



**Champaign County Board
Environment and Land Use Committee (ELUC)
County of Champaign, Urbana, Illinois**

MINUTES – Approved as Distributed on January 9, 2019

DATE: Thursday, November 7, 2019
TIME: 6:30 p.m.
PLACE: Lyle Shields Meeting Room
Brookens Administrative Center
1776 E Washington, Urbana, IL 61802

Committee Members

Present	Absent
Aaron Esry (Chair)	
Connie Dillard-Myers	
Jodi Eisenmann	
	Stephanie Fortado
Jim Goss	
Kyle Patterson	
Eric Thorsland (Vice-Chair)	

County Staff: John Hall (Zoning Administrator), Susan Monte (Planner), Mary Ward (Recording Secretary), Rita Kincheloe
Others Present: Giraldo Rosales (County Board Chair), Jim McGuire (County Board)

MINUTES

I. Call to Order

Committee Chair Esry called the meeting to order at 6:34 p.m.

II. Roll Call

A verbal roll call was taken, and a quorum was declared present.

III. Approval of Agenda

MOTION by Mr. Goss to approve the agenda, seconded by Ms. Eisenmann. Upon vote, the **MOTION CARRIED** unanimously.

IV. Approval of Minutes

A. *October 10, 2019*

MOTION by Mr. Thorsland to approve the minutes of the October 10, 2019 meeting; seconded by Mr. Goss. Upon vote, the **MOTION CARRIED** unanimously.

V. Public Participation

Kacie Osterbur of Penfield spoke regarding the Cannabis Ordinance, items VIII. A and IX. B, on the agenda. Her understanding was that the county was considering Penfield as one of the places to have a cannabis business. She was inquiring about this and what the county's objective was to have one in that location. She asked if that was open for discussion and it was explained that during public participation there is no back and forth discussion.

MOTION by Mr. Thorsland to suspend the rules regarding discussion during public participation; seconded by Mr. Goss. Upon vote, the **MOTION CARRIED** unanimously.

It was explained that it was just a discussion point of unincorporated areas of the county and Penfield was used as an example. Other unincorporated areas include Seymour, Foosland, Dewey and Flatville. The discussion would not just impact Penfield, but other unincorporated areas. What would be voted on is if we would allow the business at all or what kind of regulations would be put on them. Ms. Osterbur stated that Penfield is a quiet town and she would like to keep it like that.

VI. Communications

There were no communications.

VII. New Business: for Information Only

A. Update Regarding Planning for Follow-up IEPA-Sponsored HHW Collection in 2020.

Ms. Monte provided an update on the HHW Collection, which did not go smoothly. We did not get maximum participation. Only 900 to 1000 of the 1450 persons scheduled were able to get through the line. We attribute the failure to the capacity of the contractor hired by IEPA. We are working with IEPA. They are agreeable to having a collection in Spring of 2020. At a minimum, it will be to address those who did not get through the line, or ideally it would be another full event.

VIII. New Business: Items to be Approved by ELUC

A. Direction Regarding Proposed Zoning Ordinance Text Amendment for Adult Use Cannabis Zoning Regulations Pursuant to Public Act 101-0027

MOTION by Mr. Thorsland to approve the Proposed Zoning Ordinance Text Amendment; second by Mr. Patterson.

Discussion followed. Mr. Thorsland said there are a limited number of licenses and they're expensive. He doesn't think Penfield is a targeted area for a retail operation. All of unincorporated Champaign county is at play for businesses like manufacturing, transport, packaging, infusers or growing. This will become a state allowable endeavor that has a tax benefit for the county. We voted to tax these businesses in all unincorporated Champaign County, so it would be odd to vote to collect tax from a business and then say they can't have a business. Mr. Thorsland is in support of most, if not all, of these businesses to be allowed in the county. Champaign county will only get less than 10 of the available licenses, there are only 75 available statewide.

Ms. Eisenmann asked for clarification as to if this is just for unincorporated Champaign County or for the whole county. Mr. Esry stated that this is just for unincorporated Champaign County. Ms. Eisenmann said that she is against it. She does not want to see recreational cannabis businesses come in to small towns. Her concern is what is regulation going to look like; how will it work. We should see how it's going to work in Champaign-Urbana. One of the things that is prohibited is the consumption of cannabis in any public place. A business could have a special section where you could consume it. Her concern is the physical proximity to people under 21. How is something like that going to be regulated in these small towns where you call the sheriff and by the time they get there, they've moved out of the proximity. Feels that it would have no positive impact on small, rural communities.

Ms. Dillard-Myers stated that medical marijuana has been available for several years in Illinois. Recreational marijuana is only going to be available to adults. There may be some kids who slip through, but that

happens already. With only 200 people, she doesn't see a business going into an area the size of Penfield. She talked about the medicinal uses for marijuana and the need for people to do more research. Ms. Eisenmann stated that she had researched this. There is a difference between recreational and medical marijuana. We're sending a message to children at an earlier age that there is no problem with it.

Mr. Thorsland had a question for Mr. Hall about the ordinance; part of the prohibition includes a cultivation center. So, do we contradict our own right to agriculture if we don't allow a grower to grow? We either need to allow it or come up with a compromise. Mr. Hall said at this point, he doesn't think anyone has an answer to that. This may be something we need to check with the State's Attorney to get a better handle on. It was asked that if we don't allow any of these uses, do we put ourselves in a position to be litigated against. The answer was that the state has given counties the right to opt-out.

Mr. Goss stated that hemp growing is going to be done in regular fields. Since our soils are so good, people are afraid it will go over the .3 THC limit. Not sure that industrial hemp could be grown in this area. We're so early in this, we don't know what it's going to be, and he is worried about the unintended consequences rather than the fact that we are trying to regulate business. He is against this, based on that.

Mr. Patterson said that to him, the discussion is more about whether someone has the right to own a certain type of business. It's a highly regulated law. He doesn't see the point in something being legal and we say that Champaign County isn't open for business.

Mr. McGuire said if you do more of something, it encourages it more. It's interesting that they want to ban vaping, as one of the issues is the flavored vape as that encourages kids to vape. We talk about infused gummy bears and chocolate and that's something that's attractive to kids, how would that not encourage kids to try THC and marijuana. Young people are most impacted by marijuana and cannabis use. We're here to talk about regulation. Our biggest issue is what happens in unincorporated areas where there isn't a structure in place to regulate. It's easier to control, if we don't allow it in the first place.

Mr. Thorsland questioned Mr. Hall about dispensing organizations and that they are only allowed in the B4 and B5 areas as currently written in the proposed ordinance. How much B4 and B5 is there currently? Mr. Hall said there is some B4 in Penfield, Seymour and some limited B4 outside of Mahomet. There is even less B5, and it's spread out even more. Infusers and processing are I2 and that is much more restricted. There are limits from the state and we have a limit of the actual places you can do it. Mr. Thorsland thinks that we are over stepping regulating something.

Mr. Patterson asked if the state legislation allowed for use at a facility or dispensary to consume the product. Mr. Hall answered that it was his understanding it was not allowed.

Mr. Goss asked what this vote does. Mr. Hall said item VIII. A is if you want to opt-in, we need to know where you want these to be located, what kind of review process you want. The one presented is the simplest possible. The other proposal, item XI. B is to prohibit cannabis related uses.

Upon roll call vote, the **MOTION** was a tie. Those voting against the motion were: Ms. Eisenmann, Mr. Goss and Mr. Esry. Those voting for the motion were: Ms. Dillard-Myers, Mr. Patterson and Mr. Thorsland.

The vote was a tie and at the ELUC level a tie is a **DEFEAT**.

IX. New Business: Items to be Recommended to the County Board

A. Public Comment Period for Proposed Fee Increase for Waste Hauler License

No one from the public was here to make a comment. The public notice was published on October 19, so it made sense for it not to go right to the county board to have people comment there if they wanted to. That's why it's back here. This is covering our publication requirement.

MOTION by Mr. Goss to confirm the vote of a \$35 flat fee per vehicle per company; second by Mr. Thorsland. Upon vote, the **MOTION CARRIED** unanimously.

B. *Resolution Prohibiting Cannabis Related Uses Pursuant to Public Act 101-0027*

MOTION by Ms. Eisenmann to approve the resolution; second by Mr. Goss.

Mr. Goss asked Mr. Hall if he had something drafted that is better than what is in the packet. Mr. Hall said that we are giving him direction to use the one he had drafted and has been reviewed by the State's Attorney. The resolution drafted talks about enforcement. It was drafted to be part of the larger code. It would be enforced through the nuisance ordinance and the zoning ordinance. We are anticipating that you would retain and make cannabis business establishments a public nuisance, so that would be a violation of the nuisance ordinance. We would have to amend the zoning ordinance to make it clear that cannabis business is prohibited. The State's Attorney thinks it good to have this general ordinance and then fix the nuisance and zoning ordinances.

Mr. Thorsland stated that for all the reasons he was for the other proposal, he is against this one.

Upon roll call vote, the **MOTION** was a tie. Those voting against the motion were: Ms. Dillard-Myers, Mr. Patterson and Mr. Thorsland. Those voting in favor of the motion were: Ms. Eisenmann, Mr. Goss and Mr. Esry.

The Resolution Prohibiting Cannabis Related Uses Pursuant to Public Act 101-0027 advances to County Board without recommendation.

Ms. Dillard-Myers asked for clarification on how IX. B differs from item VIII. A. Mr. Esry answered that certain things are handled at the committee level and stop at the committee level depending on whether we approve or disapprove. This is one that would stop at the committee level. The next step for VIII. A. would have been public hearings at the Zoning Board of Appeals (ZBA). VIII. A. wouldn't have gone next to the full county board, since it was going to the ZBA. Item IX. B. did not need to go to the ZBA. IX. B. is an ordinance that the committee makes a recommendation to the County Board. It is a stand-alone ordinance. If the County Board adopts it, there should be follow-on amendments to the nuisance ordinance and the zoning ordinance. Those would come through this committee, but that would be only after the County Board would adopt that ordinance. The zoning ordinance would start at this committee, go to the ZBA, come back to this committee and then go to the County Board. VIII. A. would only go to ZBA if approved by this committee. It was not approved by the committee as it was a tie. IX. B. goes to the county board because it was not a zoning board amendment.

Ms. Eisenmann asked if IX. B. fails at the County Board level and VIII. A. failed at the ELUC level, what happens then? Mr. Hall wasn't sure what would happen next as this is a unique situation. It could be put on ELUC agenda by the ELUC chair, if needed, so it may come back in the future.

X. **Other Business**

A. Semi-annual Review of CLOSED Session Minutes

MOTION by Mr. Thorsland to retain the closed session minutes as they are; second by Mr. Goss. Upon vote, the **MOTION CARRIED** unanimously.

- XI. **Chair's Report**
There was no Chair's report.
- XII. **Designation of Items to be Placed on the Consent Agenda**
IX. A.
- XIII. **Adjournment**
There being no further business, Mr. Esry adjourned the meeting at 7:32 p.m.

Please note the minutes reflect the order of the agenda and may not necessarily reflect the order of business conducted at the meeting.