

JO DAVIESS COUNTY
PLANNING COMMISSION/ZONING BOARD OF APPEALS
MEETING MINUTES
AUGUST 26, 2026

I. Call to Order

Chair Huschitt called the meeting to order at 6:00 PM on Wednesday, August 26, 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, Ron Mapes, Steve McIntyre, Peter Huschitt. Present: 5. Present electronically – 0. Present electronically: 0. Absent – None . Absent: 0.

Staff Present: 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. Minutes of May 27, 2026

A motion to approve Draft Minutes of May 27, 2026 was made by Don Hill and seconded by Gary Diedrick.

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

B. Minutes of June 17, 2026

A motion to approve Draft Minutes June 17, 2026 was made by Gary Diedrick and seconded by Ron Mapes.

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

C. Minutes of June 24, 2026

A motion to approve Minutes of Draft June 24, 2026 was made by Steve McIntyre and seconded by Don Hill.

The motion carried by roll call vote. Ayes – Ron Mapes, Steve McIntyre, Gary Diedrick, Don Hill. Ayes: 5. Nays – None. Nays: 0. Absent – None. Absent: 0. Abstain - Peter Huschitt. Abstain: 1.

V. Unfinished Business

None

None

VI. New Business

A. PROPOSED AMENDMENTS TO TEXT OF THE JO DAVIESS COUNTY ZONING REGULATIONS (Title 8, Jo Daviess County Code of Ordinances) - Items Referred Back to the Planning Commission/Zoning Board of Appeals by the Jo Daviess County Board on July 14, 2026:

- i. Title 8, Chapter 3, District Regulations (Minimum Lot Area in the Agricultural/AG Zoning District & Maximum Amount of Non-Agricultural Accessory Areas on Parcels of Less Than Five Acres in the Agricultural/AG Zoning District)
- ii. Title 8, Chapter 5, Use Table and Regulations (Modify the Use Table Footnote to Reflect the Recommended Minimum Lot Area Threshold for Requiring a Special Use Permit in the Agricultural/AG Zoning District)

Staff Report

BACKGROUND: At its July 14, 2026 meeting the County Board considered the PC/ZBA recommendations regarding proposed Zoning Ordinance text amendments recommended by the Ad Hoc Zoning Ordinance Subcommittee. The Board accepted most recommendations put forth by the PC/ZBA following the May 27 and June 14, 2026 public hearings regarding the proposed amendments, but chose to refer the following items back to the PC/ZBA for further consideration:

- Title 8, Chapter 3, District Regulations (Minimum Lot Area in the Agricultural/AG Zoning District & Maximum Amount of Non-Agricultural Accessory Areas on Parcels of Less Than Five Acres in the Agricultural/AG Zoning District) – **The County Board referred this item back to have the PC/ZBA consider a minimum lot area of ten (10) acres, leaving the option open for the Commission to consider another alternative if desired.**
- Title 8, Chapter 5, Use Table and Regulations (Modify the Use Table Footnote to Reflect the Recommended Minimum Lot Area Threshold for Requiring a Special Use Permit in the Agricultural/AG Zoning District) – **The County Board accepted the PC/ZBA recommendations regarding accessory areas in the AG zoning district, but asked that the Commission reconsider the 5,000 square foot maximum accessory area for lots of less than five (5) acres in the AG zoning district; perhaps consider a percentage of the total lot area or other alternative.**

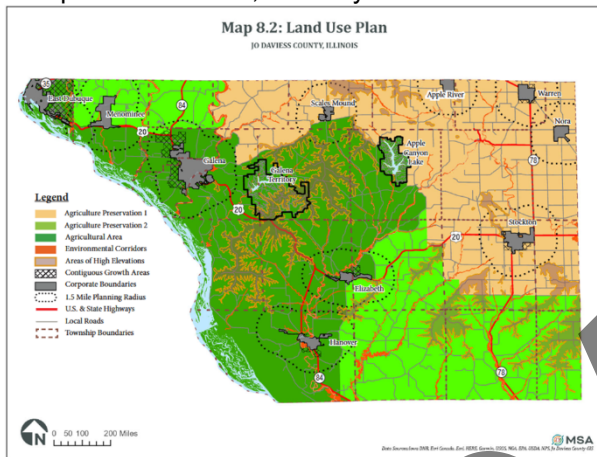
COMPREHENSIVE PLAN CONSISTENCY: Jo Daviess County adopted an updated Comprehensive Plan in 2024. In general, the Plan recognizes that more dense development that is not adjacent to the incorporated communities will adversely impact the inventory of viable agricultural land and otherwise increase the 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:

Goal VI: Maintain Rural Character and Improve Quality of Life

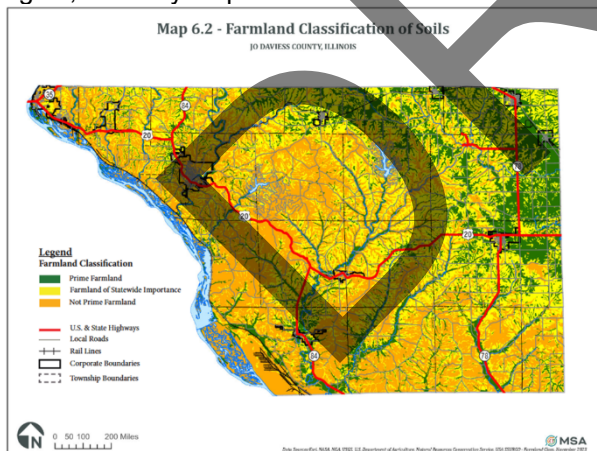
The county's rural character and exceptional quality of life are integral and will be both enhanced and safeguarded. Given the significance of these ambience factors to Jo Daviess County, development proposals will be scrutinized with the aim of protecting and promoting:

- 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; this may assist in the discussion.



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 non-prime farmland; again, this may help inform the discussion.



COMMENTS RECEIVED, TO DATE: To date, staff has received written comments from the following:

- Beth Baranski, Galena (former Ad Hoc Zoning Subcommittee Member)
- Daniel C Sullivan, Elizabeth
- Nathan Aaberg, Jo Daviess Conservation Foundation
- Mel Gratton, Galena
- Bruce Boyd, Galena

- Ann Baker, Galena
- James Considine, Galena
- Jan Lavacek, Galena
- Sarah Graham, Elizabeth & Teagan Kluckhohn, Stockton

Beth Baranski:

Beth Baranski
1015 South Beach Street
Galena IL 61036
beth@bhus-arch.com
(563) 580-6192

August 17, 2026

Re: Proposed Changes to the Jo Daviess County Zoning Ordinance

Dear members of the Planning Commission/Zoning Board of Appeals

I've been advised that if one thinks that a public process is being inappropriately impacted by the bias of elected officials, then it's important to present that information at the public hearing. The following pages contain a compilation of publicly-available information which I believe may document bias relative to the discussions about reducing the minimum residential lot size in the county down from 40 acres.

In addition to simply providing evidence on the following pages as necessary documentation, I'm hopeful that individuals serving on the Jo Daviess County Board will review this record and pause and reflect on the nature of their bias. I hope they will focus on their duties to oversee a meaningful process that considers the viewpoints of others with respect, and that ultimately serves to protect the health, safety and welfare of the people of Jo Daviess County.

Respectfully submitted,

Beth Baranski

Beth Baranski

Deliberations of the Ad-Hoc Zoning Committee

My perspective is that while many on the ad-hoc zoning committee served in good faith, there was a general lack of understanding about process and context and that this lack was strategically relied on by a small biased group in a position to design the committee, control the process, and dominate the discussions.

- The first meeting was held at 5:30 p.m. on March 18, 2025 at the Jo Daviess County temporary Administrative offices in the former Galena Primary School. The meeting agenda covered: a) Welcome and Introductions, b) Overview and Background Information, c) Purpose and Scope of the Ad-Hoc Zoning Committee, and d) Discussion and possible action on establishing 2025 meeting dates, start times, and location of the Ad-Hoc Zoning Committee meetings. The first vote of the Ad-Hoc Committee was made at the March 18th meeting to establish the dates, times and location of subsequent meetings.
- There was a desire to eliminate opposing viewpoints on the Ad-Hoc Zoning Committee - Please see the Gazette article below documenting the attempt to block my appointment to the committee.

Page 8A The Gazette, Galena, Illinois, Wednesday, April 16, 2025

Jo Daviess County Board votes money to small businesses

By Kimberley Fox-Jones
kimberley.fox-jones@the-gazette.com

On April 8, the Jo Daviess County Board held its monthly meeting where the consent agenda was not passed.

Mike Dittmar wanted to remove items from the consent agenda, including the appointment of Beth Baranski to the Ad-Hoc Zoning Committee. He wanted "new eyes" and "new blood." It is that committee and how the committee is, and I didn't know why we need another person... I agree with her on some things and disagree with her on other things. I think that's a bad fit for this committee," he said.

The committee structure was set in the resolutions. Angela Kaiser, county administrator, said, meaning there need to be people from certain positions in the committee. "You needed two realtors, a banker, a public [official]. You've already got all of the county board members. You needed one more member of the public."

Chairman LaDon Tross said, "This person was asked and was gracious enough to accept the position. I don't know why we'd want to change anything at this point."

John Schultz agreed with Tross saying he didn't see reasons to "yank her" off the committee. The motion did not carry to unite number

three, and the consent agenda passed.

The next meeting agenda, Dittmar suggested said regarding monthly then of business.

Items placed to disburse South Business Grant Awards to several small businesses: Jo Daviess Local Foods, Ellettsville, \$2,000; Smith Street Laundry, Stockton, \$5,000; Main Street Press, Stockton, \$5,000; Orchard Landing, Havana, \$7,500; The Corner 40 Ave. Inc. Galena, \$5,000; Three Sisters Sweet Shop, Ellettsville, \$3,000; The Hub, Ellettsville, \$3,000; Patch Forage Farm, Galena, \$5,000; Ben's Outdoors, Scales Mound, \$15,000; Pined Green Tomatoes, Galena, \$5,000; Angela Paws, Galena, \$8,100; and Hoff's, Warren, \$10,000.

Gallagher said, "This is a project that is part of our goals for economic development. It's a method to help people, who are local people, to grow their ideas for small business, to grow their existing business and know that we are serious about helping with economic development. There are people who will stay in the county. They've been vetted by kind of a non-partisan group, which is the Executive Committee of Northwest Illinois Economic Development. There were people that did not pass the criteria."

Schultz wanted to know why the grant amounts were

different. Dittmar clarified by saying it had to be 50% of the project. He said, "I looked at all these applications" and explained how each of these businesses and non-profits have been working on different projects that have different dollar amounts. "All these are well-needed. And to help 12 county businesses is amazing," he said. "They're all good investments."

Tross said, "This is a big deal. The economic development committee decided that they will maintain the grant relationship with these businesses rather than just granting them funds and not staying in contact with them. The grant was provided by the Silver Eagle Casino and has been a line item for a while. It was not suggested dollars," Kaiser said. "This is money that's over 25 years old that's been sitting in a fund, just sitting."

The board also: • Amended the EMA Coordinator position description as presented; FLA (Fair Labor Standard Act) status from non-exempt to exempt; • Amended the chief deputy county clerk position description as presented; • Amended the financial administrative manager position description as presented; adding payroll and benefits duties, a title change to Financial Manager; a grade

change from 9 to 10 and an FLA status from non-exempt to exempt; • Amended the assistant county engineer position description as presented; adding minor road project management duties, a title change to Working Foreman and a grade change from 12 to 14; • Amended P2024-3 nonpareil employee classification compensation plan to reflect pay scale changes as presented; • Approved a first-time homebuyer loan application for Drake Oppold, Stockton, in the amount of \$7,300 for the term of five years; • Approved the county MPT resolution to improve the Canyon Park reurfacing project; • Recommended sending a letter of support for House Bill 2203 regarding one-way vehicles to the Illinois Association of County Board members, the Illinois secretary of state and the rules committee of the 104th General Assembly; • Recommended sending letters of opposition for House Bill 2315, Senate Bill 2317 and Senate Bill 2394 regarding the dissolution of townships due to the lack of financial information to the Illinois Association of County Board members, the Rules Committee of the 104th General Assembly and the Executive Committee of the 104th General Assembly.

Working Foreman and a grade change from 12 to 14; • Amended P2024-3 nonpareil employee classification compensation plan to reflect pay scale changes as presented; • Approved a first-time homebuyer loan application for Drake Oppold, Stockton, in the amount of \$7,300 for the term of five years; • Approved the county MPT resolution to improve the Canyon Park reurfacing project; • Recommended sending a letter of support for House Bill 2203 regarding one-way vehicles to the Illinois Association of County Board members, the Illinois secretary of state and the rules committee of the 104th General Assembly; • Recommended sending letters of opposition for House Bill 2315, Senate Bill 2317 and Senate Bill 2394 regarding the dissolution of townships due to the lack of financial information to the Illinois Association of County Board members, the Rules Committee of the 104th General Assembly and the Executive Committee of the 104th General Assembly.

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• The second ad-hoc zoning meeting was held at 6:00 p.m. Tuesday, April 15th, 2025 at the Jo Daviess County temporary Administrative offices in the former Galena Primary School. Under "Unfinished Business" was listed the agenda item below:

- c) "Solicit comments on editing suggestions from Committee members; emphasis on language within from sections previously assigned as follows (overall scope not limited to title listed):

- i. Title 8, Chapter 3 - Ag Agricultural District - Emphasizing the 40-acre rule

Ad-Hoc committee and County board members John Creighton and Mike Dittmar and Ad-Hoc Zoning Committee Chairperson Cory Cassens say the ad-hoc committee met for a year or more (sometimes they say 16 months, sometimes they say 18 months - there are agendas and minutes for just 9 meetings extending from March-December of 2025).

In fact, on a matter of tremendous land use consequence, and contrary to the goals set out in the recently updated and broadly-supported comprehensive plan, at the second meeting (just one month into the ad-hoc committee's process), and after a discussion of just over 1 hour and 10 minutes, the motion passed to reduce the minimum lot size from 40 acres to 1 acre with one dissenting vote.

Ad-Hoc Zoning Committee Chairperson, Cory Cassens: "Congratulations on a thorough hammered-out discussion leaving all thoughts presented..."

Here is the actual recording of the April 15, 2025 Ad Hoc Zoning Committee meeting at which the 40 acre to 1 acre was voted which provides the details and tone of the discussion. The discussion of agenda item 5c ran from 32:55-1:43:26 and the vote was taken under that agenda item (<https://drive.google.com/file/d/1nj7H51aoCmp6cy1SXTJqLa1cwK66SHar/view?usp=sharing>).

May 27, 2026 Zoning Hearing

The final citizen to speak at the May 27, 2026 County Planning Commission and Zoning Board of Appeals hearing in the county board room was the Ad-Hoc Zoning Committee Chairperson Cory Cassen with revealingly dismissive comments regarding the extensive public testimony given in opposition to the recommended reduction in the permitted minimum residential lot size: "Good evening. My name is Cory Cassens and, nervous to be in this room once again as I was a couple 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 - Wow, it is true - Jo Daviess County is number 1 in second homes in Illinois. So it appears that some people are here tonight to prevent a problem that 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 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, was charged to act on the basis of county board direction that was made almost 18 months ago. My chairperson summation is we met for 1 calendar year of meetings, multiple local government meetings were attended by ad-hoc committee members, all meetings welcomed guest attendance by Zoom or physical presence. Where were you in the planning process? Where were you?

This is a link to the recording of Cory Cassens testimony: <https://drive.google.com/file/d/1uCJWzoRYkOVTHowESBRnUmPJ8xY6spB/view?usp=sharing>

This link is to the recording of the entire hearing: <https://drive.google.com/file/d/1mExXLv-HtzR5dREu-X3-5vxlIP3VLIC/view?usp=sharing>

June 9, 2026 County Board Meeting

See this link below for a video with excerpts taken from the end of the June 9, 2026 County Board Meeting held in the county board room when comments were made by board members regarding the first PC/Zoning Board public hearing on May 27, 2026: <https://drive.google.com/file/d/1SVFxp483rz-4OnaTAQKU58MRGMpICdB/view?usp=sharing>

Beginning at 10:06 on the recording, John Creighton reveals his bias and lack of regard for dissenting viewpoints as well as his desire to control the process: "Having had a hand in putting the ad-hoc committee together, I can vouch for the integrity of everyone that was on there. It was an exceptional group. It was diverse. It represented east to west, north to south in the county. I sat through 4 hours of ZBA here a couple weeks ago or 10 days ago or whatever it was, and I can only describe that as quasi-religious on the verge of cultish behavior. I have never witnessed in person a public body be cowed by the audience like that. It was astonishing. As far as the ZBA Board goes, you know, nothing is forever, right? Reform is not something you wave a wand and it happens overnight. We took 18 months to put together a set of recommendations. Hopefully they accept some of them, but, if not, we can always take a run at it again in a year or 2. Quitters quit."

July 14, 2026 County Board meeting excerpts

Here is a link to video excerpts from the July 14, 2026 County Board meeting held in the county board room: <https://drive.google.com/file/d/1KW8xpRRITCsn3PgHtmYSMXVebdTL8GDc/view?usp=sharing>

Below are transcripts of selected excerpts:

John Creighton: "Before we can send a recommendation back to the ZBA, we have to contend with their denial that's in front of us this evening. In a moment I'm going to make a motion to approve their denial even though I'm asking you at this time to disapprove of their disapproval. Is that clear?"

John Creighton made a motion to approve the ZBA denial of the reduction of the 40-acre minimum residential lot size permitted by right. John Schultz seconded the motion.

John Creighton: "I'm going to ask that we all vote this down, and after we vote this down, we can have a discussion amongst ourselves on what we wish to send back to the ZBA. Is that clear to everybody?"

John Creighton: "We have a motion to approve the ZBA denial of the revisions to the 40-acre rule. And I am going to ask everybody to vote no."

John Creighton: "We want to vote the denial down."

After multiple efforts by John Creighton to direct the votes of the board members, Angie Kaiser, County Administrator felt to compelled to remind the board that they were not required to vote in the way that was being suggested: "I think it is important to clarify that for those who don't think that it should be changed - for those that think it should be staying the same - you may want to vote yes. I mean - just so everyone understands - that their vote is their vote."

The motion fails to pass, and John Creighton leads a discussion to send a recommendation back to the ZBA referencing his personal negotiations with members of the Zoning Board: "I've had a number of conversations with the people on the ZBA here in the last month, and I think they've been productive conversations. What we want to send them - Stephenson County is 2 acres, Carroll's 5. Anybody who has spoken to a builder or a realtor or anything will tell you Jo Daviess County is difficult to deal with and this is one of the reasons. It was stated in our hearings that Jo Daviess County doesn't have a 40-acre rule, we have a 2-acre rule with the variance process. What we're proposing here is do away with the begging and the groveling and let people use their property as they see fit. Just so that we can send them a number, that is going to have broad base of support, I am going to propose we send them a 10-acre... Reduce the minimum lot area in the agriculture zone from 40 acres to 10 acres and send this back to the Zoning planning board of appeals with directions to conduct a public hearing to consider the option of a minimum lot of 10 acres."

It is my fervent hope that the citizens of Jo Daviess County will speak out at the August 26th Zoning Board Hearing and that their views will be considered respectfully and weighed fairly.

Daniel Sullivan:

SUPPLEMENTAL PROTEST TO COMPROMISE AMENDMENT TO REZONE 40 ACRE LIMITATION TO 10 ACRES

DANIEL C. SULLIVAN

FURTHER PROTEST (ORIGINAL ATTACHED AS ADDENDUM) OF PROPOSED AMENDMENTS TO TITLE 8, CHAPTER 2 ORGANIZATION, ADMINISTRATION AND ENFORCEMENT B-23-5 AND TITLE 8 DISTRICT REGULATIONS, 8-3A-2: PERMITTED USES, D, E AND 8-3A-4A, B & 8-5A-6 NOTE 1 AND NOTE 2

AUGUST 26, 2026

SUMMARY OF PROTEST: I. 10 ACRE FARMS ARE NOT VIABLE.
II. IS THE REDUCTION FROM 40 ACRES TO 10 ACRES EVEN LAWFUL?
III. WHAT ARE THE VOTING REQUIREMENTS FOR ACTION BY THE COUNTY BOARD ON THE COMPROMISE AMENDMENTS?
IV. BESIDES CONDUCTING NO STUDIES TO FACTUALLY AND LEGALLY SUBSTANTIATE ALLOWANCE OF THE COMPROMISE AMENDMENT, ARE ALL PREMISES FOR CONDUCTING THE VOTE TRANSPARENT?
V. ADDENDUM – THE PROTEST SUBMITTED ON THE NOTICED AMENDMENT SUBMITTED WITH AN ORAL PRESENTATION DATED MAY 27, 2026

10 ACRE FARMS ARE NOT VIABLE: A compromise between 40 acres and 2 acres (rejected and properly vetoed) has been suggested. This proposal to allow density of building under the exemptions given to agriculturally zoned lots is just as much a misrepresentation as saying a farm operation can be conducted on 2 acres. Here is why:

A. 10 acres cannot be used for farming. Using the County Zoning requirements of at least 2 acres with the building exemptions granted Agriculturally zoned lots leaves only 8 acres to farm. Of course, if the person purchasing a 10 acre lot zoned agriculture wanted to do so additional buildings could be erected. So, the arable land would probably be a lot less than 8 acres.

B. 8 acres could possibly carry 4 head of beef cattle. (Of course, no commercial dairy operation is possible.) Assume 4 calves were purchased and sold as feeders at 800#. (No cow calf herd could exist so each year replacement stock would be purchased. At \$4.00 a pound that would generate a gross revenue of \$12,800. No sustainable cattle operation could be maintained on 10 acres.

C. 8 acres of corn could possibly produce 1,636 bushels that would generate \$7,801.60 at \$4.60 per bushel. Since no one could buy the needed machinery, all planting, tilling, herbicides and harvesting would have to be rented or hired. It is doubtful that 8 acres would cover the rental let alone allow a sustainable corn operation.

D. 8 acres of soy beans at 54 bushel an acre would produce 432 bushel that would generate \$4,406.40 gross revenue at \$10.20 per bushel. Again, it is doubtful that would cover the rental of the machinery to secure the crop.

E. In the abstract and without consideration of zoning variations allowed on farm land to date, rezoning to 10 acres would change lot capacity from 7,507 40 acre lots to 30,287

10 acre lots zoned Agriculture. Stated differently, the amendment secures unfettered residential development in Jo Daviess County.

F. For the County Board or the zoning authorities to represent a rezoning from 40 acres to 10 acres is a misrepresentation. In actual fact it is a lie. The rezoning is not to secure zoning encouraging agricultural use, it is to profit from unfettered development authorizing major building exemptions over the entire County. For that reason alone I strongly protest the compromise amendment.

IS THE REDUCTION FROM 40 ACRES TO 10 ACRES EVEN LAWFUL? A. In the prior protest, I questioned whether the compromise rezoning violated my water rights under the WATER ACT OF 1983. I won't repeat my concern other than I have water rights on my two streams on my property that I will protect if the density of the development of 30,000 possible lots infringes my water rights. I have determined no factual study has determined whether the water rights of Jo Daviess County residents will be affected by the compromise amendment. I feel I have a right to such a study. At least, I feel there should be a study to see if there is compliance under the "Jo Daviess County Water Resources Management Plan". No such study has been conducted. Responsible actions in planning zoning and having the County Board enact the compromise amendment requires that consideration.

B. Similarly, no study or consideration has been had of the Illinois Endangered Species Act, the Illinois Natural Areas Preservation Act, the Safe Drinking Water Act, the Illinois Public Health Code to name a few. This raises the question of whether the proposal is lawful. This should be mandatory beyond being told rather serendipitously that the 40 acre agriculture zoning could not be reduced to one acre but had to be at least two acres. Such an exhaustive study is required by skilled counsel. For example, it is doubtful that a 10 acre lot rezoning is lawful in this county for the following reason:

C. In this regard see 55 ILCS 5/5-12020. That statute prohibits any county from regulations or zoning that prohibits or impairs Commercial Wind Energy Facilities or Commercial Solar Energy Facilities. Preliminary research shows that either such facility when developed requires in excess of 10 acres. On its face the compromise amendment of 40 acres down to 10 acres appears unlawful. A proper preliminary study of Federal and State laws administered by the IDNR, the EPA, and other regulatory bodies constituted to protect farmers and other residents of Jo Daviess County appears mandatory before being put to a vote. This proposed amendment is critical as it affects the livelihood of all in Jo Daviess County as well as a continuation of the county as a place to live that does not resemble the Chicago area. Accordingly, the proper action to be taken is referral of this issue of legality in light of the apparent violation of an Illinois Statute to the Illinois Attorney General or to counsel retained by Jo Daviess County to opine on whether the proposed amendments are lawful.

WHAT ARE THE VOTING REQUIREMENTS FOR ACTION BY THE COUNTY BOARD ON THE COMPROMISE AMENDMENTS? A. The rezoning proposed will affect all land in Jo Daviess County outside the incorporated municipal limits of all municipalities in Jo Daviess County.

B. This means that the compromise amendments affect all land within 1.5 miles of the municipal boundaries of all incorporated municipalities in Jo Daviess County.

C. The revised compromise amendment was noticed as the continuing consideration of the entire zoning matter.

D. The municipality of Galena has formally filed an objection to this rezoning matter that has been consistently docketed. So, this entire matter is subject to an objection of a municipality sited in Jo Daviess County that involves land/zoning within 1.5 miles of its municipal limits.

E. Accordingly, Illinois Statutory Law requires that implementing votes on this rezoning of Agriculture and Non-Agriculture from 40 acres to 10 acres requires a 3/4th vote of the County Board to pass and be implemented as a binding action pursuant to 55 ILCS 5/5-12007.

BESIDES CONDUCTING NO STUDIES TO FACTUALLY AND LEGALLY SUBSTANTIATE ALLOWANCE OF THE COMPROMISE AMENDMENT, ARE ALL PREMISES FOR CONDUCTING THE VOTE TRANSPARENT? A. There have been no factual nor legal investigations on the factual need for the compromise rezoning amendment nor has the parameters of the lawfulness of the compromise amendment been examined.

B. The sole basis that appears on the record that I have examined is that the proposed compromise amendment is based upon assertions that it is needed by Board Members and/or staff or advisors of the Board Members. In other words, it is solely based upon what their personal opinions are about what the zoning amendment should be and why it should be that amount.

C. Accordingly, with a vote this economically and environmentally important to the future of the county of Jo Daviess, the personal opinion premises for the direction to secure a compromise amendment should be transparent and made known to the community that will be affected by the vote.

D. If there is a biography setting out at least the personal economic situations of all Board Members and all individuals advising Board Members on the votes on this compromise amendment can they be published or can a reference to them be given?

E. If the County has a set of ethics standards which requires Board Members and individuals advising Board Members to reveal factual matters such as material benefits that can accrue to them by passing or defeating the compromise amendments, can those factual matters be made public?

F. Although not required, can County Board Members state on the record of the meeting conducting the vote for or against the compromise amendment, the reasons for their vote?

DANIEL C. SULLIVAN

Protest Proposed Amendments to Title 8, Chapter 2 Organization, Administration And Enforcement B-2E-5 AND Title 8, Chapter 3 District Regulations, 8-3A-2: Permitted Uses, D, E, and 8-3A-4 A, B.

MAY 27, 2026

1,STANDING: Resident and Farmer in excess of 25 years. Owner of 132.74 Acres. Maintains a cow/calf herd of around 130 head of beef cattle. Also, has facilities to board, breed and maintain up to 40 head of horses. Two parcels maintain and provide water rights with two year around streams. This protest strongly protests the Amendments proposed by the Ad Hoc Zoning Ordinance Subcommittee in 2026. It will do irreparable harm to the Agricultural Economy, the Tourist Economy, the Hunting Rights Economy, the Environmental Security provided wildlife, such as deer, turkey, fishing, and other miscellaneous wildlife such as the Bald Eagle Population.

2,COUNTY ENVIRONMENT: Jo-Daviess County has 601 Square Miles within its borders. There is 384,640 acres of land. Non Farmland = 75,353 acres; Farmland = 309,287 acres; Pasture = 46,117 acres; Cropland = 207,282 acres; Woodland = 44,001 acres. Nature of development to date. The lawful communities, such as Galena, the Galena Territory, and other communities are underdeveloped and can accommodate additional housing. Grandfathered farm residences and farm residences on 40 acres are pervasively developed. No rural housing is needed and each house with its septic and well will adversely affect the farming and other agricultural interests of Jo Daviess County.

3,MISREPRESENTATION OF ZONING PROPOSAL. To make a representation that single one acre, or even two acre stand alone acres can be economic stand alone agricultural properties is a patent misrepresentation. It is just a lie. No farm is economically viable if it is just one or two acres. Especially if the acre has a residence and a fully developed well and septic system. For example, look at the 3 principal agricultural activities in Jo Daviess County:

A.Cattle: To maintain pasture for a single head of cattle requires 2 acres of grass. So, cattle cannot be run as a economically viable operation on one or two acres. A single feeder sold at 800# for \$4.00 (if other feed was purchased to feed lot feed) the feeder would bring \$3,200 which would not allow an economically feasible agricultural operation of this type. Further, if the one or two acres is classed agricultural it would not pay the fair share of real estate taxes to support county operations.

B. Corn: The average number of bushels per acre in 2025 in Jo Daviess County was 212 bushel. The average price per bushel in Illinois was \$4.40-\$4.60. At \$4.60 that would pay the farmer \$975 which would not allow a feasible agricultural operation. But, if classed as Agriculture it would not pay the fair share of real estate taxes to support county operations.

C. Soybean: The average number of bushels per acre in 2025 in Jo Daviess County was 54 Bushels/acre. The average price per bushel in Illinois was \$10.20 per acre returning a farmer \$550 on one acre. This would not allow an economically feasible farm operation. But, if the residence was taxed as agriculture it would not pay the fair share of the real estate taxes to support county operations.

RELATED OBSERVATION. Even with 132 acres, Dan Sullivan's farm has to supplement the feed by roughly double the hay a pasture or hay field can produce. This means to maintain a herd of 130 cattle, the acreage used is double the stream and pasture on which the herd is run. So, 362 acres, with rented hay ground to secure additional hay are needed to run this size herd year around. Every residence created under the zoning amendment proposal eliminates substantial economic production needed for an economy based upon agriculture. THERE IS NO STUDY BY THE AD

HOC COMMITTEE SHOWING THE ADVERSE ECONOMIC EFFECT ON AGRICULTURE BY THE ZONING AMENDMENT. IT IS NOT ONLY A MISREPRESENTATION, IT IS DEFECTIVE AS IT IS INADEQUATELY SUPPORTED BY FACTUAL ANALYSIS.

4,WATER USE ACT OF 1983. The AD HOC SUBCOMMITTEE, has not conducted a study on the proposed zoning amendments compliance with the Water Use Act of 1983. It is suggested that the zoning amendment violates that law. Dan Sullivan has two streams that feed his cattle. Under the reasonable use doctrine, those cattle' natural use of the stream water has a prior right to that water as it now exists. That water is economically necessary to water the herd of 130 head. If residences built on 1 or 2 acres drain the aquifer or their use diverts water that will violate the Water Act of 1983. Also, every residence will not only have a well. Because they are Agricultural properties they are not on the city septic systems of Galena, Elizabeth and the Galena Territory. This increased use of septic systems will pollute the aquifer. So, besides over use of the aquifer it will also pollute the drinking water available and necessary for residences and barns in agricultural use. THE ZONING AMENDMENT CANNOT BE ADOPTED IF IT CANNOT SHOW IT COMPLIES WITH THE WATER ACT OF 1983.

5,HUNTING RIGHTS AND THE ECONOMIC BENEFITS OF HUNTING ARE ADVERSELY AFFECTED. A major economic benefit for landowners in rural areas of Jo Daviess County is hunting. Most every farmer and rural landowner derives some economic benefit from hunting. Hunters support the tourism industry of Jo-Daviess County. While the economic benefit is major its dollar value was not evaluated by the AD HOC SUBCOMMITTEE which is a single complete reason to deny the amendment. In the 2023-2024 Season, there were 4,965 firearm permits, out of a quota of 7,000, issued in Jo-Daviess County. There were 539 muzzle loader permits issued out of a quota of 1,300. Assuming each permit represents \$1,000 that would be \$543,965 of lost revenue for the county if residences are built in numbers causing a reduction or loss of the hunting in Jo-Daviess County. Further, the AD HOC SUBCOMMITTEE has failed to address this issue with the ILLINOIS DEPARTMENT OF NATURAL RESOURCES. This agency has zoning jurisdiction over matters affecting the utilization of Natural Resources in Illinois. The AD HOC SUBCOMMITTEE had a duty to clear the zoning amendment through the ILLINOIS DEPARTMENT OF NATURAL RESOURCES, and they have not. They had a duty to analyze how farmers will be affected by the loss of hunting revenue on the property by the usage made of surrounding agricultural development on one and two acre parcels. They have not done so. The amendments must be denied.

6,NO ENVIRONMENTAL PROTECTION STUDY PROTECTING THE ENVIRONMENT APPEARS TO HAVE BEEN CONDUCTED. Dan Sullivan has not researched the Illinois Environmental Protection Act, the Federal EPA laws and regulations, the Illinois Environmental Rules, the Illinois Pollution Control Board and apologizes. But, the AD HOC SUBCOMMITTEE has not researched these laws either and has not issued an EPA report. This is an admission that this area will be adversely affected by the proposed zoning. What will happen to the Bald Eagles nesting on the property with residences on one and two acres? What will happen to the turkey population that depends upon natural passage on farm property? What will happen to deer foaling when there are non viable farming residences densely scattered around? It is suggested that if the AD HOC SUBCOMMITTEE had conducted a proper and thorough environmental assessment, the zoning amendments proposed in any form would not even have been submitted for consideration.

Nathan Aaberg:



JO DAVIESS
CONSERVATION
FOUNDATION

126 N Main Street, PO Box 216
Elizabeth, IL 61028
p: 815.858.9100
e: info@jdcf.org
w: www.jdcf.org

August 14, 2026

Mr. William Meeker
Planning & Development Administrator
Jo Daviess County Zoning Board of Appeals
Sent via EMAIL
wmeeker@jodavinesscountyil.gov

Dear Mr. Meeker,

In May, Steve Barg, our organization's executive director at the time, gave testimony on behalf of the Jo Daviess Conservation Foundation. He voiced our organization's opposition to the proposal before this advisory board to, among other things, change the zoning ordinance's minimum residential lot from 40 acres to two. We joined an overwhelming majority of people from across the county who spoke against it.

Now, there is a new proposal for minimum residential lot size of 10 acres that will be considered at the August 26 hearing that has the same problems the previous proposal did, even if the numbers are slightly altered. I, on behalf of JDCF and its board, again express our strong opposition.

Founded in 1993, the Jo Daviess Conservation Foundation is a member-driven, non-profit land conservation organization. Our mission is to preserve and steward land and water in northwest Illinois for the lasting well-being of all people and wildlife. As our mission suggests, we care and act for the connection between the health of land and water with the health and wellbeing of people and wildlife. The proposal for which this hearing is being held threatens all of what we and so many other people in this community care about.

The fundamental problem with the original two-acre zoning ordinance proposal and this current one is that they have each been a Trojan Horse.

Each proposal has seemed to be just about adjusting arbitrary numbers and advancing administrative efficiency.

But, in fact, the proposals have been designed to undercut and destroy the spirit, goals, and direction of the whole Jo Daviess County Comprehensive Plan.

The thoughtful and collaborative work of many dedicated community members, including the county board members of that time, gave us the first Jo Daviess County Comprehensive Plan in 1999. The plan was affirmed and updated in 2012 and then in 2024. The core intention of the comprehensive plan was summarized in the Plan's top three vision statements:

Jo Daviess County is a uniquely beautiful place. We, the residents of Jo Daviess County proudly affirm a balanced respect for the past with a spirited determination for our future.

As stewards, we value the land and our strong agricultural heritage. Our careful use and protection of natural and historic resources assure their preservation for future generations.

We encourage responsible growth and planned development. We accept self-imposed limitations to safeguard and enhance broad county goals, including preservation of the county's rural character, conservation of scenic areas and development of year-round recreational opportunities.

By opening the door to unplanned and uncoordinated growth, the zoning ordinance proposal in front of the zoning advisory board threatens to bring about the exact opposite of what the vision was from the comprehensive plan. Specifically, the change would:

Lead to fragmented residential building that will be harmful to the public good of the county by detracting from the county's uniquely beautiful rural landscape. It will also increase the strain on infrastructure and services in the county.

Hurt the long-term future of the county's agriculture by breaking up farmland into smaller fields, generating more traffic, creating more dangerous road conditions, and contributing to land price inflation.

Diminish the diverse and rich wildlife of the county, which so many residents and visitors value. When forests and prairies are broken up into smaller pieces, it's harder for many types of birds and other animals to survive.

Put the safety of residents' drinking water at risk. Our unique geology means that the installation of many more septic fields will increase the likelihood of groundwater contamination far beyond where septic field leaks occur. Groundwater contamination is already a pressing issue.

That is certainly not what most people in the county want.

When so much is at stake for the future of our county's character, economy, and natural beauty, the residents of our county deserve something far more thoughtful, reasoned, and deliberate than what is being proposed right now.

Please be honest. If the board members proposing these changes do not like the longstanding comprehensive plan and its goal of responsible growth, just say so.

Then take the time to explain logically and clearly what problems you are trying to solve that you believe our current comprehensive plan doesn't address well. Carry out a transparent, honest, comprehensive planning process that makes the case for a different approach with different goals. Carry out needed studies and assessments for professional, objective information. Make it easy for people around the county to participate and help them understand what the impact of your philosophy and proposals would be on the character of the county over years and decades to come.

The comprehensive planning we have now took that approach. That's how any major change to the fabric of our county should be done.

Sincerely,



Nathan Aaberg
President & CEO
Jo Daviess Conservation Foundation

Mel Gratton:

To: Mr. William Meeker, Jo Daviess County Zoning Administrator

Jo Daviess County Planning Commission and Zoning Board of Appeals

Jo Daviess County Board

From: Mel Gratton US Highway 20, Galena, IL 61036

Today, agriculture remains the predominant land use in Jo Daviess County, covering roughly 85 percent of the county's land area. It is not only one of the county's major economic engines, but also an important part of its identity and culture. A large share of farms today are multi-million-dollar businesses. Tourism has also become a thriving and essential component of the local economy, drawing more than one million visitors annually and generating over five-hundred and fifty million dollars in economic activity. These two sectors are not competing forces. In many ways they are deeply interconnected and mutually supportive. Visitors come here because of the county's scenic beauty, open landscapes, historic rural character, and authenticity. Working farms and preserved agricultural landscapes are part of what visitors' value and what distinguishes this county from others in the Midwest area. Together agriculture and tourism form the economic backbone of Jo Daviess County. For that reason, land-use decisions in this county carry unusually important long-term consequences. Once agricultural land becomes fragmented through scattered rural residential development, those changes are very difficult, and often impossible, to reverse. These individual decisions may appear harmless in isolation, but over time the cumulative effect can fundamentally alter the landscape and character of the county. Increased fragmentation can reduce agricultural efficiency, create conflicts between farming operations and non-farm residents, increase costs for additional infrastructure and services, and gradually erode the scenic and rural qualities that support both tourism, agriculture and the quality of life that both visitors and residents enjoy.

The current zoning ordinance recognizes these realities while still allowing rural residential development to occur. It does not prohibit non-agricultural residences. Instead, it requires a special-use review process for residences on parcels below 40 acres, while allowing larger parcels as permitted uses. It is important to know that in Illinois, agricultural residences are permitted by right in the AG-District. The original intent for using forty acres in the zoning ordinance was to simplify the thresh-hold for determining which residences would automatically be considered agricultural residences. Unfortunately, people seeking a non-agricultural residence in the county thought this was the acreage needed for a permitted residence in the country, which in fact it did, because the

forty acres allowed them to be considered an ag- residence, but the intent of the ordinance was always to require a special use permit for non-agricultural residences that would allow people to build on parcels between two and forty acres. At no time was forty acres ever considered to be used as a tool to permit non-agricultural residences as a permitted use. This is an important distinction, because the ordinance provides flexibility and opportunity for development, but it also preserves a framework for evaluating whether a proposed residence is appropriately located and compatible with surrounding agricultural uses and with the long-term planning goals which are laid out in the Jo Daviess County Comprehensive Plan. The purpose of this is not to prevent growth, but to encourage thoughtful siting decisions that minimize conflicts, maintain economic values and protect the broader public interest. Good planning and proper zoning are what protects the long-term values of growth while preserving the resources and character for which future generations will depend. Good stewardship and proper land use is everyone's responsibility. Shouldn't the decisions that we as citizens and elected officials make always be made to reflect what is best for Jo Daviess County and not for any of us individually? Thank you!

Bruce Boyd:

August 19, 2026

Mr. William Meeker
Planning & Development Administrator
Jo Daviess County Zoning Board of Appeals

Sent via email to wmeeker@jodavinesscountvil.gov

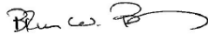
Dear Mr. Meeker,

My family has owned a farm in Jo Daviess County for 45 years. I am writing to express my strong opposition to creating a minimum lot size of 10 acres in the county.

The proposal, if adopted, will dramatically alter the character of a county we love and undermines the goals of the county's comprehensive plan. Shifting from a minimum residential lot size of 40 acres to 10 acres is inconsistent both with what the vast majority of residents value and the key goals of the comprehensive plan. Those goals are to protect a uniquely beautiful place, safeguard our agricultural and rural heritage, and preserve our cultural and natural resources. These assets make Jo Daviess County special, allow residents to thrive and attract huge numbers of visitors to the region. By making the proposed shift you will be undermining the character of our county, including our way of life and economy.

If there is a group of people who are not happy with minimum lot sizes or the comprehensive plan, let's have an open, transparent and research informed process. To make a major change like this without that is irresponsible.

Sincerely,



Bruce W. Boyd
12938 Red Gates Road
Galena, IL 61036

Ann Baker:

From: [Ann Baker](#)
To: [Meeker, William D.](#)
Subject: Zoning comment
Date: Wednesday, August 19, 2026 5:45:45 PM

CAUTION: This email originated from outside of the Jo Daviess County organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

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Dear Bill,

This email serves as a comment related to the rezoning minimum lot size in Jo Daviess County. My husband Dave and I own a house in the Galena Territory and are against this proposed rezoning. We bought it because of the area's natural beauty, open rural landscape providing unsurpassed nature recreation opportunities. Galena the town is secondary to our love for Jo Daviess County. It is really very special and unique and this proposed rezoning will alter this. We are also concerned for the effects on the area's agriculture, with inevitable breaking up of farmland with consequences that may include negative effects on wildlife, water safety, and traffic. I also understand this goes again the county's comprehensive plan that is in place to protect the unique character and value of this County.

Thanks for considering including this comment as it is past the due date.

Best,
Ann and Dave Baker
6 Waterford Dr.
Galena

James Considine:

James M Considine
12 Talisman Trace
Galena IL 61036
312/259-2549
jconsidine@sbglobal.net

July 26, 2026
Sent via email: wmeeker@jodaviesscountyil.gov

Mr. William Meeker
Planning & Development Administrator
Jo Daviess County Planning & Development
Department 1 Commercial Drive – Suite 1
Hanover, IL 61041

RE: County Zoning Ordinance Proposed Amendments

Jo Daviess County proposes to change the minimum lot size for agricultural residences from 40 acres to 10 acres. Initially, an Ad Hoc Committee (Committee) recommended that the minimum lot size be one acre, but the Zoning Board of Appeals recommended against the change. So, the County has submitted another request to change the minimum lot size to 10 acres.

I object to the proposed change for the following reasons:

- 1) **It is contrary to the Comprehensive Plan.** The County adopted the Jo Daviess Comprehensive Plan on July 9, 2024, a little over two years ago. An important part of the plan is to preserve the land devoted to agriculture use. The proposal is contrary to the policy put forth in the plan.
- 2) **The current 40 acre minimum protects agriculture land us.** The purpose of a minimum lot size is to encourage the use of the land for agricultural purposes. The large lot size makes it difficult to use the land for other than agricultural purposes.
- 3) **The County is Capricious:** No reason was given for changing the ordinance to one acre. Now, the County Board has decided that the minimal lot size should be ten acres. Again, no reason has been given as to why it should be changed to ten acres. The County Board is proceeding in a capricious manner without considering its own policies or providing a valid reason for making the change.
- 4) **It's a change in land use.** Ten acres do not provide an adequate amount of land for agricultural purposes. The primary use of a 10-acre lot is for residential purposes. If the County feels that 10 acres lots are appropriate in agricultural areas, the zoning should be changed to allow that type of use. The County is not following its own procedures for changing land use regulations.
- 5) **Fiscal Impacts Are Not Considered:** The top 2 industries in the County are tourism and agriculture. The change would detract from the agriculture/natural setting of the County and reduce the attractiveness of the County for tourism. It also would reduce agricultural land.
- 6) **The Ad Hoc Committee did not undertake public engagement.** There is little evidence that they reached out to public groups for input. I could not find a public article where there was discussion of the proposed changes. It was not until the Zoning Board of Appeals hearing that the public had an opportunity to provide feedback.

Thank you for your attention to this matter.

James Considine
James Considine
Resident, Galena Territories

Cc sent by email:
Angela Kaiser, County Administrator
Civic Affairs Committee, Galena Territory Association
Galena Gazette

Jan Lavacek:

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[illegible]

Bill Tonne:

Comprehensive Plan

Our Comprehensive Planning process is complete. On July 9th, 2024, the Jo Daviess County Board approved the updated Jo Daviess County Comprehensive Plan, which represents the consensus of the County in 2024 and reaffirms the 2012 Comprehensive Plan.

[Comprehensive Plan 2024 Update - Approved \(PDF\)](#)

(Please be patient, this is a large file and will take time to load.)

The Jo Daviess County Comprehensive Plan is the centerpiece of the community development planning process, stating our community's development goals and outlining public policies for guiding future growth. Citizen input and participation are important components of the planning process. Numerous citizens were involved in the development and evolution of the 2012 Comprehensive Plan, and the consensus of the County is represented in the goals and objectives found in Chapter 9, which offer a solution to the land use issues listed.

Land Use Issues

- The county's tourism economy is strong.
- The agricultural economy has seen increasing pressure from the encroachment of development into agricultural areas, rising land values, and competition from large-scale operations and foreign markets.

DRAFT

- The scenic beauty and pastoral appearance of the county have been identified among the most significant attributes and are the very underpinnings of the tourism economy.
- 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.

The Need

- Creation and retention of good-paying jobs.
- Diversification of the economy through the growth of clean industry and technology-based businesses.
- Development that will allow young people to find meaningful career opportunities here.
- Support rural ambiance and preservation of productive farmland.
- Support tourism through careful, planned use of the land, which allows for growth and development while preserving the natural beauty and rural character of the county.

By managing development and directing it to areas best able to support it, county revenues can be used more efficiently. The agricultural economy, rural character, and scenic beauty of the county, valued by county residents, can be protected to a greater degree. The principles on which this plan is based are not anti-growth, but rather "smart growth."

Meeker - So, we've received documents opposing the recommended 10 acres from those 7 individuals. What I would suggest anyone speaking this evening, again, we're limited to only the lot area in ag and also the accessory area that's allowed for lots of under 5 acres. Those are the only two topics being considered this evening. We're not revisiting any of the other amendments that were discussed previously by the board. And they've indicated they will adopt those items, but they won't adopt an ordinance until all of the items are combined together with an effective date probably around October 1st, if everything goes through tonight, however it goes through. We request that in order to keep the meeting manageable, they try to limit your comments only to the subjects at hand. Don't veer back to the prior discussions, because that's all done. Try to limit your comments to no more than 10 minutes. We can't just have people talking endlessly. Stay focused and on subjects so that the next person can get up and speak, and we're not here all night. And that said, I will turn it back to Peter to start the public hearing.

Huschitt states okay, thanks, Mr. Meeker. Just a couple other housekeeping items. We have one mic this evening, so again, when I open the public hearing, which I'll do in very, very shortly, I would ask, once we start, just for the sake of time, I'd ask we're going to go in an orderly fashion. I'm just going to randomly start in that left rear corner, and what I'd ask was we're just going to start in the left rear corner, and then anyone who wishes to speak, we're just going to keep going that way. I would just ask, when the one

person starts speaking to the next person in line, just maybe stage yourself at the corner of the table there, just so we can just, you know, more expeditiously make sure we have people moving through. We do ask when you do speak, you have to start by stating your name, please, and then there should be a sign-up sheet up there. So, it's just a housekeeping issue there. Anyone who wishes to speak this evening, I'm going to start with those present and then, once everyone who is present this evening has spoken. We also will allow anyone who's joining us on Zoom to speak as well. So, we start with the people in attendance, then we do have a Zoom. Again, we prefer you only speak once, so just please try to be not only concise, but try to share all your thoughts when you do have the microphone. I feel the past public hearings we have had have gone very smoothly. Again, I'm just going to say it's always important to be courteous, as a reminder, you know, this evening tonight is not a back-and-forth discussion between the public and the ZBA, or the public and the public. Just think of it as when you have the floor, you're sharing your thoughts. And that's a very important, that's what we're doing here tonight. So, you have the floor to share your thoughts, but again, it isn't a back-and-forth discussion. And please, don't start badgering if that would happen amongst yourselves when someone is talking. Sometimes questions will come up, and the question is, like, well, can we ask questions, you can ask questions, but again, it isn't a back-and-forth discussion. What we try to do as ZBA is we try to make a note of questions that came up and then once I close the public hearing, we try to maybe flush those out if it's a question we think is going to help clarify something. But we don't necessarily stop and address questions back and forth. Again, we have a lot to get through tonight. Obviously, you know, the goal is not only to get through the public hearing, but hopefully it won't be so late that we can obviously deliberate up here as a ZBA, and make motions and forward those on to the County Board. So, with that being said, I'm going to now open the public hearing, we start with everyone present, so if you're here this evening to speak on either the issues, and only these two issues, the public hearing is now open, and I'm just going to randomly start with the gentleman in the back corner of the green t-shirt. If you wish to speak, you get the start. If not, we'll just go down that row and keep zigzagging, please.

Public Testimony Opened

Richard Groezinger, 3643 E Leibert Road, Elizabeth

- I've lived in Derinda Township for 79 years, been a trustee for 35 years on the Township Board. I remember when the meeting was held in Derinda, it seemed like 40 to 50 years ago, when the zoning part came into the county. And it was stated that the 40-acre direction was put in place to protect the farmers from scattered rural house development. I wonder what has changed since then. Thank you.

Dan Caswell, 8775 S Town Hall Road, Stockton

- I am from Berreman Township. Thank you for what you do on behalf of the people of Jo Daviess County. It is not an easy task. My sense of what you're being asked to do on this issue on remand from the county board, is to balance a couple of things with a bigger picture in mind. First, in relation to the Comprehensive Plan, I noticed that several folks had submitted comments to the board, including some people like Beth Baranski and Mel Gratton that I really appreciate and respect, and I agree that ag and tourism and the beauty of the county are important, as reflected in the Comprehensive Plan. But the Comprehensive Plan says more than that and that's where the balancing comes in. Here's some of the things that the Comprehensive Plan says. In Jo Daviess County, the demand for rural residential development has increased greatly over the past few decades. All factors indicate this demand will remain strong. There's a constant demand for new single-family rural residential growth. Jo Daviess County is a beautiful place, and many people want to live in the rural areas to enjoy the beauties, views, serenity, and privacy of country living. The plan goes on to talk about the benefits. County benefited in many ways from rural residential growth. Economic benefits include growth of the construction industry, job creation in the trade design sector, and an increase in the tax base. Social benefits accrue simply from the information of more people. Many bring with them skills and contacts,

with others who may bring economic growth, many also have substantial disposable income, which helps support local businesses and increases the economic viability of the county's small towns. There are monetary benefits to farmers who are able to sell, particularly non-prime farmland for residential development at higher prices than it'd bring as farmland. Farmers can also benefit, as some who buy land use only a portion for their home and lease the remainder. Along with rural residential development comes the demand for support services. Farmers can benefit from providing services such as tilling and mowing. Businesses would provide home maintenance. Services also benefit. The increased population helps support local restaurants and retail businesses. That's some of what the Comprehensive Plan says. Then it talks about some of the needs of the county, reflected in our Comprehensive Plan. Things like creation and retention of good-paying jobs. Diversification of the economy through growth of clean industry and technology-based businesses. Development, which will allow young people to find meaningful career opportunities here. And the need for housing that workforce households can afford. So, high-tech industries and work-from-home jobs are a good fit for good-paying jobs for young people, but if we make it hard for people to live where they want, many people will not come to live here. Our goal in the plan of striking the balance through sound planning hasn't really generated the growth or the retention of youth that were seeking thus far. And the county is heading toward a declining but aging population. Lastly, from the Comprehensive Plan, there were some challenges listed in the development SWAT survey, Strengths Weaknesses Opportunities and Threats Survey. And 6 of the 10 challenges listed there directly relate to what the board is trying to do here. Number 2 talks about business unfriendliness and regulation. Number 4 talks about land availability. Number 6 talks about community dynamics and resistance. Number 7 is zoning challenges. Number 11 is housing affordability and availability. Number 12 is government leadership and vision. And then on the mobility SWAT results, the number one strength listed there was remote work opportunities. People with remote work options would love to live here, particularly in the rural areas. With good internet, which is getting more available all the time with the Jo Carroll initiative for fiber optic, and things like Starlink. When you look at the totality of the Comprehensive Plan, it is complex, and there are things that need to be balanced, sometimes one against another. You know, another thing I think that you need to balance here are the opinions of the people of the county. You've heard from a lot of objectors to any change, and I suspect you will hear more tonight. You've also heard from some proponents of change. But all of those folks make up a very small percentage of the people in Jo Daviess County probably not even 1% of the people in the county. With the County Board's direction to consider 10 acres, you're also hearing from the representatives of the people. And we are a representative form of government. We know people are generally more motivated to resist change and come out and object. Thus, you need to balance objections against the expressed will of the people, through their representatives. A lot of objections were along the lines of, I really like the way things are. And I can relate to that, because I do. But the County Board has the task of also looking forward, not just preserving ag and tourism and the beauty of the county, but also considering how we can help Jo Daviess County flourish in the future. With young people staying or coming, with new types of jobs opening up. Giving people the freedom to flourish without being held back by regulatory burdens. That's what I see the County Board trying to do here as the representatives of the people of the county. And your challenging job is to give them good advice from your experience how to do that. So, thank you. Lastly, I would suggest just in closing, about a 5-acre rule, rather than a 10-acre rule, might make more sense. Neither the 40 acres nor the 10 acres, nor the 5 acres are designed to be functional, traditional farm setups. They might work for certain specialty crops in niche markets, but those are the kind of farms, if you've got a niche market farm like that, those are the kind of farms that can add charm to the county and boost tourism without impacting our larger agricultural operations. So, I would suggest that, 5 acres rather than 10, has a couple of benefits. One is less impact on farmland including potentially useful farmland, you don't have to carve out 10 if you're trying to sell it to someone. And secondly, it's more affordable for people who want to stay in the county or come to the county. So, just a couple thoughts. Thanks for the work you do. Thanks for listening.

Larry Priske, 4700 North Council Hill Road, Galena

- My wife and I have lived in that location for 40 years. We maintain 120 acres, largely timber. I speak in opposition to changing the 40-acre rule. It was written as part of the Comprehensive Plan, because your predecessors, if not yourselves felt it was the best interest of the county to preserve that 40 acres. I've yet to hear other than this past gentleman speaking, a viable reason for changing it. The 40 acres is created for a reason, and it's to help preserve the county. It's helped preserve the beauty of the county. I think, or I do know, that some farmers feel as if less than 40 acres or it would be beneficial to them to have the ability to parcel out less than 40 acres. I argue that it may be more beneficial, but it would be a profit motive. It's not necessarily the best stewardship for the farmland itself. Part of what you did with the Comprehensive Plan was to create a plan that provided good stewardship for the county. Many farmers are very good stewards of their land. I contend when a farmer starts breaking up their parcels, they lose that good stewardship. It's no longer preservation, it's no longer taking the best care of the land that they can provide. So, I argued and maintained the 40 acres. Thank you for your time.

Bill Tonne, 111 Olde Maple Court, Galena

- My comments are related to the Comprehensive Plan. And not to be redundant, so I'll be brief. It is the basis for our zoning ordinance. That concept is to be remembered. And I think you will. Exhibit shown on screen:

Comprehensive Plan

Our Comprehensive Planning process is complete. On July 9th, 2024, the Jo Daviess County Board approved the updated Jo Daviess County Comprehensive Plan, which represents the consensus of the County in 2024 and reaffirms the 2012 Comprehensive Plan.

[Comprehensive Plan 2024 Update - Approved \(PDF\)](#)

(Please be patient, this is a large file and will take time to load.)

The Jo Daviess County Comprehensive Plan is the centerpiece of the community development planning process, stating our community's development goals and outlining public policies for guiding future growth. Citizen input and participation are important components of the planning process. Numerous citizens were involved in the development and evolution of the 2012 Comprehensive Plan, and the consensus of the County is represented in the goals and objectives found in Chapter 9, which offer a solution to the land use issues listed.

Land Use Issues

- The county's tourism economy is strong.
- The agricultural economy has seen increasing pressure from the encroachment of development into agricultural areas, rising land values, and competition from large-scale operations and foreign markets.

-

- The scenic beauty and pastoral appearance of the county have been identified among the most significant attributes and are the very underpinnings of the tourism economy.
- 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.

The Need

- Creation and retention of good-paying jobs.
- Diversification of the economy through the growth of clean industry and technology-based businesses.
- Development that will allow young people to find meaningful career opportunities here.
- Support rural ambiance and preservation of productive farmland.
- Support tourism through careful, planned use of the land, which allows for growth and development while preserving the natural beauty and rural character of the county.

By managing development and directing it to areas best able to support it, county revenues can be used more efficiently. The agricultural economy, rural character, and scenic beauty of the county, valued by county residents, can be protected to a greater degree. The principles on which this plan is based are not anti-growth, but rather "smart growth."

- I'm going to read just a few sentences from the 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 20 years, and has, in some cases, compromised the ability of agriculture to flourish. By managing development and directing it to areas best able to support it, County revenues can be more efficiently used. The agricultural economy, rural character, and scenic beauty of the county, valued by county residents, can be protected to a greater degree. The principles on which this plan is based are not anti-growth, but rather, smart growth. I speak in favor of keeping the 40-acre rule. And I urge this board to pass a motion authorizing and suggesting that to the county board. Finally, I used to be on this board for 17 years, starting when it started in 1985, and by all accounts, we did okay, including present company. To be clear, though, above 40 acres, you're good to go for a residence, below that, you come for a special use, and historically, since it's been in effect, the 40 acres, 19 out of 20 have been approved. It's not a slam dunk, but it's close. So, I think that's a bit of important information, arguing in favor of the 40. It's smart growth. Thank you.

Nathan Aaberg, 602 Monroe Street, Galena; President & CEO Jo Daviess Conservation Foundation

- I'd like to read most of my letter that I submitted on August 14th.



JO DAVIESS
CONSERVATION
FOUNDATION

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August 14, 2026

Mr. William Meeker
Planning & Development Administrator
Jo Daviess County Zoning Board of Appeals
Sent via EMAIL
wmeeker@jodaviescountyil.gov

Dear Mr. Meeker,

In May, Steve Barg, our organization's executive director at the time, gave testimony on behalf of the Jo Daviess Conservation Foundation. He voiced our organization's opposition to the proposal before this advisory board to, among other things, change the zoning ordinance's minimum residential lot from 40 acres to two. We joined an overwhelming majority of people from across the county who spoke against it.

Now, there is a new proposal for minimum residential lot size of 10 acres that will be considered at the August 26 hearing that has the same problems the previous proposal did, even if the numbers are slightly altered. I, on behalf of JDCF and its board, again express our strong opposition.

Founded in 1993, the Jo Daviess Conservation Foundation is a member-driven, non-profit land conservation organization. Our mission is to preserve and steward land and water in northwest Illinois for the lasting well-being of all people and wildlife. As our mission suggests, we care and act for the connection between the health of land and water with the health and wellbeing of people and wildlife. The proposal for which this hearing is being held threatens all of what we and so many other people in this community care about.

The fundamental problem with the original two-acre zoning ordinance proposal and this current one is that they have each been a Trojan Horse.

Each proposal has seemed to be just about adjusting arbitrary numbers and advancing administrative efficiency.

But, in fact, the proposals have been designed to undercut and destroy the spirit, goals, and direction of the whole Jo Daviess County Comprehensive Plan.

The thoughtful and collaborative work of many dedicated community members, including the county board members of that time, gave us the first Jo Daviess County Comprehensive Plan in 1999. The plan was affirmed and updated in 2012 and then in 2024. The core intention of the comprehensive plan was summarized in the Plan's top three vision statements:

Jo Daviess County is a uniquely beautiful place. We, the residents of Jo Daviess County proudly affirm a balanced respect for the past with a spirited determination for our future.

As stewards, we value the land and our strong agricultural heritage. Our careful use and protection of natural and historic resources assure their preservation for future generations.

We encourage responsible growth and planned development. We accept self-imposed limitations to safeguard and enhance broad county goals, including preservation of the county's rural character, conservation of scenic areas and development of year-round recreational opportunities.

By opening the door to unplanned and uncoordinated growth, the zoning ordinance proposal in front of the zoning advisory board threatens to bring about the exact opposite of what the vision was from the comprehensive plan. Specifically, the change would:

Lead to fragmented residential building that will be harmful to the public good of the county by detracting from the county's uniquely beautiful rural landscape. It will also increase the strain on infrastructure and services in the county.

Hurt the long-term future of the county's agriculture by breaking up farmland into smaller fields, generating more traffic, creating more dangerous road conditions, and contributing to land price inflation.

Diminish the diverse and rich wildlife of the county, which so many residents and visitors value. When forests and prairies are broken up into smaller pieces, it's harder for many types of birds and other animals to survive.

Put the safety of residents' drinking water at risk. Our unique geology means that the installation of many more septic fields will increase the likelihood of groundwater contamination far beyond where septic field leaks occur. Groundwater contamination is already a pressing issue.

That is certainly not what most people in the county want.

When so much is at stake for the future of our county's character, economy, and natural beauty, the residents of our county deserve something far more thoughtful, reasoned, and deliberate than what is being proposed right now.

Please be honest. If the board members proposing these changes do not like the longstanding comprehensive plan and its goal of responsible growth, just say so.

Then take the time to explain logically and clearly what problems you are trying to solve that you believe our current comprehensive plan doesn't address well. Carry out a transparent, honest, comprehensive planning process that makes the case for a different approach with different goals. Carry out needed studies and assessments for professional, objective information. Make it easy for people around the county to participate and help them understand what the impact of your philosophy and proposals would be on the character of the county over years and decades to come.

The comprehensive planning we have now took that approach. That's how any major change to the fabric of our county should be done.

Sincerely,



Nathan Aaberg
President & CEO
Jo Daviess Conservation Foundation

John Creighton, 14203 E Greenvale Road, Lena, County Board member

- I am probably largely responsible for everyone being here tonight. I have a record of the ZBA's work going back to 2008. It shows it is a 100 percent, it's not 19 out of 20, it is a 100 percent approval rate, this document has 90-plus variance applications on it.
 - Meeker indicates they are special use permits.
- Special use, thank you to the correction. There are several withdrawals on here, and every one of them other than that, has been approved. And then, they go to the county board, where they have been approved at a 100 percent rate. It is also notable that while these have a 100% approval rate from you good folks, and a 100% approval rate from the county board, none of these people have ever once showed up at a county board meeting and said, no, you cannot approve a special use permit for rural housing. Why do we need to bring people into the county. It's no secret, Jo Daviess County is the second oldest county in the state. The average age in Jo Daviess County is 50.9 years. The demographic curve for the 55-plus is 45.7%. Do the math on that for another generation. And the depopulation that is occurring in this county is only going to accelerate. You couple that with the fact that about 70-80% of our youth are going to leave the county, because we are largely hostile, to employers, and we are hostile to building housing in this county. And people can disagree with that, but the facts is, every time we've had the opportunity to bring in an employer, or other projects, they have met with stiff opposition. We are significantly older than our surrounding counties. We're older than Stephenson County, we are older, than Carroll County. Carroll County has a 5-acre rural housing requirement. Stephenson has two. No one's died over there. This is not a problem. And you talk about the historical trend of depopulating the townships. Corey was kind enough, Cory Cassens, our former FSA man, was kind enough to provide me with the orthophotography, the USA did in 1946, and I printed it all off, and I counted how many farmsteads are in Nora Township. That's Don Hill's Township, he is right down the street from me. There were 99 farmsteads in Nora Township. Every one of them was raising animals, pumping water, spreading manure. Do you know how many animal

agricultural producers are left in North Township now, it's 5. The thought that we cannot bear to let Billy Joe and Bobby Sue build a house in Nora Township and raise their kids out there, because there's not enough water for them is absurd. It's insulting, actually. The process here given the 100 percent approval rate and Mel Gratton here stumbled into this a couple months ago. We do not have a 40-acre rule. We have a 2-acre rule, with a process to bypass the 40-acre rule. What we're suggesting is that you streamline the process, and make it easier for people to come here, to live here, to work here, to build families and lives here. And, you know, not everybody wants to live in town. I'll be the first, I live a mile from Don Hill, I'll be the first one to tell you, rural living is expensive. Everything's 10 miles away, but that's my choice. And this is America. It was the last time I checked, you don't get a choice or vote on where I choose to live. The effects of having this rule. Why is it negative? Because when somebody is looking for a place to move and you do your basic research, you get online, pull up the zoning, they get to 40 acres to build a house in the country, Stephenson's 2 acres, that search lasts 30 seconds. I'm not an attorney, but I think what we would call that is that prior restraint, we are restricting people before the process even begins. So, it's important that we have a balance here. We need opportunities for employment, which we are actually working on quite diligently. And we needed opportunities for people to come here and live and enjoy a life out here. One of the initiatives that we have spent a lot of time talking about is as Mr. Cassen's mention was remote working, because we have fortunately, excellent digital internet capacity here to do remote working. And the people that want to come out here, and live and work, they want to be able to choose by their own initiative, where they want to live. So, going back to my township, Nora Township. Like I said, there's 99 farms, 99 families living out there in 1946, today, there's 61 of those farms even exist. The rest of them have been raised, they're gone. So, you know, that's a 40% reduction. And I did not run the math for Berryman or Wards Grove, or Stockton, or Pleasant Valley, but the depopulation across the townships is very real. And I understand most of the people that are here tonight are from the Galena area. This is a large county. There's 370 some thousand acres of land here, and a shade over 200 of that is farmland. The rest of that is waste, timber, non-productive in some manner or another. So, I do ask that you give very thoughtful consideration to approving some reductions here. Because, you know, the truth is, we are not enforcing any of this. You don't enforce it, the county doesn't enforce it, and the truth is, these good people do not come to meetings and oppose special use permits, never. They're here tonight, because the adherents to a rule, but they do not object to the circumvention of the rule. So. Thank you for your time.

Joe Heitkamp, 8802 North High Ridge, East Dubuque, County Board member

- I'm a retired dairy farmer. I am also a county board member representing most of Menominee, Vinegar Hill, and a little bit of West Galena. I voted against the Comprehensive Plan because my wife and I live in a 1.6-acre lot in an ag district. It would be hypocritical of me to deny someone else the opportunity to enjoy what we have. During this whole process, a lot has been said about the Comprehensive Plan. I went to two of the public meetings. I think it would be fair to say that less than 1% of the county's population gave any input. At the East Dubuque meeting, the main thing people talked about was school consolidation. Where did that end up in the Comprehensive Plan? Another thing that keeps coming up is polluting our water supply with private septic systems. I would like to know how the human waste from a family compares to a farmer land-spreading tons of raw manure per acre compares. As far as visitors coming to the county to see farmland, that may be true on a few county roads, but I think if someone took an oath not to eat or drink until they found a tourist looking at farmland on North High Ridge Road, or any road around me, they'd get pretty thirsty and hungry. Just a few observations, and thank you for your time.

Randy Haas, 2070 S Goose Hollow Road, Elizabeth

- I farm in Elizabeth, Illinois. We've been on that farm since 1904. Farming is in our blood. So many points to make, and yet we've been through it all already. In a few rebuttals to some of what might

have been said. Actively right now, Zillow has 361 homes for sale, Trulia has 362 homes listed for sale right now in Jo Daviess County. Realtor.com has 385 homes. And then Homes.com has 443 properties listed for sale in Jo Daviess County right now. It's not about a housing shortage. It's about people's willing to accept maybe a little less of a home, or not the perfect environment to live in. I'm not supposed to say in perfect environment. not where they want to be, but people won't humble themselves to accept what's available. We have homes here. To change this 40-acre rule to accommodate for people, because they see a scenic ridgetop that they want, and they will pay a premium to get is not fair to the rest of the county. It's not fair to the residents. Another short rebuttal, as far as the damage of septic human waste compared to animal waste. I milk cows for 23 years of my life. And when you get slapped in the face with a cow tail, and you had manure coming off your lips, I never once got sick from it, and if I did, it was nothing big. Now, you jump in a swimming pool of human waste, you're in deep trouble. So, you really got to think about that. So, those are some I don't need to be mean, but some rebuttals to what I've been hearing, but on a more positive note. This county board, or the zoning board is in front of me right now. Especially Bill, I went to the last county board meeting, and Bill, you know your stuff. You are sharp. I was so disappointed with how you were treated. I felt that this zoning board what you guys put together was a phenomenal proposal. You gave them a compromise to the County Board, a compromise that I'm going to guarantee you there some people in this room have problems with some of those compromises still. However, you tried to appease both parties. With that being said, I want to urge this board right here to take that same exact proposal, that you gave the county board roughly 2 weeks ago, take that same exact proposal put it back on the County Board's desk and say, you did the right job the first time. Generally speaking, your first gut instinct is the right instinct. So, please. When you're going through your discussion tonight put that on the table and talk about that let the county board, if they want to ruin this county, let the county board do it. The public will search those members out. And we will vote them out of office. So, with that being said guys, you're doing a good job. Please do your best to keep it on. I know you have tough job.

Thomas Van Gelder, 6500 N Rocky Road, East Dubuque

- Joe Heitkamp is my representative on the county board. Us and three other families bought a farm out there in 1974, the Tranel Farm. At the time, the plan was that we'd each get an acre for a house, and that we would own the farm in common. That lasted a few years, but as anyone who's wise knows that didn't last forever. Now, so anyway, we first got out there on that property, along that road, there were two houses. This many years later, there's now 10. And I know, I understand the argument about making more housing available, but seriously, I have to think back about to the Ho-Chunk, who are here in 1826, and thought, eh, we'll let the white men trade the lead, and they'll just give us the stuff, we don't have to bother with trying to get it someplace else. So, what the heck? Let the white men hang around. Well, we all know how that turned out. My point is, when you make a change like this, the down-the-road consequences are completely unpredictable. And, you know, probably far more exaggerated than we can even sit here and speculate today. So, this is a really long-range decision that is being made and I give kudos to you guys for how you handled it last time. I didn't understand what the previous speaker said about how you're treated at the board, I wish I would have been there then. I should have gotten there sooner, or should have gotten to it myself, but that's too bad. That's just too bad. It shows a I hope he doesn't show a thoughtlessness in their part, but, perhaps it does.

Susan Haas, 1961 S Apple River Road, Elizabeth

- I just want to make a few comments. I don't know where they got that everybody got their permits for their houses to be bought, because I had one son, I have four sons, Randy is one of them. And, they all help on the farm. When they are not working at their jobs, which they have very important jobs. They will take some of their vacation days to work on the farm with us. I could not get a permit for my son to have a variance of a smaller amount that we were going to have to give 40 acres, or a house that was on the farm, and then we could have a smaller acreage for him. And then we could build, but we could not build another house on that farm. We chose that option. So, my son does have a house on the farm,

but the other house had to be torn down before he could show residents in that house. That's the way we did it. So, we followed the rules, and we've been there for years, 120. Okay, so I think that also, what I'm worried about is I see these small farm operations and the amount of traffic on a road is very dangerous. We're going to have to if this would go through, we're going to have to very much consider improving the road system. Because when we're coming through with a combine, which is wider than the road is, and we're trying to stop a car from coming through. And waving our arms, and having our flashers on and everything ahead of the combine that has its flashers on. They just wave and fly by me. So, you know, and I think that's all non-education of the farm areas. So, our roads are not good. And we do have a farm that you guys consider non-farmable. We have 300 and some cows. Mother cows and varying-sized little cows. And we just seem to do just fine. So, we are not we use every bit of our land. And then we also are worried about fencing. That, you know, somebody has 5 acres here, 5 acres over here, or how many acres, you say? They think they don't have any cows, so they don't have to take care of them, you know. Well, we even have the state that thinks they don't have to take care of their farm that they have bought. So, there's a lot, a lot of problems. And yes, there are fewer farmers, of course there are. Because now, farmers, in order to survive, have to have 10 farms instead of 1 farm to make enough for a living. And they do it, and they do it efficiently. We just recently had Illinois DNR Fish and Wildlife, who just checked the Apple River, which goes right through our farm. And they said it's the healthiest it has ever been. So, we are doing a good job, but are these other people that are coming in going to do a good job to save our area that we have. When we have to fight what you guys propose on top of this, we rent a lot more farms. And we have to have little farm here, and little farm here. It is just going to get harder and harder. So, I'm hoping that our family is going to be able to keep this farm for another 100 years. So, this is up to you. Thank you.

Jack Whalen, 11915 S Derinda Road, Elizabeth.

- First, thank you so much, for meeting tonight. I really appreciate the work that all of you do. Thank you for the opportunity to comment. I recognize that Jo Daviess County faces real demographic and economic challenges, and that attracting new residents is an important consideration for the county's future. I also understand the argument that greater housing flexibility could help attract new residents. But I think we need to be looking at the bigger picture. People don't move to a community simply because housing is available. They move because there are opportunities to work, businesses to support, communities they want to be part of, and places where they want to build a life. Housing is certainly part of that equation, but it's only one part of that equation. If we focus on creating additional housing opportunities without addressing the employment and economic opportunities that attract people to the county, we risk putting the cart before the horse. And that matters when we are considering a fundamental change to agricultural zoning. The county's own stated goals for zoning include controlling density, preserving productive farmland, protecting rural character, directing growth towards areas where development and services can support it and avoiding conflicts between agricultural and residential uses. A smaller residential parcel might make perfect sense on an individual property. But if that decision is repeated throughout the county, the cumulative result could be fragmentation of agricultural land, and a gradual change in the character of the place that we all call home. That is why I believe in targeted flexibility. Within an agriculturally-focused zoning framework. If there's a legitimate circumstance where a 40-acre standard is unnecessarily restrictive, let's work together to identify those circumstances and find ways to accommodate them. A targeted approach would allow us to respond to changing needs while preserving the agricultural character, long-term land use goals of the county. I would encourage everyone to consider more accurately, strongly reconsider a few questions. First, what would be the cumulative impact of reducing the minimum lot size? How many additional residences could potentially be created, and what would that mean for agricultural fragmentation in rural character? Second, if population growth is the objective, how does changing the minimum create the employment and economic opportunities that would actually attract people to the county. Third, how would we distinguish between appropriate small-scale rural development and the gradual conversion of agricultural land to residential use. Finally, are the proposed accessory area and special use permit provisions strong enough and practical enough to

administer to prevent incremental conversion over time. Now, there's also an important democratic consideration. At the last public comment session, residents spoke for more than 3 hours, with overwhelming opposition to changing the 40-acre standard. There's also a petition circulating throughout the county opposing such changes, and that petition has close to 1,000 signatures. I understand that public opinion cannot and should not be the only factor in a zoning decision. The Commission has a responsibility to consider long-term interests of the county. But when so many constituents take the time to participate in the process, and express such a clear and consistent position, I believe that deserves serious consideration. The Commission doesn't have to agree with the public, but if it chooses to move forward despite such substantial opposition, I think the public deserves to understand what specific evidence and reasoning justify doing so. I'm not opposed to change. I'm not opposed to reasonable flexibility for landowners. Targeted flexibility within an agriculturally-focused zoning framework gives us a better way to respond to legitimate needs while protecting the agricultural land and rural character that make Jo Daviess County so special. If our goal is to build a stronger, more vibrant county, I believe we should be asking not simply, where can we put more houses, but what kind of community do we want to build, and what will attract people to live here? Thank you.

Tom Lobacz, 370 N Pilot Knob Road, Galena

- I have not always lived in Galena, I'm a Chicago transplant. Unfortunately. But I made a decision to come out here, based on the beauty of the area. And I understand with these special use permits that have been pretty much approved, I don't see a reason for the board to make a blanket to cover a massive change in the 40-acre rule. I grew up in an urban environment. I don't think we want that to happen here. I think we should stay with the 40-acre rule. Not change it. When I moved out here, I met my neighbors. In an urban environment, you don't know your neighbors. Because there's too many of them. I think it's important to go ahead and have that community relationship, and if you get more people coming, I think that's detrimental to this whole area. I also take objection to one comment that was made about timber being a wasteland. I'm sorry, but I do have some land and timber and it's beautiful, it's environmentally proper. It was there before we got here. I also have prairie restorations which helps with the retention of the wastewater and that somehow an urban environment of reducing and getting more houses would create a problem of the ability to have the land absorb the water. So that's a concern. So, I just wanted to bring those points up. Thank you for your time and everything you do.

Nanette Hoff, 3223 W Headquarters, Elizabeth

- I wanted to respond to Mr. Creighton's comment that he turned in addressed to me and the other people in the room. I don't know what those special use permit requests were that he referred to that were approved 100%. But I do know that most people, I think, who are in opposition to the proposed reduction, which I am also not against special use requests. In fact, we think that's why the 40-acre rule can work so well is because people are allowed to make requests, and that those requests are considered on a case-by-case basis. And when it makes sense, in consideration of the Comprehensive Plan and the LESA considerations that are supposed to be considered. When it makes sense, those should be approved. So, I really don't know why that would be something that people in this room should have objected to, so I just wanted to note that. I'm also just, wanting also to thank you guys for allowing everyone to come here tonight and to speak and present our views on everything, and also the people, who have submitted letters and spoke before me, who have very well represented, I think, the reasons why I'm opposed to the reduction. But I am frustrated with the process that I have observed where I feel like some members of the board have been just trying to pass this proposal without taking the time, as others have suggested as well, to explain why. What is the need for the reduction? It's not been clearly stated. That is typically what starts a process like this. What is the need? Why was originally 1 acre, proposed, then 2, and now 10. What evidence, what reasons, have been, you know, followed that came to that conclusion. Instead, I think that the board should be reaching out across the county to a diverse representation of the residents to find out, what they think, change like this would

mean for our county. So, thank you.

Heidi Hurd, 1000 South Bench Street, Galena

- My husband and I have owned a home for 20 years, and I'm the law professor from the University of Illinois, who you all so graciously indulged the last time we gathered in this room to talk about this topic. And I have to say, this evening that I don't envy your roles at all and I feel very indebted to you for your willingness to sort of bear up under the inevitable sort of psychological and social strain that attends a matter of such public controversy. But, you know, the controversy is justified, because as local an issue as this might seem, it actually tests really big questions. For example, questions about how well capitalism incentivizes private transactions that advance human interests and how often market failures threatened to impose unfair externalities on defenseless third parties. Externalities that need to be prevented, by smart, caring, community-oriented people like yourselves, who well appreciate that zoning regulations are all about fixing market failures. And so that probably sounds a lot like a bunch of professorial mumble-jumbo. So, let me just explain a little. The assumption of those who are in favor of the proposed rule change is that private property owners know better than anyone else, how to put their land to its highest and best use. If they can get more on the open market, by foregoing agricultural production, and instead dividing their land into 10-acre lots, for low-density housing development, then they ought to be able to do so. And we should all be happy for them to do so because after all, if anyone values those lots more than prospective homeowners, say, because they value them for their beauty or they biodiversity or their long-term potential to feed an ever-increasingly hungry world, well, then they can buy them. But if aspiring homeowners are willing to pay more for those subdivided parcels than our other farmers say, or land conservationists. Well, then clearly capitalism has vindicated low-density housing as the highest and best use to which those parcels can be put. So, on one side of this seemingly local debate, is the full weight of the promise of capitalism. Let private property owners decide how to use their property, and when to sell it to others, because this will ensure that whoever values the land most will put it to its most valued purpose. But here's the problem. Sometimes private transactions don't guarantee that everyone's a winner. Sometimes private transactions turn out to be not so private. They have spillover effects on others. They generate externalities that fall on those who had no meaningful opportunity to use the marketplace to effectuate their preferences. And you know what the best proof of this is that we have? It's all of you. Because we wouldn't need planning commissions and zoning boards if capitalism worked perfectly to guarantee that trades only occur when they're to everyone's advantage. Planning commissions and zoning boards are crucial precisely because free market economies suffer from market failures. It's why our jobs are so incredibly hard, because you're tasked with speaking for those who cannot use dollars to speak for themselves. So, who are those who are made mute by the marketplace, but who may be harmed by others' market trades? Well, first, members of future generations who don't yet exist to know what's imperiled. Who don't yet exist to know that land losses may leave them starved for food? Or for beauty, or both. Right? Second, children and youths of today who have to rely on adults, like all of you, to protect interests that they won't be able to voice or protect for decades. And third, people who lack the financial means to express their wants, because they're too busy struggling to express or to meet their needs. And fourth, animal and plant species that cling to existence in increasingly impoverished fragments of habitat whose interests are all too often the interests of no one. These are your constituents. These represent a silent majority who need to be protected from the harmful externalities caused by the profiteering of a comparatively tiny minority, because the members of this majority cannot protect themselves by operating as market competitors. Even this list is incomplete and grossly so. Because none of us are Ted Turner, or John Malone, who together had enough wealth to buy up 4 million acres in the West, just to conserve it. None of us individually have the dollars to buy up all the 10-acre parcels of land that those in Jo Daviess County might want to sell. And there's no mechanism that would allow us as individuals to coordinate with others so as to consolidate whatever purchases we might each be able to make so as to protect the unbroken agricultural expanses now elegantly protected by the 40-acre rule. So, without being Ted Turner's, we can't effectively use the marketplace to express our land preferences. What do we have instead of dollars? We have votes. That

we can spend in democratic elections as means of expressing our values. And as the embodiment of democracy, you all appointed as you were by a duly elected county board, must not only protect all of those, who are truly voiceless, those who have yet to be born, those are too young or too old, or too poor or who members of who are members of species who count only if people like you count them. You have to also see yourself as the means by which we, the voters of Jo Daviess County coordinate, to realize collective values that literally cannot be realized in the marketplace. We all need you, this commissioned to protect us from private efforts to advance private interests, that are at the expense of public goods that themselves have no means of private expression. So, as you think about this proposed zoning change, you have to ask yourselves, how do we, as guardians of the public trust, ensure that long-term public goods are not traded for short-term private gains. And the surest way to do that, at your regulatory level, is to adopt the rule that good people of goodwill, including yourselves, I'm sure, fall back on at the personal level. And that is, do no harm. Do nothing that cannot be reversed. Do nothing that cannot be corrected if it proves to be a mistake. Once fields and pastures and orchards and forests are converted into low-density housing developments, there's no going back. Don't let the suburbanization of Jo Daviess County be your legacy. We are all counting on you to model yourselves after Frank Einsweiler. Who was the four-term mayor of Galena, in the 70s and 80s, fought against the vigorous efforts of the private owners of Galena's 19th century buildings who wanted to tear them down in the name of urban renewal. By ultimately winning the listing of almost 85% of Galena on the National Register of Historic Places, Frank's legacy was to preserve Galena in perpetuity as the iconic treasure that it is. And the enormous constituency that is yours and yours alone, begs you to make your legacy the similarly bold and brave preservation of Jo Daviess County, so that it remains in perpetuity, the wondrous treasure that it is. Thank you for your time.

Michael Moore, 1000 South Bench Street, Galena

- As Heidi says, we moved up here 20 years ago, and I'm humbled. I've been here about 20 years, and I've been very interested in listening to our neighbors. Learned a lot of interesting facts. 53 is the average age in this county. I didn't know I was surrounded by youngsters, that's pretty good. Let me pick up where Heidi left off. The reason I oppose the 40-acre change to the 40-acre minimum, is pretty simple. I don't want to see suburbanization either. What the people in favor of development seems to think is a benefit is actually a danger. Heidi and I have lived in the San Jacinto Mountains of Southern California before we came here. What we saw was the danger of remote work allowing individuals to escape cities with quite a bit of assets and make for themselves those little pieces of paradise on 1, 2, 3, 5, 10 acres. And you end up with a low-density suburbanization of what was once beautiful country. We moved up here because Jo Daviess County doesn't look like where we currently teach at the University of Illinois in Champaign. I mean, you know, in Champaign County, what's left of a few glacial moraines from the last ice age, people think of as a hill. We actually have you know, hills and lovely geography up here that is farmland. And that is not a bunch of Chicago individuals coming out and building their dream ranchettes, with swimming pools. I'm also, as somebody else said earlier, I'm also someone who flew, has fled all my life from urban life, but it doesn't mean I want to go out and bulldoze nature into my 10-acre ranchette. We buy established old houses in every city to which we move, and try to fix them up so that they're better. The answer to more housing is high-density housing. It is not suburban housing in low density and taking away all of this beautiful land that makes Jo Daviess County so unique in Illinois. You know, we had a couple visitors from the Netherlands visit about 3 years ago and they were driving America because they wanted to see America. What they came back and reported to us was, why bother? It all looks the same. Particularly on the east seaboard from Charlottesville to Boston, in California for Marin County to the Mexican border, it's all a bunch of ranchettes, with of course, you've got the short-order food places in between. Couldn't we be different? What the developers thought as an advantage, I thought, was sitting here with horror, thinking, that's not an advantage, that's the fear. The fear is we're going to lose the one precious thing that we have. It is a one-way street. Lose it once and you'll never see it again. No one's going to consolidate. Lots of people like to subdivide. Just a couple of others. Actually, what could I add to all the persuasive comments that have been made by others, may be this. I spent most of my life teaching

real property law, 57 years starting this semester. Probably longer than I should have. Mid-career, I was the person selected by the State Department to advise the people who were going to form the states in Eastern Europe how they should have a private property system. Two things are intuitive for some people that you want to reject. One is that you, as a private property owner, have this full, absolute, despotic dominion over what you own, if it's land. There are people who think that, but there's never been a legal system that has ever had anything like it. Not in Rome, and not in any country since. Private property, particularly in land, is a shared enterprise. You don't get to live wherever you want, however you want. You actually have to put up with your neighbors and with the demands of future generations that you not spoil the heritage that we all got. So, you don't get to have that kind of liberty, of course you can do many things. But the idea that someone would restrict your choice that's as much a part of property as having a choice to start with and how you use your land. The idea that you might make more money if you subdivide is probably true. In fact, Heidi and I have been talking about, we bought some more land in Galena just 3 weeks ago. There's not a lot of undeveloped land in the city, but we bought some. It's now zoned for medium-density residential. We could make more money if we could get out of that zoning and actually have, you know, maybe a nice high-rise apartment building, but it's not like we're entitled to it. It's not like that possibility is an argument why it should be rezoned. We priced our offer and the sellers priced their acceptance with that zoning built into it. We're not entitled to the money, love to have it. We're not entitled to it. It's not an argument to change the zoning. There may be arguments to change the city zoning, but that isn't one of them. It may well be that we would make more money, but that's not an argument for you to give it to us. We bought our land as it is, and as this land has been for quite some time. So, it's not the case that there's some entitlement. Anyway, this is also sounding like a law professor lecture. I'll save the rest for my students. Thanks for your attention.

Jim Baranski, 1015 S Bench Street, Galena

- I live in Galena. And I'm here tonight wearing two hats. The first, is as a member of the Galena's Zoning Board for the last 21 or so years. And anyone who's been on a zoning board for more than 20 years, knows what that feels like. But I'd like to put that aside for just a moment. The second is as a licensed architect who's been practicing in Illinois and in various parts of the country for over 40 years. It's in that role that I like to offer my perspective on how I think the Jo Daviess County Zoning Ordinance measures up against other zoning ordinances that I've used in other jurisdictions. I've had the pleasure of navigating zoning ordinances in cities and counties in California and Arizona and Nevada, and Florida, Virginia, Alabama, and many other states. This also includes the City of Chicago, and many of the surrounding suburbs. And also including Cook and DuPage Counties. The thing that almost all of these zoning ordinances have in common is that they are more difficult and, in many cases, much more difficult than the Jo Daviess County Ordinance, the zoning ordinance to get a project approved. I mention this because there seems to be a narrative circulating that somehow the zoning ordinance is a hindrance to development in the county. And I think this is false. As a matter of fact, if a developer claims that the Jo Daviess County Ordinance is somehow preventing them from developing in the county then they probably don't have the necessary expertise or resources to be effective. Which means, frankly, we may not want them developing in the county anyway. The Galena Zoning Ordinance is naturally more stringent than the county ordinance, yet there has been a substantial amount of development since the current ordinance was adopted in 2005. And that includes having a set of strict design guidelines for the Route 20 corridor, which govern road configuration, building materials, building massing and fenestration and view corridors. The project lists under that ordinance so far includes, since 2005, Merkle Engineering, Studio One Spa, Ashton Hill wedding venue, Galena Chrysler, Guy's Towing, First Community Bank, Casey's, the Tractor Supply, The Subway, the new car wash, Midwest Medical Center and Prairie Ridge. The point is, the robustness of the Galena's zoning Ordinance did not prevent these projects from happening. Now, with respect to the change from 40 acres to 2, and now 10. One of the stated reasons to do this is that this is somehow the road to housing affordability for the younger generation. I really think this is counterintuitive. Our firm has worked in the affordable housing arena for many years and we know that the formula for creating

affordable housing is increased density, combined with small lot sizes, and I mean, like, small, like, quarter acre. And most importantly, access to infrastructure. Meaning water and sewer. In other words, affordable housing really only works inside or next to communities that can provide the necessary infrastructure. Doesn't work otherwise. It's very difficult to build affordable, affordably, out in the county when it costs \$15,000 to \$25,000 for a well. And another \$15,000 to \$20,000 for a septic system. And you're not even out of the ground yet. Now I'd like to put on my zoning board member hat. As a Galena Zoning board member, I appreciate the tools that we have that allow us to consider the ramifications of a proposed change in use of a piece of property. So, from my perspective if you have a process for allowing people to subdivide property, and build a house under certain conditions as spelled out in the ordinance, and those people meet those conditions and that request is approved. Even if it's approved, the vast majority of the time. It means the process is working. You don't want to give away the tools because the law of unintended consequences suggests there will be a situation at some point that even the proponents of this reduction will regret that that tool was given away. So, if you want to streamline the process in some way, you know, perhaps lower the application fees to make it more palatable? Fine. But don't give away your ability to consider each application on its own merits. I think that would be a mistake. Thank you.

Beth Baranski, 1015 South Bench Street in Galena

- Thank you so much to those of you on the Zoning board who voted to maintain the 40-acre minimum lot size at the May hearing, but here we are again. I'm not happy with the process that has brought us here tonight, and I don't think I'm alone in that. I will say that I do think that now would be a good time to look at our regulatory tools and to evaluate possible ways of improving them. But here's the thing. It needs to be done within the context of our Comprehensive Plan and the goals that are set there. The effort that led us here tonight was more of an end run. Made by a few who don't personally agree with the goals in our Comprehensive Plan. And who don't really support zoning as a tool for achieving those goals. My hope is at this point is that our county board leadership can reset this conversation and move forward in an inclusive and constructive way. I think it's fair to say that some public trust in the county board has been lost during this process. And I would suggest that hiring an independent consultant to lead any future efforts in this direction would be most appropriate. I support the concepts and goals in the Comprehensive Plan and the reasons being given tonight to maintain the 40-acre permitted minimum residential lot size. I hope you will vote to maintain the 40 acres tonight. And that all the passion and love for the well-being of this county can be put to more constructive use going forward. Thank you.

Carol Schwerdtfeger, 1126 S Elizabeth Scales Mound Road, Elizabeth

- Thank you all, each and every one of you on this zoning board for the patient and professional manner, in which you conduct these public hearings, thus giving a voice to all of us who are represented by the County Board. We are extremely grateful you allowed the voice of reason to prevail in the first hearing on this topic. And we trust, after seeing and hearing the number of citizens in agreement with you here tonight, your decision will be the same as the first time around. Thank you, Mr. William Bill Meeker, our outstanding, experienced, and knowledgeable Administrator of the Planning and Zoning Department. And to his very experienced staff, Melissa and Christine. For the thorough and informative agenda packets and numerous other materials and services they provide with such skill and dedication. Thank you also to the County Board for all your long and sometimes late-night meetings. There are few here tonight. Taking care of business in our behalf. You have very difficult jobs, and we want you to have all the tools in the form of meeting space. Nice to have headroom in this one, where we can stand without pumping our heads. AV equipment, connectivity, legal advice and access to information, etc. that you need to represent those who elected you. In planning and zoning matters, that is in total alignment with the most recent version of the Jo Daviess County Comprehensive Plan, as it is the foundation of our zoning ordinance. In case any of you haven't seen a printed copy, looks very different than when you study it online. This beautiful bound, color document with the most interesting illustrations and detailed maps. This is one of my favorites, this beautiful purple illustration, it gives all

of the science involved with the sensitivity of our aquifer throughout the county. It's amazing, and all that purple area in the driftless has a very sensitive aquifer. That's just one. It is so packed with detail that it's truly amazing, and this document is the one that was just revised and approved by the County Board on July 9th of 2024. Which makes me wonder, why did the County Board appoint an Ad Hoc Committee to start their work just before knowing that this was in the process of revision, before this was finalized, since any revisions would have to be, tested against this document. That was just a curiosity when I was studying this wonderful piece of work. When familiar with this, one can quickly see why it is that why it is to county government, what the rules of the road is to driver's education, and what some type of Bible is to a religious organization. It is that detailed and specific and with it looks at things from every angle. It gives you all the reasons for each of the existing county zoning ordinances. Perhaps it would be a nice welcome aboard gift to each new board member at time of swearing-in. Even if it is only a visible reminder in their office to spend more time at their electronic devices studying it online. It is available to the public also at the zoning office in Hanover for a \$15 printing fee. That's assuming the price doesn't go up before you order one. But it must be ordered in advance, because our zoning department is so cost-conscious that they don't want to go through the labor and materials to print one until they know there's a buyer for it, lest it expire before it is purchased. Thank you also to the County Board for motivating the farmers of this county. That includes my husband and I. The farmers, who are the children, grandchildren, great-grandchildren, and great-great-grandchildren, aunts, uncles, cousins, etc., of their ancestors. Some of whom even invited the Indian ancestors to continue their annual pilgrimages here to honor their ancestors when they found Indian remains. 11 of these farmers, busy as they all are this time of year with making their last hay crop of the season, fall calving, etc. and other people you were elected to serve took the time to acquire about a third of the 894 signatures on these 116 petitions. Some of who you're some of those farmers have already testified tonight, others that wanted to come were not able to, but we I am standing before you tonight, not like I did last time, as an environmentalist educator, trying to add facts to your decision, but instead, I'm here representing these 894 other people who all are opposed strongly to any change in the 40-acre rule. And I have small pile at home that came too late to be added to these. And they're continuing to flow in. And, I understand we can continue collecting and until the next county board meeting? Does anybody know if that's accurate?

- Meeker indicated I believe that's the case.
- If a system is working, please do not try to fix something that is functioning well. Simple as that. The County Board ignored all the facts on its first round. But thankfully, the zoning board did not. We ask that the Zoning board respond in similar manner again this evening. I know others are eager to speak to you also. Therefore, I'll conclude by saying, I'm truly grateful for being forced into action on these topics, as it has been very rewarding and unifying experience to reconnect with a much younger generations of the farming community into which we were first adopted, in 1964, when Skip was hired to be the head and tail of the social studies department at Elizabeth High School. And we chose to rent a farmhouse with a barn for our horse. In the Dittmar, Roberts, Haas Valley, four years before we purchased up the hill a farm of our own and on which we raised our children. We feel so privileged to have experienced up close treated like family at holiday time, helping out and being the recipient of help when misfortune, and that included Apple River floods, flooding farmhouses, house fires, tornado damage, illness, and death befell our country neighbors, who all react as one caring family. We are all grateful this precedent-setting board has triggered a renewal of active interest and participation in our county government of, by, and for all its people. This county was settled by primarily Eastern European and Irish ancestors of the very farmers who secured the majority of the names on these petitions. The succession of ownership represented by them is from 2 to 8 generations of ownership sometimes the names change, as in the case when only our daughter was interested in owning and perhaps retiring to Hickory Ridge Ranch. We all reference the petitions, all 894 of us, want to see this fragile land of the ancient driftless area with its awesome landscape and good energy, of the hard-working and loving people here, not get lost amidst the trending quest for economic development, power and wealth above all else. Thank you.

Meeker states, it's more appropriate at the board rather than here.

Skip Schwerdtfeger, 1126 S Elizabeth Scales Mound Road, Elizabeth

- I live on Elizabeth Scales Mound Road in the fashionable northern suburbs of Elizabeth. And it will be no surprise to you that I'm going to agree with Carol and Beth. I also want to mention that one of my fence neighbors is a sheriff, so I tend to behave myself. And keep my clothes on. I thought I'd have to give you some reason to be grateful. I'm going to be brief and direct. I really feel that we should not have to be here doing what we're doing, because I feel the job, as has been stated by others, before me of the ad hoc committee was to neutralize the Comprehensive Plan, which was well done, twice, and with hearings, and done all over the county. And also, to neutralize our zoning ordinance. And, I feel that the reason we should not have to be here is because I think the ordinance is excellent as it is. I've been fighting the zoning issue since 1974. Which is longer than a lot of people in the room had even been alive. 1974 I started fighting this when Branigar started building at Apple Canyon Lake. And there was no zoning ordinance, and there was no subdivision ordinance, and we had a problem because Branigar was very good at taking county board members out for dinner and getting what they wanted when they built it. Luckily, Branigar wasn't a bad developer there were some bad developers that did try to come in. Patent and Land tax among them. But the important thing was that at the end of the county board meeting, I heard two county board members, one says that we, well, maybe we'll entertain a compromise of 40 acres is not okay, and I heard the county board chairman say, yeah, we need to get a compromise. And I remember fighting this fight before, that there were very many of us in favor of a 160-acre minimum. And that the 40 acres is the compromise. That's important for you to remember. It already is the compromise. 40 acres was not 80 acres, and it wasn't 160, it was 40. And it was done because that was what the state considered the right size for a landowners permit and we thought that was a logical size, to create a farmstead, and it would be unreasonable to deny anybody the right to build a home on their farmstead. And so that should be the minimum that we thought would be a constitute a farmstead. The special use permit rule has been working fine. The homes being built in the country are not homes that we are disgusted about or anything like that. We just don't need a rule that allows people to flood the county with developers and small developments and rural developments. One of the good things, many good things in the Comprehensive Plan is the prospect of not having stripped cities grow up. And they do grow up. There's on Scales Mound Road and Derinda Road, we can go all over the county and see these little country strip cities grow up. And they increased the policing costs, the road costs and a variety of other costs. And they are on septic and wells, which is a problem for the county, which I'll talk about in a moment. The Comprehensive Plan clearly stated that that's not our goal. Our goal is to have development occur, in areas where they can be, near cities and towns and sewer and water. And that's for very good reason. On pages 75 or 76 in the county development plan, you'll see it talks about karst, this is unglaciated area. We are in the driftless era. We don't have anything in the county except a porous limestone base, with big cracks in it that allows septic to go down, and pollute the groundwater. It's different than spreading manure on the surface, where you have the filtration of that target. It's in septic systems, and it is effective. Lake Galena, it already has restricted swimming there, and it's affecting Apple Canyon Lake, their nitrate numbers are going up. The need to and I haven't heard other speakers speak to the karst issue. I heard it referred to by two others. It is important for all of you to remember you can't fight science. This is, under all, is the land, and that is the land that is under us. And there's a limited amount of development that we can tolerate. We can tolerate agriculture. We can't tolerate large development. So, the developments that have gone on since 1974 have changed the nature of the county. They've allowed us to keep our population largely intact while we were large numbers of farms. But it did change the nature of the county considerably, and it did change our needs for effective zoning. I just am very curious. How many people here, support maintaining the 40-acre rule, raise your hand. Take a look. The people that were experts in the first package and the first hearings, the letters from the City Council Galena, the GTA Board, the other individuals, the 160 people were here, with only 2 people speaking in favor of reducing that size. All got ignored. You can't ignore this. So, with all that in mind,

I'm hoping you once again, maintain the 40-acre rule.

Mel Gratton, 7914 US Route 20 W, Galena

- Gentlemen and ladies, I am glad to be here this evening. One of the things I would like to share this evening and hope to accomplish is to, be the historian, and fortunately, I've lived here long enough to see what's happened in Jo Daviess County. I've farmed all of my life. And I also live between Galena and the Galena Territory. And I've seen firsthand what happens with development. And I'm not being critical of development. I'm just saying that we have to prepare for changes. And the better we prepare for it. You know, the better our future is going to be for all of us. I want to make a couple disclaimers before I start my prepared remarks. But I don't want anyone to take anything I say personally, because that's not my goal. I may be critical at times. And I think we all need criticism in order to you know, hone our skills and make us question what our beliefs are. So, I'm going to if I can, try to put this together, and make this 40-acre rule fit in context of how it was prepared and what it is intended to do. And there'll be a little background before we do that, and before so I don't get off topic, I'll just prepare with my notes here. Since 1995, there have been two zoning ordinances, two Comprehensive Plans, there have been thousands of interactions with the public along with positive relationships, between zoning administrators, county boards, County administrators and the ZBA. It has worked extremely well. Most of the problems have been worked out, they weren't huge. And there wasn't a real disconnect. I think between the thinking and I appreciate everybody here, because I think we all have the same goals. And the same, outlook for the place we live. So, this process has been working well. And I think the people of Jo Daviess County have accepted some minor inconveniences, in exchange for the greater good, of protecting one of the most unique counties in the whole Midwest. The 2024 update of the Comprehensive Plan reinforced these goals and the values of the original Comprehensive Plan which had become, or have become, the basis for the zoning ordinance that we have today. Most of the people participating in this public hearing support and respect the current ordinance. So, I ask again to you, what has changed? And why? I'll try to answer a few of the common questions that I've heard. One of the statements was the County Board approves most of the petitions sent to them, so, zoning is probably a waste of time. Why are we doing this? Why are we making people go through that process? And the answer is that this reflects that the petitioner and the ZBA have met all the requirements for the request to be moved to the next level of the process, which is the county board. This is part of the way the system works. By understanding that these things get moved forward, oftentimes in a positive way reflects that the system is working for us. Another question that often comes up, young people are leaving Jo Daviess County, and the culprit must be zoning. I don't want to spend much time on that. This is something that's a nationwide problem where people are leaving rural counties, it's not unique to Jo Daviess County. The reason they leave, zoning isn't even listed in the top 10. You know, education and opportunities and higher wages, things like that are what motivate young people, and it always has. And wherever they move, most likely they're going to also have zoning to deal with, so I think that's a level playing field. I don't think zoning really has a big, impact on that. The other thing that really upsets me at times, and it was criticism of this board is that zoning prevents or inhibits economic development. That is so bogus. I know the people personally who worked in your positions over the years. And I don't think I can think of one who was anti-economic development. The people sitting here tonight and their predecessors have all encouraged and want to see economic development happen in this county. So, to say that is just a falsehood. And totally bogus. We all want to see economic development in the right way. I've heard that realtors object to zoning. Yeah, it's another it's another hoop to jump through to make your clients, but it's also an easy scapegoat, because selling any property to someone for which it doesn't have the intended zoning should always be always have that clause in there, subject to zoning approval. I mean, you're doing your clients a favor. Don't try to unload that anywhere. So, I want to get into the meat of this. Agriculture remains the predominant land use in Jo Daviess County. It covers roughly 85% of the county's land area. It's not only one of the county's major engines, but also an important part of identity and culture, and that's what I'm talking about, the agricultural portion of it. A large share of farms today are not the farms that we all grew up with. They are multi-million-dollar businesses that deserve a certain amount of

protection from their neighbors. And I'm not saying everyone's a bad neighbor, there are wonderful neighbors out there in this county. Agriculture is now the corporate agriculture that people refer to usually is a family corporation. Covering 2 or 3 or more generations. And it's a tool used for tax purposes and to, you know, move property from one group in a family to another. So, this is part of what needs to be protected. The farms that people farm today are not just the homestead that we all grew up on. It's also down the road, over the hill, maybe even in the next township or county where they need land to make their operation economically viable. So, these people deserve some respect and some, I think, help along the way. I was surprised. Most farmers, myself included, tend to have a rather conservative bent to them. And, none of us like to be told what to do. I don't. Nobody else does. I don't think anybody here does. But, to protect what is valuable in this county needs to have that 40-acre rule that we're having in place here. The other thing is the visitors that come here. And, not only is agriculture have some very valuable businesses to protect, but we have a tourism industry, that generates over \$550 million in revenue for this county. Preserving agriculture, preserves the entity that promotes tourism. Do you think Galena would be the attraction it is, if it was located in one of the flat cornfields downstate. This is one of the most beautiful settings you can put, one of the greatest tourist attractions. And it all works together. I encourage all of you not to mess it up. It is too important for everyone. So, we've heard about, fragmenting agriculture and all the other things that happen, I'm not going to repeat that part. The current ordinance recognizes all the realities, the need for protecting our national heritage, our groundwater, everything else. And, we can blame farmers for some of the stuff that goes on with our groundwater. Now, I will agree, as a farmer, we need to take responsibility for that. But what you see in groundwater from agriculture are nitrates and E. coli. I've walked around too many houses that I've looked at over the years and you go around the backyard where the septic system is. And all of a sudden, your feet start to go squish, squish, squish, and the rest of the yard is dry. The problem is they smell after that and so you know what happens. Septic systems are a wonderful tool. As Jim said, they're also pretty expensive. And they are an impediment to a lot of young people getting, into living in the country. But some of the latest testing of wells and groundwater in Jo Daviess County, for example show parts of the groundwater contains pharmaceuticals. That didn't come from agriculture. It contains microplastics. That wasn't found coming from agriculture. That all came because we have septic tanks. Mine will probably not be any different than the rest. So, there's no septic system out there that I can think of that doesn't need to be repaired. You at least need, you know, to keep that water safe. You have to have enough space to have replacement systems or else have a ton of money in order to, you know, move soil and whatever's needed in and out. So okay. 40 acres. The current zoning ordinance recognizes the realities that we've talked about, while still allowing rural residential development to occur. It does not prohibit non-ag residences. Instead, it requires a special use review process. It is important to realize that in the state of Illinois, I want you to get this right. It's important that to know that Illinois agriculture is permitted by right. If you want to build an agricultural residence, you have the right to do so. That state statute, it has nothing to do with our zoning laws. The 40-acre rule came into place, because there was a lot there was a lot of discussion about this and the 40 acres was basically a compromise, but it wasn't a compromise that was made without a lot of extreme thought. I've asked, I talked to my neighbors, I talked to other farmers, people who may be anti-zoning in you know, in person. But what they say, I say, what do you think about the 40-acre rule. How does that impact you, and what do you think? And you know one of the common responses I have received? It should be 160. And it should be if you want to use it to protect agriculture. So, this, anything less, I think, is not appropriate. So, I'm going to I've seen a couple things happen in Jo Daviess County and in this process that I'd just like to call out, if I could. There are people, who's tend to, I'm not, I don't want to point fingers at anybody. If I can, let me use you fellows as an example. Okay, but this example also pertains to county board members. Because this is a quasi-judicial process, correct? And, it, we make decisions. The decisions that are made here aren't really the only thing that, legally should be allowed to come into play when you make rulings. All this stuff that happens back outside the door and things like that? That is really not admissible. That's why this process is so important for all of us. And this is one of the things that probably upsets me the most. Not the size of the acreage or anything like that is that people lose a voice. And they're having a control over their surroundings, their lives and who knows, you know, what the future might hold. I've seen a

few things happen, and mostly I'm not referring to you fellas, I used to remind people who came on new to this process that there are certain legal requirements that need to be upheld. Some are those are that you don't prejudge the cases or what you're hearing. You are charged, and the county board is charged with taking what evidence is presented at this hearing, and turning it into legal rulings. So, that's a very important thing. I hear testimony, and I'm not being critical of any one individual. But I hear testimony from county board members, pushing their viewpoint at a public hearing. They can do that, but they should do it at their own meeting. They should be just asking clarifying questions when they're here. Because they are also quasi-judicial entities. Which require, you know, a lot of circumspect legal. I'm very proud that, this board I think, over the last 30 years, they have been sued 6 times, but I I'm not up-to-date recently. But every one of those was upheld in favor of the rulings of what is going on at this level. And it's something you can all be very proud of. I hope that continues. There are a lot of things I can talk about, and I'd love to explain things, how they came to be, and everything else. The 40-acre rule was basically enacted to differentiate between an agricultural residence and a non-agricultural residence. It wasn't there to make 40 acres the minimum that you need to build a house in the country. Which had, in fact, would do. But you'd be considered agriculture at that point. Now, what about those people that fall below that level? Well, Melissa has some forms that you can fill out. If you're a bona fide farmer, you can fill it out, correct, Melissa? And if you have a farm under 40 acres, that's fine. They'll make it work for you. So, the 40 acres has nothing to do with the intent of rural living. The special use process was the intent. It's a very important process. And I appreciate your upholding that process. And I hope that you confirm the opposition to changing. Thank you very much.

Sierra Downing, 2070 S Goose Hollow Road, Elizabeth

- I moved here 16 years ago from Southern California. Where my family was worked in railroad and construction and I grew up listening to them you know, whine and complain about how everything used to be a farm. It used to be an orange farm, it used to be a strawberry farm, all that used to be so-and-so's farm, and now it's this building, at least it's you know, there's green space. Now we needed a grocery store. And then as time goes on, you know, I thought they were crazy, and then, now, every time I go back, I look and I say, well, you know, that used to be this. And that used to be this, and now it's a high-rise, now it's more stucco, now it's a stoplight instead of a stop sign. It's not a park, it's an industrial building. And that's progress, and that's what people by the beach want to do, but 16 years ago, I had a friend that wanted to come out here and live, try it out, and I thought, she's crazy. You know, what are you going to do, watch corn grow? It's flat, it's Illinois. Who wants to live long? And so, I said, sure, I'll drive out with you, give you a week. We'll be back by Friday. Came out, it was beautiful. Everything you could ever want. And it's been 16 years now, we're both here. Still, she married a local, I'm with Randy. We now have a daughter, who will hopefully one day be a fifth generation to the farm that his family has started. And I don't want her to have to listen to us go on and on about that used to be so-and-so's farm. That used to be this. We used to farm that. We used to have cattle there. And that's a big deal, and it's not that people can't build a home, but our biggest competition with the farm right now is big investment firms. People coming in with money, saying, I'll give you twice what that property is worth without even hitting the market. It is a competition that we can't compete in. And we want what's best for the land. They do not. Corporations come in and they buy up all the land. TWG has over 5,000 acres. Right now, sure, they're farming, but what happens when they want out and they sell it to the highest bidder? Or they think, hey, I can sell off 10 acres, I can sell off this. And all of a sudden, houses start popping up on every ridgetop. And, spot that is what makes Jo Daviess County what it is. We want to look at those areas, everybody else that comes here wants to be able to see and appreciate and enjoy those, views, sites, land, the wildlife. I will say that one of the comments that keeps coming up is that Carroll County, Stephenson County, these counties have 5-acre, 2-acre, whatever smaller lot sizes. Those counties are not comparable to what we have here in Jo Daviess County. They are farming counties areas, but they are crop dominant. They are large, square, straight fields. We're having somebody take up 40 acres is absolutely a hindrance. But it's also \$12,000 an acre, because it's prime dirt. But that's what people think of when they think of

farming. They don't think of the cattle. They don't think of the hay. They don't think of storage, they don't think of the other things. Jo Daviess County is the number one beef producer in Illinois. And we are one of those producers. We have one of the best cattle herds on the market for the area. And we're proud of that, and we don't want to lose that. And that is something that four generations have worked for, and hopefully fifth. So, that's something to consider, and something to maintain. I appreciate your work and your time. Thank you.

Tom Heidenreich, 10488 E Binkley Road, Stockton

- I guess we'll do a little housekeeping here first. We've decided these are copies of the petitions that people have signed. And we're going to enter them into the record. We were also saved the originals and any extra ones that we acquire and deliver them before the county board meeting.
 - Meeker states, yeah, just to clarify, you can submit those this evening, but they really this commission has nothing, they can't do anything with it. They can accept them, though.
- Submit them as evidence that the petitions exist. As I previously stated at other opening meetings. I'm opposed to reducing the 40-acre rule to 10. I'm in support of retaining it at 40 acres. But I'd also like to touch on the other matter at hand, and that's the, non-agricultural accessory area. I'm opposed to increasing that, or doing anything with it. A 5,000 square foot building on a 5-acre lot is huge for non-agricultural residence. I have a building smaller than that, that holds 400 round bales. They got to have a lot of toys to fill this in. It's, I know that the county board asks you to consider that but they didn't give you any reason why you should consider changing that. So, I'm opposed to changing that. I'm opposed to changing the 40-acre rule to 10 for all of the other previous reasons I've stated and I agree wholeheartedly with those people that have expressed their opinion. I want to touch on a few things that haven't been talked about tonight. And one of those things is economic development has been touched on a little bit. But a well-written, zoning ordinance supports the economy that's already present. It supports our tourism industry. It supports our agriculture industry. And they're huge \$550 million in tourists. 200 and 80-some thousand, if your writing gets down, I'll get the exact amount for you in agriculture. The exact amount is \$237 million agriculture, that's the economic output. The Galena Hospital, alone is 147 million, with 300 employees. We have a thriving economy, changing 40 acres 10 is a land and density issue. It's not an economic development issue, because if you're allowed to build a home on 2 acres, or 10 acres, that doesn't create a job for the occupant of that home. There are other programs that do that. One of the things I'd like to touch on I've heard Steve McIntyre mention a couple of times about the LESA system. And why the LESA system is scored at 100 points, if it's supposed to support and protect agriculture. Did I get that question right? You've said that a couple of times. There are some reasons for that the first reason is the LESA system does not protect agriculture. It suggests that agriculture is important and it tells you what its productivity is. So that you can use it to protect agriculture. You and the county board are the ones that make that decision. And the reason that it is 100 points is because the whole LESA system is broken into three 100-point levels. There's 100 points for the land valuation side, there's 100 points for the site assessment one side and 100 points for the site assessment two-side. Side Assessment 1 has to do with where that site's located in the county. Site Assessment 2 has all to do with a mile and a half. So, that's the reason that it's 100, and 100, and 100 is because one's not more important than the other. When you talk about lowering the minimum acre to 10 from 40, the LESA system is used on all of those acres that's between the 40-acre threshold and 2 acres. And the county board with the guidance of the State's Attorney, who said that it has legal importance that you use the LESA system. By reducing it, from 40 to 10, you're restricting the use of it. Most of the people who want to have non-agriculture residence fall into that bucket of 40 acres or less. And you do your due diligence to make sure that the ordinance is applied equally. So, if you change the 40 acres to 10, you actually cripple the input from the municipalities, because they only get to have input on special uses. You're telling a municipality that you now have input over all of the rezoning issues from 40 to 2. And now you move it to 10. You're cutting by 75%. The input from the municipalities, from the school districts, from the townships, from notices that there is a public hearing posting on the site of the public hearing. And the input that people have in a public hearing. It's a huge

restriction on public input, when you cut the acreage from 40 to 10. Municipalities are essential to working with the county, to make things happen. The county doesn't have all the answers for all the problems the municipalities know what they need, and what they need to work with for development for their communities. One of the things that the LESA system does that probably goes unknown is that when municipalities expand because the LESA system, the one and a half miles is drawn from the edge of the incorporated area, and not the center of the town, the LESA system, the mile and a half, grows exponentially. If you take a circle, that's an inch across and compare it to a circle that's 2 inches across there's 4 times as much area in that circle that's 2 inches than there is one. So, as the as a municipality grows it's a mile and a half area grows also. When you reduce the input that a municipality has, you're just going backwards with things. It's important for municipalities to have input especially for the tourism business. Because our main corridors, which I consider to be Highway 20, and Stagecoach Road, they need to be protected in order to enhance our tourism business. It's just a natural that people want that protection. Because the municipalities grow, and for the reason that I just said about the expansion of the mile and a half around the municipalities, Highway 20 from the Stephenson County line to the Mississippi River, less than 50% of Highway 20 less than 50% isn't within the jurisdiction of someone's mile and a half. And by limiting, those municipalities input you're denying them the purpose and advantage they have to control their own destiny. That's also true of Stagecoach Trail, because Stagecoach Trail goes through five municipalities, Nora, Warren, Apple River, Scales Mound, and Galena. And over half of all of Stagecoach Trail falls within a mile and a half jurisdiction of some municipality. So, it's essential to maintain the rural character that you give the municipalities a voice and keep the 40-acre rule. And not let it go to 10. Thank you for your time.

Karen Greiner, 6635 West Beaty Hollow Road, Hanover, Rice Township.

- I was not planning to speak tonight. I apologize, otherwise I would be there in person, but about 2 hours ago County Board Member John Creighton came up and spoke, and I felt like after hearing some of his comments, I wanted to share a personal story. I just want to check that you can you hear me? Okay, I born here. My husband and I were both raised here. We moved away after college. Lived in other municipal, urban areas. And when we moved back, we wanted to buy land from his family from their family farm. And, could not afford 40 acres. And, I should mention that I am the daughter of a former zoning board administrator there, and I went to my father and said, how does this work? How in the world can I can we buy land with this process, and we went through the special use process, and you know, according to John, it's approved 100% of the time. We were not sure it would be approved. I appreciate Tom pointing out the LESA system, it reminded me of how much work it was. It was a learning experience to go through that. I think it was back in 2008, so Melissa and Christine, were probably there, I'm trying to remember, but I learned a lot about that, but I feel now it was it was very important. We now have more land, now that we could, buy more from the family, and we have pasture, we have an apple farm. But that didn't come easily, and it's not good soil. We pick up rocks all day long. It's clay. But that's was some of the part that was evaluated going through that process, and you know, we need to protect that. I look over in Stockton and see black dirt and wish I had that, but I don't, and I think it's a very important decision, and I also want to point out, Randy Haas made a good point about the number of homes on the market. I don't know what that is. I think it's a large number, and with baby boomers, the numbers of available homes are sure to increase as they move into other living situations, or pass away, and I just want to I think that was a very good point that Randy made. Thank you for your time.

Public Testimony Closed

Huschitt, I'd like to first focus on the two areas we need to discuss tonight. I first would like to start on the non ag accessory area on parcels of less than 5 acres, okay? I meant to research this, and I just want to start with this introductory, again, historical perspective. I meant to research it, and I can't remember when. It wasn't not that long ago where this is a topic that the ZBA did look at, I think it was actually two

administrators ago, it just was a topic that came up because it seems we were granting a lot of variances for the situation of someone had a smaller parcel, non-ag residence, and we were granting a lot of variances, because they simply wanted to build a bigger shed than they were allowed. While I don't remember them, the square footage that was in the ordinance at the time was, it was pretty low. It was a pretty small amount. So, we did feel that we needed to take a look at this. We felt, hey, it's dated, people seem to be building bigger, and so we did take this issue on. And, that's where the 5,000 came from. So, I just wanted to point that out. It has not been, you know, 5,000 forever. It is something that we I know we at least doubled it, if not more, okay? So that's just one thing I wanted to add. I don't believe we've had any variance requests in that specific case, to a variance request to build a shed bigger than was allowed by the revised ordinance. Now, we've had, of course, variance requests for setbacks and that's one thing I wanted to clarify, because I know I think it was at the board meeting, someone had mentioned, like, well, they just granted a variance again for a building, and I just wanted to be crystal clear. That variance was not for the size of the building, that variance was for the setback. And the only reason I mention that is that was a building it was a one-acre parcel, and the person asked for the variance because that was the only place they could build a shed of 2,880 square feet on a 1-acre parcel was by budding it up closer to the neighbor's property and to the road. Because the other part of the yard was bad topography, it had a septic system, it had a well. And they just want to I just want us to keep that in mind when we talk about larger sheds on smaller parcels, just for us to keep that in mind. I'm not sure of you know, how we want to handle this, but those are the I did want to clarify that, that, if we build if the shed is going to be too big for the parcel, is it going to have to be granted a side yard setback? I just wanted us to keep that in mind. Well, that being said, I'm open for the others, you know, comment. This is just on a parcel for 5 acres or less to I think the suggestion was either to allow more than 5,000 square feet, either a different number, or perhaps a percentage of the lot area.

Meeker states, correct, and just for reference, in our R1 zone in the county, there is a 20% lot coverage requirement, but the R1 zone is so much different than an ag zone to begin with, because you're typically talking about lots, like, 1 acre or less at that point. But, as a point of comparison, that it's 20% in the R1, 30% in the R2, which is a much higher density zone as well. And I looked at adjacent counties, and I didn't see any references in Carroll or Stephenson County, where they had even of limitation on accessory buildings.

Huschitt states so I'm well, I mean, again, if we think 5,000 is just too, you know, inhibiting, I think that at least that's the impression I got from the county board. If the question was, well, why was this sent back? It's I went to the county board to listen and to observe, and I really how I would characterize it is that just we just don't want to limit people to we don't want to limit them on the size of a building they can build on a parcel if that parcel is 5 acres or less.

McIntyre states they can come to us for a variance if it's greater. right?

Meeker states they could, they'd have to have some pretty good justification for it. Usually, variances are tied to characteristics of the land that prevent them from meeting the code. It's going to be hard to make that finding on the size of a building. Setbacks are a different matter, because you can look at topography, etc., but size ability, that's a little dicey.

Hill states, Peter just mentioned that no one has ever come with a request, at least setbacks.

Huschitt states I don't think so. I mean, in the time we can think. Since we changed it.

Hill states, I see no reason to change anything on there.

Mapes states, how about that percentage work, though, on something like that? Make sure the percentage?

Meeker states, well, again, those are applied in the more dense zones, so let's say you have a 4-acre parcel, let's say 20% of that, let me 8,000. Thank you.

Mapes states, okay, that answers my question.

Hill states that I was just going to reiterate that no one has come and asked for anything. Since we've changed. So, why change it now?

Huschitt states and that's I don't know if I did a good job articulating that at the May 27th meeting, but it was this point of history of where, yes, we were granting a lot of variances on these smaller parcels. Because, yes, it did seem like we were restricting the size of accessory buildings, because yes, people tend to build bigger. And so, we went all the way up to the 5,000 square feet. And since that time, I don't think we've had a variance request for that. And again, I just thought it was ironic how, at the May 27th meeting, it really was almost too big of a shed for the area, and that shed was 2,880 square feet. So, it wasn't a variance request for the size of the shed, it's like, we had a grant side, you'd which is basically meaning now that sheds going closer to someone else's property. And I don't know that I really necessarily want that to happen.

Hill states, right, and if I'm thinking of the same case, it was their own property. It was their parents' property or something, and I believe it was family. Yeah, so that I don't believe is easing something we should do.

Huschitt states, no, I guess, too, I do remember, recall, and again, I know there will be people who would disagree with this reason, because it's like, well, people should be allowed to do what they want on their property, but I do remember, I believe, the planning administrator at the time, he also said, you know, if we're talking in parcel of a non-ag parcel, of 5 acres or less, a 5,000 square foot shed is pretty big. And if it wants to be bigger than that, probably should be asking for a variance. And I know some people are going to hate this, but to me, it is a check and balance. His point was, I think we want to know why is someone building a shed over 5,000 square feet on a non-ag property on a smaller parcel. And I thought that felt I thought it seemed like a logical reason. Again, it's a check and balance. They can ask for a variance.

McIntyre states I have two questions relating to that. The first question is, is what I can think of why somebody would build that large of a building. One of the reasons might be an indoor arena for horses. So, is that considered agriculture or not.

Meeker states, that would be agriculture.

McIntyre asks, you sure?

Meeker states yes.

McIntyre states, because we've had issues in the past where its agriculture.

Soppe states, if it's private use.

McIntyre states, I think she meant if the arena is for private use, is what you're doing right now. We had a case I got to remember there was an indoor arena that was being built for the equestrian

Soppe states the equine on Blackjack.

McIntyre states the Equine Center

Soppe states that was tied to a special use. So, you could allow a larger building at that point.

McIntyre states, again, I'm just going through some of the stuff that we looked at in the past, or previous

zoning boards have looked at in the past, and that was one of them that was it was a large more than 5 well, I don't know if it was more than 5,000 square feet, but it was an indoor arena for year-round usage for the equestrian therapy center, I guess you'd call it.

Meeker states, so it was business operation, it was a rural business, most since I wasn't here, I'm assuming it came in as a rural business use under a special use permit, which, as Melissa said, you could allow a larger building

McIntyre states, again, I'm just thinking why you would have something that large, because 5,000 square feet is pretty big.

Huschitt states, I would like to call for a motion on the first item

Meeker states maximum non-accessory area on parcels of less than 5 acres in the Ag District, currently it's 5,000 square feet is the maximum.

Diedrick states, so you want to maintain the existing, no changes.

Meeker states that can be your motion if you want to keep it as it is, then your motion would be a recommendation to the county board that it be kept as it is.

Hill states alright, Bill, I would make that just as you just stated. Yeah, so move.

A motion to recommend to keep the maximum amount of non-agricultural accessory area on lots zoned Agricultural on less than 5 acres the same was made by Don Hill.

Seconded by Gary Diedrick

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

Huschitt states the second item we have to talk about and work on and make a motion on is the 40 acres, which, again, the recommendation of the County Board, is to replace the 40 acres with 10 acres.

Meeker states 10 acres or something different that you might as the Commission might suggest.

Hill states I'm just going to say, it worked, as we've heard from all these people who have testified out here has worked in the past. It's going to continue to working and I think as, Skip and Beth, and Nan, and Bill, and Randy, no real reason to change it. So, I would prefer leaving it at 40, or going to 160. I'm really not in favor of going to 10.

Mapes states well, the 40-acre rule in this county has been misrepresented as the state came in. You can build on 2 acres; it has been misrepresented. Carroll County they got acres set up. The surrounding counties had the 40-acre rule, too. They also have a special use. If you ever take a special use away, you take a legal factor away. Because sometime during that process, if it's left ag, it's going to have to be that's best for you, because it'll be change of ownership, a change of what it does down there, so that's what I can see tonight. And last time, same thing. We listen to the people, too.

Diedrick states well, and right now, the current usage we get to review it. It's not like it's going to be mandatory. I mean, the fact is that the special use permit needs to be reviewed, regardless if it's 10 acres or 40 acres. And, I just think the idea of keeping it at 40 acres, is, probably the best way for us as a board to make our recommendations. And, give the property owner an opportunity to explain their usage, for whatever reason it is.

McIntyre states I listened to all the comments tonight. And I wrote down several notes. So, I wanted to

kind of go through some of the notes that I created. First of all, a lot of people brought up the Comprehensive Plan. So, I will move to the map on 8.3 and 8.4. 8.3 is new home construction permitted between issued between 2006 and 2012. And 8.4 was between 2013 and 2023. And it also broke down the total number of permits in the 2006 to 2012 date range was 319. Between 2013 and 2023, it was 326. Now, that also includes Apple Canyon Lake and the Galena Territory. As a matter of fact, 30, let's see, in the Galena territory and the Apple Canyon Lake area, out of the 646 new construction permits that were issued, 183 of them, or 28.3%, was in Apple Canyon Lake or the Galena Territory. So, if you exclude those, and just look at where the homes were being built outside of those areas. Most of them were in the Ag District of our Comprehensive Plan, not in Ag 1 or Ag 2. So, out of the 646 new construction permits, 28.3% of them were in Apple Canyon Lake and the Galena Territory. So, most of the development, I mean, almost 30% of the development was happening in those two areas new construction. The minimum amount was in Ag Preservation 1, which was only 10.5% of the total. The next one was AG2, which is 17.5% of new construction permits. The majority was in the Ag District, which was 71%. And because Galena Territory and Apple Canyon Lake are in the Ag District, not the Ag1 or Ag 2

Meeker states they are RP zones.

McIntyre states that I understand that, but the two maps that are here included them in those numbers. So, I'm just making sure that we are clear with what I'm trying to say here. One of the things that I suggested in the ad hoc committee was following the Comprehensive Plan and making the acreage different in each one of those three districts. Because if we're trying to protect farm ground, which, by the way, Tom, thank you very much for explaining the LESA scoring system to me. That really helped me a lot to understand why it was done in the way it was done. So, I appreciate your comments, and thank you for those. Now, if we're trying to protect farm ground, the most productive farm ground is in the Ag Preservation 1 District. So, in those in that district, we only had 10% or 10.5% development. So, I think what we're seeing we're already adhering to the Comprehensive Plan anyway, is what I'm seeing. Because where we're trying to protect the farm ground, it is being protected. And where we're trying to protect the ag preservation area 22, as well, it is still being protected, because that's only 17%. In the Ag District, I mean, if we really wanted to streamline the procedures, which is what we one of the things we were talking about, right streamlining the procedures, we would look at the areas that we want to really protect, which is Ag1 and Ag 2, not the Ag District. The Ag District, by the way, if you don't have a copy of this, the Ag District is near Galena area. It's more towards the western part of our county, not the eastern part of our county. where the flatter ground is. So, that was just one data point that kind of stuck in my head. The second one is I've heard a lot about the farms that we have, and we want to preserve the family farms that we still have here. But since the 40-acre rule has been in place, we have lost dairy farms, according to one of the truck drivers that move that milk around. I've heard that we've lost dairy farms in that process. We've lost hay crop. We've lost a number of farms, and yes, there's consolidation that's going on. And we've lost an average number of acres per farm. In that same timeframe. So that's kind of a data point that's stuck in my head as well. I've also heard cons that relate to the, the septic systems, the karst soils, those types of things that we want to try and protect our water table. Yes, our water table is shrinking. And yes, that, our water is being contaminated with microplastics, like every place else in the United States. So, that's something that kind of stuck in my head. And the other thing that I heard is trying to create, affordable housing. I wish they stuck around, because I would like to see them build more affordable housing, and more affordable housing could be condos, or multi-level type things in the town. Putting the onus back on the communities that we have is one of the things that I also heard. You know, within that mile and a half of our surrounding areas. So, if we just recapped some of the things that we heard tonight, I'm kind of torn. Because, maybe one of the things that we can do is and if you John, thank you for the information that you got from the zoning office. I would have loved to have one other column in that, in that data sheet, and that would be the LESA scores that went through

all of those because that's another data point that we use at the Zoning Board of Appeal to actually say, if it's over 200 LESA score, we really, really scrutinize that. If it's less than 200, we pretty much go, yeah, and it's not very, you know, it's either within a mile and a half of the municipality, it's either closer to the amenities that they have, or it's bad soil. Or it's maybe a combination of all of them. So, maybe one of the ways to improve our process, is that if it's below a 200 score, maybe we make it an administrative thing within the office. Because it's a total waste of resources in the county, if we're going to just rubber stamp them anyway like the data was shown. So, I'm really torn. After hearing last month and this month, I'm not sure what to do. I like the idea of maybe reducing the procedures that we use to evaluate, and maybe the LESA scoring system below 200 is one of those ways.

Diedrick states and you brought that up at our last hearing, didn't you, Steve? I think you brought that up. I think that the LESA score is something that we need to look at, but that's not something that we can do without I mean we can't do it ourselves. It's got to be originated through planning and development, correct?

Meeker states that comes through the office, but we the actual, we do the scoring at the office, but the actual natural resources inventory is prepared by Jo Daviess County Soil and Water Conservation District. So, that's the basis for this data that we use for the event.

McIntyre states, the soil is what the soil is, it always be the same. I mean the resource.

Huschitt states, if I'm not misunderstanding, I apologize, but what I thought you were going to say is, the retooling of the LESA score, meaning so just again, from right? I think that's what you were talking about. Not the LESA score we have now, but again, history lesson right on May 27th, the ad hoc committee recommendation was to simply eliminate the LESA scoring, which, again, I understand, if you want the parcels to go to 2 acres, you don't need a LESA score. That goes hand-in-hand. So, the recommendation we made to the county was that we wanted to see a LESA score, be available. And it's my understanding the County Board at the July 14th meeting said, we're okay with that and if the ZBA feels that there needs to be some retooling, go ahead and work on it if you guys want. That's the general that is.

Meeker states that is exactly the question you were asking.

Huschitt states the LESA score, I mean, it's my understanding it's here. I mean, we obviously can't we have to take action on the recommendation of the board. But the LESA score the county board has said, it is a good tool that we want to see working, and that it's actually an idea that I would mention as well, too. So, it's a good tool, and we can retweet it. I mean, whatever we want, we don't get what we want, meaning we could make a recommendation down the road as, these are some changes we'd like to make in the LESA scoring model. And then most likely, it would most likely go through your office, to the Planning and Development Committee, to the County Board, so we can just can't arbitrarily.

Meeker states that one thing that we are we did talk about is staff level after the LESA discussion with the, with this group and also with the county board, is we currently request an NRI for the parent parcel, the entire parcel. Limited it down to the parcel that's being created. That's a cost savings to the applicant, significant. And the scoring's going to be more accurate, because you're looking only at the parcel that's being created, not the rest of the property. Now, granted, that can come with they have to be pretty precise in what their survey is. They have to be certain when they have their survey prepared, that's what they want to propose. Otherwise, they might have to have a modified the NRI report modified to pick up more land or whatever. But so, we are talking about doing it that way in the future to limit the cost and have a savings to the applicants in that instance, so they're not paying for a large acreage, so they're just paying for the acreage that they are creating.

Huschitt states I mean, a couple of my thoughts as far as obviously, again, you know, the vast majority of the conversations, pardon me, have been to say, leave it as it is, which again, I mean, that is where I'm

at. I said it at May 27th, and nothing has changed in my opinion. No facts have come out that make me say, hey, we're missing something here. And I can get into more detail on that for the sake of time, and I don't need to. And that's sort of what I asked myself, May 27th, I sat here and I said, I think the system we have is working. Now, with that said, I'm not opposed to making some changes and some revisions to pick up some efficiency, to perhaps lower the cost. But fundamentally, this is, you know the one thing I wanted to say is, I understand, you know, the drive, and it's good to take an outside perspective and say, we've always done something a certain way. Does what we're doing need to change to stem the tide of population loss, or the young generation not coming back to the county. I applaud the people who have that mindset. They're looking into the future. They're looking past today, next month, next year, they're looking to the next generation. And I do think that's important. Now, with that said, I personally don't think going from 40 acres to 2 or to 10 is going to accomplish that goal. I just don't. I look at it this way. Someone says, I want to build a house in Jo Daviess County. Let's go through all the options we have. Let's not look at the negative side of the can't, or we're controlling people. Let's look where you can build. We have two planned development communities. I think people it was visionary. To say, we've got the Galena Territory, we've got Apple Canyon Lake. I don't know how many homes we have there, but I think that was a great compromise. We somehow managed to keep Jo Daviess County, in my opinion, at Ag County in a tourism county, and we still have these two planned developments. So, we talk about costs. We all know how housing costs have gone up. But you can build at Apple Canyon Lake on a lot, and those average lots are three-quarters of an acre. So, if someone says you need 40 acres, I do not want to hear that ever again, because it's factually incorrect. And I really do feel strongly about that. It's a matter of communication, and if we need to change it on the county's website, if we need to retool things, shame on us for not doing that. And I mean that, shame on us, because we should have a flow chart, which is very easy to follow. If you want to build a house in Jo Daviess County, we have two planned developments, we have I'm sorry, I can't remember right now how many municipalities we have, but we have a whole lot of great municipalities. We've got a lot of great small towns; we have subdivisions in Jo Daviess County. Not too long ago, we had a, you know, a well-known, respected family of developers, come to us to add a subdivision, which we approved, by the way. Economic development, we approved it. And shortly after, they came and said, we wanted we want to expand our development. And we did it. We didn't say no, we said yes. So, you can build a house there. Then there's this thing that I think a lot of people aren't aware of is, we have a lot of legal nonconforming parcels. You just have to be able to find them, and I don't know how someone can find them. In my own personal life, I stumbled upon two of them without even trying. So, that's just another reason, absolutely do not have to own 40 acres to build a home. And the reason I feel so passionate about that is, yes, if the message is to someone wanting to move to Jo Daviess County, he said, no, we want to build a dream home, build a home and, oh, we heard it's 40 acres? Yeah, that's not the message we want to be sending. It's not the accurate message. And, Mr. Meeker, you said that a lot of times, and the first time, it really sunk in with me. It's like, I think we need to. And then, last but not least, no, we don't want to build in the Galena Territory, we don't we want to build a dream home in the country. That's fine. We don't say no. That's what, we don't say no, we don't chase people away. We don't. Guess what, do you have 40 acres or more? No, I don't. What do you think you're going to have? I'm going to have 5 acres. Okay. Here is an extra step, it's called a special use process. I think the people were brilliant. Again, the original the original was 160 acres. What I found interesting with all of these conversations, I'm sitting here thinking, there's going to be a large group of people who are upset with the ZBA. Because we're letting people build in Jo Daviess County on these more polishes anyway. The 160 acres that's been said more than once. It's almost like, be careful what you wish for, because are we going to go there? And I don't know that that would be healthy. So, I think it was brilliant. We said, we're going no, it's not going to be 160, it's too much, we're going to 40. But then, on top of that, we are going to offer this special use permit rule.

Diedrick states, but it's an additional administration step that needs to be taken that slows up the

process.

McIntyre states just hang on one second. I just want to from a realtor standpoint, I want to tell you and educate you. When you have a buyer that wants to buy a parcel of land. And it's contingent upon the zoning special use. That adds at least 3 months to the closing. And when you ask a property owner to wait 3 months to let this go through. There are costs involved in keeping that land for those 3 months while they're going through the process. And they're still unknowns. They're involved in that. So, I just want to make sure that everybody on the panel understands they may lose a buyer because of those 3 months.

Huschitt states, they may or the flip side of it is, I'm a landowner, and I'm going to know it's a special I'm sorry, I thought you were finished. No, I wasn't.

McIntyre states and I want to bring I want to bring Tom's comment into it as well. When he came back and said, that the municipalities and the surrounding landowners, they lose an input. And that's the first time I had ever heard that, Tom, and thank you very much for that input, because that struck a chord in me as well. That we're removing the adjacent neighbors' input, or the adjacent community's input, by either doing it through the administrative, like I just suggested, possibly to streamline, take away if it's a LESA scored below 200, I'm taking away the adjacent neighbors and the municipalities right to comment on this as well. So, anything that we decide here today, we want to keep that in mind that we don't want to lose input from the public in the process. So that's why I want to make sure that

Huschitt states, which is the current special use process. I mean, again, it's a yes, someone could say, you've approved all of them, and that is a true statement, but they haven't necessarily been unanimous, and it does give other people who are concerned the right. Maybe they don't, but the adjacent landowners, they are notified, they do have the right to come. But I guess to me, yes, Steve, that's I agree with you that that is what the special use process is doing. It's giving these interested parties the ability. I guess what I wanted to come back to is just really briefly, is that we're not trying to stifle on a broad-based basis, development in Jo Daviess County. That's I really feel that way. Again, we have all of these other areas you can build. And then, again, so let me pivot really quick, and then I'll you know, data is interesting, and Mr. Creighton did a good job of, he did his homework, he had the historical data of the of the ZBA. Now, these are numbers that I got from the staff a while ago, but I did want to go over them quick. Because I'm going to pivot in a second here. Apparently, since May of 2009, we have 93 what I'm saying is, I don't think this is big of a problem is we sometimes perceive. I don't think there's that many homes that fall under this rule, and I think I didn't stumble upon it, I've been thinking about this for a while. We have 93 special uses on a house less than 40 acres since 2009. It's less than 6 a year. Now, I get it. Someone else might say that's a lot. I don't think that's a lot myself, but I understand that's open to interpretation. Now, of those three of these withdrew before the request was heard. That means someone paid the freight. They did everything they had to do to request a special use. Eight of them received the special use and did not build within the timeframe, and then there's one that was still active. So, we had 93 special uses for a house on less than 40 acres, but this is what was really interesting to me. Of the 93, 37 of the special use requests were to split a house that was built after 1995 on a lot of record, or land over 40 acres to a smaller parcel. 3 were for a detached accessory structure. So, when I look at the data, we've got 93, almost half of them were a request for a building that was already there. That's, to me, that's not economic development at all. It's already there. So, what I'm getting at is where I'm trying to go with this discussion is I personally like the 40-acre rule and the special use process, because I do feel land is our most valuable natural resource. I don't think it's wrong to keep a check and a balance. Steve, your point is well taken. I'm sure there are some people who, when they hear that they want to build their dream home on the country less than 40 acres, they have to have a special use process. I respect that. And there are some people who say, we're changing our mind. Okay, I'm sure that does happen. I'm of the opinion, if someone wants to buy their dream home in the country,

they're willing to go, and I think the seller is probably willing to say, hey, I know you need a special use process. If you don't get it, I can't sell you the land anyway. That's just the way it is. But when you look at the numbers, it's not really that many that we're talking about. It's and then, if you look at the 93, and if almost half of them were for existing houses, almost 13% of those who got no, I'm sorry, it's 30% of those who got it didn't even use it, because they were withdrawn. So, I really don't think we have that big of a problem of missing out on people coming into the county and building new homes. That's what the data tells me. I understand someone else can look at the numbers differently and come to a different conclusion. I understand that. But I don't think this tells me is we're not scaring people away to build a home in Jo Daviess County. I guess there was a total of 562 new home starts in that same timeframe. So, 522 did not need to go through the special use process. What does that tell me? Jo Daviess County is letting people build houses. That's what it tells me. We're letting you build houses because 562 since the last 204 months, and of those 522, didn't even need a special use process. So, we're letting people build. And for the people who are like, hey, we need to preserve our natural resources, they're almost going to be like, hey, what are you guys going to do about that? You know what I mean? Like, you guys are being too liberal. But so that's what I think. Here's my conclusion. I want to keep the 40 acres, and I don't want to change it to 10. When I looked at the goals that the ad hoc committee came up, which were very noble goals, identify information that may jeopardize new or expanding businesses, streamline and clarify the zoning ordinance to make it more user-friendly to simplify, reduce the need for variances without compromising countywide respectable standards. If you want my own opinion, I don't think going from 40 to 10 accomplishes any of that. It's the same process, we've just lowered the number. Yes, we would eliminate some of the special use requests of the parcels over 10. But I'm looking at the goals of the ad hoc committee, and I think to say, well, it's going to be 1, okay, we can't have one because it's illegal. Make it 2. We didn't recommend 2, so make it 10. I think we leave it alone, for all the reasons you guys already said. But what I would like to pivot to is this. I'd like the county to consider the following, and I'm not exactly sure what this is going to look like, whether they allow us as a ZBA to do it, or they send it to the Planning and Development committee first. ZBA will work on reformulating the LESA scoring system. We've heard a lot about that, so I think we can all agree that needs to be retooled. I would like the ZBA to research the ability to change how we deal with the split requests. Again, since 2009, 37 requests almost half were to split an existing house that was built either after 1995 on a lot of record, or a smaller parcel. Because I'm asking myself, I really don't know if a petitioner came, and they went through the special use process, which I don't think is incredibly arduous, but it is a process. You have to pay some money. If it's an existing parcel, and deal with the time of it, that just one area where I'm asking myself, if someone asked me, Peter, would you ever deny a special use permit for someone to build a home in the country? I would say, yeah. Have I? No. That doesn't mean I wouldn't. What's the LESA score, where is it at? What's the public input? I think it's fine to have a check and balance. If you want to build a new home in Jo Daviess County, in all of these other areas that you can build, you don't you want to build in the country. That's okay. And it's not that many when I look at the data. It's not.

McIntyre states ca you clarify what you mean by because what's running through my head are the request where the kid wants to live next to the family, so they had to build another home adjacent to the other one, or something like that. Is that what you are talking about or our splits?

Huschitt states these are splits where we have 150-acre farm. We want to split off the house and buildings in 5 acres. It's my understanding that's what this data's talking about.

McIntyre states, but that's farm consolidation.

Soppe states, partly correct. So, there's options, depending on when the house was built, is the difference. So, if the house was built before 1995, there is an exception in the ordinance if you meet four criteria, you can split it off without having to go through a process. If it was built after 1995, which is

most likely probably on 40 acres, and they're wanting to request something smaller, then you have to get the special use.

Huschitt states, okay. I guess, again, and I'm just looking at one sheet of data, I haven't dived into it. I mean, I'm sure it's accurate, but to answer your question, I'm under the understanding these are when there's splits. Or, I mean, again, I can remember a couple cases where I asked myself, I'm like, when would I have ever said no to something like that? A couple of them were farmers bought farms bought farms, existing farmers bought farms, productive agricultural and they didn't need the house, and they parceled it off with 5 acres. And then we did the LESA score, and there was one where the LESA score came over 200, because we scored the whole thing and it turned out that what was ag land, the previous owner had abandoned, and Mother Nature took it over. So even though it was classes ag land, it was an overgrown pasture that you literally would have had to get bulldozers to clear it. What I'm saying is, is how can we to come back to the ad hoc committee's goals. What can we do to make it more user-friendly or simplify? And that's so I'd like to see the LESA scoring system retooled, because what it also may do is, and what it's what one thing I've learned from this entire process is, I need to make sure, and when we hear these cases, I mean, I haven't gotten willy-nilly, but we're following the rules that are before us. And if we have, I think Mr. Creighton said it, and I agree 100%. If we have a LESA scoring system model, you better be following it, and that's fair. So, if it's over 200, and I said, yes, I better be able to justify why did I say yes. So, I want to make sure we have the LESA scoring around. I'm not saying it's wrong. But can we make it better? Just another idea. A lot of times you hear people say, hey, if it's a family member, they should get special treatment. They can't, exactly. No, I know. But I'm wondering, can that be, a point system somehow in the LESA scoring system.

Meeker states you can't. It is land-based, it has nothing to do with ownership. It's land-based.

Huschitt state okay, with that said, that's the recommendation, is maybe can we revisit the process of the splits? Steve, you had said maybe it's administrative. Can we maybe do the process of the splits as administrative?

McIntyre states, again, you're losing the voice of the existing property. If we make it administrative.

Huschitt states, so, we have two things to do. I mean, to me, we have to make the motion on the counties request to either lower it to 10 or a different set of acres. That is the action item. That's right. But the other thing that I'd like to do is I'd actually like to then, depending on what however that goes, I like to have a second motion where we're trying to clarify what it is we'd like to do, so the county has a little clear direction from us of areas that have come up. Get that to be discussed later.

Chris Allendorf asks not sure what you're asking, but you can't create a new motion.

Meeker states that you need to stick to what is on the agenda, and that's the 40-acre issue. We talked about the LESA score before, and we already know that that's something we want to look at.

Huschitt states is there any other suggestions of what we think we should look at to try to accomplish? Are there any other goals?

Chris Allendorf states, I think we're kind of drifting off course, back to 40 acres.

Huschitt states then it is time for the motion on the 40-acre rule.

A motion to recommend to leave the 40-acre rule the way it is was made by Ron Mapes.

Seconded by Don Hill.

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

McIntyre. Ayes: 5. Nays – None. Nays: 0. Absent:0.

Huschitt states, our recommendation of County will be to leave the 40-acre as it is, not lowered today.

Meeker states and we will, as has been suggested on a future, PC and ZBA meeting, we'll put the LESA discussion on there as well.

VII. Citizens' Comments (Matters not otherwise on the Agenda)

None

VIII. Reports and Comments (Commission Members and Staff)

None

IX. Adjourn

A motion to Adjourn was made by Gary Diedrick and seconded by Ron Mapes.
The motion carried by roll call vote. Ayes – Gary Diedrick, Don Hill, Ron Mapes, Steve McIntyre, Peter Huschitt. Ayes: 5. Nays – None. Nays: 0. Absent – . Absent: 0.

The Next Regular Meeting of the Planning Commission/Zoning Board of Appeals will be held on WEDNESDAY, SEPTEMBER 23, 2026 AT 7:00 P.M. at the Jo Daviess County Highway Department Building, 1 Commercial DR, Hanover, IL 61041
