



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

MINUTES – Approved as Distributed on February 6, 2020

DATE: Thursday, January 9, 2020
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), Rita Kincheloe (Recording Secretary)

Others Present: Giraldo Rosales (County Board Chair)

MINUTES

I. Call to Order

Committee Chair Esry called the meeting to order at 6:30 p.m.

II. Roll Call

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

III. Approval of Agenda

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

IV. Approval of Minutes

A. *ELUC Committee Meeting - October 10, 2019*

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

V. Public Participation

Gina Pagliuso spoke to the committee regarding a problem with Champaign Township’s burn pit close to Fieldstone Dr. in Champaign. They can smell the burning all day at their place of work. Ordinance 984, Addendum to Nuisance Ordinance, the township is exempt since they are a local governing body. The ordinance prevents individuals from burning and has moved the landscape waste to the Township. Looking for a solution so people in area don’t have to deal with this every day that they burn.

Keith Padgett also spoke on the Champaign Township burn pit. In 2019, they burned on 24 different days. Wet items (bagged leaves, etc.) are hauled off to LRC in Urbana. They are burning limbs and trees taken down in parkways, etc. They do try to burn when the wind is from the north so as not to disturb as many people.

VI. Communications

There were no communications.

VII. New Business: for Information Only

A. E-Waste Collection for Champaign County Residents in 2020 and Beyond

Ms. Monte provided an update on the E-Waste collections in 2019 and the trends over the past 5 years as well as the future. Information was provided on both options that the county and local governments can consider as we move forward. Ms. Monte stated that she would like to look more at locating a host site and like to talk more with municipalities to get their buy-in and get more data to operate a collection site. We are looking at both options and not just continuing the one-day collections.

B. Champaign County Environmental Stewards

This is a non-profit formed during 2019 with a mission to assist in finding solutions and improved options for collection of difficult materials such as household hazardous waste and hard to dispose of items at the end of their useful life (mattresses, etc.) They would also like to operate and maintain a website that can serve as a resource for the entire county. Right now, information is in various places.

C. Notice of Non-Compliance with Illinois Noxious Weed Law

Mr. Hall stated we had received the Annual notice from the State stating that we are not complying with the Illinois Noxious Weed Law. He added that he is only aware of one county that has never received this notice, but they have a year-round noxious weed program. To comply could be time and cost prohibitive. There were no complaints in 2019. Mr. Goss looked up the list. There are 8 noxious weeds on the list.

D. Complaint of open burning at Champaign Township property

Ms. Pagliuso and Mr. Padgett provided summaries at the beginning of the meeting. Mr. Goss stated that he’s not sure the County has the authority to regulate townships. Ms. Fortado asked about the addendum to the ordinance to clarify what it did. Mr. Padgett answered that they burn somewhere from 7 a.m. to 3 p.m. and that he notified METCAD and the local firehouse. Mr. Padgett had earlier stated that what they sent to Urbana LRC totaled \$20k plus another \$6K yet to receipt which is not half of the total waste and the bulk is leaves. Ms. Pagliuso added that she is looking for a reduction in the amount of smoke that they have to breathe at work. During their high season (May – September), they employ 200 people, and are looking for a solution. Ms. Eisenmann asked which conditions on the permit were not being met. There were 5 conditions she didn’t feel were being met.

VIII. New Business: Items to be Approved by ELUC

A. Annual Renewal of Recreation & Entertainment License.

- i. Hudson Farm Wedding & Events, LLC, 1341 CR1800E, Urbana IL 61802. 01/01/20- 12/31/20.
- ii. Champaign County Fair Association, 1302 North Coler Avenue, Urbana IL. 01/01/20- 12/31/20.

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

- B. *Annual Hotel/Motel License for Urbana Motel Inc. at 1906 North Cunningham Avenue, Urbana for 01/01/20- 12/31/20.*

MOTION by Ms. Dillard-Myers and seconded by Mr. Patterson. Upon vote, the **MOTION CARRIED** unanimously.

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

Mr. Hall stated that are two proposals. One is to only allow cannabis related businesses within 1.5 miles of Champaign and Urbana, which are both home rule municipalities with more than 20,000 population. That is attachment A. Attachment B modifies that for cultivation centers, craft growers and transporters. It goes beyond the 1.5 miles but keeps them 1.5 miles from any municipality that does not allow these businesses and keeps them 1.5 miles from any residential district out in the area. There is also a thing about when a cultivation center or craft grower is within 300 feet from a residentially zoned property this amendment uses the standard that Urbana requires. That is, it needs to be a special use permit. A special use permit could either be approved by the County Board or you could leave it up to the Zoning Board. Since this has been one of the more controversial amendments, you may want to keep it with the County Board to approve the special use permit.

Ms. Dillard-Myers asked if this was for retail? It is for dispensaries, craft growers, cultivation centers, infusers, processors and transporters. We are defining these as the kind of cannabis businesses we would allow within 1.5 miles of Champaign-Urbana. Attachment B would allow cultivation centers, craft growers and transporters to be further out in the rural area.

Mr. Hall also stated that there is the possibility that you could send both proposals to the ZBA for a public hearing and see what comes back from the ZBA. Mr. Goss stated that whatever we send, we're sending to the ZBA for public hearing and it could take more than a month. Mr. Hall said that it would be at least 3 months before it came back. Mr. Goss is more supportive of A than B. Whether we send both to ZBA, he would ask the committee for their thoughts. Mr. Esry asked if the cultivation centers fall under agriculture because we can't regulate agriculture. Mr. Hall said he is operating under the assumption that we can regulate this. He is still waiting to hear from the State's Attorney. He is prepared to move ahead with this at the committee's direction. Mr. Esry can support Attachment A. Attachment B has more issues. He is not hearing any clamoring for this either way. He could live with B. If there was a grow center out in County, appropriately zoned, it would be OK. As far as the special use permit, he would agree that we should keep that at the County Board level. It is a pretty high standard to meet.

Ms. Fortado would be more supportive of B. It would be more of a compromise that was suggested at the County Board meeting. She could see B passing the full Board but doesn't think A could. She would be fine sending both to the ZBA. She thinks B is a compromise. Another part of the compromise is the special use permit and to keep it at the County Board.

Ms. Eisenmann would be able to, very hesitantly, vote for A. With B, it bothers her that it could come into the unincorporated areas when the communities don't want that type of business. She has had people contact her saying they don't want it. She would like to slow down and slowly go into this. She would support A but not B.

Mr. Goss said the release of craft-grower license just came out. It bothers him more with the craft-grower as it is un-defined where we know what a cultivation center is. States that have legalized are setting on multiple years of supply. Concerned that we are going to over-produce and have an oversupply. He feels A would be a good place to start and then maybe, if needed, we can come back and re-visit it and make changes in the future.

Ms. Fortado asked if there is a map that shows how many properties may be eligible for some of this. Mr. Hall answered that the county is 1000 square miles, all the municipalities together add up to 400 square miles, so that leaves 600 square miles. Option B would probably open 600 square miles to craft-growers and cultivation centers. It could be opened to cultivation centers and not allow craft-growers. Option B is everywhere but not within 1.5 miles of any other municipality or residential district.

Ms. Dillard-Myers asked if the objection is more to the craft-grower as opposed to a cultivation center. A craft-grower is just an individual who wants to grow and sell where a cultivation center is more corporate. Not sure what a craft-grower is going to look like. It's meant to be a smaller scale; can start out at 5,000 sq. ft. and expand to 10,000 sq. ft. over time. It still must have security and can't be grown outside. A cultivation center can be 200,000 sq. ft.

Ms. Fortado asked if it was unfair that people with a lot of capital could get into this and maybe not someone with more medium or smaller capital. Ms. Dillard-Myers clarified that she didn't think it was fair for the County to limit a farmer or a craft-grower if they want to grow a legal agricultural product in the state of Illinois. Ms. Fortado said that there were only going to be 40 craft-grower licenses in the state this year. Mr. Goss said those will probably only be in supportive counties.

Ms. Fortado stated she could support sending both options to the ZBA. Mr. Goss asked if ZBA would send them both back or only one. Mr. Hall stated that they would both come back. Ms. Dillard-Myers stated that option B was the compromise at the County Board meeting. Overall, she doesn't think we should limit anyone's ability to grow cannabis if it's done within the county zoning. She doesn't think we should limit access to economic development around this.

Ms. Eisenmann asked how it would work if both options went to the ZBA. Mr. Hall replied that they would be run as two separate amendments and that the ZBA would make a recommendation on both. Later in the meeting there is something similar with the solar farm amendment. There were two cases there and now we have both cases back. Rural communities are informed by printing a legal notice in the News-Gazette and sending a notice out to every township and municipality. The press is here tonight, so they will help get the word out. Her fear is the ones that we'll need to hear from won't know and won't show up. Mr. Goss said if you have strong feelings, you will show up.

MOTION that Attachment A and Attachment B be sent to ZBA for public hearing by Mr. Patterson. Second by Ms. Fortado. Mr. Esry asked if there was any more discussion. Mr. Patterson stated that he supports B more than A, but it just makes more sense to send them both the ZBA now.

Upon vote, the **MOTION CARRIED** unanimously.

IX. New Business: Items to Receive & Place On File by ELUC Committee to Allow a 30-Day Review Period

- A. *Zoning Case 945-AT-19. Amend the Champaign County Zoning Ordinance requirements for a photovoltaic (PV) solar farm in Section 6.1.5 B. (2) of the Champaign County Zoning Ordinance by adding the following requirements for any proposed PV solar farm that is located within one-and-one-half miles of a municipality:*
- Part A: Increase the minimum required time for municipal review as described in the legal advertisement.*
- Part B: Require municipal subdivision approval for any PV solar farmland lease exceeding five years when required by any relevant municipal authority that has an adopted comprehensive plan.*
- Part C: Amend Section 8.2.3 to allow any PV solar farm authorized prior to the effective date of this amendment and that is in the process of being repaired to not lose its zoning right to operate.*
- Part D: Add new Section 8.2.4 to allow any PV solar farm authorized prior to the effective date of this amendment to be constructed pursuant to the standard requirement of a Zoning Use Permit, provided that the Special Use Permit for the solar farm has not expired.*

- B. *Zoning Case 946-AT-19. Amend the Champaign County Zoning Ordinance requirements for a photovoltaic (PV) solar farm in Section 6.1.5 B. (2) of the Champaign County Zoning Ordinance by adding the following requirements for any proposed PV solar farm that is located within one-and-one-half miles of a municipality:*
- Part A: Increase the minimum required separation between a PV solar farm and a municipal boundary from 0.5 mile to 1.5 miles.*
- Part B: (same as Part A in Case 945-AT-19) Increase the minimum required time for municipal review as described in the legal advertisement.*
- Part C: (same as Part B in Case 945-AT-19) Require municipal subdivision approval for any PV solar farmland lease exceeding five years when required by any relevant municipal authority that has an adopted comprehensive plan.*
- Part D: (same as Part C in Case 945-AT-19) Amend Section 8.2.3 to allow any PV solar farm authorized prior to the effective date of this amendment and that is in the process of being repaired to not lose its zoning right to operate.*
- Part E: (same as Part D in Case 945-AT-19) Add new Section 8.2.4 to allow any PV solar farm authorized prior to the effective date of this amendment to be constructed pursuant to the standard requirement of a Zoning Use Permit, provided that the Special Use Permit for the solar farm has not expired.*

MOTION by Mr. Goss that we accept Option B which is basically the same as Option A but that it moves the separation to 1.5 miles. Ms. Eisenmann seconded the motion.

Discussion followed. Mr. Patterson asked about the solar farms that we've approved with the .5-mile limitation and how many have we done a waiver for that requirement. There were two that did not require a waiver, but there are 6 total. Five of those were community solar farms, but only one got selected in the lottery. So, the others are eligible at this point. The one that got selected was more than .5 mile from the village. Four of the six we've approved; we've done a waiver for .5-mile. While it's on the books, it's apparent that as a board we are comfortable with .5-mile. He is much more in favor of Option A. Ms. Fortado asked for clarification, on both options, where the city has a right to weigh in if they have a comprehensive plan as to what that means. Mr. Hall said it's already written into the ordinance back in section 13. Mr. Hall likes this being in both versions as it makes the developer aware up front that just because he's doing a lease, there may be sub-division issues involved. Ms. Fortado will not support Option B.

Mr. Esry said the villages like Option B better as they have more control outside of their boundary. The idea that a company would by-pass Champaign just because the 1.5 miles vs. the .5-mile; a company should know that they should be able to ask for a waiver. He has no problem giving the villages that 1.5-mile boundary. It puts a little more on the company that the village may have some plans down the road. He would support Option B.

Ms. Eisenmann said that the villages want to work with the County Board on issues. Several mayors wrote asking us to do this. They don't have the staff to always work on things. It's just working with these small villages and this is what they've asked us to do. If a village has a plan, they should have a right to know if a solar farm wants to come in and have plenty of time to find out about it.

Mr. Hall stated that an astute solar farm developer would be able to see that there are rules for how waivers are to operate. Most developers understand that there's a tug-of-war between the county and a municipality. We tried to make clear that merely establishing this at 1.5 miles does not change the fact that there will be waivers. Ms. Dillard-Myers stated that we should give them 1.5 miles. At the ZBA, 945-AT-19 tied (Option A), Option B was not a tie.

Ms. Fortado said we represent the unincorporated areas on this issue. We don't represent the towns. We have the zoning up to .5-mile. She did not feel that their comments were compelling. Ms. Eisenmann said that these people are not your constituents; they are just asking to be included in the process. It matters to the people living there. It doesn't matter to you, but it does to them. Mr. Goss would disagree whole-heartedly that we're always going to waive the 1.5 miles every time. Mr. Patterson said that the 1.5-mile limit may not be waived every time but would be a lot of the time.

Mr. Esry said the solar farm at Sidney, when it was first proposed, got Sidney riled up. By the end, they got what they wanted and got it pushed outside that 1.5-mile limit. They know they don't have the final say. They ask that it be in there, so it gives them more notice and, puts the developer on notice, that they need to work with them. If it's in the

ordinance it's another step that people have to decide, do I waive that. He does not have a problem with it being in the ordinance.

If this vote ties, it sits at ELUC for a month, to give the municipalities notice of what happened, and then would go to the county board without recommendation. It could always be amended from the floor at the County Board. Mr. Patterson asked, if it would be amended at the County Board, does that require an additional waiting period? Mr. Hall answered that it's a grey area. You've told the public that you're going to recommend this, you would probably need a super-majority.

Ms. Fortado asked if we could vote to move both to the County Board. That is not the motion on the floor right now.

Upon vote, the **MOTION CARRIED** by a vote of 4 Ayes and 2 Nos.

MOTION by Ms. Fortado and seconded by Mr. Patterson to move Option A to the full County Board. Upon vote, the **MOTION CARRIED** by a vote of 4 Ayes and 2 Nos.

- C. *Zoning Case 948-AT-19. Amend the Champaign County Zoning Ordinance by amending Section 8.3.2 to authorize a variance to rebuild a nonconforming structure before the structure is damaged.*

MOTION by Mr. Goss, seconded by Mr. Patterson. Upon vote, the **MOTION CARRIED** unanimously.

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

- A. *Subdivision Case 203-19: Liu Subdivision- Final Plat Approval of a Two-Lot Minor Subdivision located in the East Half of the Northeast Quarter of Section 8 of T17N-R9E of the Third Principal Meridian in Crittenden Township and commonly known as the farmstead located at 493 CR1400E, Tolono.*

Mr. Goss represents the farm next door and would be willing to recuse himself if necessary. Mr. Hall said he did not see that being a problem.

MOTION by Ms. Eisenmann and seconded by Mr. Patterson to recommend the approval of the plat and the finding of the waiver. Upon vote, the **MOTION CARRIED** unanimously.

- B. *Resolution Authorizing Collector, Coordinator, and Host Site Agreement: 2020 Residential Electronics Collections*

MOTION by Mr. Goss seconded by Mr. Patterson. This is the annual renewal of the contract. Upon vote, the **MOTION CARRIED** unanimously.

- C. *Resolution Authorizing 2020 Residential Electronics Collection Events and Follow-up IEPA One-Day Household Hazardous Waste Collection Event Cost-Sharing Agreement Between the County of Champaign, the City of Champaign, the City of Urbana, and the Village of Savoy*

MOTION by Mr. Patterson seconded by Ms. Dillard-Myers. Upon vote, the **MOTION CARRIED** unanimously.

- D. *CLOSED Session pursuant to 5 ILCS 120/2(c)(6) to consider the setting of a price for lease or sale of property owned by Champaign County*

MOTION by Mr. Goss and Second by Mr. Patterson to go into closed session including Rita Kincheloe, Recording Secretary, John Hall, all Board members and Mr. Rosales, County Board Chairman. A roll call vote was taken, and the **MOTION CARRIED** unanimously. Entered Closed Session at 8:26 p.m.

Returned to Open Session at 8:30 p.m. and roll call was taken to confirm there was still a quorum.

XI. Other Business

A. Monthly Reports

- i. February 2019
- ii. March 2019
- iii. April 2019
- iv. May 2019
- v. June 2019
- vi. July 2019
- vii. August 2019

Mr. Hall stated that these go through August and our new zoning officer started in August, so the next round of monthly reports will reflect a full staff. Ms. Fortado stated that she would like to commend them for all the work they do and seeing all the reports together like that is impressive.

XII. Chair's Report

There was no Chair's Report

XIII. Designation of Items to be Placed on the Consent Agenda

X-A, B and C.

XIV. Adjournment

There being no further business, Mr. Esry adjourned the meeting at 8:40 p.m.