

MINUTES OF REGULAR MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

**1776 E. Washington Street
Urbana, IL 61801**

DATE:	February 11, 2021	PLACE:	ZOOM MEETING
			Putman Meeting Room
			1776 East Washington Street
			Urbana, IL 61802

TIME: 6:30 p.m.

MEMBERS PRESENT: *Using Zoom in Lyle Shields:* Ryan Elwell, Jim Randol, Larry Wood
Remotely via Zoom: Tom Anderson, Lee Roberts

MEMBERS ABSENT: Marilyn Lee

STAFF PRESENT: *Using Zoom in Lyle Shields:* Lori Busboom, Susan Burgstrom, John Hall

OTHERS PRESENT: *Remotely via Zoom:* Aaron Esry, Adam Guth, Betsy Lancaster, Bill Decker, Blake Schilb, Bradley Ash, Brandon Scott, Carl Corbin, Charlie Mitsdarfer, CJ Decker, Cortney Decker, Clayton Coulter, Dede Wedel, Dirk Rice, Doug Maxwell, Ed Decker, Eric Bussell, Frank Thinnis, Fred Kaiser, Heidi Leerkamp, Janet Decker, Jim Hamilton, John Lannon, John Litchfield, Justin Decker, Justin Leerkamp, Kelly Estes, Kevin Chalmers, Lauri Quick, Lynn Rice, Madison Herbert, Matt Rice, Molly Kelley, Morgen McGraw, Nolan Herbert, Oliver Patterson, Phillip (no last name), Rebecca Kamerer, Roger & Diane Henning, Ron Christian, Ron Estes, Ryan Rich, Scott Wiesbrook, Sharon Herbert, Stephane Lasme, Stephen Reinhart, Steve Hettinger, Sue Daly, Thaddeus Bates, Tim Hogan, Todd Herbert, Tom Kelley, William Mitsdarfer

1. Call to Order

The meeting was called to order at 6:39 p.m.

2. Roll Call and Declaration of Quorum

The roll was called, and a quorum declared present. Marilyn Lee was absent.

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

3. Correspondence - None

4. Approval of Minutes – None

Mr. Elwell asked if there was a motion to move Cases 999-AM-21 and 001-V-21 up on the agenda.

Mr. Randol moved, seconded by Mr. Wood, to move Cases 999-AM-21 and 001-V-21 up on the agenda.

1 Mr. Elwell requested a roll call vote.

2

3 The vote was called as follows:

4	Anderson – yes	Elwell - yes	Randol – yes
5	Roberts – yes	Wood - yes	Lee - absent

6

7 **The motion carried.**

8

9 **5. Continued Public Hearings - None**

10

11 **6. New Public Hearings**

12

13 **Case 998-S-21: Petitioner: Blake Schilb, d.b.a. 217 Genetics LLC, with officers Stephane Lasme and John Litchfield**

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

15 **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.**

16

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

18

19 Mr. Elwell informed the audience that this Case is an Administrative Case and as such, the County allows anyone the opportunity to cross-examine any witness. He said that at the proper time, he will ask for a show of hands or a verbal indication from those who would like to cross-examine, and each person will be called upon. He said that those who desire to cross-examine will be asked to clearly state their name before asking any questions. He noted that no new testimony is to be given during the cross-examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are exempt from cross-examination. He asked Mr. Schilb to outline the nature of his request.

20

21 Mr. Blake Schilb, 1606 CR 600N, Philo, stated that they propose an adult-use cannabis craft grower facility on the property. He said that the main point is to advance in the medical field of cannabis. He said that this has been a very touching part of his life most recently, especially the last 5 years, of having family members go through different fights and being able to witness their fights and how cannabis has affected them in a positive way. He said that it has enlightened him and also helped him see things clearer and not have such a skewed vision on cannabis. He said that his colleague John would like to say a few things as well. He said that they are going to be open to all questions, and that they have received the memos. He said that they want to continue to educate everybody to make sure that moving forward, we can all be on the same page and have the same ideas and ideologies about it, and that everyone can have a better understanding of the times we are living in, especially when it comes to cannabis medically.

22

23 Mr. John Litchfield, 434 Campbell, Rantoul, co-petitioner, stated that Mr. Schilb has been in Europe for 15 years as a professional basketball player, and said that he has been his best friend since third grade. He said that Mr. Schilb’s brother passed away four years ago and lost a fight to cancer. He said in his last days when they were with him, medical marijuana was the only thing that could get him out of bed and give him comfort where he could basically not be moaning. He said that medical marijuana was the only

24

1 thing that could do it. He said that they just want to honor him and want to give back to the community.
2 He said that both Mr. Schilb and himself are successful and don't need the money; they want to do this
3 for Mr. Schilb's brother Ty. He said that they have the money and the means to start a grow facility, and
4 if the Board lets them do that on the property, they want to help the community. He said that over the
5 years, there will be tax revenues and even just donations for the community. He said that just looking at
6 the square footage, they could possibly get to, it could be astronomical. He said it could be millions of
7 dollars a month. He said that this is not a grow dispensary; this is not going to make traffic come to the
8 property. He said this is an export business; the only traffic coming to the site would be trucks leaving it.
9 He said that you cannot come there and purchase anything, it is not going to cause any traffic. As far as
10 numbers and donations go, that would all depend on how big the facility could grow. He said that full
11 potential with the square footage there, 5,000 square feet does \$1.7 million per year, and that place is six
12 acres. He said that even if they did 4 acres, there's roughly 44,000 square feet in an acre, the max this
13 location could have is 200,000 to 215,000 square feet. He said that if they ever got to the maximum, which
14 they easily could, the donations to Champaign County and the Village of Philo could be astronomical. He
15 said that they could literally rebuild a whole town on what this place could do. He said that this could
16 easily be the biggest thing that could ever happen to this town; you couldn't bring in another business that
17 could do what this place could do. He said that if they were to let them, they would sign up to donate a
18 percentage of it, along with incentives that grow as the facility grows.

19
20 Ms. Burgstrom said that her understanding is that the facility would have a greenhouse that is about 2,400
21 square feet. She said that Mr. Litchfield mentioned the actual acreage of the farmland around it on the
22 6.04 acres, and she wanted to make sure we are all on the same page on what the scope of this Special Use
23 Permit is, and that it relates to the statutes of the State of Illinois, which has limitations on craft grower
24 square footage. She asked Mr. Litchfield to elaborate.

25
26 Mr. Litchfield replied yes. He said there are three licenses you can apply for with the State of Illinois:
27 there is one for a 5,000 square foot facility. He said that the one they are applying for is a cultivation
28 center. He corrected himself and stated they are applying for a craft grower license.

29
30 Mr. Schilb said that they are starting with a 2,400 square feet greenhouse, and right now they are leaving
31 the land in agricultural production, as stated in the background. He said what Mr. Litchfield was stating
32 is that there is a lot of potential for the land, absolutely.

33
34 Mr. Litchfield said that if this goes right, and with the right people giving them permission, we are allowed
35 to go up to 210,000 square feet at the very maximum potential. He said they are going to start small, but
36 full potential is 210,000 square feet. He said that obviously they have to start somewhere, and that is a lot.
37 He said that he has a construction background, and building buildings and such comes naturally to him
38 and it would be very easy for them to do.

39
40 Mr. Elwell said that it is his understanding that a craft grower can have up to 250,000 square feet of
41 growing space.

42
43 Mr. Litchfield said yes, but then Mr. Schilb clarified that square footage is for a cultivation center, and in
44 this case, they are applying for an adult-use craft grower facility. He said that the craft grower facility has
45 a maximum capability of 14,000 square feet.

46
47 Ms. Burgstrom stated that for the current Special Use Permit application, she heard Mr. Schilb say 14,000
48 square feet is the maximum allowed by State of Illinois law. She said that if they were to pursue a
49 cultivation center, which is another type of license through the State of Illinois, sometime in the future,

1 then that square footage could go up to over 200,000 square feet, but at this time, that is not what the
2 petitioners are doing. She asked if she understood that correctly.

3
4 Mr. Schilb stated that is correct, they are here to apply for an adult-use cannabis craft grow facility.

5
6 Mr. Litchfield said that they just wanted to be clear on the potential of this facility. He said people are
7 either going to get behind this or not, and if they do get behind them, the potential is limitless because
8 they want to set a certain percentage aside to help the Village and all that, and they both already decided
9 that a long time ago.

10
11 Mr. Elwell asked if there were any questions from the Board.

12
13 Mr. Anderson said that he would like to know what most people do in the greenhouse, and what the
14 byproducts might be. He asked if they would be weeding vegetation, and if they would be throwing
15 vegetation away.

16
17 Mr. Schilb said that the greenhouse waste would be removed properly. He said it would not be wasted
18 anywhere near the area of the agricultural land, around Philo, or anywhere it is not supposed to be. He
19 said that they would recycle the water waste and reuse it through reverse osmosis systems and
20 dehumidifiers. He said that you get natural light with the greenhouse rather than having certain LEDs or
21 other light fixtures that he has seen others taking issue with because of lighting being on 24 hours. He said
22 it is not that; in a vegetative state, lighting is used 18 to 24 hours of very dim lighting but that is indoors.
23 He said with the greenhouse, you have 12 hours of light and 12 hours of no light in the flowering stage.
24 He said that once that is finished, and it is time for the waste product, they will remove it properly; there
25 will be no pollution or contamination around the township unless it is properly placed in a disposal area.

26
27 Mr. Anderson asked if they already have the disposal area located and the transportation set as to how
28 they want to get there. He also asked if it would create any odors that the community might inhale.

29
30 Mr. Litchfield said no; they will do whatever they can to do things the right way. He said that the town
31 will not smell any odors. He said that the laws on waste are constantly evolving and changing, and their
32 plan is going to be the best possible way. He said that they are going to truck the water out that does not
33 need to be there and taken to where it seems fit. He said that there are options here, and they have not
34 looked at the most efficient yet because they do not know exactly what they are going to be allowed to do.
35 He said that they have to pretty much do what the Board and the State allow them to do. He said if the
36 Board says yes, that is only half of it. He said they then need to go to the State and present to them, and
37 that is when the blueprint and all of that will come. He said that they did not do that before now because
38 it is a lot of money just to get told no right off the jump, but obviously we'll see that the State is going to
39 be five times as picky as the Board. He said that the State will make them submit the plans, the blueprint,
40 where it is all going, and they are going to want to know every little detail. He said it will be mandated
41 very strictly, and there is no hiding these things. He said that if you look into it, the State inspectors are
42 all over this; they have to do what they say. He said that they are going to do whatever they are told to do;
43 it is not really up to them. He said that they have no problem with that; they want to comply with everyone
44 and do not want to upset anyone. He said that Philo as a community has to understand that they will help
45 the community tremendously with this facility. He said that they will do everything by the book with how
46 it is supposed to be.

47
48 Mr. Elwell said that he believes Mr. Schilb testified that the water will be recycled via reverse osmosis,
49 and that Mr. Litchfield just testified that the wastewater would be trucked away. He asked for clarification.

1 Mr. Litchfield said that you couldn't truck all this water away, but since they plan to use reverse osmosis,
2 the percentage of water you use is much less because you recycle the same water, leaving little waste. He
3 said that if they didn't use reverse osmosis, there is not a truck big enough in the world to take it. He said
4 that the system they are using is allowing for that little bit of water to be disregarded. He said that Mr.
5 Schilb was correct that reverse osmosis leads to very little water waste.

6
7 Mr. Schilb said that water waste would be lower than 20%.

8
9 Mr. Elwell asked how much water in gallons is 20%.

10
11 Mr. Schilb said it depends on the canopy space.

12
13 Mr. Elwell asked how much canopy space they are asking for.

14
15 Mr. Stephane Lasmé, 401 Parr Blvd, Richmond, CA, stated that he is the third partner in the proposed
16 business. He said that he went through the same experience in Richmond, CA; they were the first cannabis
17 business to come to the city, and they had no idea how to treat the business when it comes to the waste.
18 He said he wanted to touch on what Mr. Anderson said earlier. He said that most of the people in the
19 facility are getting rid of the waste from the plant and getting rid of the wastewater. He said usually for
20 businesses in California, the business will go to other entities; they will go to waste management and they
21 usually have a program in place, and special bins for food waste, organic waste, or recycling. He said that
22 usually organic waste includes plant waste. He said that they use those bins at most cultivation sites they
23 have to have a relationship with the waste management business in town. He said the waste management
24 business comes on site to pick up the waste, or if there is no such system for removal in place in a town,
25 usually they can find a way to destroy the plant material on site by mixing it with different organic material
26 that the town or county allow them to use. He said that when it comes to the wastewater at the facility,
27 like his two partners said, it is true that they usually want to recycle the water to minimize the quantity of
28 water used for the year. He said that for the waste that the plant is eating, mostly because they are a craft
29 grower, they will only use organic material that can be disposed of through the usual channels of disposing
30 of the water. He said that before they do that, all information related to the chemical products that they
31 use, if any, will be sent to the State before they even approve the license. He said that the State only
32 approves licenses for those applicants who have done the research on nutrient use.

33
34 Mr. Elwell asked again, how much wastewater is 20%, or is 20% an adequate number for waste.

35
36 Mr. Lasmé said that 20% is the limit that the State of Illinois gives. He said that because the water is
37 recycled, it would be almost impossible to reach the 20% since they will be reusing the same water over
38 and over for three months at a time for a whole harvest. He said that because they will not be dumping the
39 water for three months, there is no way to reach the 20% if they reuse the water for 6 months at a time
40 during the year.

41
42 Mr. Elwell asked how many gallons would be trucked away from the facility at any given time.

43
44 Mr. Lasmé stated that it would be hard to give an estimate at this time because they do not know the exact
45 number of plants they would have, or the technology that would be used in the facility. He said they have
46 to calculate how much each plant would be using in that facility in the environment and location in which
47 it is grown. He said that they can give the Board data down the line when they are closer to getting the
48 license, because there are certain numbers and calculations that have to be deposited at the State level. He
49 said at this moment, it is so early that it is hard to know what 20% in that facility will be. He said that they

1 have not been allowed to grow anything and they do not know how many plants they will have.

2
3 Mr. Elwell asked how many plants would be in the 2,500 square feet they are asking for today.

4
5 Mr. Lasmé replied that is more of a question for Mr. Litchfield and the grower, but it would be determined
6 by the amount of production and the money invested.

7
8 Mr. Schilb said that if Mr. Elwell wants an answer as to the number of plants that could possibly be grown
9 in a 2,400 square feet greenhouse, like Mr. Lasmé said, that would be a question better suited for their
10 grower, Brandon Scott, who is also in the meeting.

11
12 Mr. Litchfield said that the maximum they could do would be one plant per square foot, so if they did
13 everything perfectly and maxed it out, it would possibly be 2,400 plants, but it will not be that. He said
14 that an educated guess would be 2,100 plants.

15
16 Mr. Elwell asked how much wastewater would be created per plant over six months' time.

17
18 Mr. Litchfield said he could figure it out if he could have a few minutes, or Mr. Scott could.

19
20 Ms. Burgstrom requested a five-minute recess.

21
22 **Mr. Randol moved, seconded by Mr. Wood, to take a five-minute recess until 7:55.**

23
24 Mr. Elwell requested a roll call vote.

25
26 The vote was called as follows:

27	Anderson – yes	Elwell - yes	Randol – yes
28	Roberts – yes	Wood - yes	Lee - absent

29
30 **The motion carried.**

31
32 Mr. Elwell called the meeting back to order at 7:56 pm. He said that he wanted to comment on the Question
33 and Answer aspect to the Zoom meeting. He said that texting back and forth in the chat will not be used.
34 He said that if those in attendance have a question for the petitioner or for a person providing testimony,
35 at that point he will ask if there are questions, and people will be able to ask those questions and not
36 provide any testimony. He asked that people refrain from using the Question and Answer area at the
37 bottom of the screen.

38
39 Ms. Burgstrom added that staff keeps an official record of the meeting and it is being recorded, but we
40 don't have a way to archive the Q&A part. She said we need everyone to speak up at the appropriate time
41 and verbally so that everything is on the record and we're doing things the right way. She said that for
42 those who might raise their hand to want to speak, in a while we will open what is called the Witness
43 Register, and that is when we will invite people who want to testify to say what they would like to say and
44 ask questions they have; until then, it is basically just a back and forth between Board members, staff, and
45 the petitioners.

46
47 Mr. Elwell stated that he wants everyone to know that they will have time to ask their questions, and that
48 is important to the Board and staff. He asked if there were further questions from the Board.

49

1 Mr. Anderson asked if any one of the three petitioners has worked in the kind of factory that they envision
2 building.

3
4 Mr. Litchfield said that Mr. Lasme has one completely, 100% up and running in Oakland right now, and
5 is in use doing great numbers a month; Mr. Lasme is the CEO of that facility. He said that their grower
6 has been doing research on this for over 20 years. He said that all of them are very knowledgeable when
7 it comes to the steps.

8
9 Mr. Anderson asked if Mr. Litchfield and the others had ever worked in a plant.

10
11 Mr. Litchfield said personally, no, he has never worked in a craft grower facility, but Mr. Lasme has.

12
13 Mr. Schilb said that he has a small percentage of equity in the business in California as well, and he has
14 been there, hands on from time to time. He said that being residents of Illinois, they want to bring what
15 they have seen, what they have experienced, and what they have grown there to Illinois, since it is legal
16 now from a medical standpoint, and to be able to advance on that.

17
18 Mr. Elwell stated that he has heard several times that the medical aspect is being presented. He asked Ms.
19 Burgstrom how that equates to the adult use, are we talking about the same thing.

20
21 Ms. Burgstrom said that the medical aspect is a subset of the adult use. She said that adults in general
22 could use this in the State of Illinois, but the medical part is a subset of that.

23
24 Mr. Litchfield said that he did the research, and based off of 5,000 square feet, normally would use 24,000
25 gallons of water a year. He said using reverse osmosis, you take 20% of that yearly amount, a rough
26 estimate would be about 4,800 gallons a year for the whole place.

27
28 Ms. Burgstrom asked if Mr. Litchfield was saying that there would be a one-time input of 24,000 gallons
29 of water, but then once you start recycling, you would have 4,800 gallons; she asked him to explain it
30 differently.

31
32 Mr. Litchfield said that throughout the year, it's not a one-time input, that is how much they would use,
33 and after that, it is only 20% that gets wasted out of that, and the rest gets reused.

34
35 Mr. Elwell asked if that was for 5,000 square feet.

36
37 Mr. Litchfield said yes. He added that their main target is the medical field; that is what they would like
38 to stick to. He said that recreational cannabis is not something they want to even get into.

39
40 Mr. Randol asked if there is a difference between the adult use and the medical marijuana that they would
41 be growing. He asked if there is a difference in the plants, and if they are a different grade.

42
43 Mr. Schilb said yes, absolutely. He said that medical grade is mostly made for medical patients, with their
44 purposes in mind, to help with things like pain relief, nausea, inflammation, and diet. He said there is a
45 difference in the grade, which could be a higher percentage of THC, that can also help these medical
46 patients.

47
48 Mr. Randol asked when they are applying for their license with the State, if they have to specify what they
49 will be doing, whether it is for medical or adult recreational use.

1 Mr. Schilb said yes. He said that typically, you apply for the adult-use cannabis craft grower facility, and
2 when you distribute it to different distribution agencies, that is when you can decide how much you give
3 medically as a grower.

4
5 Mr. Litchfield said that when you apply for the State license, they want to know the details the Board
6 wants to know, times 100. He said that they want to know every little thing they are doing, every little
7 waste product, waste management, etc. and if it were up to the petitioners, they would do nothing but
8 medical. He said after that, it is the State's rules.

9
10 Mr. Randol asked if they own this property already.

11
12 Mr. Schilb said yes.

13
14 Mr. Wood asked, with respect to security, the drawing he saw looks like they are planning a fence around
15 that area. He said he knows it is not required by the County, and he's not sure about the State, but is it
16 their intention to have a fence.

17
18 Mr. Schilb said yes. He said the plan is to comply with the State. He said to comply with the State
19 regulations, if need be, they will have a fence for security reasons.

20
21 Mr. Wood asked if there was any other security they were planning on providing.

22
23 Mr. Schilb said yes, absolutely, there would be audio and video, inside and outside.

24
25 Mr. Elwell asked if there was going to be any deterrent on top of the fence.

26
27 Mr. Schilb said as of right now, no. He said that there would be a 20-foot-wide gate with operator, and
28 there would be a vinyl cover around the chain link fence.

29
30 Mr. Wood asked how tall the fence would be.

31
32 Mr. Schilb said the fence would be eight foot.

33
34 Mr. Elwell asked if there would be any razor wire, concertina wire, or the like.

35
36 Mr. Schilb said no.

37
38 Mr. Elwell said good.

39
40 Mr. Anderson said he would feel better about this whole situation if he saw some data from a similar
41 installation that has been working for a while. He said he would like to see what the other facility has
42 worked out about the wastewater, the storage of equipment, and all kinds of things. He said that he feels
43 that the petitioners are just getting into it, and he doesn't think that they understand what is involved with
44 a big factory. He said he would feel better if the petitioners would provide some data from other
45 functioning laboratories like their greenhouse would be.

46
47 Mr. Lasmé said that he is an actual operator, and he is the only operator in the City of Richmond,
48 California. He said he went through the same process four times in four different towns. He said he could
49 show data and proof of concept with what he actually has going on right now for the County when

1 available.

2

3 Mr. Anderson said yes, that would be a good one to inform the Board about.

4

5 Mr. Litchfield said that this is something that has already been ongoing; Mr. Lasmé already has a profitable
6 business that has met all the regulations and has all the data. He said the business has been doing very
7 well. He said that they would get those data sheets as soon as possible.

8

9 Mr. Elwell asked Mr. Litchfield if he could talk about what type of traffic would be going in and out of
10 the property, and with what frequency.

11

12 Mr. Litchfield said that besides the workers, you cannot come to the facility and purchase products. He
13 said it is an export business; they give the products to dispensaries, and it is not a dispensary where
14 someone can come knock on the door and request products. He said there are no people like that, period.
15 He said trucks go out and deliver the products.

16

17 Mr. Elwell asked what kind of trucks would be there.

18

19 Mr. Litchfield said they would be little trucks, transport trucks. He said they have not decided, but it is not
20 going to be big trucks. He said think about how many pounds one truck could carry. He said there is not
21 going to be much traffic at all; the workers are the only traffic anyone will ever see.

22

23 Mr. Elwell asked if the trucks are 18 wheelers, or like city vans, or like a sprinter.

24

25 Mr. Litchfield said a city van; he said he could not wait for the day they could get up to big trucks, but for
26 now, it will be just like a little city van. He said there are not going to be any big trucks involved as of
27 right now.

28

29 Ms. Burgstrom asked about the timing of operations. She asked if they were going to consistently be a 9
30 to 5 or 8 to 5 daytime only business, or are they going to have multiple shifts. She asked what their
31 operating hours and days of the week would be.

32

33 Mr. Schilb said that with State compliance, he believes it is from sunrise to sunset, so about 8 am to 5 or
34 6 pm, and then the facility has to be closed down. He said he thinks Mr. Lasmé has an idea about that as
35 well, and being at the facility in California, these are the times that are operated there.

36

37 Mr. Lasmé said that usually they adopt the city's regular working hours, 9 am to 5 pm. He said that
38 regardless, the plants only need 12 hours of awake time and 12 hours of sleep, so usually by 3 to 4 pm,
39 you don't need any employees at the facility. He said you could close by 5 pm.

40 Ms. Burgstrom asked if she understood Mr. Lasmé correctly that there would be people there in the wee
41 hours of the morning if they are 12-hour shifts, or is there some sort of timing for lighting, or how does
42 that work.

43

44 Mr. Lasmé said that they use timers. He said that they work with technology in everything they do. He
45 said the lights come on with timers, and the employees just come for control, really. He said everything
46 would be done through technology, including feeding the plants. He said the most they need the employees
47 to be there for is the waste, as Mr. Anderson mentioned, and for trimming. He said that most of the things
48 in the facility would be automatic. He said that by the time the employees come in, the plants are already
49 being fed, and by the time employees leave at 5 pm, most of the job has been done automatically.

1 Mr. Randol asked if they would have staff at the facility around the clock for security purposes, or is it
2 just their cameras for nighttime when they are closed down.

3
4 Mr. Lasmé said during the day, they have one security guard, just because in some of the cities a condition
5 of the permit is to have a security guard. He said if that is not a requirement, they usually just count on the
6 cameras during the day and have a security guard at night from a third-party security company from about
7 the time the employees leave. He said they are patrolling through the night until sunup.

8
9 Mr. Litchfield said that they want everyone to realize that they want to work with the Board, so if there is
10 something the Board does not like about it, they would at least like the option to change it if possible. He
11 said that Mr. Lasmé is talking about Oakland, California, and maybe this facility could get by with top-
12 grade cameras and motion detection. He said if the Board wanted a security guard, then that could be
13 done. He said with a facility this small, and in this location, there are no dangerous threats here. He said
14 that with the motion detectors and cameras, if there were a problem, the police would be alerted right
15 away; they do not need a security guard unless the Board wants one.

16
17 Mr. Elwell said that if the petitioners want to scale ten times this proposed size, they would have to come
18 back to the Board, and at that time, could the Board ask for different items that the Board is not asking for
19 now.

20
21 Mr. Litchfield asked if the Board was in favor of having security guards at the facility, because they could
22 do it either way. He said if you look at the newest technology for cameras and motion detection, that place
23 could be swarming with cops in two minutes if it gets buzzed, so there is no real need to have security
24 guards. He said that if they end up scaling ten times this size, then they could hire eight security guards
25 year-round, all night if that is what it took. He said that no matter what, they want to make the people feel
26 comfortable, and they will do whatever the people want to make people feel comfortable. He said the last
27 thing they want is for anyone to feel uncomfortable where they live and what they have going on, because
28 all they would ever have to do is ask them. He said every individual resident matters to them, and they
29 would do whatever they could; and the people would see that if this proposal goes on.

30
31 Mr. Roberts asked how much light pollution would be produced at night.

32
33 Mr. Schilb stated that is Mr. Lasmé said, at night everything is going to be on timers, as everything in
34 Oakland, California is run on timers. He said they are going to run a very similar operation at their facility.
35 He said when the plants are flowering, it is 12 hours of light during the day while the light is out, and 12
36 hours of dark during the nighttime.

37
38 Mr. Roberts said that he understood about the greenhouse lighting, but he was referring to perimeter
39 lighting for security and for the cameras to be able to pick up anything at night, there would have to be
40 some kind of lighting. He asked if they would have spotlights mounted on the fence, or pole lights shining
41 on the facility at night to provide extra security and visibility for the cameras.

42
43 Mr. Litchfield said that he has been researching a lot about security cameras, and what they have out on
44 the market now, there are actually lights with night vision and motion sensors light up if they detect
45 motion. He said that they would want to get as little as possible, and cause as little disturbance as possible.
46 He said they could get motion detectors that set off and have all the lights come on toward the building,
47 but unless something like that happens, unless somebody is doing some foul play, the lighting is going to
48 be very minimal.

49

1 Mr. Roberts said that he is just concerned about the neighbors having a lot of light shining. He said that
2 he knows being out in the country himself, he does not like even his own outside lights, so he is wondering
3 how many night lights they will have.
4

5 Mr. Litchfield said they do not have to have anything go all night. He said there would be very minimal
6 light other than if the motion detector goes on. He said the lighting would be no more than any other
7 business that might be located there. He said there definitely does not have to be big night running lights.
8 He said that he met the neighbor across the street before, who seems like a pretty good guy, and they
9 would talk with him and wouldn't do anything to disturb him. He said that whatever disturbs him or any
10 other neighbor, they would try to fix it immediately, unless it's not possible. He said he does not think
11 there is any situation that would come up that they could not handle. He said that the last thing they want
12 to do is bug somebody or cause a disturbance, so they will make sure that any resident is more than
13 welcome to come up and say hey, we don't like this, and they will not argue with them about it even if
14 they think the reason is stupid, they will try to change it. He said that they are here to get along with the
15 community, and everyone's voice will be heard if they come to them.
16

17 Ms. Burgstrom said she is a real novice about cultivating cannabis. She said that early on, Mr. Schilb
18 mentioned a vegetative stage and a flowering stage. She said she thought Mr. Schilb said that the
19 vegetative stage requires 18 to 24 hours of lighting, and during the flowering stage it is 12 and 12 shifts.
20 She asked how much of the time in a year we would see the 18 to 24 hours of lighting.
21

22 Mr. Schilb said that you would not see any of it. He said that it would be strictly indoors, and they would
23 not take the plants to the greenhouse until it was ready to flower. He said all of the vegetative state would
24 be all indoors.
25

26 Mr. Randol asked Mr. Schilb if that was his intent for the pole barn, for it to be the growing center.
27

28 Mr. Schilb said yes, they could continue to have canopy space in there as well, and they also have a seed
29 germination room in the office building.
30

31 Mr. Randol stated that they do not need the pole shed to grow plants in then.
32

33 Mr. Schilb said at this moment it is not necessary, but if they are granted more canopy space, yes.
34

35 Mr. Randol asked what the pole shed would be used for.
36

37 Mr. Schilb replied that it would be used if they are approved for more canopy space.
38

39 Mr. Randol stated otherwise, it would just be sitting there vacant.
40

41 Mr. Schilb said yes, unless the State licenses them enough canopy space to use that building.
42

43 Mr. Litchfield said that he does construction, and he has equipment and a dumpster in that shop is what
44 he uses to run his construction business out of now. He said he is in and out of there during the day. He
45 said to answer everyone's question, you will never drive by there and see the place lit up like a Christmas
46 tree.
47

48 Mr. Randol asked Mr. Litchfield if he is currently using that pole barn as a business.
49

1 Mr. Litchfield said that he has been running work in the union for a long time, and he is just starting his
2 own business, yes. He said he has it full of a mini excavator, equipment and tools. He said this is his first
3 year going out on his own.

4
5 Mr. Elwell asked Mr. Schilb who his end customer is.

6
7 Mr. Schilb said that the end customer for the facility would be different dispensaries throughout Illinois.

8
9 Mr. Elwell said it is not an interstate business, that everything is inside the State of Illinois.

10
11 Mr. Schilb said yes.

12
13 Mr. Elwell asked if the water would be trucked in, or do they have a well, and how do they plan to supply
14 the 25,000 gallons of water.

15
16 Mr. Schilb stated that they have a well.

17
18 Mr. Litchfield said that whatever way the Board wants them to, they do not want that to stop the project.
19 He said they do not want to make decisions like that because they do not know where the Board stands on
20 that. He said if the Board wants it done a certain way, they will do it a certain way. He said there is enough
21 money involved to do what they want to do, to take extreme measures if they need to.

22
23 Ms. Burgstrom asked if they have had any business check out the capacity of the well and whether the
24 well can handle the demand that they are talking about.

25
26 Mr. Litchfield said that the well looked good from what the guy said, but they did not give an exact
27 amount, but he said it is a good looking well and there does not seem to be any problems. He said that he
28 hates to talk about things that he doesn't know, but whatever regulations need to be done to make it work,
29 they are willing to do.

30
31 Mr. Elwell asked Mr. Litchfield if it is important to him to make sure that the 25,000 gallons would not
32 affect neighbors.

33
34 Mr. Litchfield said absolutely. He said it was their goal, and it would not sit right with either Mr. Schilb
35 or him if they were bothering even one person.

36
37 Mr. Lasme said that in the commencement of the operation, in every facility they have built, all operations
38 must have detailed plans demonstrating strict water conservation methods. He said all that would be
39 instituted and maintained at all times, and all of this planning will include records of monthly water
40 consumption, and that would demonstrate that the cultivation facility would be equipped with a water
41 collection and filtration system to reduce irrigation water to the maximum.

42
43 Mr. Randol asked Mr. Hall if they would need a loading berth at this point in time.

44
45 Ms. Burgstrom stated that they have sufficient concrete space for a loading berth.

46
47 Mr. Randol said that he did not see it on the plan, but he read about the berth in the packet.

48
49 Ms. Burgstrom said that she thinks they need to provide a better site plan. She said that they provided a

1 site plan that was an old lumber company site plan for the buildings from a previous owner. She said that
2 based on that, she put together the annotated aerial in the packet that shows things actually where they
3 are, but we need the petitioners to provide a site plan with more details, such as that loading berth, lighting,
4 and whatever information possible to show exactly how things would be on the ground.
5

6 Mr. Litchfield said that they want to do this how the Board wants. He said they do not want to submit
7 plans showing it has to be done this way and then the Board does not like it done that way and does not
8 approve the plans. He said that 9 out of 10 things can be adjusted, always. He said there has not been
9 something that he has run into yet that couldn't be changed. He said that they just want everyone to know
10 that they will adjust what they have to adjust, and obviously, the Board is going to know what suits your
11 County better, and they want to do it that way if at all possible. He said that using LED lighting is a huge
12 breakthrough in technology; they use a lot less power than halogenic lights. He said that LED lights are
13 more expensive, but they will be using these top-of-the-line lights to buy more energy reduction. He said
14 that they are looking into solar power and to see if having solar panels would be worthwhile and help in
15 any way. He said they would be interested in doing that too, and are not that hard to install.
16

17 Mr. Randol stated that he thinks the petitioners need to get with an engineer and give the Board some
18 detailed plans for all of this. He said if they want to put in solar, that is up to them, but they need to put
19 that in their plan and say that this is what they are going to do so that they are not coming back repeatedly
20 to make changes. He said that solar would be nice, but they need to put it in the plans they give the Board.
21 He said that the plans need to be approved by an engineer.
22

23 Mr. Litchfield said absolutely. He said that he agreed with Mr. Randol, and the reason that they did not
24 do that yet is that would happen anyway because the State requires it. He said they were wondering what
25 else might stop them, because if they go spend \$15,000 on a blueprint, just to be told no, they can't do this
26 in this county anyway, that is something they are trying to stay away from. He said he would ask if the
27 blueprint turns out to where the Board wants this, is there anything else that could stop this. He asked what
28 the chance is of them doing all of this and then the Board says thanks, but they are not going to let them
29 locate the project here for whatever reason. He said if at all possible, they would like to stay away from a
30 situation like that.
31

32 Mr. Randol said that at this stage in the game, until you can provide the Board with facts, figures, spend
33 some money on an engineer, that's the way it is. He said until they can do that, there is no way in the
34 world that they can get approved to do anything.
35

36 Mr. Litchfield said that they absolutely can do that. He said that they could have an engineer or architect
37 draw a site plan, and asked if an architect would be okay; he has an architect that he works with in
38 construction projects. He asked if the Board wanted to see every little detail in the new drawings, such as
39 how they are growing, irrigation, down to the wire.
40

41 Mr. Elwell said that for him, this is the Board's first cannabis use case, and this case will be referenced
42 going forward with future craft grower cases. He said that his concern is that when a Board member asks
43 a question, the immediate response is "oh yeah, we can do that." He said that is a little concerning for him.
44 He said that honestly he would rather have them come to the Board to say "this is where we are going to
45 get our water, i.e. from the well, and if that does not work we are going to get the Culligan man to truck
46 our water in." He said the same for power, lighting, security – the Board wants to hear what they are going
47 to do. He said if they want more, then the petitioners would provide their recommendation. He said that
48 from this conversation, he greatly appreciates them spending their time this evening, but from what he has
49 heard, any type of question asked of the petitioners has been responded to with "yeah, we can do that, or

1 whatever our neighbors think.” He said he gets the sincerity that the petitioners want to be good neighbors
2 and they want to infuse capital into the community, but he sees that there is really not a plan to give to the
3 Board, or he is not seeing that in the dialogue tonight. He said that he agrees with Mr. Randol that there
4 needs to be a point-by-point plan, like a business plan, instead of just saying they want to grow cannabis
5 for medical use so they can help others. He said that to him, that’s not cutting it tonight.
6

7 Mr. Lasmé said that tonight did not go as expected in the sense that there was no plan shown to the Board.
8 He said that they did not expect much from a phone call, as the County and the neighbors are not as well
9 educated about the cannabis industry as they should be or can be; this has nothing to do with anybody, but
10 the fact of where we are in life. He said that when it comes to starting a cannabis business, he can assure
11 the Board that they know what they are doing. He said that if and when they have a next meeting for this
12 matter, it is basically having an agreement between both parties, and they will have a plan for energy
13 conservation, a security plan, a water conservation plan, and a plan for wastewater. He said they would
14 even have a plan to prevent mold, a mitigation plan, and a plan for what to do with unsold product. He
15 said they would have a detailed inventory plan and that these are things they are used to dealing with, and
16 they just have to get a personal understanding of where the Board and the county is when it comes to
17 cannabis. He said we will get there, and they want to make an agreement and he understands that the
18 Board thinks that they sound like a whole bunch of yes people telling the Board what they want to hear.
19 He said those are things they have dealt with, and there is nothing new here. He said that those are concerns
20 that were growing in other towns and counties that were against cannabis and learned to understand what
21 cannabis is about. He said that they can find a way, because the rules are already in place. He said that
22 when you build a cannabis facility, it is the same inspections that you have to go through; there is not a
23 special inspection just for cannabis. He said that the only special inspection will be from the State. He said
24 when it comes to construction of the building and conservation, all of these entities are already in place in
25 the counties. He said it is on them to do their homework and their due diligence going towards those
26 entities and starting the conversation. He said that by the time they get to their second meeting, if there is
27 one, they will have those things ready for the Board.
28

29 Mr. Litchfield said that they are already working on these things, and that he just wanted to show his
30 willingness to work with the neighbors, and not come into the meeting telling people how things are going
31 to be. He said if that is what the Board wants, he is very clear on that now. He said he treaded lightly with
32 how they were going to do things not because he didn’t have a plan, but just to show their willingness to
33 work with the Board. He said that they can get all of the documentation and all the plans the Board needs.
34

35 Mr. Randol asked if the petitioners have another facility that is comparable to what they are wanting to do
36 size-wise in Illinois.
37

38 Mr. Litchfield said that the one that is already going is larger than the proposed facility.
39

40 Mr. Randol said that none of us know what the petitioners are talking about, so if they can provide some
41 photos, dimensions and other information from another facility, so the Board knows what it is looking at,
42 that would help a lot also.
43

44 Mr. Litchfield said absolutely, as much as they are allowed to take photos inside the facility.
45

46 Mr. Randol said that would help a lot.
47

48 Mr. Anderson asked if there was someone from the community who would want to chime into this
49 conversation.

1 Mr. Elwell said there are, and he asked if there were any other questions from the Board or staff.
2
3 Mr. Hall said that on the site plan, they show a security gate that appears to be more or less right at the
4 road, and asked how it is that traffic queues up for that gate to open, can they pull off the road completely
5 before the gate is open.
6
7 Mr. Litchfield said that there is a gap, there's room, to pull into their property before they get to the gate;
8 it is not right by the road. He said he did not know the exact measurement, but it is back off the road for
9 that reason.
10
11 Mr. Hall said that on the aerial photo, it appears to be less than 20 feet.
12
13 Mr. Litchfield said that if you look at the aerial view, they would have the gate on the other side of the
14 Genetics sign, closest to the building.
15
16 Mr. Hall said that he is still not clear whether there will be lighting used in the greenhouse at night. He
17 said that the Zoning Ordinance requires no night lighting to be released from the greenhouse, and he
18 wasn't clear if the petitioners understood that. He asked if that was news to them, and if it would be a
19 problem.
20
21 Mr. Litchfield that for the few times that lighting would be on in the building, it would not be visible when
22 you drive by there. He said there is no lighting that needs to be on at night.
23
24 Mr. Hall said, so will there ever be lighting from the greenhouse at night.
25
26 Mr. Litchfield said no, never.
27
28 Mr. Elwell said that he saw no further questions from staff or the Board, and asked Ms. Burgstrom to call
29 for cross-examination.
30
31 Ms. Burgstrom asked those in attendance to click on the "raise hand" button if they would like to cross-
32 examine Mr. Schilb, Mr. Litchfield, or Mr. Lasme.
33
34 Ms. Burgstrom called Mr. Thaddeus Bates to cross-examine.
35
36 Mr. Thaddeus Bates said that he wanted to thank the Zoning Board; this is his first trip through anything
37 like this and he is trying to understand things as they go. He said the document flow has been great, the
38 communication has been great, so that has not gone unnoticed and is much appreciated. He said that Mr.
39 Litchfield testified that there would be no security lighting and no greenhouse lighting overnight. He asked
40 if he can expect to see what he is seeing out his window right now, since this is 300 feet away and he does
41 not see any lights currently.
42
43 Mr. Litchfield said yes, that is absolutely correct. He said the only stipulation to that would be, for
44 example, if someone tried to break into the facility. He said there would be motion detector lights that turn
45 on and shine them on that person with the security system that they are looking at. He said that only if
46 someone is trying to break in would there be lights that turn on like that, which he thinks and hopes will
47 never happen. He said at the most a couple times a year maybe someone would come around.
48
49 Mr. Bates said that is his top concern right now. He said that he knows there are quite a few people with

1 hands up, so he is going to share the time as much as possible.
2
3 Mr. Justin Leerkamp said that Mr. Schilb testified of his experience with cannabis helping family members
4 with medical conditions, and a desire to produce this product for medical reasons. He said that he believes
5 Mr. Schilb testified that he would only sell this into the medical market, not into the adult use cannabis
6 recreational market, and asked Mr. Schilb if it was only his intent to sell medical.
7
8 Mr. Schilb stated yes, his story and past with medical cannabis has touched him very deeply, and since
9 the advancements are continuing to move forward, 217 Genetics wants to be part of that. He said they
10 definitely want to be able to help future patients and anybody involved with the medical field with the
11 advancements of cannabis.
12
13 Mr. Leerkamp said that Mr. Litchfield testified that some of the security systems are so advanced that
14 cops could be all over the place in 2 minutes. He asked if Mr. Litchfield had ever called the sheriff's office
15 from rural Champaign County. He said that this is not a knock on our sheriff's office; they do a fantastic
16 job, but he has waited 25 minutes for an officer to respond in an emergency situation. He said there is
17 simply not that level of staffing in rural Champaign County. He asked Mr. Litchfield how he expects the
18 sheriff's office to have such a quick response since they are understaffed and overwhelmed with the
19 current call volume.
20
21 Mr. Litchfield responded that the security system that he is looking at can detect motion even before it
22 penetrates the facility. He said that they could look at their cameras right away on their cell phones to
23 determine if there is somebody, and if the cops need to be sent out there. He said that they do not need
24 security guards; it is not like someone going to rob a vault. He said for someone to come do serious damage
25 at this facility, it would take a while to get anything of value out of there, and that is all the response time
26 we need. He said that the security cameras that they would use would not need any light and would have
27 motion detection. He said the only time someone would get disturbed is if someone is doing foul play; he
28 said if the police responded within even 20 to 25 minutes, they would be happy with that. He said that if
29 he went out to the facility now and called the cops 10 times in a row, that 8 or 9 times out of 10 would
30 take less than 15 minutes.
31
32 Mr. Schilb added there is a possibility they could have onsite security as well.
33
34 Mr. Litchfield said that they are going to try to stay away from that; they do not think it will be needed.
35
36 Ms. Burgstrom asked Mr. Leerkamp if he had any other questions about their testimony.
37
38 Mr. Leerkamp said that he would go ahead and share the time as well.
39
40 Mr. Roger Henning said that Mr. Litchfield testified that they would need 18 hours of light sometimes,
41 and that they were going to grow the cannabis in a greenhouse and not have any light protruding from the
42 greenhouse. He asked if he understood that correctly.
43
44 Mr. Litchfield said a greenhouse is not for that growing stage. He said that the stage they would need 18
45 hours of light for would be completely indoors, and you would not be able to see a shade of light. He said
46 that greenhouse would have sunlight during the day, and there is nothing that would ever be in the
47 greenhouse that would need that cycle of lighting. He said that would only be inside a completely enclosed
48 building.
49

1 Mr. Henning said that Mr. Litchfield testified they would not have any perimeter lighting, but would have
2 motion sensors. He said that out here in the country, we have a lot of animals, and asked if the motion
3 sensors would not go off when the animals come around.
4

5 Mr. Litchfield said no, the motion sensors can actually tell the difference between an animal and a human.
6 He said that he has security cameras out there now that can tell the difference between a possum and a
7 human, and those are not even the ones that they are getting for the perimeter. He said if the sensor does
8 go off, the first that happens is they look on their camera; they will have 24 hour, 7 days a week live
9 coverage of the facility for multiple people. He said they will be able to see right away, before the
10 disturbance is called out there, and they will have the system set up so they get a call first and they can
11 decide if someone needs to respond. He said that he estimates they would not see anything more than a
12 time or two per year where something gets falsely triggered.
13

14 Mr. Henning said that he drives by the property in the mornings quite a bit, and it is dark when he leaves
15 now. He said there are lights on in the shed that they can see through the skylights now. He asked what is
16 going on there now that there are lights on in the shed.
17

18 Mr. Litchfield said that he is glad Mr. Henning said that, because the guys that work for him now must
19 not have turned off the light when he was out there. He said that is honestly wasting them money, and it
20 was a mistake. He said he has been doing construction, and he has that shop in the pole shed that has a
21 mini excavator, tools, and they have been building concrete benches, so that is what has been going on
22 out there now.
23

24 Mr. Henning said he would let someone else ask questions now.
25

26 Mr. Charlie Mitsdarfer said that Mr. Litchfield testified that they would not need supplemental lighting in
27 the greenhouse, and asked if they would be installing supplemental lighting in the greenhouse.
28

29 Mr. Litchfield said no.
30

31 Mr. Mitsdarfer said that Mr. Litchfield testified about security, that there might be a couple of break-in
32 attempts per year, and said that down here, that is a lot. He said a couple in ten years is a lot. He said that
33 perhaps that is a relative difference in experience, but having two attempted break-ins, especially across
34 the street of immediate neighbors there, would be a concern.
35

36 Mr. Litchfield said that he always tries to prepare for the worst, and he is not trying to gaslight people and
37 say that everything is going to be perfect, but if he was going to bet his money, he does not think there
38 would be a break-in ever. He said that with today's technology, you're not getting away with that. He said
39 it would take you hours to come in there, with a big truck; are they going to break in with a semi, because
40 that is what it would take to get everything out to get anything of real value. He said it is not something
41 that is going to happen, in that area especially. He said he does not think there would be a break-in attempt
42 in 30 years. He said that obviously, he cannot predict the future, so when he answers these questions, he
43 wants to say worst-case scenario, and that is what he did there. He said that in his personal opinion, he
44 does not think it will ever happen.
45

46 Mr. Mitsdarfer said that he appreciates that, and asked if Mr. Litchfield thinks that his deterrence will be
47 good enough.
48

49 Mr. Litchfield said absolutely; he thinks that when someone is doing something there, and 4 spotlights

1 shine on them, he thinks that a normal person would stop what they are doing and leave.

2
3 Mr. Mitsdarfer asked how intrusive the security Mr. Litchfield mentioned would be. He asked if it would
4 be recording every time the neighbor across the road goes outside and plays ball with his kid, would it be
5 taking video and audio of his family life. He said he is just curious; he does not know much about these
6 security systems.

7
8 Mr. Litchfield said no, absolutely not; the neighbor would not even know it is there. He said there would
9 be no video cameras on his house or anything like that; it is just the facility's perimeter. He said that
10 people seem to be asking a lot of questions about security; if you get on Amazon, there's probably 40 new
11 security systems and you should see the details on them; some of them can literally tell the difference
12 between a dog and a cat.

13
14 Mr. Mitsdarfer asked if they intend to patrol their entire perimeter, which does come very close to the
15 neighbor's residence.

16
17 Mr. Litchfield said that they would have a motion detector, and if it detects motion from a human being,
18 then lights will shine on them; that is the first step. He said then their phones would get alerted, and they
19 would see what is there. He said the only thing that could set the motion detectors off is a human being.

20
21 Mr. Mitsdarfer said that is his point; there will be human beings across the road, and he knows he would
22 not want to be living on a reality TV show 24-7 just because he happens to walk by a motion detector. He
23 said his last question was to ask Mr. Litchfield to explain the reverse osmosis process for the water in his
24 own words.

25
26 Mr. Litchfield said he is not the grower, but basically it is a filter system that filters the water out and
27 reuses it. He said that he is not an expert on that, but the person growing for them is. He said there are
28 filters in place that need to be replaced every 6 months to a year, and that's all it is.

29
30 Mr. Mitsdarfer thanked everyone for their time and said he would pass the torch to the next person.

31
32 Ms. Molly Kelley said that Mr. Litchfield testified that this is not going to be a dispensary, and asked what
33 guarantees the members of this community have in place that this will not occur in the future. She said
34 this is a really hot button for this community.

35
36 Mr. Litchfield said they knew that going in, and they have no plans. He said that a dispensary is not what
37 they are after. He said they are not after all that traffic and that is not something they are interested in,
38 period. He said even if they did, they would have to bring that up in front of the Board before they could
39 do it, and obviously they would not even try to get them to vote for that. He said he would never ask a
40 town like that to have a dispensary and create all that unwanted traffic; he would not want that in his town
41 either.

42
43 Mr. Elwell asked if Mr. Hall could give Ms. Kelley some reassurance on the dispensary and what the
44 difference in the zoning would be.

45
46 Mr. Hall said that in order to establish a dispensary, there would have to be a zoning change to B-4 district,
47 which would be unusual at that location, but there is no law prohibiting it. He would note that the
48 landowner to the south has enough frontage that if he protested that rezoning, that would trigger the
49 supermajority requirement at the County Board, which makes a rezoning very difficult. He said there are

1 no guarantees, but if it were proposed, it would be a very unlikely venture.
2

3 Mr. Ron Estes said that he knows the greenhouse and the lights has been a hot topic, and Mr. Litchfield
4 stated that there would not be lights in the greenhouse. He said that he manages a research facility that has
5 a greenhouse with lighting, and knows how much light it emits. He asked what the light requirements are
6 for the greenhouse, will they have to supplement that, and do they know that for certain, because the
7 daylight length in the winter is relatively short. He said if this is going to be a year-round facility, they
8 will need to account for that.
9

10 Mr. Litchfield said that most of what they are growing is indoors, what that shed has out there. He said
11 that the greenhouse is not going to have any lights at night, and especially now, they are really going to
12 make sure of that. He said that their target is that the shed will be completely enclosed; he knows they
13 have those window wells at the top of it, but those could be covered up. He said that would be the only
14 light they would see if they did not cover those up, but they are going to do that. He said they do not want
15 any light and they want to protect the neighbor across the street. He said that he knows the neighbor does
16 not want to look at a Christmas tree all year round and they are fully aware of that. He said that they have
17 enough square footage in the shed, 2,400 square feet. He said there is no greenhouse yet; all they have is
18 a shed to grow indoors. He said there would be no light at night.
19

20 Mr. Estes said, going back to the water filtration system and water usage at this facility, they mentioned
21 that they would use reverse osmosis to filter the water out, which he is familiar with. He said that is similar
22 to what they use in their greenhouse, which they use to actually filter the water they are giving to the
23 plants. He asked if this would be a hydroponic facility.
24

25 Mr. Litchfield said no, it would not be a hydroponic facility. He said there are a couple of different ways
26 to do this, but they are not doing a hydroponic facility – that is a whole different animal.
27

28 Mr. Estes said that in his experience, they would not be able to filter the water out of the soil that they are
29 watering into. He said that would be going into some sort of a drain system and create wastewater. He
30 said he is not saying it would be impossible to filter that, but a reverse osmosis system would not
31 necessarily be the right tool for that. He asked what kind of plan they have for that wastewater.
32

33 Mr. Lasmé said that when they use the reverse osmosis, they will have a water intake system in place. He
34 said that they will try to recover the water directly from the plant. He said that Mr. Estes was right when
35 he asked if they were going to use hydroponics; they hope to use hydroponics eventually. He said that
36 would be the most efficient way to get the water back so they can recycle it and get rid of all the dissolved
37 salt in the water and all the impurities from bacteria.
38

39 Mr. Estes stated that he believes that they would also have to worry about any soil amendments they would
40 put in to control soil-borne diseases.
41

42 Mr. Elwell told Mr. Estes that the petitioners did not testify regarding soil.
43

44 Mr. Lasmé said that they would not be using pots, and they would not be using any soil from the location.
45 He said that most of the soil that they use for the project would be bought from stores.
46

47 Mr. Estes said that he was just trying to understand things better. He said that he can't quite wrap his head
48 around how plants grown in the soil, from the field or from potting soil, how you would filter that.
49

1 Mr. Lasmé said that they would put the plants in pots, and the pots would be on tables would be part of
2 the whole hydroponics system. He said when the water comes out of the plants, it would be recovered by
3 the table, and from the table it would be directly dumped into tanks that they have plugged into the tables.
4

5 Mr. Estes asked how they would filter the water that comes off of those tables.
6

7 Mr. Lasmé said that they capture the water. He said that once they capture the water from the plants, they
8 measure how much nutrients have been taken from the plants, and direct the same water into the tanks.
9 He said they then adjust the pH and the nutrients in that water and bring the water back to a different room
10 and different plants; that is how the recycling would work. He said it is not really bringing them back
11 through the reverse osmosis. He said that after the plants have been fed, they would just bring the water
12 back to the tanks and just adjust the nutrients and the pH.
13

14 Mr. CJ Decker said that the petitioners testified that they only want to sell or grow medical marijuana. He
15 asked if they could guarantee that is the only way it would be sold, through a dispensary and not for
16 recreation.
17

18 Mr. Litchfield said that he could guarantee that they would sell the cannabis for medical purposes to
19 dispensaries, but what the dispensaries do with it, if they were not being honest with the petitioners or
20 something, that would be one thing. He said they are only growing medical grade cannabis for
21 dispensaries.
22

23 Mr. Decker said that the petitioners testified that they wanted to help and work with the community, infuse
24 dollars into the community. He asked why they did not make any of their plans known to anyone in the
25 community and the nearby neighbors before tonight.
26

27 Mr. Litchfield said that honestly, they looked at this for the zoning for the State, and it was already a done
28 deal as far as the requirements. He said the whole reason for this meeting is because the Special Use Permit
29 is required because there are neighbors within 300 feet. He said they did not realize they were going to
30 need a Special Use Permit because it complies with the State zoning.
31

32 Mr. Decker said that he understands that, but does not understand why they did not let them know, just to
33 be good neighbors.
34

35 Mr. Litchfield said that honestly, he hasn't really had a platform to do that. He said that Mr. Bates has
36 come over to talk with him, and he told him he could come over any time. He said that Mr. Daly, the
37 owner of the bar, came over the other day; he waved him in and Mr. Daly talked with them for a while.
38 He told Mr. Daly he could come in any time. He said he hasn't really had a platform to reach out, but he
39 and Mr. Schilb are both relatively well-known, they both coach kids. He said that he really didn't know
40 how to have a platform for that; tonight is the first time that they have. He said that they had two guys
41 stop by, and they were treated with all due respect, invited in, and told what they were doing. He said that
42 they did not want to open their mouths about things until they knew if it was going to be allowed or not.
43 He said that he does not want to hype anybody up for something that is going to fail. He said that they
44 know there are going to be a lot of hoops, and this is just the start of them. He said they were just kind of
45 waiting more until they know if they would be allowed to do this.
46

47 Mr. Decker said they have mentioned multiple times the grower who will grow for them. He asked who
48 this person is.
49

1 Mr. Litchfield responded that his name is Brandon Scott, and he is at this meeting.

2
3 Mr. Decker asked if Mr. Scott is local, and how much experience he has with this; they would like to know
4 a little bit about him.

5
6 Mr. Litchfield said that he has a lot of experience with this. He said he does not know exactly his full
7 credentials. He said that Mr. Lasme has numerous growers at his facility active right now in Oakland, and
8 that business is doing really well already. He said he does not know Mr. Scott’s full credentials, but he is
9 very good, and they are willing to bet their life’s investment that he is going to do a great job.

10
11 Ms. Burgstrom said that it is 9:18 p.m., and at 9:30 p.m. the Board either has to have a motion to continue
12 or adjourn.

13
14 Mr. Elwell asked Ms. Burgstrom how many more people had their hands raised for cross-exam.

15
16 Ms. Burgstrom said 8 people.

17
18 **Mr. Randol moved that they stop at their scheduled meeting time.** He said this obviously is not going
19 to be finished tonight or with another meeting, so he does not see a point of extending it into the night.

20
21 Mr. Elwell said that he would like to see if they could get all 8 of those people done, and if it goes a little
22 past 9:30, he would be okay with that. He said that there are 8 more people who have waited 3 hours. Mr.
23 Elwell asked if there was a second to Mr. Randol’s motion to stop at 9:30.

24
25 **Mr. Anderson seconded the motion.**

26
27 Mr. Elwell requested a roll call vote.

28
29 The vote was called as follows:
30 **Anderson – yes** **Elwell - no** **Randol – yes**
31 **Roberts – yes** **Wood - no** **Lee - absent**

32
33 **The motion failed.**

34
35 **Mr. Wood moved, seconded by Mr. Roberts, to extend the meeting to 9:45.**

36
37 The vote was called as follows:
38 **Anderson – yes** **Elwell - yes** **Randol – yes**
39 **Roberts – yes** **Wood - yes** **Lee - absent**

40
41 **The motion carried.**

42
43 Mr. Justin Decker asked the Board what their enforcement is when their greenhouse is emitting light all
44 night. He said he finds it extremely hard to believe that the things the petitioners say will not happen will
45 not go on. He asked the ramification to that.

46
47 Ms. Burgstrom said that they have not testified about this topic tonight, so for this particular question, we
48 will need to hold off until testimony later on, but we will have that as a question written down for later,
49 unless Mr. Decker has a way to ask it directly to one of the petitioners.

1 Mr. Decker said someone else could cross-exam.
2
3 Mr. Adam Watson asked Mr. Lasme if the facility he has in Oakland, California is only for medical
4 cannabis.
5
6 Mr. Elwell told Mr. Watson that Mr. Lasme did not testify as to whether the facility is for medical or
7 recreational.
8
9 Mr. Watson said that Mr. Litchfield mentioned bringing money back into the community, and asked if
10 there are specifics on the tax benefits for the County and the Township.
11
12 Mr. Litchfield said he does not know for sure about the tax laws. He said that both he and Mr. Schilb are
13 very into sports, and like to contribute to local high school sports teams, schools, and kids. He said as far
14 as tax dollars for the County, he knows that there will eventually be tax income from the facility, and
15 whoever gets tax dollars from it will reap huge benefits. He said they would do what they see fit with the
16 facility and are open to all suggestions.
17
18 Mr. Watson asked Mr. Hall what B-4 zoning is.
19
20 Mr. Hall said that B-4 is our General Business Zoning District.
21
22 Mr. Watson asked Mr. Hall to give him an idea of where that would be in the Champaign-Urbana area.
23
24 Mr. Hall said that most of it is around the perimeter of Champaign-Urbana. He said if you imagine driving
25 north on US 45 out of Urbana, there is a lot of B-4 along US 45.
26
27 Mr. Watson said that was helpful. He said the packet refers to adult-use cannabis craft grower may share
28 a location with a cannabis dispensary in the B-4 district without a Special Use Permit. He said they were
29 speaking on the B-4 district, and said that the dispensary is a big issue for the neighbors in the area, among
30 other things. He said he just wanted to make sure that this is not something that can come in.
31
32 Mr. Hall said that once you have B-4 zoning, the craft grower or dispensary is allowed by-right, so getting
33 that rezoning to B-4 is what would be essential. He said that frankly he feels that rezoning to B-4 is almost
34 impossible at this location, but there is no guarantee either way.
35
36 Mr. Litchfield said that he could guarantee that they will never have a dispensary there.
37
38 Mr. William Mitsdarfer said that Mr. Litchfield testified that security cameras would have both video and
39 audio recorded. He asked if that was correct.
40
41 Mr. Litchfield said yes, when it needs to be, but not full time. He said there are multiple settings, and they
42 could set it up however they want. He said they could have it record 24 hours a day or do nothing until
43 there is motion detected, and it would rush the lights and recording over to where there was motion. He
44 said that if his phones show that it is live, it does not mean it is recording, not unless he makes it record.
45
46 Mr. Mitsdarfer asked if there would be audio live 24-7.
47
48 Mr. Elwell told Mr. Mitsdarfer that Mr. Litchfield did not testify about audio.
49

1 Mr. Mitsdarfer said he believed Mr. Litchfield said it was going to be audio as well. He said he wrote it
2 down, but maybe he is mistaken.
3
4 Mr. Litchfield said that if you look at any advanced security camera, you would never find one anymore
5 that does not have the audio option on it. He said he can say from the extensive research he has done on
6 these cameras, all of them can do anything you want them to do.
7
8 Mr. Mitsdarfer said that he didn't think even banks had audio, so he didn't really know why this facility
9 would need audio.
10
11 Mr. Litchfield said that he does not think that they need audio, but there is an option for a microphone that
12 if he sees someone on his phone, he can call out to the person.
13
14 Mr. Todd Herbert asked if they would be extruding oils for the medical marijuana on the property.
15
16 Mr. Lasmé said that to his understanding, this facility would only be for cultivation and not for
17 manufacturing or an oil extraction facility. He said that is not why they are applying for the license.
18
19 Mr. Herbert asked Mr. Litchfield asked if there would be ventilation fans running on the greenhouse most
20 of the year, and that he's sure they would have to heat it at this time of year.
21
22 Ms. Burgstrom said that those things were not mentioned in testimony, so they will have to hold off that
23 question for the witness register at another time.
24
25 Mr. Herbert said he had more questions, but would pass the time along to someone else.
26
27 Ms. Betsy Lancaster said that Mr. Litchfield testified about the security systems, and how he mentioned
28 Amazon. She asked if he has a plan in place for the security cameras, or will they rely on the internet.
29
30 Mr. Litchfield said no, the internet is not good enough for that. He said that their security cameras would
31 be running off of cellular networks.
32
33 Ms. Lancaster said that she knows from personal experience that cellular networks are not always reliable.
34 She said they had a backup with cellular, and when the phones went out, it was questionable if the cell
35 signal was strong enough that they would have outages fairly regularly. She asked if Mr. Litchfield had
36 looked into this at all.
37
38 Mr. Litchfield said the camera he has onsite now is connected to his phone, and it works great. He said it
39 shows every little detail and he has had no problems with it.
40
41 Ms. Burgstrom called Mr. Ed Decker to testify several times, but he did not respond.
42
43 Ms. Lori Quick said the petitioners keep referring to Oakland in their testimony, and asked what state it
44 is in.
45
46 Mr. Lasmé responded California.
47
48 Ms. Quick asked what the proximity is of the Oakland facility to residential areas.
49

1 Mr. Lasme said about 600 feet.
2
3 Ms. Quick asked if the Board would want this type of facility across the road from them.
4 Ms. Burgstrom said that they appreciate the question, but that is not something they can cover during
5 cross-exam.
6
7 Mr. Eric Bussell said that he is the Philo Township Supervisor. He said that Mr. Litchfield testified earlier
8 that he was going to go above and beyond to address the security and other types of concerns for the
9 neighbors. He asked how Mr. Litchfield plans to know about those concerns as they move forward in this
10 process.
11
12 Mr. Litchfield said he learned a lot tonight. He said he has a lot of thinking to do about everything he has
13 learned tonight about what is going to best fit the residents. He said there are many ways to do each of the
14 things. He said he learned a lot tonight from the residents of Philo and the surrounding area as far as what
15 people want, and he feels like he needed this interaction here.
16
17 Ms. Burgstrom asked Mr. Elwell to explain a little about next steps and future testimony since we only
18 have a few minutes left.
19
20 Mr. Elwell explained that the meeting would be continued to another date within 100 days.
21
22 Mr. Litchfield said that if possible, they would appreciate a yes or no as soon as possible, and said he
23 understands the Board only has so much control over that. He asked if there was anything he could do to
24 make the meeting continued to sooner rather than later in the 100 days.
25
26 Mr. Hall said that the next available meeting date that is open is April 15th. He said that 100 days is May
27 13th.
28
29 Mr. Elwell commented that it appears there will be a fair amount of testimony, and noted there were no
30 cases on April 15 currently. He asked Mr. Hall if he thought they would be able to get through the
31 testimony on April 15, in his experience.
32
33 Mr. Hall said that they should be able to get through the testimony. He said it is not clear to him that there
34 could be a final determination. He said he thinks the petitioners have a lot of work to do between now and
35 the next meeting.
36
37 Mr. Elwell asked the petitioners if they thought they could get the information that the Board has asked
38 for by April 15.
39
40 Mr. Hall said it would actually be needed a week before April 15.
41
42 Mr. Litchfield said he thought that they could provide the information by that time, but he did want to
43 clarify in black and white what exactly is expected by then.
44
45 Ms. Burgstrom said that staff is preparing a list, and they will base it off of reviewing the minutes and
46 things for tonight, and based on what the Board has said. She said that because we are short on time right
47 now, staff would get back with the petitioners as soon as possible with the list.
48
49 Mr. Litchfield asked if a blueprint with detailed plans would cover a lot of what is needed.

1 Ms. Burgstrom said she would think so.

2

3 Mr. Litchfield thanked staff and the Board.

4

5 Mr. Elwell asked if there was a motion case 998-S-21 to April 15, 2021.

6

7 **Mr. Wood moved, seconded by Mr. Randol, to continue case 998-S-21 to April 15, 2021.**

8

9 Mr. Elwell requested a roll call vote.

10

11 The vote was called as follows:

12	Anderson – yes	Elwell - yes	Randol – yes
13	Roberts – yes	Wood - yes	Lee - absent

14

15 **The motion carried.**

16

17 Mr. Elwell said that on April 15th, there would be time for testimony on the information the petitioners provide by then.

18

19 Mr. Elwell asked if there was a Staff Report.

20

21 **Cases 999-AM-21 & 001-V-21**

22 Petitioners: Leon, Michelle, and Brad Ash, d.b.a. Galesville Elevator Co.

23 Request: **Case 999-AM-21: Amend the Zoning Map to change the zoning district designation from the B-5 Central Business District and the R-1 Single Family Residence Zoning District to the B-1 Rural Trade Center Zoning District for the continued use of a Grain Storage Elevator and Bins.**

24 **Case 001-V-21: Authorize the following variance from the Zoning Ordinance in the B-1 Rural Trade Center Zoning District, subject to approval of the rezoning in Case 999-AM-21: Part A: A variance for the southernmost existing grain ring on CR 3050N, with a front yard of 0 feet and a setback of 38 feet from the street centerline, in lieu of the minimum required 25 feet front yard and 55 feet setback. Part B: A variance for an existing grain ring on the southeast corner of the 2.44 acre subject property, with a front yard of 16 feet on CR 3050N, and a front yard of 23 feet and a setback of 43 feet on the north-south segment of CR 3055N, in lieu of the minimum required 25 feet front yard and 55 feet setback. Part C: A variance for an existing non-conforming storage building on the 2.44 acre subject property, with a front yard of 4 feet and a setback of 24 feet from the street centerline of the north-south segment of CR 3055N, in lieu of the minimum required 25 feet front yard and 55 feet setback. Part D: A variance for an existing accessory storage building located on Lots 7, 8 and 9 on the east-west segment of CR 3055N, with a front yard of 0 feet, a setback of 33 feet from the street centerline, and a rear yard of 6 feet, in lieu of the minimum required 25 feet front yard, 55 feet setback, and 15 feet rear yard. Part E: A variance for an existing grain ring located on Lots 10, 11 and 12 on the east-west segment of CR 3055N, with a front yard of 0 feet and a setback of 33 feet from the street centerline of CR 3055N, a front yard of 0 feet and a setback of 45 feet from the street centerline along the east side of Lot 12, and a rear yard of 10 feet, in lieu of the minimum required 25 feet front yard, 55 feet setback, and 20 feet rear yard. Part F: A variance for a proposed grain bin with a rear yard of 4 feet in lieu of the minimum required 20 feet. Part G: A variance from requiring a Type D Screen to conceal outdoor storage and operations that are visible from a residential use within 1,000 feet of the subject property.**

48 Location: Lots 7, 8, 9, 10, 11, and 12 of Block 2 of Howard - Original Town (now the unincorporated town of Lotus) and one to be vacated 40 foot wide road right-of-way located west of Lot 7, and one

1 **2.44-acre tract, for a total of 3.431 acres in the Southwest Quarter of the Northwest Quarter of**
2 **Section 31, Township 22 North Range 7 East of the Third Principal Meridian in Brown Township**
3 **and commonly known as the Galesville Elevator Co., with an address of 10 CR 3050N, Foosland.**
4

5 Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign
6 the witness register for that public hearing. He reminded the audience that when they sign the witness
7 register, they are signing an oath.
8

9 Mr. Elwell informed the audience that this Case is an Administrative Case and as such, the County allows
10 anyone the opportunity to cross-examine any witness. He said that at the proper time, he will ask for a
11 show of hands or a verbal indication from those who would like to cross-examine, and each person will
12 be called upon. He said that those who desire to cross-examine asked to clearly state their name before
13 asking any questions. He noted that no new testimony is to be given during the cross-examination. He said
14 that attorneys who have complied with Article 7.6 of the ZBA By-Laws are exempt from cross-
15 examination. He asked Mr. Brad Ash to outline the nature of his request.
16

17 Mr. Bradley Ash, 10 CR 3050N, Foosland, stated that he is with Galesville Elevator. He said when the
18 Zoning Ordinance came out in the 1970s, their elevator was zoned B-5 Central Business. He said that
19 recently, they wanted to construct a new grain bin, and before they can get a permit, they need to have the
20 elevator zoned correctly, which would be B-1 Rural Trade Center. He said that with the new zoning, there
21 are different setbacks, which explains most of the variances that they are asking for. He said that some of
22 these structures were constructed prior to the 1970s. He said they bought this facility in 1986, and the shed
23 and a few other structures were constructed afterwards that have to do with some of the variances. He said
24 in order to get everything into compliance before they can build the grain bin, that is why they are before
25 the Board today.
26

27 Mr. Elwell asked if there were any questions from the Board.
28

29 Mr. Wood asked if the proposed structure that they want to put up on the north side of that property has a
30 back yard of about 4 feet, and asked if that was 4 feet off the property line.
31

32 Mr. Ash said that is correct, it would be no less than 4 feet from the property line.
33

34 Mr. Wood asked if that was a little bit tight, in case you have to get around the bin for any particular
35 reason, is that going to be a problem with the neighbor to the north.
36

37 Mr. Ash said, no, that shouldn't be any issue with their neighbor to the north. He said that he is currently
38 in talks with the family to purchase some land behind the elevator to ease any tensions in the future.
39

40 Mr. Elwell referred to Attachment E, and asked Mr. Hall, with the grain storage only being in B-1 and I-
41 1, what is the difference between the "grain bins and elevator" and the "feed and grain for sales only" land
42 uses.
43

44 Mr. Hall said that the elevator is where you sell your grain, and the feed and grain sales is where literally
45 livestock feed is sold, so they are completely different things. He said that he does not understand why
46 elevators are not allowed in the B-5 district; it makes no sense whatsoever.
47

48 Mr. Elwell asked if there were any other questions from the Board or staff. Seeing none, he asked how the
49 Board would like to proceed.

1 Mr. Randol suggested that they could review the special conditions.

2
3 Mr. Elwell referred to page 19 of 23 of Attachment N in Case 999-AM-21. He explained to Mr. Ash that
4 there are some special conditions for these cases, and asked Mr. Ash to answer in the affirmative if he
5 agrees to the conditions.

6
7 Mr. Elwell read special condition A.

8
9 **A. The owners of the subject property hereby recognize and provide for the right of**
10 **agricultural activities to continue on adjacent land consistent with the Right to**
11 **Farm Resolution 3425.**

12
13 The above special condition is necessary to ensure the following:
14 **Conformance with Policy 4.2.3 of the Land Resource Management Plan.**

15
16 Mr. Elwell asked Mr. Ash if he agreed with condition A.

17
18 Mr. Ash asked for clarification on the condition.

19
20 Mr. Elwell reread the condition.

21
22 Mr. Ash asked if he was just agreeing with allowing farming around the property to continue as is.

23
24 Mr. Elwell said yes.

25
26 Mr. Ash agreed to condition A.

27
28 Mr. Elwell asked if anyone would like to cross-examine this petitioner, and there was no one. He asked
29 how the Board would like to proceed.

30
31 **Mr. Randol moved, seconded by Mr. Roberts, to accept the preliminary draft Summary of**
32 **Evidence, Documents of Record, and the special condition as stated, and to move on to the Findings**
33 **of Fact.**

34
35 Mr. Elwell requested a roll call vote.

36
37 The vote was called as follows:

38 Anderson – yes	38 Elwell - yes	38 Randol – yes
39 Roberts – yes	39 Wood - yes	39 Lee - absent

40
41 **The motion carried.**

42
43 Mr. Elwell stated that he would be reading from page 21 of 23 in Attachment N where it says Summary
44 Finding of Fact.

45
46 **SUMMARY FINDING OF FACT FOR CASE 999-AM-21**

47
48 From the documents of record and the testimony and exhibits received at the public hearing conducted
49 on **February 11, 2021**, the Zoning Board of Appeals of Champaign County finds that:

- 1 1. The proposed Zoning Ordinance map amendment will **HELP ACHIEVE** the Land Resource
- 2 Management Plan because:
- 3 A. Regarding Goal 3 Prosperity:
- 4 (1) Although the proposed rezoning is **NOT DIRECTLY RELEVANT** to any of the
- 5 Goal 3 objectives, the proposed rezoning will allow the petitioners to move and
- 6 grow their operations with proper zoning and to continue serving residents of
- 7 Champaign County.
- 8
- 9 (2) Based on achievement of the above and because it will either not impede or is not
- 10 relevant to the other Objectives and Policies under this goal, the proposed map
- 11 amendment will **HELP ACHIEVE** Goal 3 Prosperity.
- 12
- 13 B. Regarding Goal 6 Public Health and Safety:
- 14 (1) The proposed amendment will **HELP ACHIEVE** Objective 6.1 requiring
- 15 protection of the public health and public safety in land resource management
- 16 decisions because it will either **HELP ACHIEVE** or will **NOT IMPEDE** the
- 17 following:
- 18 a. Policy 6.1.2 requiring that proposed wastewater disposal and treatment
- 19 systems of discretionary development will not endanger public health,
- 20 create nuisance conditions for adjacent uses, or negatively impact surface
- 21 or groundwater quality (see Item 15.A.(2)).
- 22 b. Policy 6.1.3 seeking to prevent nuisances created by light and glare, limit
- 23 excessive night lighting, and preserve clear views of the night sky (see
- 24 Item 15.A.(3)).
- 25
- 26 c. Policy 6.1.4 seeking to abate blight and to prevent and rectify improper
- 27 dumping (see Item 15.A.(4)).
- 28
- 29 C. Regarding Goal 7 Transportation:
- 30 (1) The proposed amendment will **HELP ACHIEVE** Objective 7.1 requiring the
- 31 consideration of traffic impact in land use decisions because it will **HELP**
- 32 **ACHIEVE** the following:
- 33 a. Policy 7.1.1 requiring traffic impact analyses for projects with significant
- 34 traffic generation (see Item 16.A.(1)).
- 35
- 36 (2) Based on achievement of the above Objectives and Policies and because it will
- 37 either not impede or is not relevant to the other Objectives and Policies under this
- 38 goal, the proposed map amendment will **HELP ACHIEVE** Goal 7
- 39 Transportation.
- 40
- 41 D. The proposed amendment will **NOT IMPEDE** the following LRMP goal(s):
- 42 • Goal 1 Planning and Public Involvement
- 43 • Goal 2 Governmental Coordination
- 44 • Goal 4 Agriculture
- 45 • Goal 5 Urban Land Use
- 46 • Goal 8 Natural Resources
- 47 • Goal 9 Energy Conservation
- 48 • Goal 10 Cultural Amenities

- 1 E. Overall, the proposed map amendment will **HELP ACHIEVE** the Land Resource
- 2 Management Plan.
- 3
- 4 2. The proposed Zoning Ordinance map amendment **IS** consistent with the *LaSalle* and *Sinclair*
- 5 factors because of the following:
- 6 A. The proposed amendment would allow Galesville Elevator to continue to support area
- 7 agricultural activities and expand its operations with a new grain bin.
- 8
- 9 B. The map amendment will help ensure the value of the subject property by allowing the
- 10 continued operation of the grain elevator.
- 11
- 12 C. The subject property is well-suited overall for the proposed land use.
- 13
- 14 D. The subject property and its vicinity have maintained the same uses for years.
- 15
- 16 E. The proposed use is a service better provided in a rural area.
- 17
- 18 F. The proposed use serves surrounding agricultural land uses.
- 19
- 20 G. The proposed development is otherwise appropriate in a rural area.
- 21
- 22 3. The proposed Zoning Ordinance map amendment will **HELP ACHIEVE** the purpose of the
- 23 Zoning Ordinance because:
- 24 A. Establishing the B-1 District at this location will place an existing Grain Elevator and
- 25 Bins into a zoning district that allows this use, and it will help classify, regulate, and
- 26 restrict the location of the uses authorized in the B-1 District (Purpose 2.0 (i) see Item
- 27 21.G.).
- 28
- 29 B. Establishing the B-1 District at this location will not require the development of public
- 30 utilities or transportation facilities (Purpose 2.0 (p) see Item 21.K.).
- 31
- 32 C. Establishing the B-1 District at this location will not take any land out of production
- 33 (Purpose 2.0 (q) see Item 21.L.).
- 34

35 **4. THE SPECIAL CONDITION IMPOSED HEREIN IS REQUIRED FOR THE**

36 **PARTICULAR PURPOSES DESCRIBED BELOW:**

- 37
- 38 A. **The owners of the subject property hereby recognize and provide for the right of**
- 39 **agricultural activities to continue on adjacent land consistent with the Right to**
- 40 **Farm Resolution 3425.**

41

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

43 **Conformance with Policy 4.2.3 of the Land Resource Management Plan.**

44

45 Mr. Elwell asked if there was a motion to adopt the Summary of Evidence, Documents of Record, and

46 Findings of Fact as amended.

47

48 **Mr. Randol moved, seconded by Mr. Roberts, to adopt the Summary of Evidence, Documents of**

49 **Record, and Findings of Fact as amended.**

1 Mr. Elwell requested a roll call vote.

2

3 The vote was called as follows:

4	Anderson – yes	Elwell - yes	Randol – yes
5	Roberts – yes	Wood - yes	Lee - absent

6

7 **The motion carried.**

8

9 Mr. Elwell asked if there was a motion to move to the Final Determination.

10

11 **Mr. Randol moved, seconded by Mr. Wood, to move to the Final Determination for Case 999-AM-21.**

12

13 Mr. Elwell requested a roll call vote.

14

15 The vote was called as follows:

16	Anderson – yes	Elwell - yes	Randol – yes
17	Roberts – yes	Wood - yes	Lee - absent

18

19 **The motion carried.**

20

21 Mr. Elwell explained to Mr. Ash that a full Board is not present here today, so Mr. Ash can decide if he wants to proceed with the vote tonight, or continue to another meeting when a full Board can be present. He said that four affirmative votes are needed for a determination and there are five members present.

22

23 Mr. Ash asked to proceed with the vote tonight.

24

25 **FINAL DETERMINATION FOR CASE 999-AM-21:**

26

27 **Mr. Wood moved, seconded by Mr. Randol, that pursuant to the authority granted by Section 9.2 of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County recommends that:**

28

29 **The Zoning Ordinance Amendment requested in Case 999-AM-21 should BE ENACTED by the County Board in the form attached hereto.**

30

31 **SUBJECT TO THE FOLLOWING SPECIAL CONDITION:**

32 **A. The owners of the subject property hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425.**

33

34 Mr. Elwell requested a roll call vote.

35

36 The vote was called as follows:

37	Anderson – yes	Elwell - yes	Randol – yes
38	Roberts – yes	Wood - yes	Lee - absent

39

40 **The motion carried.**

41

1 Mr. Elwell stated that the Board would now hear Case 001-V-21.

2
3 Mr. Elwell said there is one Special Condition to review. He read Special Condition A on page 14 of 20
4 in Attachment O.

5
6 **A. The Zoning Use Permit for the proposed grain bin shall not be approved until**
7 **Brown Township has recorded the final approved road right-of-way vacation**
8 **documents at the Champaign County Recorder of Deeds.**

9
10 The special condition stated above is required to ensure the following:
11 **That the petitioner has secured all required permissions to construct in the**
12 **yet to-be-vacated road right-of-way.**

13
14 Mr. Elwell asked Mr. Ash if he agreed with Special Condition A.

15
16 Mr. Ash agreed with the condition.

17
18 **Mr. Randol moved, seconded by Mr. Wood, to accept the Summary of Evidence and Documents of**
19 **Record, and proceed to the Findings of Fact for Case 001-V-21.**

20
21 The vote was called as follows:

22 Anderson – yes	22 Elwell - yes	22 Randol – yes
23 Roberts – yes	23 Wood - yes	23 Lee - absent

24
25 **The motion carried.**

26
27 **FINDINGS OF FACT FOR CASE 001-V-21:**

28
29 From the documents of record and the testimony and exhibits received at the public hearing for zoning
30 case **001-V-21** held on **February 11, 2021**, the Zoning Board of Appeals of Champaign County finds
31 that:

32
33 **1. Special conditions and circumstances DO exist which are peculiar to the land or structure**
34 **involved, which are not applicable to other similarly situated land and structures elsewhere**
35 **in the same district because:**

36
37 Mr. Randol said that special conditions and circumstances DO exist which are peculiar to the land or
38 structure involved, which are not applicable to other similarly situated land and structures elsewhere in the
39 same district because: an error in the Official Zoning Map occurred at its adoption on October 10, 1973,
40 when B-5 zoning, which does not allow the “Grain Elevator and Bins” land use, was assigned to the
41 existing elevator in Lotus. Correcting the zoning to B-1 in related Case 999-AM-21 triggers different
42 minimum yard requirements than what was allowed in the B-5 district, necessitating proposed variance
43 parts A through E.

44
45 Mr. Wood said, regarding the southernmost grain rings, the Plat of Survey dated April 21, 1986 by Charles
46 Danner shows CR 3050N running through the 2.44-acre subject property, which differs from the typical
47 property line that would center on the roadway or north of the roadway. The grain rings were placed on
48 the foundations of buildings constructed prior to adoption of the Zoning Ordinance on October 10, 1973,
49 which were destroyed by high winds in 1992.

1 Mr. Wood said that regarding variance part F for a proposed new grain bin, there is no other place on the
2 existing elevator properties except along the north property line.

3
4 Mr. Wood said that regarding variance part G for not requiring a Type D screen for outdoor storage and
5 operations, the petitioners have stored elevator materials in the road right of way along both CR 3055N
6 (north-south segment) and CR 3055N (east-west segment) for about ten years. The Township Highway
7 Commissioner provided a letter received February 3, 2021, stating that he is aware that the petitioners use
8 this right-of-way for materials storage, and expressed no concerns.

9
10 **2. Practical difficulties or hardships created by carrying out the strict letter of the regulations**
11 **sought to be varied WILL prevent reasonable or otherwise permitted use of the land or**
12 **structure or construction because:**

13
14 Mr. Randol said that practical difficulties or hardships created by carrying out the strict letter of the
15 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or
16 structure or construction because: without proposed variance parts A, B, D, and E, the petitioners would
17 have to remove three existing grain rings (variance parts A, B, and E) and one existing storage building
18 (variance part D). He said that without proposed variance part C, the storage building constructed prior to
19 the adoption of the Zoning Ordinance on October 10, 1973 cannot be reconstructed in the same location
20 should it become damaged or destroyed without first obtaining a variance. He said that without proposed
21 variance part F, there would be insufficient space adjacent to the other grain bins to construct the proposed
22 72-foot diameter grain bin. He said that without proposed variance part G, the petitioners would have to
23 either install 8 feet tall vegetative screening or remove all materials stored outdoors along CR 3055N.

24
25 **3. The special conditions, circumstances, hardships, or practical difficulties DO NOT result**
26 **from actions of the applicant because:**

27
28 Mr. Wood said that the special conditions, circumstances, hardships, or practical difficulties DO NOT
29 result from actions of the applicant because: the error in the Official Zoning Map occurred at its adoption
30 on October 10, 1973, when B-5 zoning, which does not allow the “Grain Elevator and Bins” land use, was
31 assigned to the existing elevator in Lotus. He said that petitioner Leon Ash purchased the 2.44-acre
32 elevator site in 1986. He said that between 1986 and 2004, the P&Z Department approved four permits
33 for the subject property despite it having improper zoning, with no explanation provided.

34
35 **4. The requested variance IS in harmony with the general purpose and intent of the Ordinance**
36 **because:**

37
38 Mr. Wood said that the requested variance IS in harmony with the general purpose and intent of the
39 Ordinance because: regarding setback and front yard requirements, there are no known expansion plans
40 for CR 3050N or CR 3055N. He said regarding rear yard requirements, the nearest structure to the
41 proposed grain bin on non-elevator property is a residence that is approximately 150 feet to the southeast.

42
43 **5. The requested variance WILL NOT be injurious to the neighborhood or otherwise**
44 **detrimental to the public health, safety, or welfare because:**

45
46 Mr. Randol said that the requested variance WILL NOT be injurious to the neighborhood or otherwise
47 detrimental to the public health, safety, or welfare because: the Brown Township Highway Commissioner
48 has been notified of this variance, and he provided a letter received February 3, 2021, which stated the
49 following: 1. He is aware that the petitioners use the right-of-way along CR 3055N for materials storage,

1 and expressed no concerns, and 2. He is working to vacate a 40 feet by 127 feet right of way on the west
2 site of Lot 7 of the Original Town of Howard, now known as Lotus IL, so that the elevator can build a
3 new 72-foot diameter grain bin in that area.
4

5 Mr. Randol said that the Township Supervisor and Fire Protection Districts have been notified, and no
6 comments have been received, and all landowners in Lotus were notified of the proposed variance, and
7 no comments have been received.
8

9 **6. The requested variance, SUBJECT TO THE PROPOSED CONDITION, IS the minimum**
10 **variation that will make possible the reasonable use of the land/structure because:**
11

12 Mr. Wood said that the requested variance, subject to the proposed condition, IS the minimum variation
13 that will make possible the reasonable use of the land/structure because: the proposed variances A through
14 E are for existing structures that cannot be moved without destroying them. He said that the proposed
15 grain bin has no other possible location adjacent to the other grain bins on the subject property. He said
16 that the petitioners are discussing a possible land purchase with the owner to the north, but there is no
17 guarantee of acceptance or a timeline.
18

19 **7. THE SPECIAL CONDITION IMPOSED HEREIN IS REQUIRED FOR THE**
20 **PARTICULAR PURPOSES DESCRIBED BELOW:**
21

22 **A. The Zoning Use Permit for the proposed grain bin shall not be approved until**
23 **Brown Township has recorded the final approved road right-of-way vacation**
24 **documents at the Champaign County Recorder of Deeds.**
25

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

27 **That the petitioner has secured all required permissions to construct in the**
28 **yet-to-be-vacated road right-of-way.**
29

30 Mr. Elwell entertained a motion to adopt the Summary of Evidence, Documents of Record, and Findings
31 of Fact, as amended for Case 001-V-21.
32

33 **Mr. Randol moved, seconded by Mr. Roberts, to adopt the Summary of Evidence, Documents of**
34 **Record, and Findings of Fact, as amended.**
35

36 The vote was called as follows:

37 **Anderson – yes** **Elwell - yes** **Randol – yes**
38 **Roberts – yes** **Wood - yes** **Lee - absent**
39

40 **The motion carried.**
41

42 Mr. Elwell explained to Mr. Ash that, just like the previous case, a full Board is not present here today, so
43 Mr. Ash can decide if he wants to proceed with the vote tonight, or continue to another meeting when a
44 full Board can be present. He said that four affirmative votes are needed for a determination and there are
45 five members present.
46

47 Mr. Ash asked to proceed with the vote tonight.
48

49 Mr. Elwell entertained a motion to move to the Final Determination for Case 001-V-21.

1 Mr. Wood moved, seconded by Mr. Roberts, to move to the Final Determination for Case 001-V-
2 21.

3
4 The vote was called as follows:

5	Anderson – yes	Elwell - yes	Randol – yes
6	Roberts – yes	Wood - yes	Lee - yes

7
8 The motion carried.

9
10 **FINAL DETERMINATION FOR CASE 001-V-21:**

11
12 Mr. Randol moved, seconded by Mr. Wood, that the Champaign County Zoning Board of Appeals
13 finds that, based upon the application, testimony, and other evidence received in this case, that the
14 requirements for approval in Section 9.1.9.C HAVE been met, and pursuant to the authority
15 granted by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of
16 Appeals of Champaign County determines that:

17
18 The Variance requested in Case 001-V-21 is hereby GRANTED WITH ONE CONDITION
19 to the petitioners, Leon, Michelle, and Brad Ash, d.b.a. Galesville Elevator Co., to authorize
20 the following:

21
22 Authorize the following variance from the Zoning Ordinance in the B-1 Rural Trade
23 Center Zoning District, subject to approval of the rezoning in Case 999-AM-21, per Section
24 5.3 of the Zoning Ordinance:

- 25
26 **Part A:** A variance for the southernmost existing grain ring on CR 3050N, with a front
27 yard of 0 feet and a setback of 38 feet from the street centerline, in lieu of the
28 minimum required 25 feet front yard and 55 feet setback.
- 29
30 **Part B:** A variance for an existing grain ring on the southeast corner of the 2.44 acre
31 subject property, with a front yard of 16 feet on CR 3050N, and a front yard of 23
32 feet and a setback of 43 feet on the north-south segment of CR 3055N, in lieu of
33 the minimum required 25 feet front yard and 55 feet setback.
- 34
35 **Part C:** A variance for an existing non-conforming storage building on the 2.44 acre
36 subject property, with a front yard of 4 feet and a setback of 24 feet from the
37 street centerline of the north-south segment of CR 3055N, in lieu of the minimum
38 required 25 feet front yard and 55 feet setback.
- 39
40 **Part D:** A variance for an existing accessory storage building located on Lots 7, 8 and 9 on
41 the east-west segment of CR 3055N, with a front yard of 0 feet, a setback of 33 feet
42 from the street centerline, and a rear yard of 6 feet, in lieu of the minimum
43 required 25 feet front yard, 55 feet setback, and 15 feet rear yard.
- 44
45 **Part E:** A variance for an existing grain ring located on Lots 10, 11 and 12 on the east-west
46 segment of CR 3055N, with a front yard of 0 feet and a setback of 33 feet from the
47 street centerline of CR 3055N, a front yard of 0 feet and a setback of 45 feet from
48 the street centerline along the east side of Lot 12, and a rear yard of 10 feet, in lieu
49 of the minimum required 25 feet front yard, 55 feet setback, and 20 feet rear yard.

1 Part F: A variance for a proposed grain bin with a rear yard of 4 feet in lieu of the
2 minimum required 20 feet.

3
4 Part G: A variance from requiring a Type D Screen to conceal outdoor storage and
5 operations that are visible from a residential use within 1,000 feet of the subject
6 property.

7
8 SUBJECT TO THE FOLLOWING CONDITION:

9
10 A. The Zoning Use Permit for the proposed grain bin shall not be approved until Brown
11 Township has recorded the final approved road right-of-way vacation documents at
12 the Champaign County Recorder of Deeds.

13
14 Mr. Elwell requested a roll call vote.

15
16 The vote was called as follows:

17 Anderson – yes	Elwell - yes	Randol – yes
18 Roberts – yes	Wood - yes	Lee - absent

19
20 The motion carried.

21 Mr. Elwell told Mr. Ash that both of his cases have been approved, and thanked him for his time.

22
23 7. Staff Report - None

24
25 8. Other Business

26 A. Review of Docket

27
28 Mr. Hall mentioned the potential cancellation of the February 25th ZBA meeting.

29
30 Mr. Wood asked if the Board needed to cancel it.

31
32 Mr. Elwell asked for a motion to extend the meeting.

33
34 Mr. Wood moved, seconded by Mr. Randol, to extend the meeting by 4 minutes.

35
36 The vote was called as follows:

37 Anderson – no	Elwell - yes	Randol – yes
38 Roberts – yes	Wood - yes	Lee - absent

39
40 The motion carried.

41
42 Mr. Hall said that there is nothing scheduled for February 25th.

43
44 Mr. Wood asked if the office was still short-staffed.

45
46 Mr. Randol said that he thought staff decided last month not to schedule anything for February 25th.

47
48 Mr. Hall said that is correct, and asked if the Board wanted to cancel it.

1 Mr. Randol moved, seconded by Mr. Wood, to cancel the February 25, 2021 ZBA meeting.

2

3 The vote was called as follows:

4	Anderson – yes	Elwell - yes	Randol – yes
5	Roberts – yes	Wood - yes	Lee - absent

6

7 The motion carried.

8

9 Mr. Elwell asked if there were any future absences, and there were none.

10

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

12

13 None

14

15 10. Adjournment

16

17 Mr. Elwell entertained a motion to adjourn the meeting.

18

19 Mr. Roberts moved, seconded by Mr. Wood, to adjourn the meeting.

20

21 Mr. Elwell requested a roll call vote.

22

23 The vote was called as follows:

24	Anderson – no	Elwell - yes	Randol – yes
25	Roberts – yes	Wood - yes	Lee - absent

26

27 The motion carried.

28

29 The meeting adjourned at 9:45 p.m.

30

31 Respectfully submitted

32

33

34

35 Secretary of Zoning Board of Appeals

36

37

38

39

40

41

42

43

44

45

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47

48

49