

## **CASE 998-S-21**

*SUPPLEMENTAL MEMORANDUM #1*  
*FEBRUARY 10, 2021*

**Petitioners: Blake Schilb, d.b.a. 217 Genetics LLC, with officers Stephane Lasme and John Litchfield**

**Request: Authorize an Adult Use Cannabis Craft Grower as a Special Use in the AG-1 Agriculture Zoning District**

**Location: A 6.04-acre parcel of land located in the Southwest Corner of the Southwest Quarter of Section 35, Township 18 North, Range 9 East of the Third Principal Meridian in Philo Township, and commonly known as the former Genetic Resources seed research facility with an address of 1606 CR 600N, Philo.**

**Site Area: 6.04 acres**

**Time Schedule for Development: As soon as possible**

**Prepared by: Susan Burgstrom, Senior Planner  
John Hall, Zoning Administrator**

---

### **STATUS**

Several phone calls have been received from residents in the vicinity of the subject property. All of them had questions regarding the scope of operations and the likelihood of expansion to a cannabis dispensary. All are against the subject property becoming a dispensary in the future, and some are against the proposed craft grower facility. They were invited to send in their comments and/or speak at the public hearing.

- Attachment B is an email from Steve Hettinger received February 9, 2021
- Attachment C is a set of questions and photos from Roger and Diane Henning received February 10, 2021
- Attachment D is an email string between P&Z Zoning Officer Charlie Campo and Dustin Burger, IEPA Environmental Specialist dated December 17, 2021
- Attachment E is an email from Alvin Decker received February 10, 2021

The petitioner has applied for a County Board Special Use Permit for a cannabis craft grower facility. They have not applied to be a cannabis dispensary. A craft grower facility is allowed by right (no Special Use Permit required) in the AG-1 Zoning District, but the Zoning Ordinance requires a County Board Special Use Permit if a craft grower facility is proposed within 300 feet of a residence or residential zoning district. There are two residences within 300 feet of the subject property, which is why this case is necessary.

The petitioner has not indicated an intent to have a dispensary on the subject property. Should the petitioner seek to expand to be a dispensary, they will have to request a Map Amendment (rezoning) to the B-4 Zoning District, which is the only district that allows a cannabis dispensary. A Map Amendment must receive recommendations from the ZBA, the County Environment and Land Use Committee (ELUC), and the full County Board for final approval. Protest rights are available for a Map Amendment if 20% or more of the owners sharing the subject property lines file a protest. A protest would force a 2/3 majority (17 of 22 County Board votes) instead of the typical simple

majority (12 of 22 County Board votes). Therefore, approval for a dispensary would be difficult, but not impossible.

P&Z Staff has compiled excerpts from the State of Illinois Cannabis Regulation and Tax Act (410 ILCS 705) that are specific to the craft grower requirements (Attachment A).

**PROPOSED SPECIAL CONDITIONS - REVISED**

- A. **An approved Zoning Use Permit must be received prior to construction of the proposed greenhouse.**

The special condition stated above is required to ensure the following:

**The establishment of the proposed use shall be properly documented as required by the Zoning Ordinance.**

- B. **The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the lighting specifications in Paragraph 6.1.2.A. and Section 5.2 Footnote 28.(9) of the Zoning Ordinance have been met.**

The special condition stated above is required to ensure the following:

**That exterior lighting for the proposed Special Use meets the standard conditions established for Special Uses and requirements for cannabis craft growers in the Zoning Ordinance.**

- C. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Special Use until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code, if necessary.**

The special condition stated above is necessary to ensure the following:

**That the proposed Special Use meets applicable State requirements for accessibility.**

- D. **The Special Use shall be in compliance with the Illinois Cannabis Regulation and Tax Act, 410 ILCS 705/ 1-1 et seq (Public Act 101-0027) as it may be amended from time-to-time, and regulations promulgated thereunder, and a copy of the State-approved license shall be filed with the Zoning Administrator prior to receiving a Zoning Compliance Certificate.**

The special condition stated above is necessary to ensure the following:

**That the proposed Special Use complies with State regulations.**

- E. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing occupancy of the proposed building until the Zoning Administrator has received a certification of inspection from an Illinois Licensed Architect or other qualified inspector certifying that the new buildings comply with the following codes: (A) the 2006 or later edition of the International Building Code, and (B) the 2008 or later edition of the National Electrical Code NFPA 70.**

The special condition stated above is required to ensure the following:

**New commercial buildings shall be in conformance with Public Act 96-704.**

## **ATTACHMENTS**

- A Excerpts from the State of Illinois Cannabis Regulation and Tax Act (*410 ILCS 705*) regarding craft grower requirements
- B Email from Steve Hettinger received February 9, 2021
- C Questions and photos from Roger and Diane Henning received February 10, 2021
- D Email string between P&Z Zoning Officer Charlie Campo and Dustin Burger, IEPA Environmental Specialist dated December 17, 2021
- E Email from Alvin Decker received February 10, 2021

**Attachment A: Excerpts from the State of Illinois Cannabis Regulation and Tax Act  
(410 ILCS 705)**

From 410 ILCS 705/1-10

Sec. 1-10. Definitions.

"**Craft grower**" means a facility operated by an organization or business that is licensed by the Department of Agriculture to cultivate, dry, cure, and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization. A craft grower may contain up to 5,000 square feet of canopy space on its premises for plants in the flowering state. The Department of Agriculture may authorize an increase or decrease of flowering stage cultivation space in increments of 3,000 square feet by rule based on market need, craft grower capacity, and the licensee's history of compliance or noncompliance, with a maximum space of 14,000 square feet for cultivating plants in the flowering stage, which must be cultivated in all stages of growth in an enclosed and secure area. A craft grower may share premises with a processing organization or a dispensing organization, or both, provided each licensee stores currency and cannabis or cannabis-infused products in a separate secured vault to which the other licensee does not have access or all licensees sharing a vault share more than 50% of the same ownership.

"Dispensing organization" means a facility operated by an organization or business that is licensed by the Department of Financial and Professional Regulation to acquire cannabis from a cultivation center, **craft grower**, processing organization, or another dispensary for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia, or related supplies under this Act to purchasers or to qualified registered medical cannabis patients and caregivers. As used in this Act, "dispensing organization" includes a registered medical cannabis organization as defined in the Compassionate Use of Medical Cannabis Program Act or its successor Act that has obtained an Early Approval Adult Use Dispensing Organization License.

410 ILCS 705/30-5

Sec. 30-5. Issuance of licenses.

- (a) The Department of Agriculture shall issue up to 40 craft grower licenses by July 1, 2020. Any person or entity awarded a license pursuant to this subsection shall only hold one craft grower license and may not sell that license until after December 21, 2021.
- (b) By December 21, 2021, the Department of Agriculture shall issue up to 60 additional craft grower licenses. Any person or entity awarded a license pursuant to this subsection shall not hold more than 2 craft grower licenses. The person or entity awarded a license pursuant to this subsection or subsection (a) of this Section may sell its craft grower license subject to the restrictions of this Act or as determined by administrative rule. Prior to issuing such licenses, the Department may adopt rules through emergency rulemaking in accordance with subsection (gg) of Section 5-45 of the Illinois Administrative Procedure Act, to modify or raise the number of craft grower licenses and modify or change the licensing application process to reduce or eliminate barriers. The General Assembly finds that the adoption of rules to regulate cannabis use is deemed an emergency and necessary for the public interest, safety, and welfare. In determining whether to exercise the authority granted by this subsection, the Department of Agriculture must consider the following factors:
  - (1) The percentage of cannabis sales occurring in Illinois not in the regulated market using data from the Substance Abuse and Mental Health Services Administration, National Survey on Drug Use and Health, Illinois Behavioral Risk Factor Surveillance System, and tourism data from the Illinois Office of Tourism to ascertain total cannabis

**Attachment A: Excerpts from the State of Illinois Cannabis Regulation and Tax Act  
(410 ILCS 705)**

Sec. 30-5. Issuance of licenses - continued

- consumption in Illinois compared to the amount of sales in licensed dispensing organizations;
- (2) Whether there is an adequate supply of cannabis and cannabis-infused products to serve registered medical cannabis patients;
  - (3) Whether there is an adequate supply of cannabis and cannabis-infused products to serve purchasers;
  - (4) Whether there is an oversupply of cannabis in Illinois leading to trafficking of cannabis to states where the sale of cannabis is not permitted by law;
  - (5) Population increases or shifts;
  - (6) The density of craft growers in any area of the State;
  - (7) Perceived security risks of increasing the number or location of craft growers;
  - (8) The past safety record of craft growers;
  - (9) The Department of Agriculture's capacity to appropriately regulate additional licensees;
  - (10) The findings and recommendations from the disparity and availability study commissioned by the Illinois Cannabis Regulation Oversight Officer to reduce or eliminate any identified barriers to entry in the cannabis industry; and
  - (11) Any other criteria the Department of Agriculture deems relevant.
- (c) After January 1, 2022, the Department of Agriculture may by rule modify or raise the number of craft grower licenses and modify or change the licensing application process to reduce or eliminate barriers based on the criteria in subsection (b). At no time may the number of craft grower licenses exceed 150. Any person or entity awarded a license pursuant to this subsection shall not hold more than 3 craft grower licenses. A person or entity awarded a license pursuant to this subsection or subsection (a) or subsection (b) of this Section may sell its craft grower license or licenses subject to the restrictions of this Act or as determined by administrative rule. (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

410 ILCS 705/30-10

Sec. 30-10. Application.

- (a) When applying for a license, the applicant shall electronically submit the following in such form as the Department of Agriculture may direct:
- (1) the nonrefundable application fee of \$5,000 to be deposited into the Cannabis Regulation Fund, or another amount as the Department of Agriculture may set by rule after January 1, 2021;
  - (2) the legal name of the craft grower;
  - (3) the proposed physical address of the craft grower;
  - (4) the name, address, social security number, and date of birth of each principal officer and board member of the craft grower; each principal officer and board member shall be at least 21 years of age;
  - (5) the details of any administrative or judicial proceeding in which any of the principal officers or board members of the craft grower (i) pled guilty, were convicted, were fined, or had a registration or license suspended or revoked or (ii) managed or served on the board of a business or non-profit organization that pled guilty, was convicted, was fined, or had a registration or license suspended or revoked;

**Attachment A: Excerpts from the State of Illinois Cannabis Regulation and Tax Act  
(410 ILCS 705)**

Sec. 30-10. Application - continued

- (6) proposed operating bylaws that include procedures for the oversight of the craft grower, including the development and implementation of a plant monitoring system, accurate recordkeeping, staffing plan, and security plan approved by the Department of State Police that are in accordance with the rules issued by the Department of Agriculture under this Act; a physical inventory shall be performed of all plants and on a weekly basis by the craft grower;
- (7) verification from the Department of State Police that all background checks of the prospective principal officers, board members, and agents of the cannabis business establishment have been conducted;
- (8) a copy of the current local zoning ordinance or permit and verification that the proposed craft grower is in compliance with the local zoning rules and distance limitations established by the local jurisdiction;
- (9) proposed employment practices, in which the applicant must demonstrate a plan of action to inform, hire, and educate minorities, women, veterans, and persons with disabilities, engage in fair labor practices, and provide worker protections;
- (10) whether an applicant can demonstrate experience in or business practices that promote economic empowerment in Disproportionately Impacted Areas;
- (11) experience with the cultivation of agricultural or horticultural products, operating an agriculturally related business, or operating a horticultural business;
- (12) a description of the enclosed, locked facility where cannabis will be grown, harvested, manufactured, packaged, or otherwise prepared for distribution to a dispensing organization or other cannabis business establishment;
- (13) a survey of the enclosed, locked facility, including the space used for cultivation;
- (14) cultivation, processing, inventory, and packaging plans;
- (15) a description of the applicant's experience with agricultural cultivation techniques and industry standards;
- (16) a list of any academic degrees, certifications, or relevant experience of all prospective principal officers, board members, and agents of the related business;
- (17) the identity of every person having a financial or voting interest of 5% or greater in the craft grower operation, whether a trust, corporation, partnership, limited liability company, or sole proprietorship, including the name and address of each person;
- (18) a plan describing how the craft grower will address each of the following:
  - (i) energy needs, including estimates of monthly electricity and gas usage, to what extent it will procure energy from a local utility or from on-site generation, and if it has or will adopt a sustainable energy use and energy conservation policy;
  - (ii) water needs, including estimated water draw and if it has or will adopt a sustainable water use and water conservation policy; and
  - (iii) waste management, including if it has or will adopt a waste reduction policy;
- (19) a recycling plan:
  - (A) Purchaser packaging, including cartridges, shall be accepted by the applicant and recycled.
  - (B) Any recyclable waste generated by the craft grower facility shall be recycled per applicable State and local laws, ordinances, and rules.
  - (C) Any cannabis waste, liquid waste, or hazardous waste shall be disposed of in accordance with 8 Ill. Adm. Code 1000.460, except, to the greatest extent feasible, all cannabis plant waste will be rendered unusable by grinding and

**Attachment A: Excerpts from the State of Illinois Cannabis Regulation and Tax Act  
(410 ILCS 705)**

Sec. 30-10. Application - continued

- incorporating the cannabis plant waste with compostable mixed waste to be disposed of in accordance with 8 Ill. Adm. Code 1000.460(g)(1);
- (20) a commitment to comply with local waste provisions: a craft grower facility must remain in compliance with applicable State and federal environmental requirements, including, but not limited to:
- (A) storing, securing, and managing all recyclables and waste, including organic waste composed of or containing finished cannabis and cannabis products, in accordance with applicable State and local laws, ordinances, and rules; and
  - (B) disposing liquid waste containing cannabis or byproducts of cannabis processing in compliance with all applicable State and federal requirements, including, but not limited to, the cannabis cultivation facility's permits under Title X of the Environmental Protection Act;
- (21) a commitment to a technology standard for resource efficiency of the craft grower facility.
- (A) A craft grower facility commits to use resources efficiently, including energy and water. For the following, a cannabis cultivation facility commits to meet or exceed the technology standard identified in paragraphs (i), (ii), (iii), and (iv), which may be modified by rule:
    - (i) lighting systems, including light bulbs;
    - (ii) HVAC system;
    - (iii) water application system to the crop; and
    - (iv) filtration system for removing contaminants from wastewater.
  - (B) Lighting. The Lighting Power Densities (LPD) for cultivation space commits to not exceed an average of 36 watts per gross square foot of active and growing space canopy, or all installed lighting technology shall meet a photosynthetic photon efficacy (PPE) of no less than 2.2 micromoles per joule fixture and shall be featured on the Design Lights Consortium (DLC) Horticultural Specification Qualified Products List (QPL). In the event that DLC requirement for minimum efficacy exceeds 2.2 micromoles per joule fixture, that PPE shall become the new standard.
  - (C) HVAC.
    - (i) For cannabis grow operations with less than 6,000 square feet of canopy, the licensee commits that all HVAC units will be high-efficiency ductless split HVAC units, or other more energy efficient equipment.
    - (ii) For cannabis grow operations with 6,000 square feet of canopy or more, the licensee commits that all HVAC units will be variable refrigerant flow HVAC units, or other more energy efficient equipment.
  - (D) Water application.
    - (i) The craft grower facility commits to use automated watering systems, including, but not limited to, drip irrigation and flood tables, to irrigate cannabis crop.

**Attachment A: Excerpts from the State of Illinois Cannabis Regulation and Tax Act  
(410 ILCS 705)**

Sec. 30-10. Application - continued

(ii) The craft grower facility commits to measure runoff from watering events and report this volume in its water usage plan, and that on average, watering events shall have no more than 20% of runoff of water.

(E) Filtration. The craft grower commits that HVAC condensate, dehumidification water, excess runoff, and other wastewater produced by the craft grower facility shall be captured and filtered to the best of the facility's ability to achieve the quality needed to be reused in subsequent watering rounds.

(F) Reporting energy use and efficiency as required by rule; and

(22) any other information required by rule.

(b) Applicants must submit all required information, including the information required in Section 30-15, to the Department of Agriculture. Failure by an applicant to submit all required information may result in the application being disqualified.

(c) If the Department of Agriculture receives an application with missing information, the Department of Agriculture may issue a deficiency notice to the applicant. The applicant shall have 10 calendar days from the date of the deficiency notice to resubmit the incomplete information. Applications that are still incomplete after this opportunity to cure will not be scored and will be disqualified. (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

410 ILCS 705/30-30

Sec. 30-30. Craft grower requirements; prohibitions.

(a) The operating documents of a craft grower shall include procedures for the oversight of the craft grower, a cannabis plant monitoring system including a physical inventory recorded weekly, accurate recordkeeping, and a staffing plan.

(b) A craft grower shall implement a security plan reviewed by the Department of State Police that includes, but is not limited to: facility access controls, perimeter intrusion detection systems, personnel identification systems, and a 24-hour surveillance system to monitor the interior and exterior of the craft grower facility and that is accessible to authorized law enforcement and the Department of Agriculture in real time.

(c) All cultivation of cannabis by a craft grower must take place in an enclosed, locked facility at the physical address provided to the Department of Agriculture during the licensing process. The craft grower location shall only be accessed by the agents working for the craft grower, the Department of Agriculture staff performing inspections, the Department of Public Health staff performing inspections, State and local law enforcement or other emergency personnel, contractors working on jobs unrelated to cannabis, such as installing or maintaining security devices or performing electrical wiring, transporting organization agents as provided in this Act, or participants in the incubator program, individuals in a mentoring or educational program approved by the State, or other individuals as provided by rule. However, if a craft grower shares a premises with an infuser or dispensing organization, agents from those other licensees may access the craft grower portion of the premises if that is the location of common bathrooms,

**Attachment A: Excerpts from the State of Illinois Cannabis Regulation and Tax Act  
(410 ILCS 705)**

Sec. 30-30. Craft grower requirements; prohibitions - continued

lunchrooms, locker rooms, or other areas of the building where work or cultivation of cannabis is not performed. At no time may an infuser or dispensing organization agent perform work at a craft grower without being a registered agent of the craft grower.

- (d) A craft grower may not sell or distribute any cannabis to any person other than a cultivation center, a craft grower, an infuser organization, a dispensing organization, or as otherwise authorized by rule.
- (e) A craft grower may not be located in an area zoned for residential use.
- (f) A craft grower may not either directly or indirectly discriminate in price between different cannabis business establishments that are purchasing a like grade, strain, brand, and quality of cannabis or cannabis-infused product. Nothing in this subsection (f) prevents a craft grower from pricing cannabis differently based on differences in the cost of manufacturing or processing, the quantities sold, such as volume discounts, or the way the products are delivered.
- (g) All cannabis harvested by a craft grower and intended for distribution to a dispensing organization must be entered into a data collection system, packaged and labeled under Section 55-21, and, if distribution is to a dispensing organization that does not share a premises with the dispensing organization receiving the cannabis, placed into a cannabis container for transport. All cannabis harvested by a craft grower and intended for distribution to a cultivation center, to an infuser organization, or to a craft grower with which it does not share a premises, must be packaged in a labeled cannabis container and entered into a data collection system before transport.
- (h) Craft growers are subject to random inspections by the Department of Agriculture, local safety or health inspectors, and the Department of State Police.
- (i) A craft grower agent shall notify local law enforcement, the Department of State Police, and the Department of Agriculture within 24 hours of the discovery of any loss or theft. Notification shall be made by phone, in person, or written or electronic communication.
- (j) A craft grower shall comply with all State and any applicable federal rules and regulations regarding the use of pesticides.
- (k) A craft grower or craft grower agent shall not transport cannabis or cannabis-infused products to any other cannabis business establishment without a transport organization license unless:
  - (i) If the craft grower is located in a county with a population of 3,000,000 or more, the cannabis business establishment receiving the cannabis is within 2,000 feet of the property line of the craft grower;
  - (ii) If the craft grower is located in a county with a population of more than 700,000 but fewer than 3,000,000, the cannabis business establishment receiving the cannabis is within 2 miles of the craft grower; or
  - (iii) If the craft grower is located in a county with a population of fewer than 700,000, the cannabis business establishment receiving the cannabis is within 15 miles of the craft grower.

**Attachment A: Excerpts from the State of Illinois Cannabis Regulation and Tax Act  
(410 ILCS 705)**

Sec. 30-30. Craft grower requirements; prohibitions - continued

- (l) A craft grower may enter into a contract with a transporting organization to transport cannabis to a cultivation center, a craft grower, an infuser organization, a dispensing organization, or a laboratory.
- (m) No person or entity shall hold any legal, equitable, ownership, or beneficial interest, directly or indirectly, of more than 3 craft grower licenses. Further, no person or entity that is employed by, an agent of, or has a contract to receive payment from or participate in the management of a craft grower, is a principal officer of a craft grower, or entity controlled by or affiliated with a principal officer of a craft grower shall hold any legal, equitable, ownership, or beneficial interest, directly or indirectly, in a craft grower license that would result in the person or entity owning or controlling in combination with any craft grower, principal officer of a craft grower, or entity controlled or affiliated with a principal officer of a craft grower by which he, she, or it is employed, is an agent of, or participates in the management of more than 3 craft grower licenses.
- (n) It is unlawful for any person having a craft grower license or any officer, associate, member, representative, or agent of the licensee to offer or deliver money, or anything else of value, directly or indirectly, to any person having an Early Approval Adult Use Dispensing Organization License, a Conditional Adult Use Dispensing Organization License, an Adult Use Dispensing Organization License, or a medical cannabis dispensing organization license issued under the Compassionate Use of Medical Cannabis Program Act, or to any person connected with or in any way representing, or to any member of the family of, the person holding an Early Approval Adult Use Dispensing Organization License, a Conditional Adult Use Dispensing Organization License, an Adult Use Dispensing Organization License, or a medical cannabis dispensing organization license issued under the Compassionate Use of Medical Cannabis Program Act, or to any stockholders in any corporation engaged in the retail sale of cannabis, or to any officer, manager, agent, or representative of the Early Approval Adult Use Dispensing Organization License, a Conditional Adult Use Dispensing Organization License, an Adult Use Dispensing Organization License, or a medical cannabis dispensing organization license issued under the Compassionate Use of Medical Cannabis Program Act to obtain preferential placement within the dispensing organization, including, without limitation, on shelves and in display cases where purchasers can view products, or on the dispensing organization's website.
- (o) A craft grower shall not be located within 1,500 feet of another craft grower or a cultivation center.
- (p) A craft grower may process cannabis, cannabis concentrates, and cannabis-infused products.
- (q) A craft grower must comply with any other requirements or prohibitions set by administrative rule of the Department of Agriculture. (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

## Susan Burgstrom

---

**From:** Charles W. Campo  
**Sent:** Tuesday, February 9, 2021 9:16 AM  
**To:** Susan Burgstrom  
**Subject:** FW: Case 998-S--21  
**Attachments:** Application\_Special\_Use\_Permit.pdf

**From:** Steve Hettinger <[shett@hettfarms.com](mailto:shett@hettfarms.com)>  
**Sent:** Tuesday, February 9, 2021 9:14 AM  
**To:** zoningdept <[zoningdept@co.champaign.il.us](mailto:zoningdept@co.champaign.il.us)>  
**Subject:** Case 998-S--21

To whom it may concern.

I am opposed to this proposal for a special use permit, especially with a residence within 300 feet from proposed.

I also noticed that according to Champaign County Special Use Procedure, 3rd paragraph,(see attached.) that the application must be filed no less than 22 days before the ZBA meeting on February 11th. The pictures in the proposal were taken Jan. 24 2021, and the proposal was stamped received on January 26, 2021. So it seems to me that the proposal is in violation of the CHampaign County procedures. Please correct me if i am understanding this incorrectly.

Looking forward to the meeting on Thursday.  
Have a good day!

Steve Hettinger  
Hettinger Farms

RECEIVED

FEB 09 2021

CHAMPAIGN CO. P & Z DEPARTMENT

Champaign County  
Department of

**PLANNING &  
ZONING**

**Brookens Administrative Center**  
1776 E. Washington Street  
Urbana, Illinois 61802

(217) 384-3708  
zoningdept@co.champaign.il.us  
www.co.champaign.il.us/zoning

## **RE: SPECIAL USE PERMIT PROCEDURE**

Attached please find materials related to an application of a Special Use Permit under the provisions of the Champaign County Zoning Ordinance. A Special Use Permit request requires a public hearing before the Champaign County Zoning Board of Appeals which is the granting authority with respect to such requests.

The Zoning Board of Appeals (ZBA) is a seven member board, the members of which are appointed by the Champaign County Board to conduct all zoning and land use public hearings for unincorporated Champaign County. The ZBA meets regularly on the second and fourth Thursdays of each month to conduct its public hearings. Special Use Permit cases generally appear before the ZBA at only one meeting; however, if the Board requests more information the case could be continued to the next available hearing. The petitioner or an agent must be present at the public hearing to give testimony and answer any questions from the Board members, staff, or any other interested party.

Completed applications are required to be submitted no less than 22 days in advance of the next available ZBA public hearing date. However, agenda items are docketed on a first-come first-serve basis, based upon submission of the completed application and filing fee. Docket space is limited for each meeting; therefore, an extra time frame should be anticipated in the event of an overloaded docket, etc. Please contact this Department to determine the date of the next available public hearing date.

This Department serves as staff for the Zoning Board of Appeals, and prepares all notifications and memorandum to be distributed to the Board and other interested parties. As required by state law, all public hearings before the ZBA are published as public notices in a newspaper of general circulation published in the county and having circulation where such property is located. If no local newspaper exists, then such notice is published in the News Gazette. The By-laws of the ZBA further require that all landowners within 250 feet of the subject property be notified of the request by regular mail. If applicable, notice is also given to the Township Supervisor, the Drainage District Commissioner, the Fire District Chief, as well as any municipality within one and one-half miles of the site.

Department staff prepares all case memoranda, which outline the available facts and issues of the request. Staff does not, however, make recommendations within respect to zoning cases. The case memoranda provide a review of the request, and a series of case maps regarding location, land use, and zoning of the property and its surrounding area. The memos are mailed to the ZBA members, the petitioner, and any other interested parties approximately one week prior to the public hearing.

Members of the Board may visit the property for a site analysis, however, please be advised that communications with Board members outside of the public hearing are considered ex-parte communications, and are prohibited. All questions and comments regarding the case from any party should be directed to the full Board during the course of the public hearing.

Question numbers 12 through 15 on the application reflect the Special Use Permit criteria outlined in the Zoning Ordinance. The Board is required to make specific findings of fact with respect to each these criteria, and then render its decision based upon those findings. These questions should therefore be reviewed and answered as thoroughly as possible, as they are the petitioner's first opportunity to make affirmative findings with respect to their request. Outstanding questions combined with a considerable amount of testimony may warrant a continuation of the case to the next available ZBA docket.

An integral part of the Special Use Permit application is the site plan, which should include all existing and proposed structures, interior and exterior facilities, and applicable setback distances from the property lines. Structures and outdoor areas to be used in conjunction with the proposed use should be labeled with their appropriate uses.

In the event that a site is within the One and One-Half Mile Extraterritorial Jurisdiction (ETJ) of a municipality, the municipality retains subdivision jurisdiction, as well as the right to consider a protest/no protest vote with respect to Special Use Permit requests. The municipality with ETJ will conduct its own meetings with respect to the case, and although the petitioner's attendance is not required at municipal meetings, it may be advisable to attend in order to answer any questions that may arise. A municipal protest with respect to a Special Use Permit has no impact on the number of affirmative votes, which remains constant at four out of seven required to grant the request.

All Special Use Permit requests are also subject to review by the Soil and Water Conservation District by way of a Natural Resource Report. Applications for this report are available from this Department, and its fee, separate and apart from the Special Use Permit application fee, is based upon the acreage of the site. Questions regarding this report should be directed to the SWCD at 352-4654.

Pursuant to Section 6 of the Zoning Ordinance, certain Special Uses are subject to standard conditions, which will be imposed unless they are otherwise requested to be waived upon application. The Board is also permitted to impose additional conditions of approval as necessary to protect the public health, safety, and welfare.

Upon approval of the Special Use Permit, a Zoning Use Permit must be received from this Department, which authorizes new construction and/or establishment of a new use on the subject property. The fee for this permit is based upon the size and type of the new structure(s), including signs and parking areas. If no new construction is proposed, a Change of Use Permit must be applied for, which has a filing fee of \$98.

A site plan is also required to be submitted with the Zoning Use Permit Application, which generally requires a greater level of detail than the site plan submitted with the Special Use Permit application. All structures and facilities, both interior and exterior, are required to be noted and dimensioned, and interior spaces and uses should be delineated as well. Specific notations with respect to parking requirements, outdoor storage, screening, signage, etc., will also be required, if applicable.

All new construction for public use, including parking areas, is subject to the provisions of the Illinois Environmental Barriers Act. This site plan must indicate compliance with or exemption from the Act through a sealed and signed statement from an Illinois Registered Architect or Structural Engineer. While this Department is required to ensure the site plans indicate compliance with the IEBA, we are not eligible to interpret the Act. Therefore, specific questions regarding specific provisions of the Act and its applicability should be directed your architect or engineer.

Lastly, approval of the Special Use Permit pursuant to the Zoning Ordinance criteria allows a use of a certain scope and intensity as proposed in the application and its site plan. Any future deviations from the approved request or any imposed conditions must be submitted to the Planning and Zoning Department, and any expansion deemed a significant deviation from the originally approved use must re-apply as another Special Use Permit.

This handout is an outline of the major provisions regarding Special Use Permit applications. Please contact the Department of Planning and Zoning at 384-3708 for further information. Copies of the Zoning Ordinance and the Zoning Board of Appeals By-laws are also available for purchase at the Department of Planning and Zoning, Brookens Administrative Center, 1776 East Washington Street, Urbana, IL 61802.

## Henning Images received 02/10/21 for Case 998-S-21



Img.-0874 and 0873 - Pictures I took of asphalt dumped in hole at 1606 CR 600N, Philo. I called Sheriffs Dept. no response, followed up the next day and an officer went out and saw the illegal dumping but said it was not in their jurisdiction. I then contacted the County Health Dept. and they said it was not their Dept., go to EPA but they would reach out to Zoning Board for us. That is when Charlie Campo from the Champaign Planning and Zoning came down and took pictures numbered 1500-1505.



## Henning Images received 02/10/21 for Case 998-S-21



Picture 1500- You can see white septic field pipe that was dug up when they were digging hole to bury asphalt. The septic field has been damaged. If you enlarge picture you can see trailer is full of asphalt.



Picture 1501- Trailer is in different spot. You can see pile of asphalt and septic field damaged pipe.

## Henning Images received 02/10/21 for Case 998-S-21



Picture 1502- Similar to picture 1501.



Picture 1503- The hole is covered up. You can see damaged septic pipe. You can also see pieces of asphalt on top of ground.

### Henning Images received 02/10/21 for Case 998-S-21



Picture1504- Pile of asphalt you seen in 1501 with trailer pulled up to it.



Picture 1505- picture of asphalt in trailer.

## Henning Images received 02/10/21 for Case 998-S-21



Pictures 1716-1720 were taken 12-22-2020 by Charlie Campo again. In them you can see rock from septic field that was damaged when they dug hole to bury asphalt.



Picture 1717

**Henning Images received 02/10/21 for Case 998-S-21**



Picture 1718



Picture 1719

## Henning Images received 02/10/21 for Case 998-S-21



Picture 1720

As far as the buried asphalt, the EPA contacted the owner to dig it back up and dispose of it properly. I contacted Dustin Burger with EPA again in December to follow up and He said owner provided receipts showing that the asphalt had been hauled off. I believe that was from asphalt that was left in pile shown in pictures 1504-1505. EPA never witnessed the cleanup. I drive by the property at least twice a day and have never seen dirt disturbed since 10-7-2020. The septic field has not been repaired either. With 10 to 20 employees it needs to be fixed.

Our concerns are if things like this are happening out in the open, what will happen after fence goes up? Who will police the craft grower then?

RECEIVED

FEB 10 2021

CHAMPAIGN COUNTY ZONING DEPARTMENT

Questions and concerns about cannabis facility

1. Where will run off from watering plants drain to?
2. Will there be a lot of chemicals going into septic or run off onto ground. There are alot of wells in country.
3. Wonder what was reasoning for county board to amend 300 feet from a residence? I would think state rules would be the minimum the county would ask for.
4. There is a subdivision less than 1.5 miles west.
5. Pg. 2 #2b. If not relevant to propose special use permit, take it off A,B,&C.
6. Section 2 Purpose Champaign County, Illinois Zoning Ordinance:  
b. Conserving the value of land, buildings and structures throughout the county  
Q. Encouraging the preservation of agricultural belts surrounding urban areas, to retain the agricultural nature of the county, and individual character of existing communities.
7. Attachment B. Site Plan is not correct.
8. Attachment H. pg. 4/23 #6. Growing in a green house or inside building. Why do they need our best prime land?
9. Attachment H. pg.5/23 #18. Well suited overall. Any facts proving it has no unacceptable negative effects on neighbors or general public?
10. Please clarify. If you pass this can a dispensary be set up without coming back for a special use permit, since it is still 300 feet from a residence?
11. Attachment H. pg. 9/23 G (1) Please clarify Public Convenience. They really won't be dealing with the public.
12. Attachment H. pg 9/23 H Board can Prescribe Special Conditions.
13. Attachment H pg.10/23 7A. How discrete can it be right across road from 2 residences and along Rt. 130?
14. Attachment pg.10/23 8A How far can audio reach? If walking by can they hear conversations and be recorded? Have they hired anyone from Philo, Tolono, Crittenden, or Sidney townships to work on existing structure remodel?
15. Attachment H pg.11/23 H. Current Septic System has been compromised as shown in photos.
16. Attachment H pg 12/23 B(1) What was intent of board to amend the 300 feet set by state?
17. Attachment H pg.12/23 B 2b If not relevant remove A, B, & C.
18. Attachment H pg. 12/23 B 2b(c). Please clarify. Does this mean they would not need to seek approval from board if rezoned to B-4
19. Attachment H pg.15/23 C2. Would you want this next to you or your children?
20. Attachment H pg.15/23 C3. Traffic on Rt.130
21. Attachment H pg 15/23 C5. Please clarify how new establishment represents the morals of neighbors who signed petition to stop. Please clarify how new establishment conserves the value of land, buildings and structures throughout the county.

22. Attachment H pg.16/23 C9. Protecting most productive agricultural lands from haphazard and unplanned intrusions of urban uses. A green house can be built on non productive agricultural land.
23. Attachment H pg.18/23. Last sentence says complies with state regulations. The state says 300 feet from a residence.
24. Attachment H pg.19/23. Permit application received Jan. 19 2021, but took 8 days to get in paper.
25. Attachment H pg. 20/23. Is simple engineering digging a hole and burying trash?
26. Attachment H pg.21/23. What public convenience? The public shouldn't have any transactions at the new establishment.
27. Attachment H. pg.22/23. Does not comply with state regulations.
28. Who polices facility? They have already broken EPA regulations.
29. What is owners future plans if approved?
30. What is owners plan if denied?

Thank you for your time.

## Charles W. Campo

---

**From:** Charles W. Campo  
**Sent:** Thursday, December 17, 2020 9:21 AM  
**To:** 'Burger, Dustin'  
**Subject:** RE: Philo

Sounds good. Could you send me copies of your letter and whatever info that he sent to you? We expect that they will apply for some zoning changes on the property and we would like to have this documentation if/when it comes up in a public hearing. Thanks.

---

**From:** Burger, Dustin <Dustin.Burger@Illinois.gov>  
**Sent:** Thursday, December 17, 2020 8:48 AM  
**To:** Charles W. Campo <cwc43700@co.champaign.il.us>  
**Subject:** RE: Philo

**CAUTION:** External email, be careful when opening.

I sent a warning letter, and the owner said he removed the material from the excavation after you told him not to bury it. He provided receipts. I closed the case.

---

**From:** Charles W. Campo <[cwc43700@co.champaign.il.us](mailto:cwc43700@co.champaign.il.us)>  
**Sent:** Thursday, December 17, 2020 8:43 AM  
**To:** Burger, Dustin <[Dustin.Burger@Illinois.gov](mailto:Dustin.Burger@Illinois.gov)>  
**Subject:** [External] FW: Philo

Hello Dustin,

It sounds like your department has followed up on the complaint regarding 1606 County Road 600 N. I have not been out to the site since my first visit on 10/7/20. **Do you have any further concerns with this asphalt dumping?** If they're ok with you then I think they're ok with us, and I'm inclined to tell the complainant this. I will follow up with Champaign County Public Health regarding the septic system but that is not something that we would typically inspect. Thanks for your help with this.

Charlie Campo, AICP  
Zoning Officer  
Champaign County Department of Planning and Zoning  
1776 East Washington Street  
Urbana, IL 61802  
Ph: 217-384-3708

-----Original Message-----

**From:** Roger Henning <[roger@tdaviselectric.com](mailto:roger@tdaviselectric.com)>  
**Sent:** Wednesday, December 16, 2020 10:20 AM  
**To:** Charles W. Campo <[cwc43700@co.champaign.il.us](mailto:cwc43700@co.champaign.il.us)>  
**Subject:** Philo

CAUTION: External email, be careful when opening.

Good morning Charlie. I was following up on asphalt buried just South of Philo. According to Dustin with EPA the asphalt was dug up and owner provided hauling tickets which were probably the rest of asphalt that didn't get buried. Did any one from zoning see asphalt dug up? I drive by everyday and dirt where asphalt was buried has never been disturbed and I believe someone from zoning witnessed asphalt being buried and should have seen septic field that was damaged and probably has not been repaired. Ask for hauling tickets and dumping tickets and check dates without telling them what we are looking for.

Sent from my iPhone

State of Illinois - CONFIDENTIALITY NOTICE: The information contained in this communication is confidential, may be attorney-client privileged or attorney work product, may constitute inside information or internal deliberative staff communication, and is intended only for the use of the addressee. Unauthorized use, disclosure or copying of this communication or any part thereof is strictly prohibited and may be unlawful. If you have received this communication in error, please notify the sender immediately by return e-mail and destroy this communication and all copies thereof, including all attachments. Receipt by an unintended recipient does not waive attorney-client privilege, attorney work product privilege, or any other exemption from disclosure.

## Susan Burgstrom

---

**From:** Oldal26 <oldal26@aol.com>  
**Sent:** Wednesday, February 10, 2021 10:11 AM  
**To:** Susan Burgstrom  
**Subject:** zoning board of appeals

To the board of appeals members,

As a ninety 95 year old, lifelong resident of Philo and Crittended township except for my time of service in both WW2 and Korea, am opposed to any variance of zoning laws that apply to this cannibis facility. I feel that nothing positive for the community will come from this plant that is located one half of mile from the house i was literally born and raised in. I feel the plants location in proximity to the houses across the road is a problem that needs to be addressed. The waste disposal from the facility is another problem that needs to be talked about. Any possiblity of retail sales from the location should never be considered. Thank you for your time and consideration, your decision will shape the future of our community.

Alvin Decker

RECEIVED

FEB 10 2021

CHAMPAIGN CO. P & Z DEPARTMENT