a lot of the discussion. Now, there are all these other things we need to try to do. We need to try

and get our economy up and rolling or at least maintain it. We need to, you know, try to keep young people here and attract families, and all kinds of things. But all of those things have solutions that don't require using up a finite resource. But we cannot maintain the rural character and the open space of Jo Daviess County if we start carving up and chipping away at that finite resource more than we already are. That is a goal, maintaining the rural character and maintaining the farmland in Jo Daviess County. That we simply can't do if we start chipping away at it. And as Mr. Gratton pointed out, as a process person, by this rule, basically, circumvents a process of careful deliberation about when and how to chip away at that finite resource. So, I would argue that it's best to keep it in place, or something like it. I mean, 40 acres is I don't even know where that comes from, but there it is. At any rate I would also say that just as kind of an example, I've been going up to Madison lately helping a friend with some medical appointments, and driving through kind of the expanding areas around Verona and so on. And, you know, we're all talking about, sort of, the dire thing of big subdivisions and so on, and I think that's not really what this is necessarily about. But that can happen. The other thing I've noticed is what I would call the sort of relic farms that are adjacent to the areas that are being developed. So, once you start to develop an area, it seems to me, from what I've seen just looking at it, the farms that are nearby kind of start to die off, too. And so, you just start to it sort of creeps outward, and you lose it. So, I think that's something we need to be very careful and thoughtful about and not open the door wide to development that we're not really tracking carefully and making sure that it doesn't, again, use up this finite resource that we have. I would also say that there was some comment about, servicing rural development and the expense of that. And I would say that I don't particularly think that people living out in the country are any more or less independent than those of us living in town, but I would say that some of the things that were said early on about the need for, for example, the county sanitarian, and other personnel to go out and site and find and approve septic systems and so on, that's a big load. So, if we start increasing the amount of that that needs to happen, in the county, then we've put a big tax load just on personnel having to go out and try and deal with that as those things come up. And so that that's actually where that comes from. And then other services, impacts on road systems and things like that. That's where the taxpayer expenses come in that aren't necessarily offset by added property taxes of subdividing those properties. It's hard to do that math because it's really hard to predict into the future about what's going to happen. But we really have to remember that there are these costs to the taxpayer when you start, you know, having to do more and more things out there. I also, as I mentioned I was a wildlife biologist and then got into the planning side of things. Some people have talked about the ecological diversity in the species here in this area and there are, in the state of Illinois, not just in this area, in the whole state, there are 513 State either threatened or endangered species. Now, not all of those, of course, occur in Jo Daviess County, but it does have I didn't take the time to look up the numbers, but Jo Daviess County does actually have pretty rich diversity of wildlife species, ranging from little mussels and insects to various birds and bats and so on. And a lot of the reason that we still have what we do have here is because of this open space, and because of

a lot of, the farmland, actually, that's out there. And I would also say that certain, some of that, sort of, not-so-good farmland, stuff that's not as arable or not as, not sure what the right word is. Is actually where we are able to maintain some of those species. And many of them require bigger, more open spaces, and so on. And once you do start to subdivide, you start to have giant lawns, you start to have lawn chemicals, you start to have all kinds of things that can have a bigger impact than in the specific area. So that's another thing to consider. Then I also just want to mention, I've just been learning about the land evaluation and site assessment tool, the LESA, and it sounds like that's sort of tied to the natural resource inventory reports things, and there are a few places that I noted that those were proposed changes, and I think that that's a big mistake to remove the LESA assessment. The reason for that is that, again, as a planner, one of the gold standards is if you have some objective measure or some way to make sure that you are applying things consistently, and you're gathering the data that you need, that's a wonderful thing, and you have that. You have this LESA tool. I know it's not perfect, nothing is, but taking that away leaves you wide open. One of the things that could happen is simply just the inconsistency of approving one thing and not something else. If you don't have the LESA tool, then you don't have sort of a defensible explanation about why you allowed this and not that. So, I would really caution you about getting rid of that, at least without having something equally good in its place. And the same thing of any other kind of measurements and tools. It means that, you know, it means everybody's measured by the same yardstick. And to use kind of a weird comparison, you know, it doesn't mean everybody gets to have what they might want with the yardstick thing, you know, if I'm taller than that, I can get on the roller coaster, but if I'm shorter than that, I can't. It's a bummer, but at least we're all using the same yardstick, and everybody's being treated consistently and it allows you, as a board and the county in general, to make good, solid, defensible decisions and be consistent in how you're applying the rules. I think the last thing that I want to say is I spent 7 years working on a land and resource management plan for 3 million acres in central Montana, and it's a very, very different thing than what you're encountering, but one thing that I've seen is we wrestled with language a lot. And we actually brought in legal review of wording of what are the equivalent of ordinances. Because a word might a committee might say we know what this means, but everybody else might somebody might interpret it differently, and I've run into that a million times in my career, so I would strongly encourage you before you actually formally adopt any ordinance changes, I'm assuming maybe you have some kind of legal review, but I'm not sure. I would actually seek legal review from professionals who work in planning and are used to looking at that kind of language, not, sort of the more general all-purpose attorneys, that's probably not the right way to put it, but people who are kind of familiar with implementing law, regulation, and policy, because that can really help you out. I have run into situations myself where we're trying to apply an ordinance that was fairly new, and, you know, this group of planners said, no, this means this, and the other group said, no, it means that, and then suddenly we realized we didn't know what it meant. So, I would encourage you to do that. Thank you very

much for your time. I know this is definitely a lot to take in one evening, but I really appreciate the opportunity. Thank you.

Skip Schwerdtfeger, 1126 S Elizabeth Scales Mound Road, Elizabeth

- I'll be very brief. I'm trying to simplify this down to something that would give us a hook to hang our hat on. And basically, it's this under all is the land and all of this land is karst. And this land will not tolerate heavy pressure for septic and an over drilling on wells. We need to have the LESA scores to let us know what we're doing with each piece of land. I want to remind everybody that Mel pointed out, 40-acres was never intended to be a magic number. When the Comprehensive Plan is necessary to keep our teams, all going in the same direction. But 40-acres certainly is not a farm you could make a living on now. As Dan said, but we are in a position where some people can make it a living on a 2-acre catfish pond. And other people need 5,000 acres to make a what they consider living. But the reality is we need to make sure that we don't have unbridled development here that this is karst under all of the land. And we have to make sure that we protect it. Thank you.

Bill Tonne, 111 Olde Maple Court, Galena

- I'm on the Galena Zoning Board. And in another life, I spent 17 years on this board. Pardon this brief question. Can we assume those testifying on Section 1 have been sworn in? I'm going to assume, not that it was functionally accomplished, but I think we're all under that assumption. 40%, roughly, of the Jo Daviess economy is agriculture. Roughly 40% of the Jo Daviess economy is tourism. The other 20% is services, like the courthouse the hospital, churches, schools, and the rest of the services. Even some lawyers. They are in synergy. The blue sky of ag brings tourists. Tourists do spend some money in our economy, and they like what ag brings us in terms of our culture. Which does go back historically into the 1800s. This all is quite important for us. There are other things besides the economy. But it's a long way to number 2. Culture is right there. That's family. And we have a unique place. Across this country, towns the size of Galena are hurt. We're not. Agriculture across this country is somewhat hurting. It is here, too. Rainfall, the cost of land, the cost of supplies, the cost of equipment, cost of fuel, fertilizer, but we share the economy because of our tourism with ag. We have amenities here that support ag and tourism and the services. It's a wonderful blend. A unique blend. It wouldn't be too hard to name other counties that would die for what we have, in terms of that synergy. It extends throughout the county. As does our scenery and everything else. Now, I would point out that Wisconsin has a minimum lot size of 35 acres in an ag district. And a requirement to actually be have a farm operation, soybeans, corn, beekeeping, pumpkins, doesn't matter. You know what, county in Wisconsin does not require that. None. Dane County, Milwaukee, and especially Door County. They enjoy the synergism. Raise your hand if you've been to Door County and liked it. And did you go from the Lake Michigan shore to the Green Bay shore and see anything but 35-acre and larger parcels with a house, and some beehives and a few pumpkins. They like it in Wisconsin. 35 is not that

much different than 40. I speak in favor of a denial of this text amendment. I urge you to vote a denial to the County Board of this text amendment. 40 acres, the LESA score, and the 2 acres all support ag. And indirectly, or directly tourism and services. That's a whole ball of wax. And as a little sidebar, back in our day, Mel. And Tom, we added a question to the LESA score. As an original question throughout Illinois, that Springfield loved. The question is, if this is your petitioner, what percentage of the contiguous properties are in ag and corollary to that, what is the amount of money they've invested in their ag operation, \$500,000, a million, 2 million, 5 million. The more your contiguous properties have invested, in ag, and its millions, the more you would be entitled to not turn that petitioner into a residence. There isn't a single farmer in this county, who doesn't see a residence going up near his farm and wonder, what effect that might have on his farm. If the LESA score says, well, you know, you're within a mile and a half of a municipality, your score is going to be low and maybe you can develop that farm, 2 acres, or more, with the proper septic and other surveys related. Especially the LESA score. Please, don't drop the 40 acres. Or the 2 acres, or the LESA score. I'd like to add offer you to ask me questions, but it's not the place. Thank you.

Jim Boho, 1477 S Rocky Hill Road, Galena

- I don't think we really touched base on tonight on the number of residents that we have that have 40 acres, that live on the 40 acres, that believe in the 40 acres. And there are a lot of us, and it's a dream. And I can't put together anything more than what all these other fine people have said against us tonight. But I would like to speak on that dream. Jo Daviess County, to me, is a dream, and to many people, probably sitting behind me, it's a dream. And a big part of that dream is 40-acre residence. So, I would ask you to please stand with the 40 acres. It's the dream of the county. You can see it, people come here for it. Thank you.

Tom Heidenreich, 10488 E Binkley Road, Stockton

- I'm an eastsider. I live over in Stockton. And I farmed all of my life. Have been a member of the board. Had an opportunity to write and produce the Comprehensive Plan, develop the LESA score. I want to echo all of the things that Bill Tonne said. I first want to state that I'm opposed to the zoning changes, the 40-acre to one acre, and eliminating the LESA score. Bill Tonne recognized all the good things the least the score does. It's a little-known thing that not very many people in the county even know exist that you guys use to promote the health, safety, and welfare of everybody in the county. It's indispensable. The Illinois Department of Agriculture. says that it's the backbone of the ordinance, and I'll agree with them. Now, you all know what the LESA system does, you get the score, you relay it to the county, I'm preaching to the crowd here. A lot has been said about the Comprehensive Plan, and in the Comprehensive Plan at the back, there is a series of maps. And it verifies what the LESA system has done for the county. In the last 16 years, it starts off and I hope you can see these maps. They're in the Comprehensive Plan. Maybe you guys look at them all the time. Good for you, you do it starts with the farmland classification soils, the good stuffs over on the east

side and up round the state line. And the porous soils go to Elizabeth and down into Hanover, up around Galena, Galena Territories. Jo Daviess County actually has 80,000 acres of woodland and another 72,000 acres of pasture land. That's according to the soil survey that was taken years ago. That's almost 40-some percent of the county that's covered in woodland. The county has two maps, the zoning map and the land use map. We have 3 districts Ag Preservation District 1, Ag Preservation District 2, and the General Ag District. You can see them. They're pretty well colored. I hope you can see them. The plan the districts are Preservation District 1 is up here. It's the prime soil that we have in the county. Preservation District 2 is the important farmland. And the third one is land that's not of statewide importance, is the way they put it. So, let's look at what's been done since 2006, because that's when the LESA system was incorporated into the ordinance, and we have records of all of the permits for housing, the new home starts since then and this map will show you that the LESA system is placing houses exactly where it was supposed to toward the municipalities, away from the prime farm land, away from the important farmland, and away from farms that have large investments. It also enables the school districts, the townships, fire districts and the EMT to service those people because their homes are closer to the municipalities. When digesting, the effects of the LESA system on the county, in 2006 to 2012, there were 319 permits for housing starts in Jo Daviess County, Ag Preservation District 1 had 26 of the 319. The General Ag District had 237 housing permits, 31% of those went into the planned unit developments of Galena Territory and Apple Canyon Lake. So, you can't count that they all went into the unincorporated areas. In the last 10 years, in Ag Preservation 1, 4.2 houses per year constructed in an Ag Preservation 2 area, 5.6 houses per year, in the General Ag District which is where woodlands and pasture is located, 70% of the new home starts went to those districts. The LESA system is the backbone of the ordinance. Getting rid of the 40 acres and lowering it to 1 eliminated the use of the special use, no more need for it. No more need for the LESA system. No more need to direct development to where it belongs, next to the municipalities. You just walk into the office buy a permit, you can build a home on 2 acres, anywhere that you want to in the county. Is that good planning? We have to be careful of something. We're number one in one particular area, and that is that we have more second homes in Jo Daviess County than any county in the state. We're number one. Allowing people to build a home anywhere in the county on 2 acres, do we need to accelerate our number one position? Most of those are second homes, but I'll warn about something else. We have a city right across the river that has 3 times the population that our county has and it's a half an hour drive away from here. If we start to let development happen, it will happen and I'm afraid it'll happen fast. I have one question, before I quit, and it's probably because I just don't understand. So, if you could explain this to me, I would appreciate it. In Title 8, Chapter 3, District Regulations. D. Agriculture residents provided that the minimum lot size shall be, strike out 40 acres and add one acre. Item E. Non-agricultural residents provided that the minimum zoning lot size shall be, strikeout 40 acres, and add 1 acre and are subject to Section 5B33 of this title. That's exactly what it says. What's the determination whether D applies or E applies? When I go into the zoning office, and I want a

permit, how does the administrator or this board establish that I should get an ag residential permit or for a non-ag residential permit. It used to be 40 acres. What is it now? If you could answer that question for me, I would appreciate it. Is it just arbitrary? Yeah, you said that.

- Meeker states there has to be some agricultural use of the property for it to be an agricultural residence. Meeker states, Melissa, do you want to weigh in a little bit? Because I think you have more experience with it.
- Soppe states we have an agricultural affidavit, so basically you are signing that, what you carry on the property? You do need to provide some additional documentation, such as, like a Schedule F, livestock receipts, grain receipts, seed purchases, fertilizer to show that you're in that agriculture operation.
- Okay, so now I'm in the agricultural property. What's my zone?
 - Meeker states agricultural.
- Does it ever get put on the land use on the zoning map?
 - Meeker states the agricultural district isn't changing with that.
- Exactly, that wasn't my question. Does it ever if I have a home that's an agricultural use. How does it affect the zoning map?
 - Meeker states, it doesn't. It's still zoned agricultural.
- You're correct about that. So, what's the record of how many homes are being built in the country? It's all agricultural. Same as it would be if I built a home on my farm. How are planners ever going to plan in the future? There are some serious considerations here. This is just random house building. Thank you for your time.

Jody Carroll, 6246 S Gras Road, Elizabeth

- I previously served on the county board for 10 years. I also served as an alternate on the zoning board. And I'm here today to speak in favor of maintaining the 40-acre rule and the LESA scoring system. The 40-acre rule has worked well for agriculture. And it supported both the Comprehensive Plan, and the rural character of Jo Daviess County. This issue is often misunderstood. The current zoning ordinance already provides a process for non-agricultural homes to be built on parcels smaller than 40 acres through the special use permit process. There is not a shortage of opportunities for non-ag residential development under the current system. In my time serving on the board, I can only recall one non-agricultural request that was denied. That demonstrates a current ordinance is already flexible, and allows reasonable development while still protecting farmland, in preserving long-term

interests of the county. The purpose of the 40-acre rule and the LESA score is not to stop growth, but to ensure growth happens responsibly, in a way that balances private property rights with long-term interests of agriculture and the county as a whole. Agriculture remains a major part of the economy, identity, and landscape of Jo Daviess County. Once productive farmland is developed, divided and developed, it is very difficult to reverse. Decisions made today will have long-term consequences for future generations. I encourage the board to continue supporting policies that protect farmland and maintain orderly development and preserve the character of our county, by keeping the 40-acre rule, and LESA scoring system in place. I'd like to thank your time.

Gary Webster, 618 Gear St., Galena

- I'm one of the few people in this room, maybe besides Mel and Bill that grew up in this town. Which is going to get me to my point. Grew up here, graduated from high school in '75, you can do the math. Moved away in '79. I saw the Galena Territory come in. For those of you that don't know, back in the late 60s, early 70s, Galena had billboards outside of town advertising 26 or 24 antique shops. Galena was a tourist town back then, but it was antiques. Then the territory came in, but before the territory came in Galena was going downhill. The building downtown known as the Coatsworth Building, if you ever drove on Back Street across from Lemfco Foundry, the whole backside of that had fallen down. In fact, somebody put a mannequin, a female mannequin up on the toilet up there, and you could see in there, you know, everybody laughed as you drove by all the time. Like it or not, you remember that, Bill? Like it or not, the territory revitalized Galena, the downtown, the restaurants, but it changed Galena from an antique town to a tourist town. Now you have boutiques, nice restaurants, gift shops. I've lived in the big city. I left Galena in 79, I was in San Antonio, Texas, Austin, Texas, Madison, Wisconsin, the Quad Cities, then down to Charleston, Illinois, where you could roll a bowling ball and it'll keep going, because there's not a fence or a hill, and then back to Madison, I spent my last 24 years in Madison area. And I just moved back here 3 years ago. I could have retired anywhere. When I came back, the same reason that these people come out here from Milwaukee, Chicagoland, a lot of the speakers that are transplanted here. They came for the beauty. Once you take it away, it's not coming back. They're not coming out here to look at rooftops. They're coming out here to look at the trees and the wildlife. I think it was Beth from on Rocky Hill Road, that's why they came out. So, all I can say is please don't take it away. I oppose this. Please don't take that beauty away. Bill, hit it perfect. 40% ag, 40% of the economy is tourism. You start popping up houses all over this county, forget the environmental impact, because that's all-real stuff, too. We're going to take away the beauty. I've traveled a lot of places. And you say, oh, I'm from Galena, Illinois. I know where that's at! That's beautiful there. So please don't take it away.

Tracy Diestelmeier, 4602 S Derinda Road, Elizabeth

- I apologize, I did not prepare a written speech, but I do have some thoughts. One, I am opposed to the Section 1 pieces that you're describing. But I feel like if you look at it comprehensively, the entire package I am opposed to. We can't you've heard enough, I agree with all of the people who talked about the environmental issues, about the economy, the farmland, I am from a family of farmers. I've worked in the tourism industry. It all works hand-in-hand. We have something that other places wish they had. You are the gatekeepers. Every individual can't be at their own will to do whatever they want and maintain what we have. We need you to do that. That's why somebody put you in place, thank heaven they did. I know I've had experience on the other side where I was asking for something, and I was told no, and I'm so glad that you say no to people because there has to be a way to filter through and maintain what's good for all. This area is the second most high tourism in Illinois. The only place that has more tourism than Jo Daviess County is Chicago. If we destroy what we have, and that's what will happen, it is an act of destruction if this whole package goes through. It's a fact. There will be some developers who will make buck in their bank. But that doesn't help us, and in long term, it destroys us. Please, keep doing your job. I appreciate you. Thank you

John Perry

- I was really curious about at what point, the Zoom folks do that, because most of my comments are in Section 2.
 - Huschitt states, we're only in Section 1.
- So I should wait. Okay.

Gerald Podraza, 3219 E Stagecoach Trail, Apple River

- I bought a property in 1975 at 3219 East Stagecoach Trail. An 1858 rock schoolhouse. So, I've been around for a while. I want to address a couple points of view. In this point of view is going to be, I think dramatically different than what's been presented here. And let me preface this by saying this. There are times when I hear a Galena-centric kind of approach to how problem solving occurs in the county. So, I'm going to come from this viewpoint. People talk about rural culture, rural characteristics, and, from my viewpoint, I don't see how you can have a rural culture, a rural characteristic, without having vibrant, small villages like, Scales Mound, like Apple River, like Warren, like Stockton, like Galena. So, without the folks that live in those communities, in those communities, how can you have a rural culture? So, there have been a couple speakers that have addressed some, demographics, and I just want to review a couple things quickly. In 2024, there were 21,500 people that lived in Galena. That

was 2 tenths of a percent of the population of the entire state of Illinois. There were 6,800 people who were over the age of 65 in 2024. There were 3,800 people who were under the age of 17 in 2024. So, from my viewpoint, when I hear people coming up here and asking, what is the purpose for having zoning? It seems very apparent to me that we have undergone depopulation in our rural communities, our rural villages and towns. And one way to address that is to have some reasonable, methodic, zoning. So, I'm going to approach this this way. There's a good example amongst many of a situation that has developed in Shullsburg, Wisconsin. Somebody donated some property. to the city of Shullsburg, now, I don't know how they did it, through a trust, or through a foundation, but what has happened there is, there were 22 or 24 lots and they were sold at \$1 apiece. So, there's this nice development that is occurring right at the edge of Shullsburg. So, my question for you all is this, do you want that kind of development to come into the county here? Do you want repopulation and revitalization of villages and towns in the county. And if you look at the land use plan, that's a couple people have referred to that comes out of the Comprehensive Planning, one of those items is called a land use plan. And there is a what's called a contiguous growth area that circles a couple of the rural communities. But some it does not. Then there's a 1.5-mile planning radius. And that's the issue that I want to address very directly here. So, this Parkview Development Plan subdivision that I referred to earlier, outside of Shullsburg, is it possible, given the zoning that exists now or, as it evolves, is a subdivision like this possible in Jo Daviess County, given the data and the references to the land use plan. All right, so let me ask you a couple more questions, and these are kind of rhetorical in nature. I believe this, given what we've experienced, in Apple River, especially, if you have not been through Apple River, I invite you all, please drive through Apple River, see what that feels like. See, look at all the vacant lots, and some of the vacant homes. Look at it on Stagecoach Trail between Apple River and Scales Mound, there are two rock houses that are vacant, that were built just post-Civil War. There are two little houses that one of which was burned down and another one was bulldozed. So, we're all saying to ourselves, wait a second, we've got young families that need affordable housing. Where are they getting these housing for them? So this planning radius needs to be extended. It's 1.5 miles right now. It needs to be extended for 3 to 5 miles. And with lots incrementally becoming larger, from the boundary of the village or the town, so that at the outside of this planning radius, whatever it is, if it's 3 miles, 5 miles, then, whatever the actual 40-acre, 15-acre, 10-acre, whatever you decide to do with that, that kicks in at this outer boundary of this planning radius. Thank you very much.

Cory Cassens, 6402 S Ridge Road, Stockton

- Nervous once again to be back in this room, as I was a couple of months ago. Just an observation, summarizing thoughts from those that oppose the amendments. Not in my backyard; I was here first; I've been here longer; it's fine the way it is; the existing rules are fine, just apply the variance; I don't farm, but farmers need governing and protection; I wrote the rule, and it's fine; we welcome new people, and they should live in a building where we

provide them to live in, all of them; And a while, it is true, Jo Daviess County is, in fact, number one in second homes in Illinois. So, it appears that some people are here tonight to try to prevent problem that I think we already have. If their thought is, stop new construction in rural communities. My committee chairperson summarization, separate from the white page that was submitted, which, again, that white page was submitted by a committee as a whole. I had the responsibility of authoring it, but it came from the full committee. And again, the committee was charged to meet, charge to act on the basis of county board direction that was made almost 18 months ago. My chairperson's summation is we met for one calendar year of meetings. Multiple local government meetings were attended by Ad Hoc committee members. All meetings welcome guest attendance by Zoom or physical presence. Where were you in this planning process? Where were you? I wish you success. You've got a lot to work on with the opinions that were presented tonight. Thank you.

Public Testimony Closed

- Mapes – I've farmed in this county for 65 years. I was on the other side, the County Board for 10 years. When something came up, I felt it was my obligation to see what the people wanted, not what my fellow board members wanted. I bet on this court, too. This is the hardest position there is. The county board's easy, because you have to make the right decision to follow all the guidelines. The 40-acre rule has been misinterpreted for years and years. Because a lot of people today, think you need 40 acres to build a house? No. You don't. Really? That's what people determined. They needed 40 acres. The biggest thing I see with everybody against is the special use. Special use you can get a special use, and it's worked. This county has worked well. It's fabulous, it works, nobody gets denied. A special use, you're not in ag. If you take a special use away, everything's ag. Okay, you sell, I sell you the house, you sell it to him. Later on the bank is going to say, no, you got to be in if you're ag, you're ag. So next, you got to have a special use, you're a resident. So, someday, it all comes back, especially if somebody's going to have to make it. So, LESA score and everything done, we've done with, I think it's done a wonderful job, the county. It's been misinterpreted all the way; you can build on 2 acres here now. And you could do a lot of things. People need to communicate more than what's happened. They haven't communicated, and they just think this is it. But to me, taking away the LESA score, the 40-acre rule it's not right. So that's my opinion. Thank you.
- McIntyre - It's a lot to digest. I first of all, I want to thank everyone that came tonight and, given their input. Some things I've actually changed my mind on. And some things I have, secured my resolution. Let's talk about the easier one, which is the LESA scoring system, the 40-acre rule, I'm just going to try to digest it myself. But the LESA scoring system, I tend to agree with Tom. that it is a backbone to a decision-making process. It's also a standard measurement tool, which I agree, I think Carol brought that up. The problem I have with the LESA scoring system is if anybody in this room knows it, it's 300 total points. Anything over 200 points is not considered ripe for development. However, the land evaluation is only 100

points. So, if we're trying to the problem I have, and maybe I'm maybe I'm missing something, but the problem I have is, the land, which is what farmers use to say how productive the ground is, is only 100 out of those 300 total points. The only site assessment is 200 points. So, let's say you're right next to a village, but you're in the county, not in the village jurisdiction. But your soil is rotten. It could score over 200 points. So my and by the way, I along with Bill Meeker, was on the ad hoc committee. So don't hold that against me. I had the LESA scoring part of it, and I was absent the day I was supposed to present. I was in Arizona taking care of my 98-year-old mother-in-law, so, I had a good excuse. So, anyway, one of the things I wanted to do was try to even out that score. I wanted to have the land be just as valuable as where it was. Because the land is what actually tells the farmer how productive that land is. And also, like Tom brought up, in the Comprehensive Plan, the land use maps reflect that. One of the from a 40-acre rule standpoint, and I'll move it over to that, one of the things that we were talking about at the ad hoc committee was the fact that maybe there's a different acreage rule for the different types of agricultural land. As the map shows, the closer you get to Galena, the less productive the farm ground is. The more you get towards Stockton, the very much productive the land is. So maybe those 3 areas, maybe that requires a different rule for those 3 areas. I don't know. I'm just throwing it out there. It becomes a nightmare for the staff, and I realize that. But there has been testimony here tonight from a LESA scoring system, to actually expand that mile and a half contiguous growth area, instead of mile and a half on the LESA scoring system, maybe it'd be a little bit larger or something like that. I don't know. But it's been talked about tonight that we don't throw away the LESA scoring system, I didn't want to throw it away on the ad hoc committee, I wanted to modify it because it is different than the state LESA scoring system. And there are things that, like somebody brought up that talks about the land around where you're trying to put a home, how much of the financial commitment has the farmers put in around that area. The numbers that are on there are out of date. It says I mean, I think the maximum number was, like, I don't know, 2 million, no, it was like \$500,000 or something like that on the LESA scoring system. I'd have to pull it up, but maybe those numbers get modified. Heck, a combine costs that. So I don't necessarily agree with eliminating the LESA scoring system, but I would like to at least modify it to make it sense and to upgrade it. We as a government official have a responsibility to update our ordinances that make sense. I mean, how many times you guys just filled out your tax returns? How many times has that and a lot of people in here, like me, are on Social Security. If you took Social Security before the age of 65, the limit was 19,000-something-something dollars. Okay? Maybe that number should have been modified. As we started upping the amount of money that our Social Security increased by. So, my point is, is that maybe these numbers that are in the LESA scoring system do need to be modified, maybe we don't need to eliminate it completely, but we may need to modify it that makes sense for the development, site assessment, as well as the land evaluation. Because what's the average land of, score in Jo Daviess County, somewhere around 65 or 70. Somewhere around there. I don't know either. But I think it's somewhere in that area. So, my input on the LESA scoring system is we can modify it to make it a little bit fairer, to what we

intended, which is save farm ground, the most productive farm ground. And then from a LESA scoring system, maybe we should go back and look at I'm sorry, not for the 40-acre rule, maybe we should go back and look at maybe 2 acres makes sense around Galena. Maybe 40 acres makes sense around Stockton. I don't know.

- Diedrick – do we have the authority to be able to modify the LESA score?
 - Meeker - well, what I would suggest, if that is the direction that this board wishes to go, you can recommend that to the county board, and then they would need to give direction back to staff to move forward with modifying the LESA process. But yes, you have the ability to
- Diedrick - It doesn't come from the state yet?
 - Meeker - well, the basis for the LESA score comes from the state, but as one of the speakers said, we did modify it and added some additional questions to it. So, I think we would have to stay relatively consistent with the state regulations, but we can certainly look at that and see what we can do, but it would have to you could make that recommendation to the board, and then the board would have to give direction back to us to move on that.
- Diedrick - I mean, you could go to a committee and go through the process.
- Huschitt - if I may, I just want to jump in, because I think one of the speakers said, you know, we're getting hit with a fire hose of information to Mr. Cassens comment. You know, like I said earlier, you know, we heard so many, I'm speaking maybe in broad terms tonight. There's so much good information that was shared, and it makes it very, very difficult to know what the next step is. I guess I want to take a step back, because some have said, well, you know, the ZBA should have been dealing with these issues all along, but yet we had a lot of speakers who said this should be a referendum county-wide. It just shows what a vast, almost chasm we have of trying to navigate this process. So, I guess a couple things I would just want to say in generalities. One thing I heard a lot of is, you know, we don't want this process to be too fast. I, myself, my mind bandwidth right now is not even close to trying to capable of hammering out what a LESA score should look like. I think I guess what I'm trying to say to my fellow ZBA members is we have to take we have to try to formulate some motions, but one thing I heard consistently was perhaps slow down the process. You know, again, ZBA, I think it was very hard for us to try to tackle the 40-acre rule. Mr. Cassens, you guys worked on it for a year, you worked on all of these topics for a year and a half. And now we come with recommendations. So, it has to start somewhere, and this process is just going to it's not going to end tonight. It started almost well beyond 18 months ago. But I guess what I'm trying to encapsulate all of these various comments is I think we want to be careful. I think we do want to slow down the process. I think we've got a lot of public input of concern of how the recommendations were, that's okay. We had to start somewhere. Time to, not time

to roll up our sleeves, we have to roll up our sleeves and continue the process. I do want to say one thing, I think eliminating the LESA score, my hunch is there's some questions where did this come from, where did some of these changes come from, again, we're trying to, you know, everyone has, I don't want to say everyone have different objectives, but trying to balance economic growth. Worrying about depopulation. How do we maintain or bring a younger generation back into these counties. These are all a lot of challenges. Okay? I think the LESA score was recommended to be eliminated because it was simply a housekeeping issue. If, in fact, we go to 1 acre, you don't need a LESA score, it will never be used, so, it's just gone automatically. If the powers that be say, hey, we are going to go, and Jo Daviess County, that you, as one of the speakers said, you walk into the planning and building office and say, I want a building permit, I'm building on 2 acres, anywhere in Jo Daviess County, there is no need for a LESA score. So, I'm just I know I'm just stating the obvious, but I think it's important to say the LESA score was recommended to be away, because of a change in the size of acreage. Okay, I myself, I guess, to try to put some traction in where we go from here myself. I don't even like to call it the 40-acre rule, because it's so misunderstood. It's not a 40-acre rule. We heard so much common, which is all valid of karst, and the septic systems, and the water. To balance it with economic development. So, I personally think that there has been a lot of work done in the past to get us to where we are today, and I think we want to be very careful if we propose drastic changes to what, in my opinion, overall has been working. If I heard one thing tonight, I heard a lot about what a gem Jo Daviess County is. I love this county. I love driving through this county, and how it is. I think some of the visionaries and the people who brought zoning in, I give them a lot of credit, they started from nothing, they started with generic templates, if you will, and we've tried to grow it. And now we have, maybe the challenge again of seeing, you know, where we are. But for me, sitting on this committee, I fundamentally like the 40-acre rule, because it does allow for people to build homes in Jo Daviess County anywhere, they want, as long as it fits the standards that have been developed over time. It's possible. I've heard a lot of times, and it's a factually wrong statement. You do not need 40 acres. You do not need to own. So, when people say, no one, you know, the young people can't afford 40 acres nowadays, I'm sorry, it's factually wrong. It's a wrong statement. You don't have to buy 40 acres to build a home in Jo Daviess County. That's why we have a special use process, so I think it's fundamentally important we all understand what the process is. Now, again, there may be some speakers, and you say, I don't even like that. I think it should be 40 acres with no special use process, conversation for another day. I don't know if that's ever going to happen, but that's not the question that's in front of us. The question that's in front of us is, we have a process that says, it's just as simple to me. Someone wants to move to Jo Daviess County, I want a building permit, what do I have to do? How many acres do you own? I own X. Is it more than 40? Great. You get a building permit, here you go. I own less than 40. Okay, we have a special use process. What is that? It's a process where we're trying to control our growth, we're trying to steer our growth in appropriate areas. We're trying to manage all of these challenges, economic benefits, supporting our municipalities, preserving what I do feel is an absolute

gorgeous, scenic county. We have to support ag and what I mean by ag is it not just preserving, in my opinion, the best farm ground. It's supporting a way of life. I don't know too many farmers, and I'm not a farmer myself. I respect farmers tremendously for what they have to do. But I'll be honest, I don't know too many farmers, I think one of the speakers said it, who actually would welcome I shouldn't say they wouldn't welcome it. I retract that, I think if I was a farmer, I would be concerned as soon as I see a new house going up, on contiguous land or land that I go to. It's a challenge. I'm not saying it's right; I'm not saying it's wrong. The more people you put in an area, the more challenges we get. So, I don't think it's just about preserving our best farm ground. I think it's about preserving the way of life. I think the 40-acre rule does that, because it starts the foundation and then we get to work backwards. So, you want to build in Jo Daviess County? How many acres you have? I don't own yet, but my budget allows for 3 acres. Is it possible? It's possible, but now you got to roll up your sleeves and you got to do a little bit of work. It's not easy, but I'll be honest with you, I was raised easy isn't always the best. And sometimes I hear a lot, and it worries me a little bit, like, everything needs to be easy. I don't think it necessarily needs to be easy. I personally don't think the special use process is that difficult. I went through it myself, a couple of times on different projects I've worked with in Jo Daviess County, and way before I sat on this on this committee. But I want people to understand now, yeah, will there be some people who might be scared away? Perhaps, but I think it's just a matter of communication. Again, you want to build a house in Jo Davies County. I want to share a personal experience. When I was looking to move out of Stockton and live in the country, two stories. First of all, Jim the Barber in Stockton, I told him, I want to move out in the country. He laughed at me. And I missed Jim Barber. He left, I mean, he said two things. He goes, Peter, everybody wants that. It's not easy, and it's not cheap. But good luck. It set the stage. It's not easy, it's not cheap, but good luck. I had my work cut out for me right then and there, okay. I didn't realize about zoning. And actually, and I don't mean any disrespect from the realtor I was talking to at the time, they really put the 40-acre rule down. It's okay, it was new, they didn't understand it. I understand it, but personally, I saw an opposite thing, when the realtor said, there's a concentrated effort to try to preserve farm ground, and she showed me a site out in the rural area. Actually, I did need a special use because it had an existing home on it, which, by the way, I think is something we want to remember. I think we'd be surprised how many parcels are in Jo Daviess County that are less than 40 acres, but you are grandfathered in. I don't know the number. I think I forget what we call those.

- Meeker - they are lots of records that existed prior to a certain date, and yes, they can be less than the 40 acres to be built.
- Huschitt - so what I found is what I learned through this is there's a lot of different ways that we can build. The point I wanted to make is; I personally am going to read a statement. When the realtor told me that there's a concerted effort to try to control farm ground, the part of land I was looking at was surrounded by farm, by rural ag and I immediately told myself, I

absolutely want this parcel. Because I just found out zoning is going to protect me. I found out what I needed to do, and I found out a parcel that I found a parcel that let me do what I needed to do, and yet, the law would protect me, because no one else could come and develop that round around me. So, my point of this, once I found out what the rules were I got very excited, but it takes some homework. That's what I'm trying to say, it takes some homework, it takes a little bit of legwork. I think the staff is incredibly helpful with people accomplish their projects. But it's not going to be easy, we just have to ask some questions. So, what I'm trying to say is, I fundamentally agree with our 40-acre rule, because I think it preserves our scenic beauty, our farm area, the economy as we know it, but we have challenges. Why did the ad hoc committee tackle this? I think they're worried about the depopulation, our aging residents of Jo Daviess County. And so, I think there is some perception that the 40-acre rule is scaring young people away. I personally don't think so, as for the reasons I just mentioned. The other thing we have to keep in mind is the 40-acre rule, or, I mean, building in the country, pardon me, it's not cheap housing. So, what I'm saying is, I think sometimes we ask the wrong questions. What do we want to accomplish? We have to accomplish a lot of things. But I feel if we want to bring young people back to Jo Daviess County, this rule isn't what we should be focusing on. We need to focus on affordable housing, and we need to focus on good, stable jobs, which has nothing to do with the 40-acre rule. Because, hey, if someone says, hey, I can afford to build a new home in the country, which, by the way, is \$400,000 to \$500,000 price tag by the time you put in your infrastructure, it's \$400,000 to \$500,000. So, for the land. So I guess what I'm trying to articulate is, I like the 40-acre rule with the special use process, because we have the ability if someone says, I want to buy 2 or 3 acres, okay, we got to go to work. We're not, I don't mean we, but no, you probably will not be able to build anywhere you want. There's going to be some parameters that we follow, and the LESA score is a great tool to allow it to do it. So, for me to try to summarize the points on the 40-year rule, I fundamentally like the 40-acre rule. I think we need to work on recommunicating and re-explaining how it works. So, if we have a farm family who says, I want to have one of my family members be able to build on the family farm. They can. But it's not automatic, you got to go through a process. Yep, you got to ask some special permission. And if someone says, I don't want to ask special permission, okay, I'm sorry, but zoning gives people a right that did not exist before. It's the right to prevent a use which is forbidden in the ordinance. In other words, zoning ordinances create valuable property rights that did not exist before they were adopted. The example I use when I found out that no one would most likely ever build around me. I like it. I've heard a lot of farmers say that they're concerned of perhaps a new home going in. And maybe it's not the first person who owns that home, and I'm not condemning outsiders, but again, we may have these conflicts, maybe that person who comes in doesn't understand the farming community, doesn't understand that farmer's going to have to knife in anhydrous ammonia at certain times of the year, a little bit may drift, it may kill a little bit of your yard, but the more we try to mix that together, I think it's some unintended consequences. So, I don't certainly have all the answers, but I like the 40-acre rule. I like our current rule because of the special use

process. The two other things I wanted to add, and I will be quiet. I think there is a lot to be said, though also about how can we help our existing towns and villages flourish. And I personally think if we go to the one or the two acres, I think it's in direct conflict of helping our towns and villages flourish. I'd like us to figure out a way of, is there a way, whether it's the expanding circles, the contiguous growth area, perhaps we do say, if you want to live if you want to build a house within the contiguous growth area, that it can be 2 acres. Okay. No, I don't even know if we say any LESA score, I'm just throwing stuff out. But my goal is to keep the 40-acre rule with the special use process, but what are the things we can do to tweak it, to try to also enhance economic growth, make it easier to bring the young people in and not just the young people, and to help our towns and villages. So, I liked the 40-acre rule. I do want us to explore ways, I don't know if we meet with the mayors of all our villages and towns and say, how can we all work together to try to encourage this? And then the last area that I wanted to try to say is, because, yes, I have said in the past at meetings, what is the average parcel size, because I found that interesting. The average parcel size, don't quote me exactly, but it's averaged from 13 to 16 acres. I think that is very key information, because if there's one thing, I've heard so many times, don't know if it should be 40, don't know it should be 2, what should be the number? Don't we have that number? I'm not suggesting we lower it. Please don't think I meant we should lower it. But I think that is a very telling number. It tells us through the course of the special use process what do people want to build on. I want to build on 15 acres, because that's the average size. Doesn't it capitalize everything? So, what I'm trying to say is, keep the 40-acre rule fundamentally. How can we tweak that rule, or perhaps look at a smaller parcel size, closer to our towns and villages to help them grow. And then perhaps we can give a little bit more authority to the staff in planning, because instead of telling everybody they have to come for a special use process, could we maybe say, hey, okay, if you want a 15-acre parcel, because that's the average run a LESA score on it. If it's under 200, that doesn't need a public hearing, whether the staff grants or the staff says it goes to the county board for approval.

- Mapes - It's best used before it's a hearing. recommendation from us for special use permit.
- Diedrick - limit the LESA score. then you wouldn't need a special use.
- Huschitt - the other point I want to make when we look at the 40-acre rule with the special use process, are there things we can do to refine the process to make it more user-friendly. I said, like I said, I went through it, I didn't find it very frightening, you just have to do your homework, you have to listen, you have to ask good questions. But I do wonder because if someone asked me, if a parcel came in front of the ZBA, and the LESA score is under 200 and it's 15 acres, I would be hard-pressed to think of a reason why that wouldn't pass based on historical evidence. Right. So, that's why I'm trying to say is, again, is keep fundamentally keep the 40-year rule. How can we tweak it to make it help our villages and towns, perhaps they get growth, meaning a smaller parcel, closer to town. This is based upon, we keep the LESA score, we retweet it, but then also, my last point was, we incorporate it to give the

administrative office a little bit more not leeway, but the authority to grant these, so we don't necessarily need to bog down a process if it has an acceptable LESA score.

- Mapes - because LESA the score just be on the property being sold.
- Hill - Carroll County does that.
- Mapes - Just the property, like, 15-acres, 10-acres, or 5-acres just on that property, not disrupting.
- Huschitt - that falls under the idea of, we want LESA, but we need to retool it. I think it's a great point. Thank you.
- McIntyre - that was one of the things that we had talked about in the ad hoc committee, which was maybe the LESA scoring system should be just on the property or the part of the parcel that will be disrupted. Because that's where the site assessment really does fall into play. Now, just to give you some numbers, Peter, in the past, the numbers I heard were we had 91 special use permits that came through our committee. Over the history of the dubbed the 40-acre rule. 29 of those were less than 10 acres. Majority of them were between 10 and 40. So, there's no way that a house in a barn, or what or even an outbuilding is going to take up that entire 40 acres. So to modify that LESA scoring system to just be on the disrupted property does make sense to me. The other thing is, you're talking about small communities. One of the things in the LESA scoring system, it's SA2.8, is the consistency of the proposed use of the municipality, so, if the municipality that is the closest to where you're developing does or does not have a Comprehensive Plan. If it doesn't have a comprehensive plan, you're penalizing the small village who can't afford a Comprehensive Plan. So that, to me, does seem a little bit odd that you're penalizing the village that wants to grow, or something just outside, within that mile and a half area, that wants to grow, but it can't because it doesn't have a Comprehensive Plan, and that 10 points within the site assessment, throws them over the edge. So, I don't like that either, because it's discriminatory against small villages that don't have the money to go out and spend for a large Comprehensive Plan. The other thing is, is I did pull, I happen to be a realtor, so I did pull a lot of this stuff from the MLS we had, and since 2007, we've had 46 parcels that have sold between 40 and 50 acres. So, since 2007, the average was around \$6,500 an acre. But there also is 51 acres and greater, but there was 114 that were greater than 51 acres. So, I don't know if those throw in it. Now, the thing that we also struggle with is the fact that you make more money, as a landowner, if you split it up into 40-acre parcels, and there's a lot of realtors that coach their clients, because that's what their job is, their job is to get the most amount of money out of that parcel for their client. So, they say, you know what, you could split it up into 40-acre pieces, and it would sell much greater for a bigger price. So, I like your idea, Peter, that says you need to educate that there is a process to go through. And I think the first people that we need to go and educate are realtors. That says, hey, there is a process to go through that you can build on less than 40

acres. It's not as difficult as you want, however, it may tie up the property and slows down the process, it might be 90 days, and will the seller agree to the 90-day delay, and hold onto that property, and also pay taxes on that property, pay all the other expenses on that property that you need to maintain it for 90 days. So, there is a process, and a lot of sellers, to be honest, a lot of sellers won't wait those 90 days for that process to occur. So it could affect the sale of a particular property. So, I think we need to have all of that data, and I also agree that we should slow this process down. So that we can methodically and gather all the data points. And at some point, in my previous life, I was an engineer, so one of the things that we used to say is, it's time to shoot the engineer and get on with production. So, we can get into analysis paralysis as well. And I don't want it to drag it into that as well. So, it at some point, we need to shoot the engineer and get on with production is my point about that.

- Hill - Yeah, I just kind of wanted to well, I was going to talk about everything that Steve and Ron and Peter, you've all talked about it. And you know, the LESA score has been my most difficult thing, making a decision on the land. I kind of look at it as the way Carroll County does. It's only on the parcel that's being disrupted. I do not agree that it should be your entire farm or whatever surrounds that land. So the LESA score does need to be you know, tweaked a little bit. As Peter said, the 40-acre rule, whatever he's calling it, it works, it's always worked. It has kept the county looking the way it looks now, has kept our tourism the way it is now, and I can't remember who said it was Mel, the cows on the hillside. I've heard a lot of that. I've heard a lot of it. We enjoy coming out and see cows. This one couple didn't even know what a cow was until he saw on the hillside, he said, what are those things? So, at that point, I think what we have works. Does it need tweaking? It does need tweaking. A little bit here, a little bit there. I don't know what Peter wants, but it's getting towards 10 o'clock, and I would be willing to make a motion on one of these.
- Huschitt - Okay, so well, let's just start with a motion on the LESA score. And if you want me to take it, I can take it too.

A motion to recommend denial of the Proposed Amendments to Text of the Jo Daviess County zoning Regulations (Title 8, Jo Daviess County Code of Ordinances): iii. Proposed amendment to eliminate the requirement for a Land Evaluation and Site Assessment (LESA) evaluation for any proposal converting agricultural land to non-agricultural use was made by Don Hill stating the following:

1. Keep LESA and review LESA to modify it, make it more equitable, and only include areas to be disturbed or divided off.

Seconded by Gary Diedrick.

Discussion:

Huschitt - we feel is a very valuable tool and needs to be modified, not removed.

The motion carried by roll call vote. Ayes – Peter Huschitt, Gary Diedrick, Don Hill, Steve McIntyre, Ron Mapes. Ayes: 5. Nays – None. Nays: 0. Absent: 0.

- Huschitt - Well, do we want to talk about eliminate restrictions on the amount of non-ag accessory areas? I want to talk about that a little bit, because I don't think it's going to take very long. We haven't, but we need to address it to the county. We need to address that as a recommendation. This one thing I want to say is, I appreciate, because when I listen to the study session last month, I take it as the reason was hey, people are building bigger, we all seem to have more stuff, but let's not hinder the size of an accessory building. So, if someone has an existing home, and so, similar to the variance request tonight, someone has an existing home, an existing parcel, and they want to build an accessory building, an outbuilding and this is something we tackled on the ZBA a few years ago. We did see that we were hearing a lot of variance requests simply because the size of the buildings in the ordinance was too small. Everyone was coming to us who wanted to build a building, wanted to build it bigger than what the ordinance said they could, and they needed a variance. We did change that, and I thought we did a fairly good job of flushing out the size, because one thing I'm a little worried about is if we eliminate the restrictions on buildings totally. I think inadvertently, we're going to have a lot more variance requests on side yard setbacks. I just do, because I think what's going to happen is, hey, I get to build a building any size I want there's no restriction. As a consumer, I'm like, great, because we all know is if you build a building, it's never going to be big enough. So, I don't mean it by any means as a contradictory comment to the ad hoc recommendation. I just wanted to add it as a discussion, is it is something we tackled a few years ago. Because we were having a lot of variances, I thought we did a decent job of flushing it through with getting bigger sizes, but we had some discussion of if we just make them too big, are we just going to have variance problems. So, my point of the eliminate restrictions of the amount of non-ag residences. My discussion point, then I can promote we'll have more discussion would be to actually, not recommend that, and keep the sizes as we have up in the standards, because I don't think we've had many variances since we had changed it. And we can revisit that if I'm incorrect.
- McIntyre - Yes, there's people that have more stuff. But I think we have another regulation, or whatever, which has to do with the size of the lot versus the development of the lot, for example, the impervious surfaces that are in that development area. Isn't there a portion in the ordinance that talks about how much of the lot is being developed on. And if the outbuilding becomes so large that the impervious surface on that lot becomes problematic, obviously, we've got a check and balance for that one. So that was what the discussion was, I think in the ad hoc committee was, hey, we've already got another avenue for us to check and balance that, if the building got too big for the land to support.
 - Soppe - That's in the Ag District, though. It's only in the residential districts. In the Ag District, the only thing with impervious surface is in the Silurian area.

- McIntyre - Okay, thank you.
- Huschitt - So that's why I just want to have some discussion on it. I'm not opposed to approving that recommendation. I'm not opposed to it, but what I offer the contradictory point is simply because we did revisit this a few years ago, and I thought we hammered it out, I'm just wondering if we should keep it. Because but, again, we can make a motion, and we'll have a vote on it, and I'm fine with that, of course.
- McIntyre- This is just for non-agricultural accessory buildings. Eliminate 8-3A-4B only related to non-agriculture. I just want to make sure that we understand that's what we're actually discussing here. In an ag district. So, on something that's less than 5 acres, it's 5,000 square feet.
 - Meeker - Correct.
- Huschitt - What was tonight's building?
- McIntyre - It was 72 by 40. It would be 100 by 50, if you want 5,000.
 - Soppe - It does consider existing accessory as well.
- McIntyre - So if there's a garage.
 - Soppe - Two-car garage attached to the house, that would count.
- McIntyre - attached buildings are counted as accessory.
- Huschitt - I'm just a little worried that if it is going to be unintended consequences of just, now we have problems with where the septic is placed, and we can't, we've heard this, and we can't move the septic system fails, and we can't move it because we built this ginormous shed on our property. That's just one I'm a little concerned about, I'm not trying to be Mr. Policeman, the gatekeeper on everything, but we've had these when we these variance requests come in, it's already like, well, the septic is here, the well is here, the driveway's there, the impervious surface is here, the detached garage is already here, so that's why we sort of thought, like, we need to make them bigger than what they were, but we still want to put a cap on it.
- McIntyre - Well, tonight's variance was for 1 acre. It seems like an awful lot of space that's being done on a one-acre lot, and there's no, I don't think that person's going to realize that they don't have another place for a septic field.

A motion to recommend denial of the Proposed Amendments to Text of the Jo Daviess County Zoning Regulations (Title 8, Jo Daviess County Code of Ordinances): ii. Proposal to eliminate restrictions on the

maximum amount of non-agricultural accessory areas that may be placed on properties zoned Agricultural (AG) was made by Peter Huschitt stating the following:

1. Specifically because we have addressed it a couple years ago and I'd like to give that some more time.

Seconded by Don Hill.

The motion carried by roll call vote. Ayes – Gary Diedrick, Don Hill, Ron Mapes, Peter Huschitt. Ayes:

4. Nays – Steve McIntyre. Nays: 1. Absent: 0.

- Huschitt - The last item of business we have under Section 1 is recommended to reduce the minimum lot area from 40 acres to 1 acre for all properties own ag. The motion I would make would be not to recommend that change, but what I'm not clear of is, do we add amendments to it, or do we just, within the verbiage of my motion, do I sort of expound on why we want to keep it, but also what we want to look at.
- Meeker - We're simply making recommendations to the county board, and then they could take action from there. That's the reason we're having this.
- Diedrick - And they send it back to Planning and Development?
 - Meeker - You may not need to, if you're recommending, if they go along with what you recommend, but you're not completely bound by their recommendation, you just have to address it. But if you have modifications
 - Chris Allendorf, State's Attorney - Just to clarify, the code lays out that the County Board, the code supersedes Robert's rules. So whatever you do as a zoning board, whatever action you send to the County Board, the County Board can only accept the recommendation in whole or in part, reject it in whole or in part, or send all or parts of it back. It can't be amended once it goes to the County Board, because it explicitly lays out what the board, what the County Board can do with the zoning board recommendations. I think it is important to be precise. I understand wanting to kind of encapsulate the discussion that's happened tonight. Try to, I guess, demonstrate to the boards that you would want to consider something to take it further. I think it's important for the language of the motion is precise, because the board is limited as to what it can do with your recommendations.
- Hill - So, what you're saying, Chris, is we either deny it or accept it.
 - Allendorf - right.

- McIntyre - hang on one second, though. Chris so, the previous one before that, where we talked about the LESA scoring system. We actually gave a recommendation to the county to actually reconsider The LESA score, keep it intact, but or keep it in the ordinance to use the LESA scoring system, but to also possibly modify it so that it makes sense in today's environment.
 - Allendorf - Well, that's right. I understand what they're trying to do with that. When you look at what the county board can do with your recommendations, I think it probably simpler to make motions simple and, I mean, if the county board wants to say, if your recommendation is the LESA score should stay, that's your recommendation. The county board can say, okay, or they can send it back and say, look at this verbiage
- Diedrick - But the motion that we made also did specify that it would be only on the property and not the entire parcel.
- Hill - We probably did too much in the motion.
 - Allendorf – If you want that to be the motion, that's fine.
- Huschitt - Thank you. So, yeah, I think you need to keep it as simple as possible. The county board is going to be privy to the conversation and the notes, and what the intent is.

A motion to recommend denial of the Proposed Amendments to Text of the Jo Daviess County Zoning Regulations (Title 8, Jo Daviess County Code of Ordinances):

i. Proposal to amend to reduce the minimum lot area in the Agricultural (AG) zoning from 40-acres to two-acres was made by Don Hill.

Seconded by Peter Huschitt.

The motion carried by roll call vote. Ayes – Don Hill, Ron Mapes, Peter Huschitt, Gary Diedrick. Ayes: 4. Nays – Steve McIntyre. Nays: 1. Absent: 0.

Huschitt - Okay, it is 10:05pm, we need to decide to adjourn or continue.

Meeker Okay, and I did poll everyone about continuing to next Tuesday, but we don't have enough people available for that, so there was a suggestion by a commissioner to continue to our next regular meeting on those remaining two items, which are less controversial items. We just need to make it to a specific date.

Huschitt - Do we want to keep it on the Wednesday, like, June 10th?

**MINUTES – Planning Commission/Zoning Board of Appeals
May 27, 2026**

Mapes asks can we move it back to Hanover?

Meeker states yes.

Soppe - I won't be here June 10th.

Huschitt - June 17th, I'd rather have it sooner than later. I'd really like to try to keep the continuity going. So, is there a day, not next week, the week after. Yeah, so Wednesday, June 10th doesn't work, are there other dates that would work that week? The week of June 8th. How about the week of the June 15th? Wednesday, June 17th?

Soppe - Is there any other County Board committee meeting that would be scheduled. June 17th, 7 o'clock

A motion to continue the request for Sections 2 and 3 to Wednesday, June 17th at 7pm in Hanover (County Highway Department Building) was made by Peter Huschitt and seconded by Gary Diedrick.

The motion carried by roll call vote. Ayes – Steve McIntyre, Ron Mapes, Peter Huschitt, Gary Diedrick, Don Hill, Gary Diedrick. Ayes: 5. Nays – None. Nays: 0. Absent: 0.

Citizens' Comments (Matters not Otherwise on the Agenda)

None

VII. Reports and Comments (Commission Members and Staff)

None

VIII. Adjourn

A motion to adjourn to SPECIAL MEETING of the Planning Commission/Zoning Board of Appeals will be held on Wednesday, June 17, 2026 7pm, Hanover (Highway Department Building) was made by Peter Huschitt and seconded by Steve McIntyre.

The motion carried by roll call vote. Ayes – Ron Mapes, Peter Huschitt, Gary Diedrick, Don Hill, Steve McIntyre. Ayes: 5. Nays – None. Nays: 0. Absent: 0.

**THE NEXT MEETING OF THE PLANNING COMMISSION/ZONING BOARD OF APPEALS WILL BE A
CONTINUED PUBLIC HEARING/SPECIAL MEETING HELD ON WEDNESDAY, JUNE 17, 2026 TO
COMPLETE A REVIEW OF THE PROPOSED ZONING ORDINANCE AMENDMENTS**

THE NEXT REGULAR MEETING OF THE PLANNING COMMISSION WILL BE HELD ON WEDNESDAY,
JUNE 24, 2026 AT 7 P.M. AT THE COUNTY HIGHWAY DEPARTMENT BUILDING IN HANOVER (1
COMMERCIAL DR)

DRAFT