

BEFORE THE VILLAGE BOARD
OF THE VILLAGE OF ROUND LAKE PARK
SITTING AS A POLLUTION CONTROL FACILITY
SITING AUTHORITY

IN RE: APPLICATION FOR LOCAL SITING)
APPROVAL FOR GROOT INDUSTRIES) 3-01
LAKE TRANSFER STATION,)

Transcript of proceedings at the hearing
of the above-entitled cause on the 24th day of
September, 2013, at the hour of 3:10 o'clock p.m.
(Proceedings concluded at 4:48 p.m.)

REPORTED BY: LISA M. BRINGLE, CSR

LICENSE NO.: 084-003301

1 APPEARANCES:

2 SCHIROTT, LUETKEHANS & GARNER, LLC,
BY: MR. PHILLIP A. LUETKEHANS

3 The Hearing Officer;

4 MUELLER, ANDERSON & ASSOCIATES,
BY: MR. GEORGE MUELLER

5 -and-

HINSHAW & CULBERTSON,

6 BY: MR. CHARLES HELSTEN

On behalf of Groot Industries;

7

THE LAW OFFICES OF RUDOLPH F. MAGNA,

8 BY: MR. PETER S. KARLOVICS

On behalf of Board of Trustees
of the Village of Round Lake
Park;

10

11 THE SECHEN LAW GROUP, P.C.,

BY: MR. GLENN C. SECHEN

12 On behalf of Village of Round Lake
Park;

13

TRESSLER, LLP,

14 BY: MR. STEPHEN T. GROSSMARK

On behalf of the Village of
Round Lake;

15 JEEP & BLAZER, LLC,

16 BY: MR. MICHAEL S. BLAZER

17 On behalf of Timber Creek
Homes, Inc.;

18

MR. LARRY M. CLARK

19 On behalf of the Solid Waste Agency
of Lake County, Illinois.

20

21

22

23

24

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

I N D E X

WITNESS	DX	CX	RDX	RCX
CHRISTOPHER LANNERT				
By Mr. Sechen		4		
Exam By The Hearing Officer				Page 23
PETER J. POLETTI	DX	CX	RDX	RCX
By Mr. Mueller	32			
By Mr. Blazer		60		
By Mr. Grossmark		67		
By Mr. Clark		68		
By Mr. Sechen		76		

E X H I B I T S

NUMBER	ID	RECEIVED
Applicant's Exhibit		
No. 6	49	

1 THE HEARING OFFICER: Okay. Mr. Sechen, your
2 cross examination of Mr. Lannert may start.

3 MR. SECHEN: Thank you.

4 CHRISTOPHER LANNERT,
5 called as a witness herein, having been first duly
6 sworn, was examined and testified as follows:

7 CROSS EXAMINATION

8 BY MR. SECHEN:

9 Q. Mr. Lannert, let's take care of a few
10 housekeeping issues, if we may. You proposed
11 certain berms be placed around that facility; is
12 that correct?

13 A. That's correct.

14 Q. Could you, using your laser pointer, take
15 a look at what is page 14 of Exhibit -- is that 5?

16 A. Yes.

17 Q. Can you point out where the berms are,
18 sir?

19 A. The berms are in two locations. They are
20 along the west side of the site adjacent to Porter
21 Drive in this location south of the entrance, and
22 they also are along the south side, which is
23 adjacent to the north side of the right-of-way of
24 Route 120 or Belvidere Road.

4

1 Q. The portion of the berms that you propose
2 for 120, along 120, are how high, sir?

3 A. They vary between 3 and 5 feet.

4 Q. And what is on top of those berms?

5 A. There is a combination of plant material
6 on top of those berms. There is some ground cover
7 and ornamental grasses. There are some ornamental
8 trees. In addition to that, there are other trees.

9 Q. And in addition to what you've mentioned,
10 is there anything else on top of those berms or on
11 the berms other than what you've mentioned?

12 A. Not that I'm aware of.

13 Q. Okay. Now, with respect to the berms
14 along Porter Drive, how high are they?

15 A. Those undulate the same way. They are
16 lower in terms of 3 to 4 feet up to 5, 6 feet at
17 the corner where they meet the sign.

18 Q. Are those also vegetative?

19 A. Yes.

20 Q. And that is similar to that which you
21 previously explained for the berms along 120?

22 A. That's correct. On the street side, they
23 are vegetative with plant material. On the back
24 side, it's just grass.

1 Q. Now, without being specific in general
2 terms, are you familiar with how a berm similar to
3 that might affect noise?

4 A. Yes. I'm generally aware of it.

5 Q. And in general, does it increase noise or
6 decrease noise?

7 A. Well, there is two things that will affect
8 noise as relates to that berm depending on where
9 you are.

10 Because there is a knee wall as part of
11 the berm on the facility side and then the berm
12 comes up on top of that and the plant material on
13 top of that, when the noise will hit the solid
14 wall, it tends to bounce back. And when it hits
15 the plant material, it will have a tendency to
16 reflect back. On the 120, Belvidere Road, side,
17 the berm, because of the shape of it and the plant
18 material, will tend to wrap the sound up and then
19 fold it back onto 120 and the farmland itself.

20 Q. And some of that sound may be absorbed by
21 the plant material; is that accurate?

22 A. Yes, particularly the plant material when
23 there is leaves on it and evergreen material
24 year-round.

1 Q. Okay. Now, to the extent that there may
2 be exhibits in the application, just in general,
3 exhibits that show the facility along Porter or
4 along 120 that do not show your berm, you are, in
5 fact, building this facility with the berm that you
6 just testified about; is that correct?

7 A. That's correct. I don't understand where
8 it's not being presented.

9 Q. Well, there may be exhibits elsewhere that
10 show the facility, and I'm just trying to make sure
11 that everyone is clear that they show the facility
12 for illustrative purposes and what's behind the
13 fence, you're actually going to have a berm there?

14 A. My testimony today is that the berm along
15 Porter and the berm along 120 will be designed as I
16 have shown and described it here today, and it's my
17 knowledge that it's an exhibit to the host
18 agreement, which gives it even one more level of
19 authenticity than just my presentation this
20 morning -- this afternoon.

21 Q. In addition, the east side of the
22 facility, can you tell us what's going to be along
23 that side of the facility?

24 A. The east side of the facility only has a

1 fence, and there is no other berms or planting
2 envisioned for that area.

3 The large wood lot that exists to the east
4 is what is providing the buffer on that side.

5 Q. And that is property that is being -- in
6 the process of being acquired by Groot?

7 A. It is currently in the process of being
8 acquired by Groot, as you well know, because I was
9 not aware of that until after I filed the
10 application. I feel that that woodland is
11 substantial enough and strong enough that while it
12 could all be cut down, I believe it will remain --
13 at least remnants of it will remain, if you're
14 familiar with Hainesville and Hainesville's love of
15 nature, as well as their requirements for
16 landscaping and protecting natural features. I do
17 mean Hainesville in this case because that's
18 Hainesville, not Round Lake Park on the east side
19 of the property line.

20 Q. I was going to tease you, but we'll avoid
21 that.

22 Calling your attention to the northwest
23 corner of that facility, is that the area where
24 that fence exists that you showed a computer

1 rendering of?

2 A. Yes, it is.

3 Q. Do you have an exhibit that shows the
4 better computer rendering of that fence in that
5 corner, which would be -- I believe it's 2, part of
6 Exhibit 4, but you had it numbered as 2 on the
7 slide in the handout.

8 A. Of the photo -- you're talking about the
9 before and after?

10 Q. Yes, the one on the right.

11 A. Yes.

12 Q. That bears the legend page 16 on the
13 bottom, which I believe is part of Group Exhibit 4.

14 THE HEARING OFFICER: For the record, that's
15 Group Exhibit 5.

16 BY MR. SECHEN:

17 Q. 5, I'm sorry. And I'm calling your
18 attention now to the picture on the right, which is
19 the after shot.

20 A. Yes.

21 Q. We're viewing that fence from Porter
22 Drive?

23 A. You're viewing that fence from Porter
24 Drive, correct, looking south towards 120.

1 Q. Mr. Lannert, can we put a little
2 landscaping in front of that puppy?

3 MR. GROSSMARK: Objection. There is no
4 foundation to answer that question --

5 THE HEARING OFFICER: Mr. Grossmark, you're
6 going to have to speak louder. The court reporter
7 can't get you.

8 MR. GROSSMARK: Objection, foundation. There
9 is no information that this witness has the
10 authority to make that decision, and there is
11 nobody here from Groot to even answer that
12 question.

13 MR. SECHEN: I just ask the question that maybe
14 the witness can answer rather than have
15 Mr. Grossmark testify.

16 THE HEARING OFFICER: And I believe the
17 question Mr. Grossmark asked maybe with a little
18 more foundation a number of times -- I'm going to
19 let the question stand.

20 BY MR. SECHEN:

21 Q. You don't have landscaping in front of
22 that fence, do you?

23 A. Well, once again, I find myself in the
24 unusual predicament of having to explain the slide,
10

1 which is not very clear. I'm halfway there.

2 There is landscaping in front of this
3 portion of the fence. There is not any landscaping
4 along this portion of the fence or along the north
5 side in this location.

6 Q. Nor is it a wood fence or anything other
7 than a chain-link fence?

8 A. It is a chain-link fence.

9 Q. Okay. Let's move on. Comprehensive
10 plans, let's talk in general terms about
11 comprehensive plans.

12 You have a piece of property, just
13 generically in your experience, located in an
14 unincorporated area. May that property possibly be
15 the subject of a comprehensive plan?

16 MR. BLAZER: Objection, calls for speculation,
17 improper speculation.

18 THE HEARING OFFICER: Objection overruled.

19 THE WITNESS: As you put that situation, yes.
20 If you have a piece of property which is in
21 unincorporated land, the community does have the
22 right within a mile and a half of the jurisdiction
23 to slate it within their comprehensive plan.

24

1 BY MR. SECHEN:

2 Q. Now, isn't it also a fact that that same
3 property can be the subject of multiple
4 comprehensive plans for multiple communities?

5 MR. BLAZER: Objection, calls for speculation,
6 assume facts not in evidence.

7 THE HEARING OFFICER: Objection overruled.

8 THE WITNESS: Do I understand the question that
9 you're asking that there could be land that could
10 be contained in multiple communities?

11 BY MR. SECHEN:

12 Q. No. Unincorporated land being the subject
13 of multiple comprehensive plans from various units
14 of government; is that possible? Have you seen
15 that?

16 A. Yes, that is possible as long as there are
17 no boundary line agreements between those
18 communities.

19 Q. And should you have maybe multiple
20 municipalities with comprehensive plans on the same
21 piece of property and maybe a county comprehensive
22 plan in addition to that, there is no guarantee
23 that those plans are consistent, is there?

24 A. That's correct. There is no guarantee

1 that those plans will be consistent.

2 Q. And is it accurate that once a property is
3 annexed into a municipality, the municipality has
4 an opportunity to zone the property?

5 A. It's been my experience that the mere fact
6 that the property is annexed into the community,
7 it's annexed in with an underlying use, or there
8 would not be a reason to annex the property to that
9 jurisdiction.

10 Q. Well, some zoning ordinances or some
11 ordinances specifically say that when a property is
12 annexed, it may come in as a particular zoning
13 classification; is that correct?

14 A. If it's a bulk annexation, it can come in
15 at a predesignated classification. I never
16 recommend to my clients take that approach.

17 Q. Mr. Lannert, all we are interested in is
18 whether that property can come in in a
19 predesignated zoning classification, and it can
20 happen?

21 A. That is possible.

22 Q. Is it also possible or accurate to say
23 that there is no guarantee that the property will
24 ultimately be zoned in a manner that is consistent

1 with any of the comprehensive plans that cover that
2 property?

3 A. Not only --

4 MR. BLAZER: Objection, calls for speculation,
5 object.

6 THE HEARING OFFICER: Objection overruled.

7 THE WITNESS: Not only is it possible that that
8 can happen; it's also possible you could rezone it
9 even after it was zoned.

10 BY MR. SECHEN:

11 Q. And you've seen that happen, haven't you?

12 A. On a number of occasions.

13 Q. So all of this talk about comprehensive
14 plans really comes down to the fact that a comp
15 plan is really nothing more than a wish list of
16 what a governmental entity would like to see on
17 that property?

18 MR. BLAZER: Object to the form of the
19 question.

20 MR. SECHEN: Is that accurate?

21 THE HEARING OFFICER: Objection sustained.

22 THE WITNESS: Well, now, as a plan --

23 THE HEARING OFFICER: Mr. Lannert, there is no
24 question pending at this point.

1 THE WITNESS: I thought you -- excuse me.

2 BY MR. SECHEN:

3 Q. Is there -- strike that. Is it accurate,
4 Mr. Lannert, that since the zoning on ultimate
5 land -- on a piece of property is not necessarily
6 consistent with the comprehensive plan of any of
7 the municipalities that the government may have
8 planned for that particular piece of property, that
9 one could view the comprehensive plan as nothing
10 more than a wish list?

11 MR. BLAZER: Object to the form of the
12 question, also calls for speculation.

13 THE HEARING OFFICER: Objection overruled.

14 THE WITNESS: I would like to change the
15 characteristic of that, Mr. Sechen, in that the
16 comprehensive plan is determined to be a guideline
17 and a model. I would give it a little bit more
18 authenticity from a planning perspective than a
19 wish list, but while I'm saying that it does not
20 guarantee land use, it does not approve zoning.

21 BY MR. SECHEN:

22 Q. So when we talk about what can actually be
23 done with a piece of property, which one to refer
24 to is zoning?

1 A. The zoning is the vesting of the rights
2 for the use of the property. I would agree with
3 that statement.

4 Q. Okay. Can we take a look at your land use
5 aerial, please? That would be -- you just had it,
6 the other one. Exhibit 5-6, if we may, page 6.

7 Some of the other counsel walked you
8 through some of the surrounding land uses in the
9 area of the proposed transfer station. Let's just
10 take a little walk west down 120, if we can.

11 A. All right.

12 Q. We walk south across 120. You find what
13 in terms of land use? Is that property developed?

14 A. Are you speaking of the --

15 Q. Across the street.

16 A. Across the street? No, that land is not
17 developed. It's agricultural use presently.

18 Q. Is there anything inconsistent or
19 incompatible with the transfer use and that piece
20 of property given its current use?

21 A. No, there is not.

22 Q. Let's go a little further west on 120.
23 What's the next use?

24 A. This one in this location?

1 Q. Yes, sir. Further west, what's the next
2 one?

3 A. That is a piece of property that appears
4 to be used for light manufacturing uses. That's
5 what it's zoned to.

6 Q. And the name of that facility; do you
7 recall?

8 A. I believe it's Wal-Mart.

9 Q. And is there anything inconsistent with
10 the proposed use in that particular use?

11 MR. BLAZER: Object to the relevance. The
12 standard is minimizing the compatibility.

13 THE HEARING OFFICER: Objection overruled.

14 THE WITNESS: There would not be any
15 incompatibility between that zoning classification
16 and the existing zoning classification of the
17 parcel.

18 BY MR. SECHEN:

19 Q. I'm talking about use.

20 A. Oh, use, no. It's compatible, compatible
21 industrial use.

22 Q. Further west, what's the next land use?

23 A. Well, the next piece ends up being a
24 vacant piece of property before you get into

1 another small -- appears to be a small motor repair
2 business.

3 Q. Okay. Now, with respect to the vacant
4 piece of property, is there anything incompatible
5 between that use and the transfer facility that we
6 are talking about here today?

7 A. There would not be because it's vacant
8 property.

9 Q. With respect to the facility that you
10 mentioned that's adjacent to that, did you say
11 small motor repair?

12 A. That's what it appears to be as I drive by
13 the facility.

14 Q. Now, do you find anything incompatible
15 with that use and the use of our property that we
16 are talking about as a transfer facility?

17 MR. BLAZER: Objection, foundation. The
18 witness already testified he doesn't know what goes
19 on in that facility.

20 THE HEARING OFFICER: Objection overruled.

21 THE WITNESS: No, I don't find anything
22 incompatible. That facility is set back off of the
23 road. It's set back below grade. So it's really
24 hard to see unless you're looking for it.

1 BY MR. SECHEN:

2 Q. The next one west?

3 A. The next one west, there is a finger of
4 open space before you get to a couple of white
5 storage buildings.

6 Q. Okay. Well, let's take the open space. I
7 take it given your previous answers that there is
8 nothing incompatible with that use and the use of
9 our property that we are talking about here today
10 as a proposed transfer facility; is that correct?

11 MR. BLAZER: Objection, relevance.

12 THE HEARING OFFICER: Objection overruled.

13 THE WITNESS: There would not be because that
14 also is vacant property.

15 BY MR. SECHEN:

16 Q. And the white storage facility, same
17 question. Would that be the same answer, nothing
18 incompatible there either?

19

20 MR. BLAZER: Objection, foundation.

21 THE HEARING OFFICER: Objection overruled.

22 THE WITNESS: That would be true. Also, again,
23 I'm not aware of what's happening inside the
24 building. They just appear to be -- they are on

19

1 the site, and they could be used.

2 MR. BLAZER: Mr. Hearing Officer, if I may.
3 Mr. Karlovics has just had a very good suggestion.
4 Could I just have the record reflect I have a
5 standing objection to every one of Mr. Sechen's
6 questions?

7 THE HEARING OFFICER: Every one of his
8 questions forever or every one of his questions
9 regarding compatibility?

10 MR. BLAZER: Every one of his questions with
11 this witness. I think Peter had a great idea.

12 THE HEARING OFFICER: Fair enough.

13 MR. BLAZER: That way I can stop interrupting.

14 BY MR. SECHEN:

15 Q. Now, the only thing that anybody has
16 been -- maybe the property or the land use that we
17 spent perhaps the most time talking about is the
18 mobile home park at Timber Creek, I believe it is?

19 A. That's correct.

20 Q. And that's in excess of a thousand feet
21 from the proposed facility; is that accurate?

22 A. Yes. It is outside the thousand-foot
23 setback requirement.

24 Q. Now, let's take a walk outside the

1 proposed facility right toward Timber Creek to the
2 closest point. What's the first thing we are going
3 to go -- we're going to cross, what street would
4 that be, Porter Drive I assume?

5 A. This is Porter Drive in this location.

6 Q. So right on the other side of Porter Drive
7 is what?

8 A. Well, presently it's a vacant piece of
9 property. It's zoned light industrial, and it's
10 the depot business park that was just approved
11 recently.

12 Q. And that's going to be a C&D processing
13 facility; is that correct?

14 A. That's my understanding.

15 Q. Now, beyond that, how far are we -- what's
16 the next land use? Is the next land use Timber
17 Creek?

18 A. Depending on what corner you are speaking
19 of, Mr. Sechen, this is the westerly property line.
20 This is another piece of property, which is where
21 the creek runs through. This piece is wooded. The
22 piece of property immediately north of that is the
23 hauling yard. Next to that on the south side is an
24 open field, and then you get to the Timber Creek

1 project area.

2 Q. All -- I'm sorry. I almost cut you off
3 there. All of those intervening land uses to some
4 extent would buffer Timber Creek, is that accurate,
5 from the proposed use?

6 A. Very much so. A number of things are
7 solidifying that as a good buffer. We have
8 distance. We have elevation, and we have
9 vegetation. We additionally as it relates to the
10 hauling operation, have that wall I spoke of
11 earlier, but most importantly, we have berms and
12 buffers in addition to that on our side, which is
13 greatly removed from that side -- from that
14 neighbor.

15 Q. In addition then to the berms that we
16 talked about around the subject facility and their
17 impact on noise, we have additional berms and walls
18 closer to Timber Creek?

19 A. That is correct.

20 MR. SECHEN: Can I have just one second?

21 THE HEARING OFFICER: Yes, sir.

22 MR. SECHEN: It's really bad when you can't
23 read your own handwriting.

24 Mr. Lannert, I have no further questions.

1 Mr. Hearing Officer, I tender the witness.

2 THE HEARING OFFICER: I have a few follow-up
3 questions as clarification. Give me a second.

4 EXAMINATION

5 BY THE HEARING OFFICER:

6 Q. Why is there no landscaping on the north
7 side?

8 A. On the north side of the property line?

9 Q. Yes.

10 A. Well, I guess maybe that's a term of art.
11 I would call the open bio-swale, which is used for
12 storm water, a landscape feature. And so,
13 therefore, I would say that there is some landscape
14 there.

15 Q. Vegetation, maybe that's a better
16 question?

17 A. There is not any vegetation because of the
18 physical requirements of conveying that water
19 through the bio-swale as well as the existing fence
20 on the adjacent lot, and then even more so, the
21 walls of the two structures which are part of that
22 facility are very close to the property line, and
23 there is no need to screen or buffer those uses
24 from this site.

23

1 Q. When you say the walls of that facility,
2 you're talking about the walls of the adjacent
3 facility?

4 A. Correct. There's two buildings there.
5 There is solid walls. There is no windows. They
6 are just warehouse industrial buildings.

7 Q. How wide, approximately, is the bio-swale,
8 you know, halfway down the property line, which
9 looks like it's probably its narrowest point?

10 A. I want to say approximately 20, 25 feet,
11 but I have to check the engineering plans to
12 confirm that.

13 Q. If you can go to -- again, I have the same
14 problem as Mr. Sechen has about reading --

15 MR. SECHEN: But you don't have near as many.

16 THE HEARING OFFICER: -- reading my own notes.

17 BY THE HEARING OFFICER:

18 Q. Why the chain-link fence instead of a
19 solid fence?

20 A. I did not -- I don't have an answer to
21 that question.

22 Q. So that wasn't a decision you made?

23 A. Correct.

24 Q. Who made that decision; do you know?

1 A. It was told to me that we have a
2 chain-link security fence around the perimeter of
3 the property, and that's what I've depicted.

4 Q. You picked three areas of study, for lack
5 of a better word. You picked thousand feet, half
6 mile and a mile. Could you tell me why -- I think
7 you made it very clear why you chose the thousand
8 feet, and I think you also talked about why you
9 chose the mile. What I didn't hear you talk about
10 was why the half mile was chosen.

11 A. That was a tiebreaker because it was such
12 a slam-dunk in terms of a thousand feet. The
13 one-mile study radius gained over two
14 thousand acres of property, so I wanted to see if
15 there was any linkage between the land uses between
16 the mile and a thousand feet.

17 Q. I may be the one person in this room or
18 maybe not the one, but one of the people in this
19 room who is not as familiar with everyone -- as
20 everyone else with this particular area. So if
21 someone could go back to that aerial that was up
22 here, I would appreciate it. That one, yes.

23 From what I've heard, I'm assuming that
24 Timber Creek is just to the west -- the southeast

1 corner of Timber Creek is what I would say is the
2 yellow area to the east of the Baxter and the Groot
3 facilities; correct?

4 A. That is correct. There is a common
5 property line between Timber Creek, Baxter and the
6 hauling operation.

7 Q. Okay. Is there -- what I'm trying to
8 understand is where the Timber Creek homes ends.
9 I'm trying to understand the depth of that property
10 or that development, and to the extent you can
11 explain it without just the pointer, I think it
12 would be helpful for the record.

13 So maybe what we should do is start at
14 that southeast corner. Okay. And if we go to the
15 west, directly to the west, until I get to what I'm
16 going to call the blue line on sheet number one of
17 your report -- do you see the blue and orange line
18 there?

19 A. Yes. That is the corporate limit line
20 between Round Lake Park and Round Lake.

21 Q. Is that the western border of Timber
22 Creek?

23 A. Yes, it is.

24 Q. Okay. So if I go from that corner to the

1 north and say on that municipal border, is Timber
2 Creek all the way the area in yellow up to the
3 north until I see green?

4 A. Yes, until you get to the green or until
5 you get to that intersection of our half-mile study
6 area.

7 Q. Okay. And so would it be fair to say that
8 Timber Creek is really that "U" area in yellow
9 right at that point?

10 A. "U" from the standpoint that it wraps
11 around this purple use, but this corridor that
12 comes down between them, there is only one roadway
13 joining the east and west side of Timber Creek
14 through that green area, which is part of the creek
15 that runs all the way down under 120 and further to
16 the south. But everything as you've described it
17 over to the Groot and Baxter line is Timber Creek.
18 As Mr. Blazer said yesterday, there is over 400
19 homes within that area. But like most
20 industrial -- like most mobile home parks, those
21 are always spread out, and mobile homes sit between
22 the units, not on the ends of the units.

23 Q. Okay. But the northeast border, for lack
24 of a better word, of Timber Creek is the railroad

1 line approximately?

2 A. Yes, but there is a large increased
3 setback for their facility off the roadway.

4 Q. Okay. Thank you. I see areas
5 particular -- and again, I'm looking at drawing one
6 of your report. In the southwest quadrant, for
7 lack of a better word, that are bordered by both
8 the orange and purple, do you see those areas?

9 A. Yes.

10 Q. There is two of them. What does that
11 signify, both the orange and the purple?

12 A. That signifies unincorporated areas that
13 are still within the jurisdiction of the county.

14 THE HEARING OFFICER: I have nothing further.
15 Mr. Helsten?

16 MR. HELSTEN: Mr. Hearing Officer, I have no --
17 conditionally have no redirect. This is somewhat
18 tongue in cheek. Unless you're going to allow
19 Mr. Blazer recross when I have no redirect, because
20 if that's the case, then I'll ask one limited
21 question in redirect and object to anything beyond
22 the scope of that. I'm being somewhat --

23 THE HEARING OFFICER: Here is the problem I
24 have, and the problem is that we have cross

1 examinations that may or may not be cross
2 examinations. And I know I went through this
3 yesterday, but some of these questions have
4 actually expanded on your direct rather than the
5 cross-examining. So it kind of puts people in a
6 situation -- and I'm trying to keep it very much
7 into clarification, so I am going to allow
8 clarifications, but please, if people go beyond
9 that into areas that they could have crossed about
10 before, I'm going -- feel free to object, and I
11 will sustain those objections.

12 MR. HELSTEN: For the record, and with all due
13 respect to you, I'm going to make a motion to bar
14 recross for the record if I can, and here is my
15 basis.

16 To your credit, and I mean this sincerely,
17 consistent with the spirit of this siting
18 ordinance, you have allowed exhaustive cross, as
19 you've just recognized, so that all participants
20 and members of the interested public have had the
21 ability to ask all of the questions they may want.

22 Mr. Mueller, I'm not going to submit that.
23 I'm just going to orally argue.

24 All of those questions which you allow, to
29

