

1 **MINUTES OF REGULAR MEETING**

2 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

3 **1776 E. Washington Street**

4 **Urbana, IL 61801**

5 **DATE: February 27, 2020**

6 **PLACE: Lyle Shields Meeting Room**
7 **1776 East Washington Street**

8 **TIME: 6:30 p.m.**

9 **Urbana, IL 61802**

10 **MEMBERS PRESENT:** Tom Anderson, Marilyn Lee, Jim Randol, Lee Roberts, Larry Wood

11 **MEMBERS ABSENT:** Ryan Elwell

12 **STAFF PRESENT:** Connie Berry, Susan Burgstrom, John Hall

13 **OTHERS PRESENT:** Brody Block, Bruce Block, Shawn Walker, Autumn Walker, Aaron Esry,
14 Andrew Hall, Andrew Bequette, Dennis Abbott, Eric Thorsland, Ben
15 Goeckner, Gary Jacobson

16 **1. Call to Order**

17 The meeting was called to order at 6:30 p.m.

18 Mr. John Hall, Zoning Administrator, informed the Board that due to the absence of Ryan Elwell, Board
19 Chair, the Board is required to appoint an Acting Chair for tonight's meeting.

20 **Ms. Lee moved, seconded by Mr. Roberts, to appoint Larry Wood as Acting Chair for tonight's
21 meeting. The motion carried by voice vote.**

22 **2. Roll Call and Declaration of Quorum**

23 The roll was called, and a quorum declared present.

24 Mr. Wood informed the audience that anyone wishing to testify for any public hearing tonight must sign the
25 witness register for that public hearing. He reminded the audience that when they sign the witness register,
26 they are signing an oath.

27 **3. Correspondence - None**

28 **4. Approval of Minutes: January 16, 2020**

29 Mr. Wood entertained a motion to approve the January 16, 2020, minutes.

30 **Ms. Lee moved, seconded by Mr. Roberts, to approve the January 16, 2020, minutes.**

31 Mr. Wood asked the Board if there were any corrections or additions to the minutes, and there were none.
32 **The motion carried by voice vote.**

33 **5. Continued Public Hearing - None**

1 **6. New Public Hearings**

2
3 **Case 967-S-19** Petitioner: **Bruce and Brody Block, d.b.a. Block Field Tiling, LLC. Request to**
4 **authorize a Contractor's Facility with Outdoor Storage and Outdoor Operations as a Special Use in**
5 **the AG-1 Agriculture Zoning District. Location: A 35-acre tract in the South Half of the Southeast**
6 **Quarter of Section 7, Township 17 North, Range 11 East of the Third Principal Meridian in Ayers**
7 **Township with an address of 2460 CR 400N, Broadlands.**

8
9 Mr. Wood informed the audience that Case 967-S-19 is an Administrative Case and as such, the County
10 allows anyone the opportunity to cross-examine any witness. He said that at the proper time, he will ask for
11 a show of hands for those who would like to cross-examine, and each person will be called upon. He
12 requested that anyone called to cross-examine go to the cross-examination microphone to ask any questions.
13 He said that those who desire to cross-examine are not required to sign the witness register but are requested
14 to clearly state their name before asking any questions. He noted that no new testimony is to be given
15 during the cross-examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-
16 Laws are exempt from cross-examination.

17
18 Mr. Wood informed the audience that anyone wishing to testify for any public hearing tonight must sign the
19 witness register for that public hearing. He reminded the audience that when they sign the witness register,
20 they are signing an oath. He asked the audience if anyone desired to sign the witness register and there was
21 no one.

22
23 Mr. Wood asked the petitioners if they would like to make a statement regarding their request.

24
25 Mr. Bruce Block, who resides at 200 West Diller, Broadlands, stated that they are petitioning to switch only
26 a five-acre tract from the 35 acres for a Contractor's Facility with Outdoor Storage and Outdoor Operations.
27 He said that previously the five-acre tract was a feed lot for cattle and was never farmed. He said that there
28 is one building and a couple of grain bins on the five-acre tract and they have been using the tract to store
29 their equipment and placement of concrete from demolition jobs for crushing into rock. He said that they
30 are 28 miles from the nearest facility to take concrete from demolition jobs so they purchased a small
31 crusher of their own to install onto their skid loader, although it was quickly determined that it was not big
32 enough to serve their needs, so they purchased a larger portable machine. He said that the new machine will
33 crush approximately 30 tons per hour.

34
35 Mr. Wood asked the Board if there were any questions for Mr. Block.

36
37 Ms. Lee stated that Mr. Block stated that they are only requesting the special use for a five-acre tract,
38 although the memorandum indicates that the location is a 35-acre tract. She asked why the special use is not
39 limited to just the five-acres in lieu of 35 acres.

40
41 Mr. Hall stated that the site plan indicates that the area is only five-acres and the legal description of the
42 property in general is the 35 acres, and this is a typical way for a special use permit to be done.

43
44 Mr. Block clarified that they only applied for a special use permit on the five-acre tract.

45
46 Mr. Hall agreed.

47
48 Ms. Lee stated the memorandum indicated a complaint regarding disposal of materials from the Illinois

1 Route 49 project, and IDOT District #5 did not allow the Blocks to continue to accept those materials
2 because they were not considered an approved waste site. She asked Mr. Block if his facility was currently
3 approved as a waste site.

4
5 Mr. Block stated that the people who were hauling in the material to their site were required to obtain a
6 permit. He said that he and his son were not aware that a permit was required for the transporters to bring
7 the material to their site and it wasn't their responsibility to obtain the permit. He said that at this point, he
8 does not believe that the transporters obtained the permit because they were waiting for the outcome of the
9 special use permit.

10
11 Ms. Lee asked Mr. Block if the site is not an approved waste site currently, does he plan for it to become an
12 approved waste site in the future.

13
14 Mr. Block stated that he does not believe that the delivery of the material required them to become an
15 approved waste site. He said that the transporters require approval that the site is a designated spot for
16 storage of the material, and he does not believe that it is designated as a waste site requiring a permit.

17
18 Mr. Brody Block, who resides at 201 South Harrison, Philo, stated that the transportation company that was
19 working for the state brought the material to their site without the proper permit to do so, thus the deliveries
20 were halted until they could apply for that proper permit. He said that the transportation company decided
21 that it would be best for them to not apply for the proper permit until this special use permit process was
22 completed. He said that the DOT site is not a waste site, but it does need to be checked to ensure that the
23 site is not a wetland or swamp. He said that they were informed that the current shoulder millings would be
24 removed from their site because it wasn't approved as a DOT site, but their intent is to get it approved.

25
26 Mr. Wood asked Mr. Hall if asphalt millings were considered hazardous waste due to the petroleum content.

27
28 Mr. Hall stated that recycling asphalt is not considered a hazardous waste, because once it is recycled it
29 needs to be reused. He said that stockpiling recycled asphalt is a different matter and it requires special care
30 because it is preferred that it be recycled and applied.

31
32 Mr. Brody Block stated that by IEPA standards, 25% of the material has to be moved every year.

33
34 Ms. Lee stated that this use appears to be more of an industrial operation than it does a contractor's facility.

35
36 Mr. Hall stated that it is not unusual for a contractor to do some recycling of materials that they encounter
37 during their contracting work, and in fact, this is one issue that needs raised tonight. He said that there is a
38 use in the Zoning Ordinance for just recycling of non-hazardous material and that use is supposed to take
39 place inside of a building. He said that, in his view, the recycling of non-hazardous material is not the
40 principal use, but it is occurring in regards to the asphalt and the concrete, and as an accessory use that
41 would have to meet the same use as the principal use, which is that it must occur inside of a building. He
42 said that particular requirement in the Zoning Ordinance was adopted in the mid-1990's when recycling was
43 becoming a popular thing and it is not clear to him why recycling of concrete or asphalt needs to be done in
44 a building, but that is what is required. He said that the submitted site plan indicates where concrete to be
45 crushed would be stored, and a concrete storage area, but nowhere on the site plan is the crushing area
46 proposed. He asked the Mr. Block if the crushing would occur in the new building which is proposed on the
47 site plan.

48

1 Mr. Bruce Block stated yes, because during inclement weather and the winter, the equipment would operate
2 better inside a building and would provide them more available days to work. He said that a little bit to the
3 north of the indicated area for the proposed building is the location where they currently crush the concrete.
4 He said that throughout the county, there are several other places that crush concrete outside and several of
5 those businesses are near the Champaign-Urbana area.
6

7 Mr. Hall stated that he was only aware of one near the Champaign-Urbana area which is in the County's
8 jurisdiction, and that facility has been referred to the State's Attorney's office for legal action. He said that
9 he is always interested in knowing of other such facilities that may be occurring in the unincorporated areas
10 of the County, but he is glad to hear that Mr. Block intends to do the crushing in the proposed building and
11 he would recommend that it be an addition to the site plan so that in the future it is known that is indeed
12 what was proposed. He said that the Board may want to create a special condition indicating that any
13 crushing or recycling of concrete or asphalt must take place inside a building. He said that such a special
14 condition would make the use conform to the Zoning Ordinance requirements and would reflect what Mr.
15 Block has just described.
16

17 Ms. Lee asked Mr. Block if they only provide a service for agricultural farm tiling, or do they contract out
18 for commercial tiling projects.
19

20 Mr. Bruce Block stated that they generally only provide services for agricultural farm tiling, although they
21 have done a few small tiling projects around a residence.
22

23 Ms. Lee asked Mr. Block to provide a percentage of agricultural farm tiling versus residential tiling.
24

25 Mr. Bruce Block stated that 95% of their tiling service is for agriculture and the remaining 5% is for
26 residential.
27

28 Ms. Burgstrom asked Mr. Block if the crushing of the concrete would always occur inside the proposed
29 building and not only during inclement weather and the winter months.
30

31 Mr. Bruce Block stated that if they are required to crush the concrete inside of the building, then that is what
32 they will do.
33

34 Mr. Wood stated that the memorandum indicates that the petitioners have obtained a ROSS permit. He
35 asked Mr. Block to indicate what a ROSS permit entails.
36

37 Mr. Bruce Block stated that a ROSS permit is for small emissions. He said that they have fairly new
38 equipment, the crusher is only two years old, that has emission control functions on it, and that is a
39 requirement. He said that you are registered for a ROSS permit if you are under the guidelines for the
40 requirement of a larger permit, which they are, but if at any point in the future the use becomes above the
41 threshold for a ROSS permit, then it can be transferred for the larger required permit for higher amounts of
42 emissions.
43

44 Mr. Hall asked Mr. Block how much actual crushing a ROSS permit would allow. He said that since staff is
45 not aware of the specifics of the crushing machine, would the permit allow them to crush half of the days of
46 the year, or what would exceed the ROSS permit.
47

48 Mr. Bruce Block stated that it is hard to distinguish all of the language on the permit, but over the last year

1 and one-half they have crushed 140 hours on the site.
2
3 Ms. Lee asked Mr. Block to indicate how much concrete can be crushed per hour.
4
5 Mr. Bruce Block stated they can crush approximately 30 tons per hour.
6
7 Ms. Lee asked if that would be 30 tons times 140 hours.
8
9 Mr. Bruce Block stated that they have crushed 4,200 tons of concrete in a year and one-half.
10
11 Ms. Lee asked Mr. Block if the ROSS permit limits the amount of crushing that may occur with the new
12 machine.
13
14 Mr. Bruce Block stated that he cannot remember what the limits were, but they are well under the threshold
15 that would require a different permit. He said that more than five tons of combined pollutants would require
16 something larger than a ROSS permit, and they are less than one ton of pollutants currently.
17
18 Mr. Wood asked if that was based on an annual basis.
19
20 Mr. Bruce Block stated yes.
21
22 Mr. Hall asked Mr. Bruce Block if he recalled how many tons of crushing it would take to produce that one
23 ton of pollution.
24
25 Mr. Bruce Block stated that he did not know.
26
27 Mr. Hall asked Mr. Block if he used the calculator that the IEPA has on its website.
28
29 Mr. Bruce Block stated yes, and if the use gets above the threshold, then he could apply for the higher
30 permit. He said that once a business is registered, applying for the higher permit is a simple procedure.
31
32 Mr. Hall asked Mr. Bruce Block if the IEPA would have additional standards when the threshold is
33 exceeded for the ROSS permit.
34
35 Mr. Bruce Block stated that he would have to pay a higher fee for the permit.
36
37 Mr. Randol asked Mr. Bruce Block how the amount of crushing is monitored. He asked if it was only per
38 Mr. Block's verbal verification or are their actual written records.
39
40 Mr. Bruce Block stated that it is pretty much by his verbal verification, otherwise the IEPA would need to
41 have someone at every business all the time to monitor the crushing.
42
43 Mr. Randol asked Mr. Bruce Block if they store the crushed material on site, or do they recycle the concrete
44 and sell it fairly quick.
45
46 Mr. Bruce Block stated that they do not keep very much crushed material on site.
47
48 Ms. Lee asked Mr. Bruce Block to indicate how much is not very much crushed material on site.

1 Mr. Bruce Block stated that they have 150 tons on site. He said that they have a pile of bricks which would
2 probably weigh 100 tons, and that is not a very big pile as it is only about five semi loads.
3

4 Mr. Wood asked Mr. Bruce Block to indicate what type of new structure would be constructed.
5

6 Mr. Bruce Block stated that they plan to construct a fabric hoop building.
7

8 Mr. Wood asked Mr. Bruce Block if the crushing would occur inside of the hoop building.
9

10 Mr. Bruce Block stated yes.
11

12 Mr. Wood stated that crushing in the hoop building should take care of almost all of the dust.
13

14 Mr. Bruce Block stated yes. He noted that the crusher has a jet that they run a water hose to, and they use
15 this system to spray the crushed material as it comes out of the crusher to control the dust. He said that
16 during the winter, the freezing temperatures makes it is hard to use the water hose system.
17

18 Mr. Anderson asked Mr. Bruce Block if he was aware of the affidavit that was prepared by Robert Lewis.
19

20 Mr. Bruce Block stated that he was not aware of the affidavit.
21

22 Mr. Anderson stated that he assumes that Mr. Lewis is present tonight and would be providing testimony
23 tonight regarding the affidavit. He said that the affidavit lists several points regarding potential conflict due
24 to the crushing operation that occurs on Mr. Block's property, and he is not sure that the new crushing
25 machine will handle all of these points.
26

27 Mr. Brody Block stated that he would like to hear those several points.
28

29 Mr. Bruce Block stated that they have not received a copy of the affidavit to review.
30

31 Ms. Burgstrom indicated that the affidavit was Attachment C, Pages 1 and 2, to Supplemental Memorandum
32 #2 for Case 967-S-19.
33

34 Mr. Bruce Block stated that they have certainly attempted and, for the most part, have not crushed rock
35 when the wind is blowing in the direction of their neighbor's properties. He said that there are several days
36 when they have not operated the crusher at all due to that wind direction; therefore, he does not believe that
37 Mr. Lewis is receiving the amount of dust that he indicates in Item 4.B. of the affidavit. He said that they do
38 spray water on the rock as it is crushed to maintain the dust created from the crushed material. He said that
39 he could provide videos of their crushing operation that would indicate the amount of dust that is created on
40 any given day.
41

42 Mr. Brody Block stated that regarding Item 4.A. of Mr. Lewis' affidavit, the mice, rats, voles and rabbits
43 that Mr. Lewis speaks about are not coming from the Block operation because they do not have that problem
44 at their property.
45

46 Mr. Bruce Block stated that they do not see any rats, mice or voles at their property because they have
47 poison boxes out for such rodents. He said that he has dug through a lot of concrete at the property and he
48 has not seen any rats, mice or voles.

1 Mr. Brody Block stated that they do see rabbits, but there are always plenty of rabbits around.
2
3 Ms. Lee asked which is louder, crushing the concrete or the bricks.
4
5 Mr. Bruce Block stated that the crushing of the concrete is the loudest, but the crushing itself is not that loud.
6 He said that the loudest thing that they do during their operation is running the concrete breaker to break up
7 some of the larger hunks into smaller pieces. He said that he drove his truck out to the road between his
8 property and Mr. Jacobson and Mr. Lewis' properties while they were operating the two skid-steers and the
9 crusher, and he recorded 62 decibels of sound. He said that said that the IEPA chart indicates that 62
10 decibels are equivalent to a quiet neighbor.
11
12 Ms. Lee asked if the decibel reading was during the crushing of the concrete.
13
14 Mr. Bruce Block stated yes.
15
16 Ms. Lee asked Mr. Bruce Block if he knew the decibel level while crushing the bricks.
17
18 Mr. Bruce Block stated that the crushing itself does not make that much noise, but it is basically the
19 machines that make the noise.
20
21 Ms. Lee asked Mr. Bruce Block to indicate what machine was operating when he measured the noise at 62
22 decibels.
23
24 Mr. Bruce Block stated that the crusher was being operated and two skid-steers; one was loading the crusher
25 and the other was moving the rock away from it.
26
27 Ms. Lee asked Mr. Bruce Block to indicate how much noise the breaker creates.
28
29 Mr. Bruce Block stated that he has not measured the noise for the breaker.
30
31 Mr. Hall asked Mr. Bruce Block if the concrete breaker is separate from the concrete crusher.
32
33 Mr. Bruce Block stated that the concrete breaker is much like a small jackhammer that mounts onto one of
34 their skid-steers; if you have ever heard a jackhammer running, it is pretty loud when you are next to it, but
35 Mr. Jacobson's property is approximately 625 feet away from the subject site and by the time the noise gets
36 to him it would be pretty minute.
37
38 Mr. Wood asked the Board if there were any additional questions for the petitioners.
39
40 Mr. Tom Anderson stated that he was expecting most of the discussion tonight to be about the barriers. He
41 said that he drove past the subject site and was surprised as to how high the pile appeared, and that a six-foot
42 fence or small trees would not block the view of any of it. He said that evidently, the petitioners are not
43 monitoring the height of the piles of material, because some of the photographs in the memorandum
44 indicates several small piles, yet the piles that he saw yesterday when he visited the site were not small at all.
45
46 Mr. Block stated that they do have a pile of bricks that is higher than normal, but they only did that to create
47 additional space on the site. He said that during the winter weather and freezing temperatures the material
48 freezes as well, and it is difficult to get it broken loose from the ground and crushed. He said that three

1 months ago, prior to the winter weather, the main lot was cleared out and all of the rock and bricks were
2 crushed up, but since that time they have hauled in materials and it has frozen. He said that the weather
3 works against them during this time of year, and he understands that a six-foot tree would not cover up
4 everything that could be seen, but if a barrier is not preferred by the neighbors then they would consider
5 planting trees. He said that it will take some time for the trees to grow, so they thought about planting
6 ornamental grasses that would grow quickly or install a fence, and if that is required, then that is what they
7 will do. He noted that when you are on the road you are looking down towards the subject site because the
8 road is higher than the site.

9
10 Mr. Randol stated that Shawn Walker, Ayers Township Highway Commissioner, provided a letter indicating
11 his concerns regarding the road. He asked Mr. Bruce Block if he had spoken with Mr. Walker regarding the
12 use and the generated traffic on the road.

13
14 Mr. Bruce Block stated that he had not spoken with Mr. Walker because he did not know that Mr. Walker
15 was concerned about the road. Mr. Block stated that CR 400N is probably one of the best roads in
16 Champaign County because the township resurfaces it almost every year. He said that roads exist for people
17 to use them, and people are paying taxes for that use. He said that farmers drive up and down the roads with
18 a semi loaded with grain that weighs as much as the trucks that comes to his site, if not more.

19
20 Mr. Randol stated that Mr. Walker was not singling out the Block's use but was only indicating his concern
21 regarding the road because it is one of the better roads in the township.

22
23 Mr. Block stated that he hadn't reviewed Mr. Walker's letter yet.

24
25 Mr. Wood stated that perhaps a concern that he might have is the volume that is currently taking place at the
26 site is one-fifth that is allowed under their permit; therefore, what happens when they get to the maximum
27 amount allowed under that permit.

28
29 Mr. Bruce Block stated that physically, they can only do so much because they are a small operation and
30 they can't handle much more than they are doing currently. He said that he and his son do most of the work
31 with a small amount of part-time help. He said that they do not operate at the site every day and currently
32 their crusher is in Paris, Illinois for a job. He said that the crusher is small enough that it can be hauled on a
33 semi-trailer and generally they are at other sites completing contracted jobs. He said that when they get
34 caught up with their off-site work, they start crushing the concrete that is at the site and move it off the
35 property. He said that there are times when they do not work at the subject site for two weeks in a row, and
36 at other times they may work three or four days in a row, or a couple of afternoons a week. He said that
37 their operation at the subject site is not a full-time everyday operation that starts at 8:00 a.m. and ends at
38 5:00 p.m. He said that out of respect for others, they do not usually operate at the site on Saturdays or
39 Sundays so that everyone can enjoy their weekend being quiet.

40
41 Mr. Wood asked the Board and staff if there were any questions for the petitioners, and there were none.

42
43 Mr. Wood asked the audience if anyone desired to cross-examine the petitioners. He requested that anyone
44 called to cross-examine go to the cross-examination microphone to ask any questions. He said that those
45 who desire to cross-examine are not required to sign the witness register but are requested to clearly state
46 their name before asking any questions. He noted that no new testimony is to be given during the cross-
47 examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are exempt
48 from cross-examination.

1 Andrew Bequette, attorney, asked Mr. Bruce Block if the subject site was the only property that he owned.
2
3 Mr. Bruce Block stated that he owned the subject property and the lot where his residence is located in
4 Broadlands.
5
6 Mr. Bequette asked Mr. Bruce Block if his business owned any other property in Champaign County.
7
8 Mr. Bruce Block stated no.
9
10 Mr. Bequette asked Mr. Bruce Block if his son owned any other property in Champaign County.
11
12 Mr. Bruce Block stated no.
13
14 Mr. Bequette asked Mr. Bruce Block if he was the mayor of Broadlands.
15
16 Mr. Bruce Block stated yes.
17
18 Ms. Burgstrom reminded Mr. Bequette that he could only ask the petitioners questions that they have
19 testified to, and any other questions must be presented to the Board by Mr. Bequette as witness testimony,
20 and then the Board could ask the petitioner those questions.
21
22 Mr. Bequette requested that staff inform him when he has gone beyond the scope of what he is allowed to
23 ask the petitioner.
24
25 Mr. Bequette asked Mr. Bruce Block when they began doing something at the subject site that was not
26 agriculture.
27
28 Mr. Randol stated that Mr. Bequette's question has not been part of Mr. Bruce Block's testimony. He
29 informed Mr. Bequette that during cross-examination, he could only ask the petitioners questions about
30 items that have been discussed between the petitioner and the Board. He said that if an issue has not been
31 brought up during the petitioner's testimony or this Board, then Mr. Bequette could not bring it up during
32 cross-examination.
33
34 Mr. Bequette requested he opportunity to call Mr. Block as his own witness, and if he cannot do so, he
35 would like to have his object noted to the record in case this is ever reviewed in court.
36
37 Mr. Hall stated that the appropriate way would be for Mr. Bequette to receive the answers to his questions
38 would be to pose those questions to the Board and then the Board could ask those questions to the petitioner.
39 He informed Mr. Bequette that he can cross-examine the petitioners about any information that they present
40 during their testimony, but he cannot question them as if we were in a court setting, it is not how the Zoning
41 Board of Appeals works.
42
43 Mr. Bequette asked the Board to ask the petitioner when they started a business at the subject site that was
44 not considered agriculture.
45
46 Mr. Hall noted that Mr. Bequette's question should be posed to the Board when he is testifying and not
47 during cross-examination. He said that once the petitioner has left the testifying location, then Mr. Bequette
48 can pose his questions to the Board, and even though it is a laborious process, it is to ensure fairness to all

1 parties.

2

3 Mr. Bequette asked Mr. Bruce Block if the ROSS permit is the only permit obtained for the site.

4

5 Mr. Bruce Block stated that the ROSS permit is the only permit that has been obtained for the site.

6

7 Mr. Bequette asked Mr. Bruce Block if he does not have a Land Pollution Control Facility and Waste
8 Storage permit.

9

10 Mr. Bruce Block stated no.

11

12 Mr. Bequette asked Mr. Bruce Block if he had submitted a Fugitive Particulate Control Permit with the
13 IEPA.

14

15 Mr. Bruce Block stated no.

16

17 Mr. Bequette asked Mr. Bruce Block to indicate how he measures the emissions of particulate that is
18 reported to the IEPA.

19

20 Mr. Bruce Block stated that he uses the chart that the IEPA has on their website.

21

22 Mr. Bequette asked Mr. Bruce Block how he measured the emissions so that he could enter it into the chart.

23

24 Mr. Bruce Block stated that he uses the hours that the machine was operated and the specifications for
25 output.

26

27 Mr. Bequette asked Mr. Bruce Block if he is currently storing asphalt on the property.

28

29 Mr. Bruce Block stated yes.

30

31 Mr. Bequette asked Mr. Bruce Block if he has obtained an estimate regarding the trees that he intends to
32 plant on the subject property.

33

34 Mr. Bruce Block stated no.

35

36 Mr. Bequette asked Mr. Bruce Block if he had design plans for the proposed building.

37

38 Mr. Block stated yes.

39

40 Mr. Wood reminded Mr. Bequette that his questions can only be in regard to the petitioner's testimony.

41

42 Mr. Bequette stated that the petitioner did present testimony regarding the proposed building; therefore, he
43 assumed he could ask questions about that building.

44

45 Mr. Bruce Block repeated that he does have plans for the building.

46

47 Mr. Bequette asked Mr. Bruce Block if the plans were designed by an architect.

48

1 Mr. Bruce Block stated no.
2
3 Mr. Bequette asked Mr. Bruce Block if the designed plans include ventilation for the dust that is created
4 inside of the building.
5
6 Mr. Brody Block stated that the proposed building would be an open sided building, which will have one
7 side that will be open.
8
9 Mr. Bequette asked Mr. Brody Block if he is indicating that the proposed building will not be totally
10 enclosed.
11
12 Mr. Brody Block stated that the south and east sides will totally be closed, the west side will be closed with a
13 door, and the north side will be open.
14
15 Mr. Bequette asked the petitioners to indicate the number of employees, full-time and part-time, for the
16 operation on site.
17
18 Mr. Bruce Block stated that sometimes they only have one employee at the site, and sometimes they have
19 two.
20
21 Mr. Bequette asked the petitioners if there had been any effort to ensure that the piles do not collapse and
22 fall onto one of their employees.
23
24 Mr. Brody Block asked Mr. Bequette to be more specific.
25
26 Mr. Bequette asked the petitioners if the piles are secure so that they do not collapse upon themselves or
27 their employees.
28
29 Mr. Brody Block stated that the piles are piled so that they cannot fall or collapse.
30
31 Mr. Bequette asked Mr. Brody Block if no special efforts are made to ensure that the piles do not fall onto
32 their employees, because he believes that they are piled correctly.
33
34 Mr. Brody Block stated yes.
35
36 Mr. Bequette asked Mr. Bruce Block to indicate how long a pile sits on the property before it is removed.
37
38 Mr. Bruce Block stated that they have a pile of concrete that has been on the property for over four years,
39 but they are currently working on crushing the concrete so that it can be removed.
40
41 Mr. Bequette asked Mr. Bruce Block if they water down the concrete as they crush it.
42
43 Mr. Bruce Block stated yes, it is watered after it is crushed and comes out onto the belt.
44
45 Mr. Bequette asked Mr. Bruce Block to indicate what happens to the water after it hits the crushed concrete.
46
47 Mr. Bruce Block stated that most of the water soaks into the crushed concrete.
48

- 1 Mr. Bequette asked Mr. Bruce Block to indicate what happens to the water that does not soak into the
2 crushed concrete.
3
- 4 Mr. Bruce Block stated that in a day's time there might be four or five gallons of water that runs out of the
5 bottom of the crusher and onto the ground, but generally the crushed material is so dry that the water is
6 absorbed into it.
7
- 8 Mr. Bequette asked Mr. Bruce Block to indicate what type of other materials are kept at the property other
9 than asphalt and concrete.
10
- 11 Mr. Bruce Block stated that they do get metal out of the concrete, because the crusher machine has a magnet
12 that removes the metal and rebar out of it, and they pile it on the property until they have enough metal to go
13 to the metal recycling facility.
14
- 15 Mr. Bequette asked Mr. Bruce Block if there were any piles of garbage at the site.
16
- 17 Mr. Bruce Block stated no.
18
- 19 Mr. Bequette asked Mr. Bruce Block if they hauled any of the demolition materials from other sites to the
20 subject property.
21
- 22 Mr. Bruce Block stated no.
23
- 24 Mr. Bequette asked Mr. Bruce Block to indicate what asphalt is made of.
25
- 26 Mr. Bruce Block stated that asphalt is made of rock and oil.
27
- 28 Mr. Wood informed Mr. Bequette that his question to Mr. Block was not a valid question.
29
- 30 Mr. Bequette disagreed because Mr. Bruce Block testified that they stored asphalt on the property and his
31 question is whether it is safe to store the asphalt on the property for long periods of time.
32
- 33 Mr. Randol stated that Mr. Bequette did not ask Mr. Bruce Block if it was safe to store asphalt on the
34 property for long periods of time, but he did ask Mr. Bruce Block to indicate what asphalt was made of. He
35 said that if Mr. Bequette wants to ask Mr. Bruce Block a certain question then ask it.
36
- 37 Mr. Brody Block stated that the IEPA informed him that he only has to remove 25% of the asphalt annually,
38 and the IEPA representative was at the site two weeks ago.
39
- 40 Mr. Bequette asked Mr. Brody Block if he doubled the amount of asphalt that was present last year, does he
41 only need to remove 25% of last year's volume, or this year's volume. He asked how the 25% is calculated.
42
- 43 Mr. Brody Block stated that he did not know how the 25% is calculated, but Mr. Bequette could ask the
44 IEPA representative.
45
- 46 Mr. Bequette asked Mr. Bruce Block to indicate the name of the IEPA representative.
47
- 48 Mr. Bruce Block stated that he could not remember the IEPA representative's name at this time.

- 1 Mr. Brody Block stated that the IEPA representative was from Champaign.
2
3 Mr. Bequette asked Mr. Bruce Block if the IEPA representative conducted a site visit.
4
5 Mr. Bruce Block stated yes.
6
7 Mr. Brody Block stated that the IEPA representative informed them that what they were doing was perfectly
8 legal.
9
10 Mr. Bequette asked Mr. Brody Block if the IEPA representative was present tonight.
11
12 Mr. Brody Block stated no.
13
14 Mr. Bequette asked Mr. Brody Block if they had any written materials to submit to the Board from the
15 IEPA representative indicating that what they were doing on the site was perfect.
16
17 Mr. Block stated no.
18
19 Mr. Bequette stated that IDOT brought materials to the Block's facility, although they were required to
20 cease delivery until they received some sort of document. He asked Mr. Bruce Block to indicate what
21 document or permit the transporters needed so that they could keep delivering to the subject property.
22
23 Mr. Bruce Block stated that they were supposed to get a site permit from the state. He said that IDOT did
24 not deliver the materials to the subject property, as it was a company named Open Road out of Champaign
25 that was contracted to haul the asphalt.
26
27 Mr. Bequette asked Mr. Bruce Block if the materials that were previously delivered were still on the subject
28 property.
29
30 Mr. Bruce Block stated that some of the materials are still there, but some of it has been removed.
31
32 Mr. Bequette asked Mr. Bruce Block how he measured the decibel readings of the machinery.
33
34 Mr. Bruce Block stated that he used an application on his cell phone to measure the decibel readings of the
35 machinery.
36
37 Mr. Bequette asked Mr. Bruce Block to indicate the decibel reading for the jackhammer.
38
39 Mr. Bruce Block stated that he did not measure the noise from the jackhammer.
40
41 Mr. Bequette asked Mr. Bruce Block if he measured the decibel reading when the semis dropped the
42 concrete from their trailers.
43
44 Mr. Bruce Block stated no.
45
46 Mr. Bequette stated that he had no further questions based on the petitioner's testimony, but he does have
47 questions that he would like to pose to the Board to ask the petitioner at a later time during the hearing.
48

1 Mr. Wood asked the audience if anyone else desired to cross-examine the petitioners and there was no one.
2
3 Mr. Wood called Ben Goeckner, who resides at 1303 Christopher Circle, Apt. #7, Urbana. Mr. Goeckner
4 stated that he signed the witness register to present testimony tonight because he believes that some things
5 need to be said about the arrangement at the subject property. He said that saving material from going to the
6 landfill, as far as someone's volition and impetus to do so, should be awarded some kind of
7 acknowledgement. He said that whether or not something is zoned accordingly, and if they are going
8 through the correct process to do so, it should be more than acknowledged that what they are doing is good
9 for the community and the people who will be here after us. He said that it is our responsibility as citizens
10 and community stewards to make sure that we are not leaving a trail of waste behind us. He said that when
11 he first discovered what the Blocks were doing on the subject property and with their business, he became
12 very aware and it was present in his mind that what they are doing is not only for themselves but also for
13 people in the community.
14
15 Mr. Wood asked the Board and staff if there were any questions for Mr. Goeckner, and there were none.
16
17 Mr. Wood asked the audience was anyone who desired to cross-examine Mr. Goeckner.
18
19 Mr. Andrew Bequette asked Mr. Goeckner how he became aware of the Block's business.
20
21 Mr. Goeckner stated that he is always attuned to people who do things that he should strive to be doing
22 himself.
23
24 Mr. Bequette asked Mr. Goeckner if he had any business relationship with Bruce or Brody Block.
25
26 Mr. Goeckner stated that he does work part-time for the Blocks.
27
28 Mr. Wood called Gary Jacobson to testify.
29
30 Mr. Andrew Bequette requested permission to ask Mr. Jacobson, his client, questions during his testimony.
31
32 Mr. Wood allowed Mr. Bequette's request.
33
34 Mr. Wood asked Mr. Jacobson to state his address.
35
36 Mr. Jacobson stated that his current address is 2475 CR 400N, Broadlands.
37
38 Mr. Bequette asked Mr. Jacobson to indicate how long he has resided at his residence.
39
40 Mr. Jacobson stated that he has lived at 2475 CR 400N, Broadlands for 19 years.
41
42 Mr. Bequette asked Mr. Jacobson if he was married.
43
44 Mr. Jacobson stated yes.
45
46 Mr. Bequette asked Mr. Jacobson to indicate his wife's name.
47
48 Mr. Jacobson stated that his wife's name is Sandra Jacobson.

1 Mr. Bequette asked Mr. Jacobson if his wife was present at tonight's public hearing.
2
3 Mr. Jacobson stated yes.
4
5 Mr. Bequette asked Mr. Jacobson why he and his wife chose the property where they currently reside.
6
7 Mr. Jacobson stated that they chose the property because they wanted to live in the country with a piece of
8 property that would accommodate a garden and an orchard, and so that they could enjoy the rural country
9 living atmosphere. He said that the property basically has no neighbors other than the farmer who farms the
10 land around it and that only occurs twice per year. He said that the only neighbor that they have is really the
11 church, and that traffic is generally only during Wednesday evenings and Sunday mornings. He said that the
12 area was pretty quiet and that is what they were searching for.
13
14 Mr. Bequette asked Mr. Jacobson to explain the types of things that he and his wife enjoy doing on their
15 property.
16
17 Mr. Jacobson stated that they do landscaping and gardening, and they have an orchard. He said that the
18 most enjoyment that they get out of their property is when they have their nine grandchildren visit. He said
19 that the grandchildren love coming to grandma and grandpa's house and playing outside on the swing set,
20 ride go-carts, etc., and they are outside with them as much as possible.
21
22 Mr. Bequette asked Mr. Jacobson if his property was across the street from the Block property.
23
24 Mr. Jacobson stated yes.
25
26 Mr. Bequette asked Mr. Jacobson and his wife if they were present tonight in objection to the requested
27 special use permit.
28
29 Mr. Jacobson stated yes.
30
31 Mr. Bequette asked Mr. Jacobson if he had a college degree.
32
33 Mr. Jacobson stated that he has a degree in Psychology and Administration of Justice from Southern Illinois
34 University.
35
36 Mr. Bequette asked Mr. Jacobson if he was currently employed.
37
38 Mr. Jacobson stated that he was self-employed.
39
40 Mr. Bequette asked Mr. Jacobson to indicate what his self-employment entails.
41
42 Mr. Jacobson stated that he is a communications consultant.
43
44 Mr. Bequette asked Mr. Jacobson if he had any additional careers in the past.
45
46 Mr. Jacobson stated that he had several careers in the past; he was in sales during most of his life and sold
47 real estate for ten years, mainly residential properties.
48

1 Mr. Bequette asked Mr. Jacobson if he was a realtor.
2
3 Mr. Jacobson stated yes.
4
5 Mr. Bequette asked Mr. Jacobson to indicate how the Block property was used when he first purchased his
6 home.
7
8 Mr. Jacobson stated that most of it is farmland, which is planted in corn and beans, but the five-acre piece
9 has been either used for hay production or as a cattle feed lot.
10
11 Mr. Bequette asked Mr. Jacobson if there were cattle at the subject property when he purchased his property.
12
13 Mr. Jacobson stated yes.
14
15 Mr. Bequette asked Mr. Jacobson if he objected to the cattle.
16
17 Mr. Jacobson stated no.
18
19 Mr. Bequette asked Mr. Jacobson why he did not object to the cattle.
20
21 Mr. Jacobson stated that the cattle being there was agriculture and that was what he expected to see there.
22
23 Mr. Bequette asked Mr. Jacobson when the use of the five acres began to change.
24
25 Mr. Jacobson stated that it was in May 2015.
26
27 Mr. Bequette asked Mr. Jacobson to explain what happened in May 2015.
28
29 Mr. Jacobson stated that the Blocks brought the debris from a burned or demolished building onto the
30 property.
31
32 Mr. Bequette asked Mr. Jacobson if the Blocks brought things to the subject property that were not just
33 concrete and asphalt.
34
35 Mr. Jacobson stated yes.
36
37 Mr. Bequette asked Mr. Jacobson to indicate what other materials were brought to the subject property.
38
39 Mr. Jacobson stated that it was the material from a burned building.
40
41 Mr. Bequette asked Mr. Jacobson if the Blocks started bringing machinery onto the subject property.
42
43 Mr. Jacobson stated that the Blocks did gradually bring machinery to the property.
44
45 Mr. Bequette asked Mr. Jacobson to indicate the type of machinery that brought onto the subject property.
46
47 Mr. Jacobson stated that they brought a small skid-steer, end-loader, a small crusher that was removed and
48 replaced with a larger one, dump trucks, and semis and trailers coming onto the property to dump the

1 materials and debris.
2
3 Mr. Bequette asked Mr. Jacobson if there were more things going on now than there was when the business
4 started in 2015.
5
6 Mr. Jacobson stated yes.
7
8 Mr. Bequette asked Mr. Jacobson to indicate what currently occurs on the subject property.
9
10 Mr. Jacobson stated that there is a lot of semi-truck traffic bringing material onto the property. He said that
11 when the concrete is dumped, it doesn't always come out of the truck until the trailer is extended all of the
12 way up, thus the concrete comes out all at once, and it sounds like an explosion when this happens.
13
14 Mr. Bequette asked Mr. Jacobson to indicate the hours of operation of the Block's business.
15
16 Mr. Jacobson stated that the hours are very irregular and could be anytime during the day.
17
18 Mr. Bequette asked Mr. Jacobson if the Blocks limit their hours of operation to daylight hours.
19
20 Mr. Jacobson stated no.
21
22 Mr. Bequette asked Mr. Jacobson if the operation occurs at night.
23
24 Mr. Jacobson stated yes, sometimes.
25
26 Mr. Bequette asked Mr. Jacobson if the operation occurs on the weekends.
27
28 Mr. Jacobson stated yes.
29
30 Mr. Bequette asked Mr. Jacobson if he worked at home.
31
32 Mr. Jacobson stated yes.
33
34 Mr. Bequette asked Mr. Jacobson if his wife worked outside of the home.
35
36 Mr. Jacobson stated no.
37
38 Mr. Bequette asked Mr. Jacobson if he and his wife are at home during most of the workdays.
39
40 Mr. Jacobson stated yes.
41
42 Mr. Bequette asked Mr. Jacobson if he and his wife had complaints about what was going on across the
43 street from residence.
44
45 Mr. Jacobson stated yes.
46
47 Mr. Bequette asked Mr. Jacobson if the complaint included noise.
48

1 Mr. Jacobson stated yes. He said that there is a lot of truck traffic, and when they dump the concrete, there
2 is a sudden crashing sound. He said that the farmer, Bob Lewis, who is the adjacent landowner around his
3 home, has his agricultural shed/workshop there and when the concrete is dumped, Mr. Lewis runs out to see
4 what just occurred due to the noise. He said that the dumping, in itself, is a lot of noise, and then the
5 movement of that concrete by the tractors and skid-steers is very noisy, and the most annoying noise is the
6 jackhammer, which the neighbors who are one mile away can hear. He said that it doesn't matter what he is
7 doing inside, but when the Blocks run the jackhammer, he can hear it inside of his home with the windows
8 and doors shut and the television or radio on.

9

10 Mr. Bequette asked if there was any issue with dust.

11

12 Mr. Jacobson stated that there have been issues with dust from time to time. He said that he can see dust
13 coming from the concrete not only when they are using the crusher and the jack-hammer, but also when they
14 are moving material from a truck to the ground or from the ground to a truck. He said that, as Mr. Block
15 stated, the dust depends on the wind and whether it is blowing towards his house, but it can still be seen in
16 the air. He said that dust can be seen on the vegetation around his home and on the windows, and he does
17 not know what kind of dust it is, but it isn't from the farm soil.

18

19 Mr. Bequette asked Mr. Jacobson if he had any issues with an increase in animals and rodents.

20

21 Mr. Jacobson stated that since the operation has started, they have had an increase in rodents and voles.

22

23 Mr. Bequette asked Mr. Jacobson if, due to the concerns regarding the business across the street, did he have
24 an appraisal prepared for his property.

25

26 Mr. Jacobson stated yes.

27

28 Mr. Bequette asked Mr. Jacobson to indicate the name of the appraiser and the results of the appraisal. He
29 also noted that the appraisal is included with Supplemental Memorandum #2 dated February 27, 2020, with
30 a letter from the appraiser attached.

31

32 Mr. Jacobson stated that Mr. Phil Trautman prepared the full appraisal. He said that Mr. Trautman came up
33 with a value of his property, and he asked Mr. Trautman to speculate what the impact of the demolition
34 operation across the street would have on the property's value, and on their ability to sell the property in the
35 future. He said that Mr. Trautman's calculation was that the demolition operation would have an impact of
36 \$50,000.

37

38 Mr. Bequette asked Mr. Jacobson how the current appraisal compared to the appraisal when he purchased
39 the property.

40

41 Mr. Jacobson stated that due to refinancing, he has had the property appraised twice since he purchased the
42 property.

43

44 Mr. Bequette asked Mr. Jacobson how the last appraisal compared to the most current appraisal.

45

46 Mr. Jacobson stated that the current appraisal is \$40,000 less than the value on the last refinancing appraisal.

47

48 Mr. Bequette asked Mr. Jacobson if he had completed any improvements to his home and property.

1 Mr. Jacobson stated that he and his wife have spent approximately \$100,000 on improvements, so the value
2 was very disappointing.

3
4 Mr. Bequette stated that Mr. Jacobson has made spent approximately \$100,000 on improvements to the
5 property since he first purchased the property, yet the current appraisal's value was \$40,000 less.

6
7 Mr. Jacobson stated yes.

8
9 Mr. Bequette stated that the Blocks have testified that they intend to take steps to improve the aesthetics of
10 the demolition operation on the subject property. He asked Mr. Jacobson if the Blocks have taken any steps
11 currently to make the situation better.

12
13 Mr. Jacobson stated no.

14
15 Mr. Bequette asked Mr. Jacobson where he obtains his drinking water.

16
17 Mr. Jacobson stated that they have a dug well on the property, which is pretty common in their area because
18 there is no aquifer.

19
20 Mr. Bequette asked Mr. Jacobson if he was concerned about what could be leaching into his well.

21
22 Mr. Jacobson stated that is always a concern.

23
24 Mr. Bequette asked Mr. Jacobson if the Blocks had approached him with any sort of landowner agreement
25 that would compensate him for any damages caused by the demolition operation across the street.

26
27 Mr. Jacobson stated that he did have one conversation with Mr. Bruce Block regarding what he would need
28 to make him feel better about the demolition operation, but there was no discussion about a landowner
29 agreement.

30
31 Mr. Bequette asked Mr. Jacobson if Mr. Block proposed anything to make the situation better.

32
33 Mr. Jacobson stated that Mr. Block indicated that he planned to plant some trees, but those trees have not
34 been planted yet.

35
36 Mr. Bequette asked Mr. Jacobson if he had noticed any increased traffic on his road.

37
38 Mr. Jacobson stated yes, considerably. He said that there are a lot of semi-trucks, dump trucks, and other
39 vehicles traveling on the road, but the semi-trucks are his largest concern. He said that truck loaded with
40 concrete taking off from the stop sign east of his street does make a lot of noise when taking off and it makes
41 a lot of noise traveling down the road due to the load that it is carrying. He said that sometimes there are
42 loaded semi-trucks coming in and out of the Block property attempting to get up to speed, thus making a lot
43 of lugging noise. He said that there are a lot more trucks and general traffic than what they are used to, and
44 previously, other than during farming season, the only traffic that the road experienced was due to the
45 church.

46
47 Mr. Bequette asked Mr. Jacobson if he farmed the surrounding land, or does he only own the residence.

48

1 Mr. Jacobson stated that he only owns the residence and does not farm the surrounding land.

2
3 Mr. Bequette asked Mr. Jacobson asked if it would useful for the Board to review photographs and video
4 that he has taken of the subject property.

5
6 Mr. Jacobson stated yes.

7
8 Mr. Bequette presented photographs and videos of the subject property taken by Mr. Jacobson and his
9 contracted drone representative to the Board and staff. Mr. Bequette submitted the photographs and videos
10 as documents of record and are on file at the Champaign County Planning and Zoning Department.

11
12 Mr. Jacobson stated that the first photo is a view from his front porch looking at the subject property. He
13 said that the second photo shows deliveries from Open Road Paving to the subject property. He said that the
14 third photograph is a view of the asphalt pile on the subject property and how unattractive it appears. He
15 said that the fourth photograph provides a view of the piles of concrete on the subject property, and the fifth
16 photograph shows a pile of miscellaneous trash on the subject property.

17
18 Mr. Bequette asked Mr. Jacobson when the photographs were taken.

19
20 Mr. Jacobson stated that he could not provide a date as he has taken photographs as the operation has grown.
21 He said that the sixth photograph indicates the concrete and brick pile on the subject property. He said that
22 the next few photographs were taken from a drone that was flown over the subject property indicating the
23 piles of bricks and concrete, the asphalt pile or debris from the Route 49 project, overhead view east of the
24 lean-to and near the bins on the subject property, and the north side of the asphalt pile.

25
26 Mr. Bequette asked Mr. Jacobson if there were row crops around the subject property.

27
28 Mr. Jacobson stated yes, as the entire property is owned by the Block family. He said that the next few
29 photographs on the screen indicate the concrete piles near the existing grain bins and asphalt pile on the
30 subject property. He said that the final photograph was taken from the road at the southeast corner of the
31 subject property indicating the pile of concrete. He noted that many of the photographs were taken on
32 January 15th.

33
34 Mr. Bequette stated that there appears to be an issue with the videos that were to be presented tonight, but
35 they will be submitted as a Document of Record and on file at the Department of Planning and Zoning
36 Office for viewing.

37
38 Mr. Jacobson stated that not viewing the videos was not a big deal as the photographs indicate the same
39 concerns regarding the subject property and the requested use.

40
41 Mr. Randol stated that he has seen enough unless there are additional photographs with different views of
42 the property.

43
44 Mr. Bequette asked Mr. Jacobson if he reviewed the sketch/site plan that the petitioners submitted.

45
46 Mr. Jacobson stated yes.

47
48 Mr. Bequette asked Mr. Jacobson if he believed that the sketch/site plan was an accurate depiction of the

1 subject property.
2
3 Mr. Jacobson stated no.
4
5 Mr. Bequette asked Mr. Jacobson if he created his own sketch/site plan of the subject property.
6
7 Mr. Jacobson stated yes, and he has submitted it to staff, and it is Attachment B. to Supplemental
8 Memorandum #2 dated February 27, 2020.
9
10 Mr. Bequette asked Mr. Jacobson if he had a front porch on his home.
11
12 Mr. Jacobson stated yes.
13
14 Mr. Bequette asked Mr. Jacobson if his front porch is a place that he enjoys utilizing.
15
16 Mr. Jacobson stated yes, during the summer.
17
18 Mr. Bequette asked Mr. Jacobson if the view from his front porch has changed.
19
20 Mr. Jacobson stated yes.
21
22 Mr. Bequette asked Mr. Jacobson if his level of enjoyment has changed when sitting on that front porch.
23
24 Mr. Jacobson stated yes.
25
26 Mr. Bequette stated that the petitioners have submitted an application to formalize what they have been
27 doing on the subject property, and they have made mention tonight of possible growth for their business. He
28 asked Mr. Jacobson to indicate his reaction to the idea that there may be more activity and stockpiles on the
29 subject property than what there already has been.
30
31 Mr. Jacobson stated that it is terrifying because they moved to their property for peace and quiet, and if the
32 peace and quiet no longer exists, then he does not know how they could continue to live there. He said that
33 more importantly, there has been a lot of talk regarding the improvements that could be done for a business
34 with certain regulations and requirements, but this has been going on for almost five years and he has never
35 seen anything that appeared like a real business, as the operation appears to be very haphazard and continues
36 to be so. He said that he understands that this is a part-time business and that sometimes they only work
37 when the weather is decent, but currently the facility is not operated like a business. He said that he is very
38 skeptical as to whether we will see all of these proposed improvements done in order to make it like a true
39 business.
40
41 Mr. Bequette asked Mr. Jacobson if he lived across from the subject property part-time.
42
43 Mr. Jacobson stated no, he resides on his property all the time. He said that the property value indicated in
44 the appraisal is a big deal to him, because he is 69 years old and he may not live there forever, and he may
45 need to sell the property at some point. He said that the operation across the street has definitely put a
46 damper on his hopes and dreams for what he and his wife might be able to do after they sell the property.
47 He said that because he has been involved in real estate and he understands how appraisals work, he knows
48 that if his property is devalued by something, then it effects every other property within a two mile radius

1 because appraisals are based on comparable sales, so if his is valued for less, then every property within a
2 two mile radius will be valued less. He said that it isn't just his property that is being affected by the
3 Block's use on their property, although he has to put up with it on a daily basis because it is ugly, annoying,
4 noisy, and dusty.

5
6 Mr. Bequette stated that he had no further questions for Mr. Jacobson and thanked the Board.

7
8 Mr. Wood asked the Board and staff if there were any questions for Mr. Jacobson, and there were none.

9
10 Mr. Wood asked the audience if anyone desired to cross-examine Mr. Jacobson.

11
12 Mr. Cody Clem stated that he is a fellow small business owner in the Homer area, and he resides at 945
13 County Road 2600E, Homer. He noted that he does not work with or for the Blocks. He asked Mr.
14 Jacobson if he was okay with the noise that was made by the cows that used to be housed at the subject
15 property.

16
17 Mr. Jacobson stated that he grew up on a farm and he likes cows and the smell of manure, it doesn't bother
18 him because it brings him back to his childhood. He said that cows are fine, and if he had a choice between
19 cows or no cows, he would choose no cows, but they are farm animals and they are fine.

20
21 Mr. Clem asked Mr. Jacobson if the noise that the cows were able to come right up to the property line.

22
23 Mr. Jacobson stated that the cows were kept behind a barbed wire fence, but they could come up to the road.

24
25 Mr. Clem asked Mr. Jacobson if the noise that the cows made did not bother him.

26
27 Mr. Jacobson stated no.

28
29 Mr. Clem stated that a cow's moo has a decibel reading of 89.

30
31 Mr. Jacobson stated that cows are farm animals and it is a different issue.

32
33 Mr. Randol noted that the issue tonight is not related to the livestock that used to be on the subject property.

34
35 Mr. Clem stated that he understood what the issues before the Board are, but there is no evidence to support
36 the noise complaints other than the petitioners' and Mr. Jacobson's testimony. He said the Board deserves
37 some truth and honesty regarding the noise and the use on the subject property. He said that one of the
38 photographs indicated grain bins with fans on the subject property, and when those fans run, they are very
39 loud as well.

40
41 Mr. Jacobson stated that he does not believe that there are any fans on the bins, and if there are, they do not
42 operate, or the Blocks just do not use them.

43
44 Mr. Clem stated that after he graduated from Illinois State University, he has been in the grain industry for
45 five years and people don't just have bins with grain dryers sitting around. He asked Mr. Jacobson if the
46 Blocks are operating their business during the times when his grandchildren are at his property.

47
48 Mr. Jacobson stated yes, during the summertime. He said that his grandchildren also visit them on the

1 weekends during the year.

2
3 Mr. Clem asked Mr. Jacobson if the Blocks operate their business on the weekends, year-round.

4
5 Mr. Jacobson stated no, but they do occasionally work on the weekends.

6
7 Mr. Clem asked Mr. Jacobson to indicate how often Mr. Lewis is on his property.

8
9 Mr. Jacobson stated that Mr. Lewis is on his property at least six days per week.

10
11 Mr. Clem asked Mr. Jacobson if he had permission to take the photographs of the Block's property.

12
13 Mr. Jacobson stated no, and some of the photographs are 3 or 4 years old, because he hasn't been on their
14 property in years. He said that when they first started their operation, he was very curious as to what was
15 going on over there.

16
17 Mr. Clem asked Mr. Jacobson if the debris that was indicated in the photographs was from 3 or 4 years ago.

18
19 Mr. Jacobson stated yes.

20
21 Mr. Clem asked Mr. Jacobson, if the outbuildings on his property could also be a good place for rodents to
22 live.

23
24 Mr. Jacobson stated that he has traps and bait placed on his property to take care of rodents, because when
25 the harvest is completed, they get mice, but this is common when you live in the rural areas. He said that
26 rats and voles are a different story, and voles will tear up your yard and he is trying to figure out what to do
27 with them.

28
29 Mr. Clem asked Mr. Jacobson if he minds the noise and dust created during farming seasons.

30
31 Mr. Jacobson stated that he does not mind dirt, because he is a farmer by heart. He said that dirt and dust
32 from farming is an occurrence that he understands, although he does not know what is in the dust and dirt
33 that he is breathing into his body that is coming from the business that is generated on the subject property.
34 He said that since he does not know what is in the dust, it is a concern that he has for his family.

35
36 Mr. Clem stated that one of the photographs was described as what Mr. Jacobson would be viewing from his
37 front porch. He asked Mr. Jacobson if what is indicated in the photograph is actually what he sees when he
38 walks out his front door.

39
40 Mr. Jacobson stated yes, as well as from his living room window.

41
42 Mr. Clem asked Mr. Jacobson if the view from his home is indicated in the photograph.

43
44 Mr. Jacobson stated yes.

45
46 Mr. Clem noted that on the sketch/site plan that Mr. Jacobson submitted indicates that his driveway is the
47 farthest one from the right.

48

- 1 Mr. Jacobson stated that his driveway and residence are clearly indicated on the sketch/site plan that he
2 submitted.
3
- 4 Mr. Clem noted that Mr. Jacobson's house is not directly across from the five-acre tract that is the subject
5 property for this case.
6
- 7 Mr. Jacobson stated that the only reason why he submitted his own drawing was because the one that was
8 submitted by the petitioners was not to scale.
9
- 10 Mr. Clem stated that Mr. Jacobson refers to what farming is about, and asked Mr. Jacobson if he had any
11 experience with farming.
12
- 13 Mr. Jacobson stated that he grew up on a farm and he was a farmer until he went to college.
14
- 15 Mr. Clem stated that he had no further questions for Mr. Jacobson.
16
- 17 Mr. Bruce Block asked Mr. Jacobson if he was granted permission to fly the drones over his property to take
18 pictures.
19
- 20 Mr. Jacobson stated that he did not fly the drone over the Block's property, but he did hire someone to do it.
21 He said that he did not obtain permission to take photographs or videos of the subject property.
22
- 23 Mr. Bruce Block asked Mr. Jacobson if he thought it might have been appropriate to request permission to
24 do so.
25
- 26 Mr. Jacobson informed Mr. Bruce Block that he did not ask him for permission to place a dump across from
27 his house, so no, he did not give it a lot of consideration.
28
- 29 Mr. Bruce Block stated that the subject property is his property and he did not need to ask Mr. Jacobson for
30 permission to operate his business on it. He asked Mr. Jacobson if he had any noise data or video from
31 inside of his house of the sound generated by the jackhammer.
32
- 33 Mr. Jacobson stated that the video did include noise from the front porch, but he does not have anything
34 recorded or measured from inside of his house.
35
- 36 Mr. Bruce Block asked Mr. Jacobson if he had any recordings or measurements from outside of his house.
37
- 38 Mr. Jacobson stated yes, the video that he previously mentioned indicates the noise generated from the
39 operation.
40
- 41 Mr. Bruce Block asked Mr. Jacobson if he had any physical evidence of the dust that he claims is coming
42 from the subject property.
43
- 44 Mr. Jacobson stated no.
45
- 46 Mr. Bruce Block asked Mr. Jacobson if he had any evidence of the rodents that he discussed.
47
- 48 Mr. Jacobson stated no.

1 Mr. Bruce Block stated that he had no further questions for Mr. Jacobson.

2

3 Mr. Anderson requested a ten-minute recess.

4

5 **Ms. Lee moved, seconded by Mr. Lee, to grant a ten-minute recess. The motion carried by voice vote.**

6

7 **The Board recessed at 8:10 p.m.**

8 **The Board resumed at 8:20 p.m.**

9

10 Mr. Wood asked the Board and staff if there were any questions for Mr. Jacobson.

11

12 Ms. Lee asked Mr. Jacobson to indicate when the photographs from the drone were taken.

13

14 Mr. Jacobson stated that the photographs from the drone were taken in January 2020.

15

16 Mr. Randol asked Mr. Jacobson if his porch was located on the north end of his home.

17

18 Mr. Jacobson stated yes.

19

20 Mr. Wood asked the audience if anyone else desired to sign the witness register and present testimony
21 regarding this case.

22

23 Mr. Andrew Bequette, attorney for Gary Jacobson, stated that he appreciates the Board's time tonight and he
24 apologized for keeping everyone so late, but as Mr. Jacobson has testified, he has lost over \$49,000 already,
25 and if the Block's business is allowed to grow, Mr. Jacobson's loss may increase. He said that the first thing
26 that really causes him concern is that after years of doing things at the subject property, the Blocks have
27 spoken with the IEPA and received some sort of air emissions permit, although he does not believe that gets
28 to the heart of what is really occurring at the subject property. He said that a lot of the use is being framed
29 as a concrete crushing business or a material recycling business, but what is indicated in the photographs are
30 piles of who knows what out there. He said that if we were only talking about concrete or asphalt, concrete
31 is made of mostly lime, but asphalt is made with petroleum or oil which is being mashed up, sprayed with
32 water and kicked to the ground. He said that it isn't just about what is emitted into the air, but what else
33 ends up on the ground. He said that according to the IEPA, waste is anything that has been discarded or no
34 longer has its original purpose. He said that all waste is referred to as solid waste under IEPA regulations;
35 solid waste and waste means the same thing. He said that if you accept any waste from someone else for
36 treatment, transfer, storage, or disposal, including a facility of your own located at a different address, you
37 have to get a permit from the Bureau of Land. He said that he has not seen anything that is a solid waste
38 permit, and the Blocks have not gone through any of those steps. He said that if you were to build a new
39 structure that would house waste, you have to get a development permit from the IEPA, and if you are
40 receiving waste at your unit you have to get an operating permit, and once again, waste is not toxic waste or
41 bags full of garbage from someone's house, but is anything. He said that essentially, the proposed use is an
42 open air landfill facility that keeps things there as long as the Blocks want until they eventually get around to
43 removing it from the property. He said that we heard that the petitioners indicate that they get busy, so the
44 waste just sits on the property, and that they only work part-time, but Mr. Jacobson and his wife do not live
45 on the property part-time, and they drink water from the well that is across the street from this facility and
46 there has been no study as to what may be seeping into the ground. He said that even to transport waste
47 there has to be a permit, and supposedly IDOT or another hauler thought that they could bring that stuff out
48 there and then found out that they couldn't, so they just left it out there. He said that he would have asked

1 more questions regarding who was hauling things to the site and what permits did they have, where is the
2 waste coming from, is it all coming from inside of Champaign County, etc. He said that no testimony
3 indicated where the waste was actually coming from and only heard that it is asphalt and concrete. He said
4 that there are other sites indicated in the Board's materials where this type of recycling can be done in
5 Champaign County, and those sites are located in industrial areas and not agricultural areas where someone
6 might be allowed to do that just because they really want to. He said that the Board's materials indicate that
7 there are a bunch of things that are supposed to happen, but there are no details about those things from the
8 petitioners; therefore, deny the permit and allow them to reapply with the required information. He said that
9 the petitioners have been informed that they cannot conduct the crushing outdoors, but they have indicated
10 that they will construct a building. Mr. Bequette stated that he asked the petitioners about ventilation and
11 the safety of their employees, and they indicated that the building would be an open-air building. He said
12 that no plans have been offered for review that indicates a loading berth, paving, parking accommodations,
13 restroom facilities, septic system, accessibility, etc., or how much all of this is going to cost. He said that
14 there are many things that are required for the facility to work, but there is no evidence indicating that it will,
15 so he requested that the Board denies the request now and let them come back with the correct information.
16 He said that the petitioners have had adequate time to come before this Board with a proposal, and they did
17 not provide any more information than what was included in the application itself. He said that this is a
18 large-scale storage facility for materials.

19
20 Mr. Bequette stated that he is the attorney for Tuscola and Arcola, and he used to be the attorney for the
21 Village of Longview. He said that landscape and land waste permitting is a huge thing, because in Tuscola
22 there is a facility where they only take yard waste and it is a big deal to make sure that they are doing that
23 correctly, but nothing has happened at the proposed facility for five years other than the fact that they just
24 want to do it but are not providing the information that this Board needs. He said that the petitioners did
25 indicate that they spoke with the IEPA about the type of particulates that they might be emitting into the air,
26 but you are supposed to have a particulate release plan and they have not done that. He said that he wanted
27 to ask the petitioners what other methods they were doing or intended to do for keeping the dust down, but
28 he was not allowed to ask that sort of thing. He said that there are many questions that the petitioners must
29 answer. He said that the petitioners may appear to be nice people and the Board may trust that they will do
30 what they say they will do, but this is an academic exercise for everyone in this room, except for the
31 Jacobson family, because they have to live with it night and day for the rest of their lives with their property
32 value continuing to go down. He said that the Board does not have enough information to make a decision
33 tonight, because this is an incomplete application. He said that in the Board's materials there is list of all of
34 the things that must be done prior to the Board being able to consider approving the use, and none of those
35 things were included in the petitioner's presentation. He said that one of the Board members mentioned that
36 the planting of six-foot trees would not hide the operations that are occurring on the subject property, and he
37 would agree. He said that he was going to ask the petitioners to indicate the type and size of the trees that
38 they intended to plant, because it is possible that they will not survive with all of the concrete dust that is
39 created on the site. He said that he would like to know more about the employees and their safety, such as
40 ear protection devices, assurance that the piles would not collapse and fall on someone. He said that he
41 would challenge any facility like this in Champaign County where we know so little about what is going on
42 out there. He said that he wanted to ask questions about how much material was brought to the property this
43 year, and the year before, and the year before that, and then the next, so that we could get a feel as to how
44 much this use has grown and what kind of a scale we are actually looking at.

45
46 Mr. Bequette stated that he appreciates everyone's time, but again, this is an academic exercise for everyone
47 tonight, but the Jacobson family has to live there, and it isn't right or fair. He said that the petitioners
48 should have come before this Board before they started their business with a proposal as to what they

1 intended to do on the subject property, but instead they did whatever they wanted because it is easier
2 sometimes to ask for forgiveness later rather than ask for permission before, and he asked that the Board not
3 allow them to do that. He asked the Board to think about the people that are forced to live next to the
4 proposed use, and for the Board to ask themselves if they would want this use across the street from their
5 home. He said that Mr. Jacobson did not move next to a concrete recycling facility, but next to a farmstead
6 which housed crops and cattle, but now they are being told that they are forced to live next to a concrete
7 facility. He said that the petitioners do not live near the facility but reside in Broadlands and Philo, although
8 they are going to bring whatever junk they want to their property across the street from Mr. Jacobson to look
9 at and then head back home. He requested that the Board does not allow the proposed request and consider
10 whether they would want to live next to it.

11
12 Mr. Wood asked the Board and staff if there were any questions for Mr. Bequette, and there were none.

13
14 Mr. Wood asked the audience if anyone desired to cross-examine Mr. Bequette, and there was no one.

15
16 Mr. Wood asked the audience if anyone else desired to sign the witness register to present testimony
17 regarding this case, and there was no one.

18
19 Mr. Wood closed the witness register.

20
21 Mr. Wood asked the Board how they would like to proceed.

22
23 Mr. Hall suggested that since there are other cases on the agenda for tonight, that Case 967-S-19 be
24 continued to a later meeting. He said that there have been a lot of questions and concerns voiced tonight and
25 the Board has received new information that they have not had time to thoroughly review; therefore, he
26 recommended that the case be continued to the next earliest meeting.

27
28 **Mr. Randol moved, seconded by Ms. Lee, to continue Case 967-S-19 to the earliest open meeting. The**
29 **motion carried.**

30
31 Mr. Hall noted that the Board must continue Case 967-S-19 to a date certain, which could be March 12th or
32 March 26th, but with the questions and concerns that were voice tonight he would recommend the earliest
33 continuance date for this case as March 26th.

34
35 **Mr. Roberts moved, seconded by Mr. Randol, to continue Case 967-S-19 to the March 26, 2020,**
36 **meeting. The motion carried by voice vote.**

37
38 Mr. Hall asked Mr. Block if he had any conflicts with the continuance to March 26th.

39
40 Mr. Block stated that a continuance to March 26th would be fine.

41
42 Ms. Lee stated that as an attorney, when she took her oath of office, she is obligated to follow the rules of
43 the United States, and the cannabis law is contrary to what the statutes are in the United States and she does
44 not want to have any issues with her legal licenses; therefore, she has a conflict and must recuse herself
45 these cases. She said that there is immunity for state employees, but no immunity is available for anyone
46 else under the statute that she saw on Page 52 of 610.

47
48 **Case 972-AT-20 Petitioner: Zoning Administrator Request to amend the Champaign County Zoning**

1 **Ordinance as follows: A. Add definitions for the following types of adult-use cannabis businesses:**
2 **Dispensing Organization; Infuser Organization; Processing Organization; Transporting**
3 **Organization; Craft Grower; and Cultivation Center. B. Add requirements to authorize adult-use**
4 **cannabis businesses only within 1.5 miles of a home rule municipality with more than 20,000**
5 **population as follows: 1. Authorize adult-use cannabis Dispensing Organization by right in the B-4**
6 **Zoning District subject to specified conditions. 2. Authorize adult-use cannabis Infuser Organization**
7 **by right in the I-2 Zoning District subject to specified conditions. 3. Authorize adult-use cannabis**
8 **Processing Organization by right in the I-2 Zoning District subject to specified conditions. 4.**
9 **Authorize adult-use cannabis Transporting Organization by right in the B-3 and B-4 Zoning Districts**
10 **subject to specified conditions or as a Special Use Permit in the AG-2 Zoning District subject to**
11 **conditions or a home occupation in any zoning district subject to specified conditions. 5. Authorize**
12 **adult-use cannabis Cultivation Center by right in any Zoning District subject to specified conditions**
13 **or by County Board approved Special Use Permit in any Zoning District subject to conditions if**
14 **located 300 feet or less from an existing residence or residentially zoned lot. 6. Authorize adult-use**
15 **cannabis Craft Grower by right in any Zoning District subject to specified conditions or by County**
16 **Board approved Special Use Permit in any Zoning District subject to conditions if located 300 feet or**
17 **less from an existing residence or residentially zoned lot.**

18
19 **Case 973-AT-20 Petitioner: Zoning Administrator A. Add definitions for the following types of adult-**
20 **use cannabis businesses: Dispensing Organization; Infuser Organization; Processing Organization;**
21 **Transporting Organization; Craft Grower; and Cultivation Center. B. Add requirements to**
22 **authorize adult-use cannabis businesses only within 1.5 miles of a home rule municipality with more**
23 **than 20,000 population as follows: 1. Authorize adult-use cannabis Dispensing Organization by right**
24 **in the B-4 Zoning District subject to specified conditions. 2. Authorize adult-use cannabis Infuser**
25 **Organization by right in the I-2 Zoning District subject to specified conditions. 3. Authorize adult-use**
26 **cannabis Processing Organization by right in the I-2 Zoning District subject to specified conditions.**
27 **C. Add requirements to authorize the following adult-use cannabis businesses except within 1.5 miles**
28 **of non-home rule municipalities and except within 1.5 miles of a home rule municipality with a**
29 **population of 20,000 or less and except within 1.5 miles of a residential zoning district located more**
30 **than 1.5 miles from a home rule municipality with more than 20,000 population, a follows: 1.**
31 **Authorize adult-use cannabis Transporting Organization by right in the B-3 and B-4 Zoning Districts**
32 **or as a County Board approved Special Use Permit in the AG-2 Zoning District subject to conditions**
33 **or as a home occupation in any zoning district subject to specified conditions. 2. Authorize adult-use**
34 **cannabis Cultivation Center by right in any Zoning District subject to specified conditions or by**
35 **County Board approved Special Use Permit in any Zoning District subject to conditions if located 200**
36 **feet or less from an existing residence or residentially zoned lot.**

37
38 Mr. Hall stated that this is an unusual text amendment because, unlike other text amendments, it has been
39 discussed generically at a County Board meeting and staff does not know if they exactly captured what the
40 County Board members had in mind at their meeting, but it is pretty close. He said that Ms. Burgstrom
41 distributed some impressive maps tonight indicating what the proposed amendments are talking about. He
42 said that Case 972-AT-20 is only to authorize the uses within one and one-half miles of Champaign and
43 Urbana, as they are the only county municipalities that have authorized these uses inside of their
44 jurisdictions and what Champaign has adopted makes them subject to State rules, but Urbana has gone
45 beyond State rules and added some unique requirements. He said that the discussion at the County Board
46 was to mirror whatever requirements the municipalities found to be necessary, and even within one and one-
47 half miles of Champaign, we are mirroring some of Urbana's requirements for a cultivation center or craft
48 grower within 300 feet of residence or residentially zoned lot. Mr. Hall stated that Case 973-AT-20 goes

1 beyond the one-and-one-half mile jurisdiction of Champaign and Urbana.

2
3 Mr. Anderson stated that in referring to the map for Champaign and Urbana, according to Amendment A,
4 the county land extending beyond the circle on the map and the land inside of the one-and-one-half mile
5 radius of Champaign and Urbana is buffer land. He asked if since Champaign and Urbana have given rights
6 to cannabis activity, is the County giving the buffer land to Champaign and Urbana.

7
8 Mr. Hall stated that Mr. Anderson is incorrect. He said that county zoning goes right up to the municipal
9 boundaries, so what Mr. Anderson has just described as the buffer land is actually county zoned jurisdiction.
10 He said that what the first amendment does is, inside of the one-and-one-half mile boundary, it gives
11 unincorporated residents of the county the right to do cannabis businesses, depending on their zoning
12 district, but only within one-and-one-half miles of Champaign and Urbana.

13
14 Mr. Anderson asked about the residents that are outside of the one-and-one-half mile radius.

15
16 Mr. Hall stated that we are not changing anything outside the one-and-one-half mile radius in the first case.

17
18 Mr. Anderson asked Mr. Hall if a cannabis activity could take place outside of the one-and-one-half mile
19 radius.

20
21 Mr. Hall stated no, not as a cannabis related business. He said that Case 973-AT-20 refers to beyond the
22 one-and-one-half mile radius of Champaign and Urbana, but only for cultivation centers, craft growers and
23 transport businesses, and then we only go beyond that one-and-one-half mile radius to the point where we
24 are one-and-one-half miles from any other municipality or one-and-one-half miles from any residential
25 district. He said that if the Board reviews the last map where Champaign County looks like swiss cheese,
26 the cheese being where those limited activities can be done, and the holes being where they can't.

27
28 Mr. Anderson stated that Rantoul does not allow cannabis activities.

29
30 Mr. Hall stated that Rantoul is a home rule municipality with a population of less than 20,000. He said that
31 Rantoul does not allow any cannabis activities, and the map indicates an area around Rantoul that looks the
32 same as it does now because no cannabis uses are being proposed within one-and-one-half miles of Rantoul.
33 He said that he is glad that Ms. Burgstrom made the map because there are a lot of areas in the rural area
34 where there is residential zoning and they are not towns but named places and it is hard to remember all of
35 them during any given day, which is why this map is so handy.

36
37 Mr. Hall stated that the map for Case 973-AT-20, the swiss cheese areas, indicates where there can be
38 cultivation centers, craft growers, and transport organizations. He said that the cultivation centers must be
39 inside of a locked building, no growth outside is allowed, and it could be a greenhouse, which is why staff is
40 proposing that fugitive light must be controlled at night, and the same thing for a craft grower. He said that
41 the transporting organization could be as simple as a home occupation at a rural property, and as usual, there
42 is a significant cost associated with applying to the State for any of these uses and he does not believe that
43 people will do this just willy-nilly. He said that there are several thousands of the dollars required in
44 application fees and additional fees after that, so these are serious business costs. He said that the two views
45 at the County Board were that it perhaps could be allowed around Champaign and Urbana, but not beyond
46 that. He said that the other view was why not go beyond Champaign and Urbana for things like cultivation
47 centers and craft growers if the residents in those areas want to do that and do it legally. He said that staff
48 does not usually get this much input from the County Board at the beginning of a text amendment, so this

1 information has been very handy for staff. He said that generally, all of these uses require compliance with
2 state laws and if a Champaign County Zoning Use Permit is requested for one of these cannabis uses then
3 the applicant will be required to submit a copy of their State permit or a copy of their application indicating
4 that they eventually will receive a State permit. He said that for the things that are allowed by-right, the
5 applicants would just apply for a Zoning Use Permit, but if the use is in one of the areas that requires a
6 Special Use Permit, Transporter Organization, it would only be reviewed by the Champaign County Zoning
7 Board of Appeals. He said that if a Cultivation Center and Craft Grower is within 300 feet of a residence or
8 residentially zoned lot, then the applicant must apply for a Special Use Permit that must be approved by the
9 County Board. He said that the only other uses which require a County Board Special Use Permit are wind
10 farms, solar farms, and rural residential developments, which is the highest level of approval available under
11 County zoning. He said that ELUC believed that all of this was reasonable, although the County Board
12 itself has not talked that much about the special use permit aspects and that is mostly what was reviewed by
13 ELUC. He said staff included the Urbana Ordinance as an attachment to the Preliminary Memorandum so
14 that the Board can see where Urbana has gone beyond the State requirements, but again, our mission from
15 the County Board is to mirror those, at least within the Urbana extra-territorial jurisdiction. He said that the
16 600 page public act actually only has very few pages that are germane to county zoning and staff has tried to
17 identify all of those and included those as attachments, but staff also made a copy of the Public Act available
18 on the County website so that the Board and anyone else could read every one of those 600 pages. He said
19 that he does not expect the Board to take action tonight because there is too much information to discuss.

20

21 Mr. Randol asked if a Cultivation Center could also have a Dispensary Center.

22

23 Mr. Hall stated that he believes that the inverse is true, but he could be wrong. He said that a Cultivation
24 Center can also be a Transporter, Processing Organization, and an Infuser Organization, but it cannot be a
25 Dispensary.

26

27 Mr. Randol asked if that was the County's requirements or the State requirements.

28

29 Mr. Hall stated both.

30

31 Mr. Randol asked Mr. Hall if someone could come before this Board requesting an amendment allowing
32 them to do so.

33

34 Mr. Hall stated that such would require a new text amendment. He said that these standards are written into
35 the Table of Uses so there are no waivers or variances allowed. He said that a Dispensary can share a
36 premises with a Craft Grower, but the State does not allow a Dispensary to also be a Cultivation Center.

37

38 Mr. Anderson asked Mr. Hall to indicate the main arguments for and against the various possibilities, and
39 why Rantoul chose to not allow cannabis at all.

40

41 Mr. Hall stated that he could not provide the Board such information, but he could ask the Village of
42 Rantoul to provide their adopting resolution and he could provide a copy to the Board for review. He said
43 that he has been told that the Village of Rantoul may reconsider the prohibition in the future, but it is not on
44 any of their proposed agendas at this time.

45

46 Mr. Anderson asked Mr. Hall if it is a matter of the tax incentives and revenue gained versus people's
47 impressions regarding whether it is religiously and morally incorrect to allowed it.

48

1 Mr. Hall stated that he is sure that all of those things are true.

2
3 Mr. Wood stated that what other municipalities decide to do does not have anything to do with the County's
4 zoning regulations.

5
6 Mr. Hall stated only to the extent that the County Board wants to respect what that municipality has decided.

7
8 Mr. Wood stated that what Case 973-AT-20 does is whatever all of those small home-rule municipalities
9 excludes within their one-and-one-half miles and within a certain area from residential areas. He said that it
10 also addresses the fact that you are allowed to do it outside of those areas in the County, but Case 972-AT-
11 20 doesn't allow you to do anything outside of the one-and-one-half miles of Champaign and Urbana. He
12 said that Champaign and Urbana are the only two municipalities that are greater than 20,000.

13
14 Mr. Hall stated that more importantly, Champaign and Urbana are the only municipalities that are allowing
15 these uses.

16
17 Mr. Anderson asked if the Board is to vote for both amendments, versus one or the other.

18
19 Mr. Hall stated that he would be open to modifications that the Board feels necessary, but within limits. He
20 said that he definitely would like to hear whether the Board believes that changes should be made, but he
21 will not necessarily agree automatically. He said that he would hope that any suggested modifications
22 would be something that could be entertained.

23
24 Ms. Burgstrom noted that the Board is not being asked to turn down one case and approve the other, but the
25 idea is for the Board to make their recommendations for both cases so that ELUC and the County Board may
26 have both cases in front of them.

27
28 Mr. Hall stated that the last time that the Board had two cases, solar farm amendments, both cases went to
29 ELUC and since they could not come to an agreement regarding either case, they were both forwarded to the
30 County Board without a recommendation, and then at the County Board, Case 945-AT-19, which did not
31 increase the minimum separation, was approved on a bare minimum of 12 affirmative votes. He said that
32 Case 946-AT-19, which increased that separation and did everything else that Case 945-AT-19 did, failed
33 with a vote of 10 affirmative votes. He said that even at the County Board only one of those cases was
34 passed, and it was very close for both cases. He said he has never seen a situation like it, but he believes that
35 the same situation will be seen with these two cases, and he does not know which case will win. He said
36 that an amendment cannot be made to the County Zoning Ordinance with less than 12 votes, and Case 945-
37 AT-19 barely received 12 votes.

38
39 Mr. Randol asked what if the ZBA sent both cases back to ELUC, and ELUC sent them to the County
40 Board with no recommendation, and then neither case passes at the County Board.

41
42 Mr. Hall stated that a new text amendment would be started the very next day or they might remand it back
43 to the ZBA.

44
45 Mr. Wood asked Mr. Hall who monitors this if it goes into effect.

46
47 Mr. Hall stated the Illinois Department of Agriculture and the Illinois Department of Health would be
48 involved, because there are requirements. He said that staff would appreciate knowing if there are things

1 that the Board would like staff to work on before the next meeting. He said that he has taken the liberty of
2 continuing these cases to the March 12th meeting. He said that the reason why these cases are so important
3 is because staff is already receiving forms to complete for the State indicating that the use complies with
4 County zoning, and he has had two craft growers submit applications for him to sign-off on and both
5 locations are within a municipality that does not allow it. He said that he has sent a question to the State's
6 Attorney because the State form does not have a blank that states that the use is not consistent with existing
7 zoning, or in conformance with anticipated zoning, therefore he does not know how to reply. He said that
8 staff does not want to rush the Board into a decision, but this should be continued to every upcoming ZBA
9 meeting until the Board can come to a decision, but don't rush other than that.

10
11 Mr. Wood asked Mr. Hall to indicate the rationale for not allowing the first three uses out in the County.

12
13 Mr. Hall stated that a Dispensing Organization could only occur in the B-4 zoning district and there are not
14 very many B-4 zoning districts out there. He said that other counties have decided not to do that because
15 they felt that allowing dispensaries in a rural area that is only patrolled by the Sheriff puts too much burden
16 on that office and creates a situation where there is too much risk, but our own County Board did not get that
17 detailed in their concerns. He said that some of the County Board members were opposed due to cultural,
18 religious, and social grounds, and did not feel that it was appropriate to allow those uses in the rural areas.
19 He said that the County Board did not indicate that they were opposed due to the limited deputies, or why
20 they were opposed.

21
22 Mr. Wood stated that the black market would fill in the gaps.

23
24 Mr. Hall stated that there was discussion regarding the black market already filling in the gaps, and it
25 probably is not likely to change.

26
27 Mr. Anderson thanked Mr. Wood for filling in as Chair of the Board for tonight's meeting.

28
29 Mr. Wood asked the Board if there were any other questions for staff regarding these two cases, and there
30 were none.

31
32 Mr. Hall stated that at a bare minimum, these cases should be continued to the March 12th meeting.

33
34 Mr. Wood entertained a motion to continue Cases 972-AT-20 and 973-AT-20 to the March 12, 2020,
35 meeting.

36
37 **Mr. Randol moved, seconded by Mr. Roberts, to continue Cases 972-AT-20 and 973-AT-20 to the**
38 **March 12, 2020, meeting. The motion carried by voice vote.**

39
40 **7. Staff Report - None**

41
42 **8. Other Business**

43 **A. Review of Docket**

44
45 Mr. Wood asked the Board to indicate any known absences to future meetings, and there were none.

46
47 Mr. Anderson stated that the documents that were made available at the meeting tonight were a big part of
48 the discussion, and it would have been nice to have had those documents earlier so that the Board

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would have had a chance to review them prior to the meeting.

Mr. Hall stated that the nature of the public hearing process is that people will continue to produce information expressing their viewpoint, and every time the Board receives information prior to a public hearing is a good reason not to take action at that meeting.

9. Audience participation with respect to matters other than cases pending before the Board

None

10. Adjournment

Mr. Wood entertained a motion to adjourn the meeting.

Mr. Roberts moved, seconded by Mr. Randol, to adjourn the meeting. The motion carried by voice vote.

The meeting adjourned at 9:08 p.m.

Respectfully submitted

Secretary of Zoning Board of Appeals