

## **CASES 972-AT-20 & 973-AT-20**

*SUPPLEMENTAL MEMORANDUM #1*

*March 4, 2020*

**Petitioner:** Zoning Administrator

**Request:** Case 972-AT-20

Part A: Amend the Champaign County Zoning Ordinance to add definitions for the following types of adult-use cannabis businesses: Dispensing Organization; Infuser Organization; Processing Organization; Transporting Organization; Craft Grower; and Cultivation Center, as detailed in the full legal description in Attachment A.

Part B: Amend the Champaign County Zoning Ordinance to add requirements for adult cannabis businesses only within 1.5 miles of a home rule municipality with more than 20,000 population, as detailed in the full legal description in Attachment A.

Case 973-AT-20

Part A: Amend the Champaign County Zoning Ordinance to add definitions for the following types of adult-use cannabis businesses: Dispensing Organization; Infuser Organization; Processing Organization; Transporting Organization; Craft Grower; and Cultivation Center, as detailed in the full legal description in Attachment A.

Part B: Amend the Champaign County Zoning Ordinance to add requirements for adult cannabis businesses only within 1.5 miles of a home rule municipality with more than 20,000 population, as detailed in the full legal description in Attachment A.

Part C: Add requirements to authorize the following adult cannabis businesses except within 1.5 miles of non-home rule municipalities and except within 1.5 miles of a home rule municipality with a population of 20,000 or less and except within 1.5 miles of a residential zoning district located more than 1.5 miles from a home rule municipality with more than 20,000 population, as detailed in the full legal description in Attachment A.

**Location:** Unincorporated Champaign County

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

**Prepared by:** Susan Burgstrom, Senior Planner

**John Hall, Zoning Administrator**

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### **STATUS**

At the February 27, 2020 ZBA meeting, John Hall, Zoning Administrator, introduced Cases 972-AT-20 and 973-AT-20. A series of six maps was handed out to the Board showing the proposed cannabis related land uses for each case. Staff answered questions from the Board. There was no public attendance for these cases. The Board continued the cases to March 12, 2020.

P&Z Staff made a few revisions to the map series handed out at the meeting – see Attachment B. Some parcels were removed from certain proposed land uses to reflect Intergovernmental Boundary Agreements between Champaign, Bondville, and Mahomet, since Bondville and Mahomet are not allowing any cannabis related land uses in their municipal areas.

Attachments C and D are revised Summaries of Evidence for both cases. New information is in red underline/strikethrough. Evidence has been added under Goal 3, and an error was corrected in the Case 973-AT-20 proposed amendment for cultivation centers and craft growers.

## **ATTACHMENTS**

- A Legal advertisement
- B Revised Maps: Cannabis Related Land Uses for Cases 972-AT-20 and 973-AT-20, dated February 28, 2020
- C Revised Finding of Fact, Summary Finding of Fact, and Final Determination for Case 972-AT-20 dated March 12, 2020, with proposed amendment attached
- D Revised Finding of Fact, Summary Finding of Fact, and Final Determination for Case 973-AT-20 dated March 12, 2020, with proposed amendment attached

**LEGAL PUBLICATION: WEDNESDAY, FEBRUARY 12, 2020**  
**CASES: 972-AT-20 & 973-AT-20**

**NOTICE OF PUBLIC HEARING IN REGARD TO AN AMENDMENT TO THE TEXT  
OF THE CHAMPAIGN COUNTY ZONING ORDINANCE**

CASES 972-AT-20 & 973-AT-20

The Champaign County Zoning Administrator, 1776 East Washington Street, Urbana, has filed petitions to amend the text of the Champaign County Zoning Ordinance. The petitions are on file in the office of the Champaign County Department of Planning and Zoning, 1776 East Washington Street, Urbana, IL.

A public hearing will be held **Thursday, February 27, 2020 at 6:30 p.m.** prevailing time in the Lyle Shields Meeting Room, Brookens Administrative Center, 1776 East Washington Street, Urbana, IL, at which time and place the Champaign County Zoning Board of Appeals will consider petitions for the following:

Case 972-AT-20

Amend the Champaign County Zoning Ordinance as follows:

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

Case 973-AT-20

Amend the Champaign County Zoning Ordinance as follows:

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

All persons interested are invited to attend said hearing and be heard. The hearing may be continued and reconvened at a later time.

Ryan Elwell, Chair  
Champaign County Zoning Board of Appeals

**TO BE PUBLISHED: WEDNESDAY, FEBRUARY 12, 2020, ONLY**

Send bill and one copy to: Champaign County Planning and Zoning Dept.  
Brookens Administrative Center  
1776 E. Washington Street  
Urbana, IL 61802

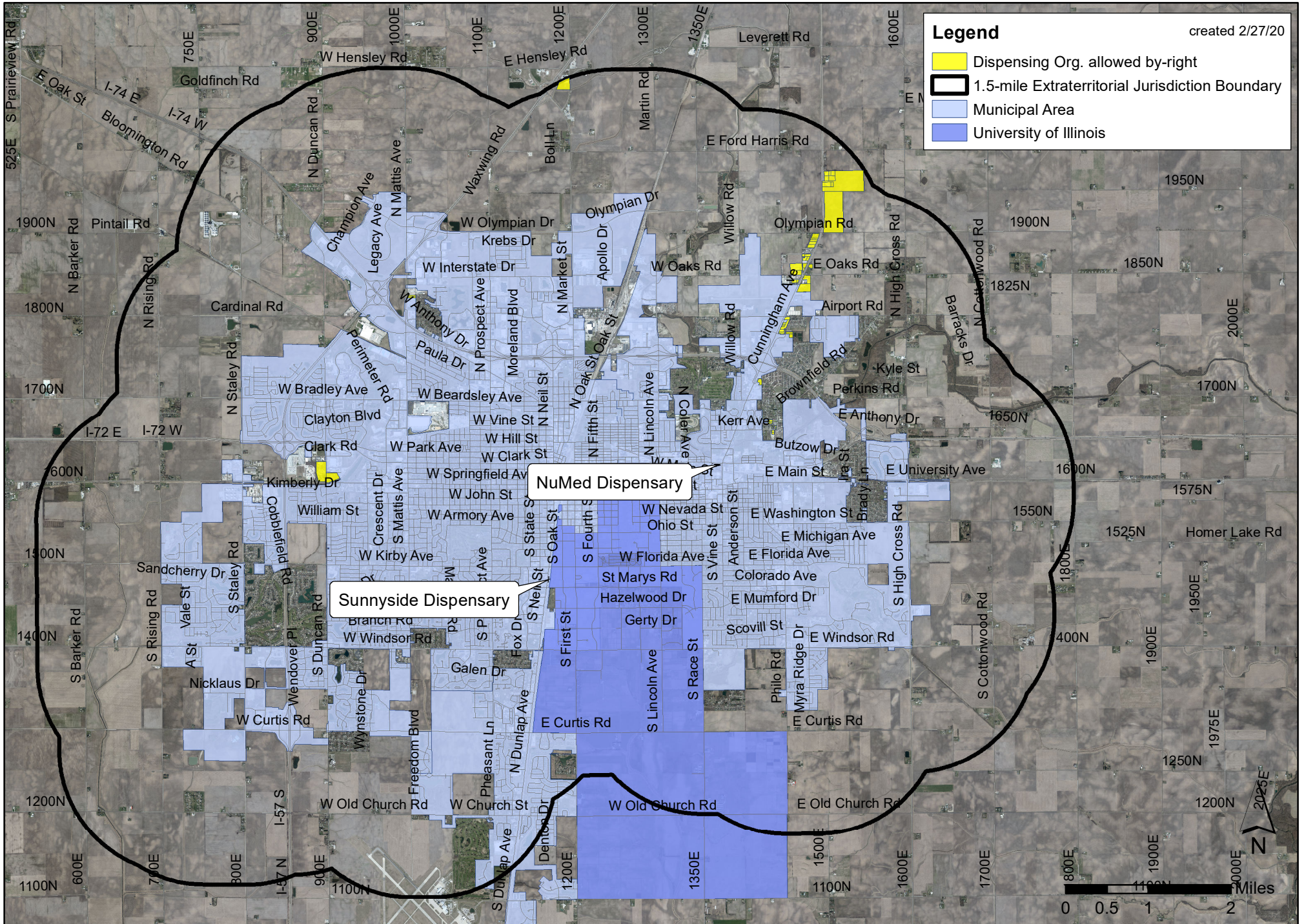
Phone: 384-3708



# 972-AT-20: Dispensing Organization

Cases 972-AT-20 & 973-AT-20, ZBA 03/12/20  
Supp. Memo #1 Attachment B, Page 1 of 6

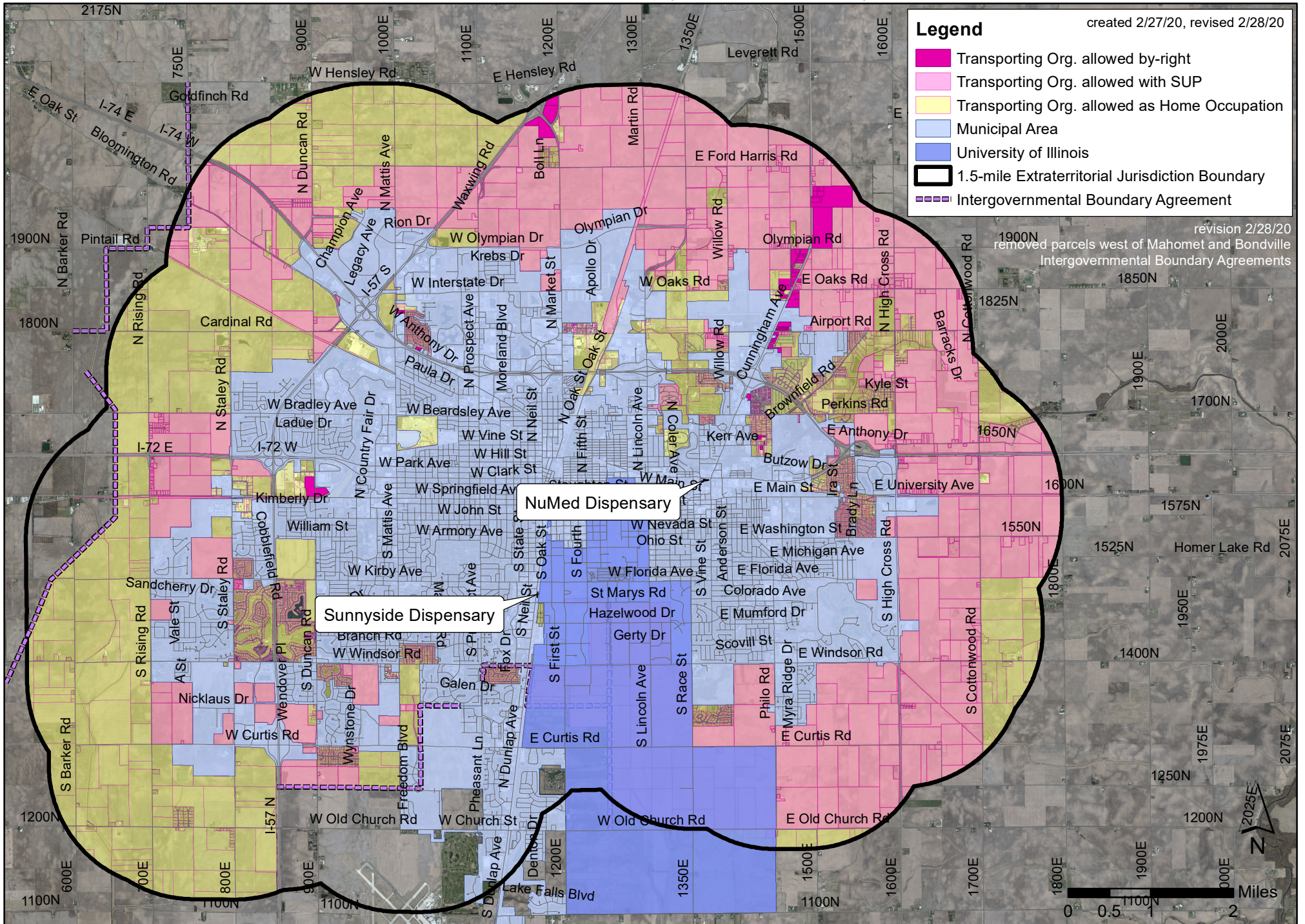
All cannabis related land uses are subject to State and local requirements





# 972-AT-20: Transporting Organization

All cannabis related land uses are subject to State and local requirements

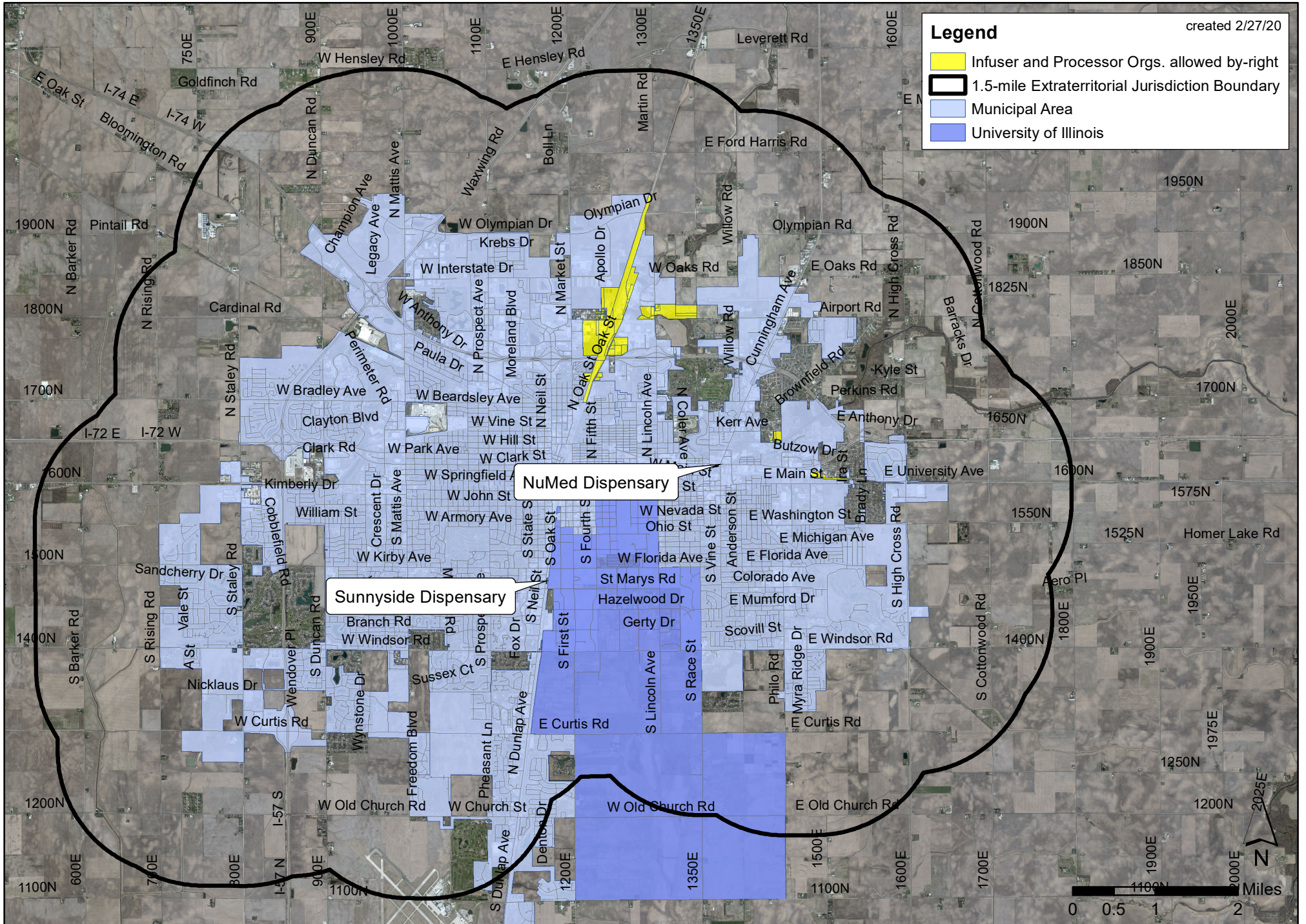




# 972-AT-20: Infuser and Processing Organizations

Cases 972-AT-20 & 973-AT-20, ZBA 03/12/20  
Supp. Memo #1 Attachment B, Page 3 of 6

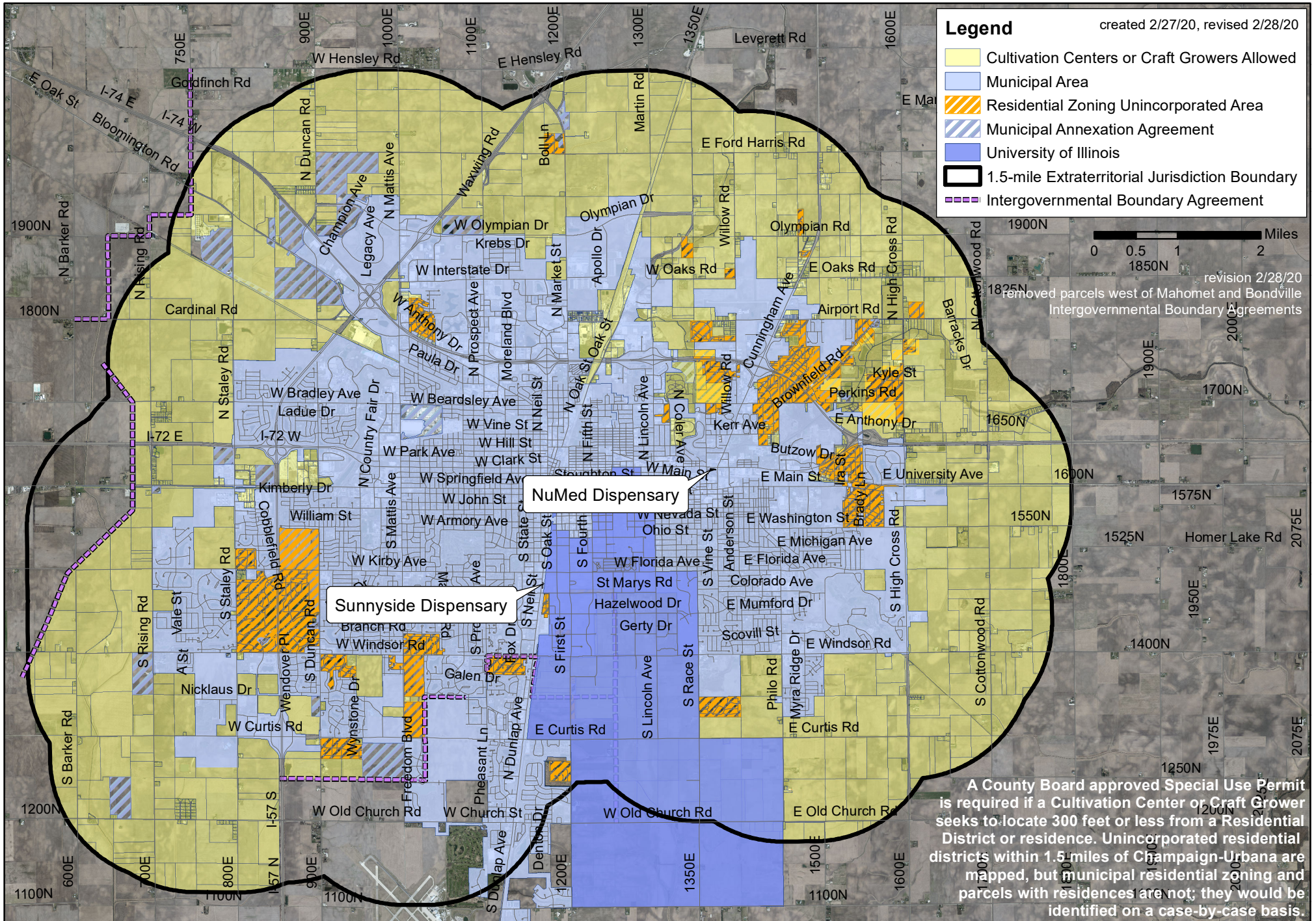
All cannabis related land uses are subject to State and local requirements





# 972-AT-20: Cultivation Center or Craft Grower

All cannabis related land uses are subject to State and local requirements

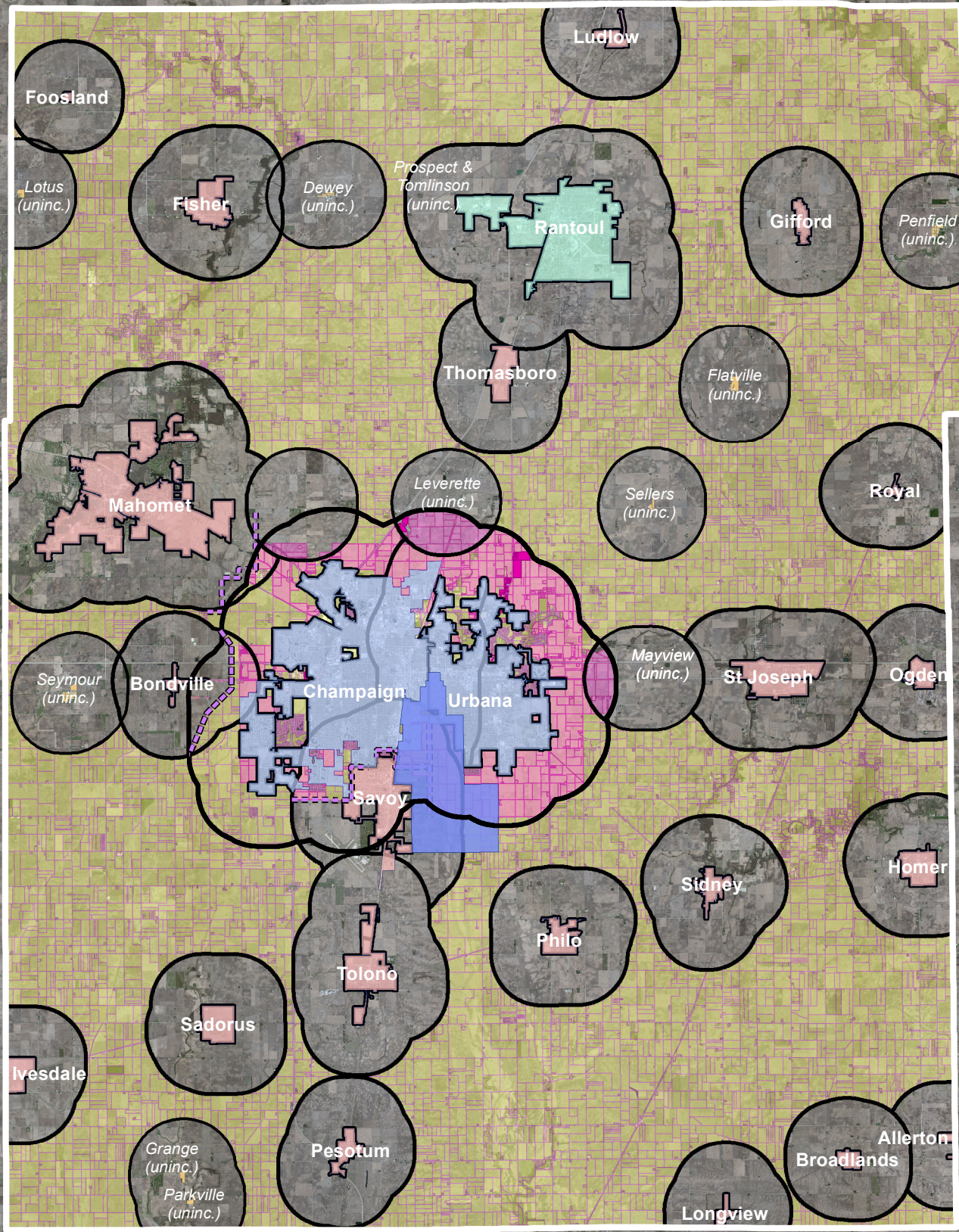




# 973-AT-20: Transporting Organization

All cannabis related land uses are subject to State and local requirements

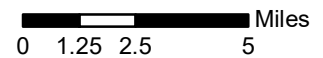
Cases 972-AT-20 & 973-AT-20, ZBA 03/12/20  
 Supp. Memo #1 Attachment B, Page 5 of 6



## Legend

- Transporting Org. allowed by-right
- Transporting Org. allowed with SUP
- Transporting Org. allowed as Home Occupation
- Unincorporated residential zoned areas
- Intergovernmental Boundary Agreements
- Home Rule Muni. Area with >20,000 Population
- Home Rule Muni. Area with 20,000 or less Population
- Non-Home Rule Muni. Area
- University of Illinois
- 1.5-mile Separation

created 2/27/20

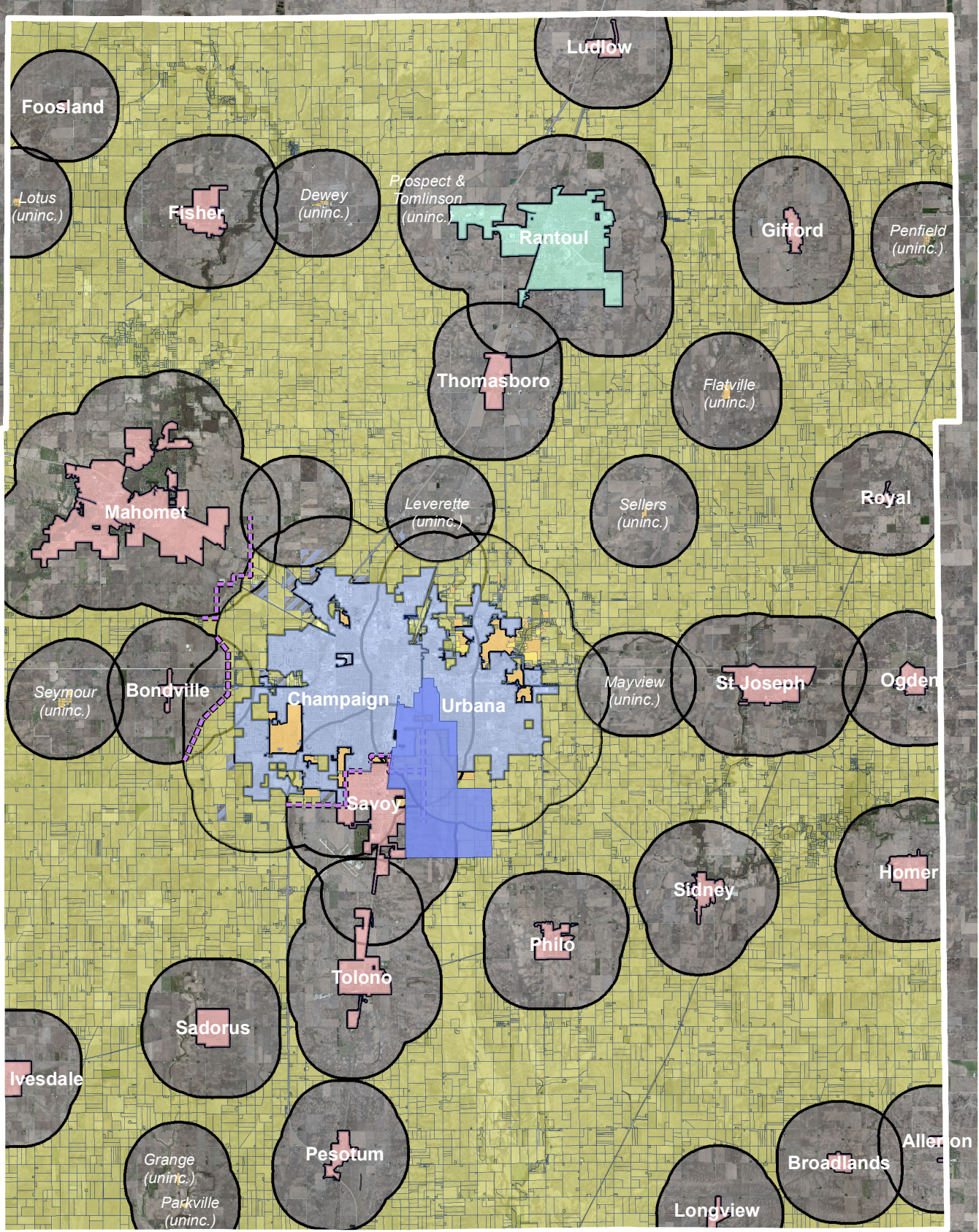





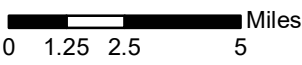
# 973-AT-20: Cultivation Center or Craft Grower

All cannabis related land uses are subject to State and local requirements

Cases 972-AT-20 & 973-AT-20, ZBA 03/12/20  
Supp. Memo #1 Attachment B, Page 6 of 6



## Legend

- Cultivation Centers or Craft Growers Allowed
  - Home Rule Muni. Area with >20,000 Population
  - Home Rule Muni. Area with 20,000 or less Population
  - Non-Home Rule Muni. Area
  - Unincorporated residential zoned areas
  - 1.5 mile separation
  - University of Illinois
- 
  


**A County Board approved Special Use Permit is required if a Cultivation Center or Craft Grower seeks to locate 300 feet or less from a Residential District or residence.**

**Unincorporated residential districts within 1.5 miles of Champaign-Urbana are mapped, but municipal residential zoning and parcels with residences are not; they would be identified on a case-by-case basis.**

created 2/27/20



**REVISED DRAFT 03/12/20**

**972-AT-20**

**FINDING OF FACT  
AND FINAL DETERMINATION  
of  
Champaign County Zoning Board of Appeals**

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Final Determination: ***{RECOMMEND ENACTMENT/RECOMMEND DENIAL}***

Date: ***{March 12, 2020}***

Petitioner: **Zoning Administrator**

Request: **Amend the Champaign County Zoning Ordinance as follows:**

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

From the documents of record and the testimony and exhibits received at the public hearing conducted on **February 27, 2020** and **March 12, 2020**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner is the Zoning Administrator.
2. The proposed amendment is intended to establish the requirements for adult-use cannabis businesses in the Zoning Ordinance.
3. Municipalities with zoning and townships with planning commissions have protest rights on all text amendments and they are notified of such cases.

### *SUMMARY OF THE PROPOSED AMENDMENT*

4. The proposed amendment is attached to this Finding of Fact as it will appear in the Zoning Ordinance.

### *GENERALLY REGARDING THE LRMP GOALS, OBJECTIVES, AND POLICIES*

5. The *Champaign County Land Resource Management Plan* (LRMP) was adopted by the County Board on April 22, 2010. The LRMP Goals, Objectives, and Policies were drafted through an inclusive and public process that produced a set of ten goals, 42 objectives, and 100 policies, which are currently the only guidance for amendments to the *Champaign County Zoning Ordinance*, as follows:
  - A. The Purpose Statement of the LRMP Goals, Objectives, and Policies is as follows:

“It is the purpose of this plan to encourage municipalities and the County to protect the land, air, water, natural resources and environment of the County and to encourage the use of such resources in a manner which is socially and economically desirable. The Goals, Objectives and Policies necessary to achieve this purpose are as follows:...”
  - B. The LRMP defines Goals, Objectives, and Policies as follows:
    - (1) Goal: an ideal future condition to which the community aspires
    - (2) Objective: a tangible, measurable outcome leading to the achievement of a goal
    - (3) Policy: a statement of actions or requirements judged to be necessary to achieve goals and objectives
  - C. The Background given with the LRMP Goals, Objectives, and Policies further states, “Three documents, the *County Land Use Goals and Policies* adopted in 1977, and two sets of *Land Use Regulatory Policies*, dated 2001 and 2005, were built upon, updated, and consolidated into the LRMP Goals, Objectives and Policies.

### *REGARDING LRMP GOALS*

6. LRMP Goal 1 is entitled “Planning and Public Involvement” and states that as follows:

**Champaign County will attain a system of land resource management planning built on broad public involvement that supports effective decision making by the County.**

Goal 1 has 4 objectives and 4 policies. The proposed amendment ***WILL NOT IMPEDE*** the achievement of Goal 1.

7. LRMP Goal 2 is entitled “Governmental Coordination” and states as follows:

**Champaign County will collaboratively formulate land resource and development policy with other units of government in areas of overlapping land use planning jurisdiction.**

Goal 2 has two objectives and three policies. The proposed amendment **WILL NOT IMPEDE** the achievement of Goal 2.

8. LRMP Goal 3 is entitled “Prosperity” and states as follows:

**Champaign County will encourage economic growth and development to ensure prosperity for its residents and the region.**

Goal 3 has three objectives and no policies.

Objective 3.1 is most relevant to the proposed text amendment. The proposed amendment will **HELP ACHIEVE** Goal 3 as follows:

A. Objective 3.1 states, “Champaign County will seek to ensure that it maintains comparable tax rates and fees, and a favorable business climate relative to similar counties.”

The proposed amendment will **HELP ACHIEVE** Objective 3.1 as follows:

(1) The proposed text amendment will allow development of cannabis related businesses within 1.5 miles of a home rule municipality with more than 20,000 population, which are the only municipalities in the County that allow cannabis related businesses.

(2) This approach will allow Champaign County to experience the economic benefits of cannabis related businesses in a limited way that is consistent with State law and existing zoning.

(3) If implementation of the proposed text amendment results in a positive experience for Champaign County, the County can consider expanding the amount of the unincorporated area available for development of cannabis related business uses.

9. LRMP Goal 4 is entitled “Agriculture” and states as follows:

**Champaign County will protect the long term viability of agriculture in Champaign County and its land resource base.**

Goal 4 has 9 objectives and 22 policies. Objectives 4.1, 4.4, 4.5, 4.6, 4.9 and their subsidiary policies are not relevant to the proposed amendment. The proposed amendment will **HELP ACHIEVE** or will **NOT IMPEDE** the achievement of Goal 4 for the following reasons:

A. Objective 4.2 states, “Champaign County will require that each *discretionary review* development will not interfere with agricultural operations.”

The proposed amendment will **HELP ACHIEVE** Objective 4.2 for the following reasons:

(1) Policy 4.2.1 states, “**The County may authorize a proposed business or other non-residential discretionary review development in a rural area if the proposed development supports agriculture or involves a product or service that is provided better in a rural area than in an urban area.**”

The proposed amendment will **HELP ACHIEVE** Policy 4.2.1 for the following reasons:

- a. The only discretionary review developments allowed through the proposed amendment are for:
    - (a) an ADULT-USE CANNABIS TRANSPORTING ORGANIZATION in the AG-2 Zoning District within the 1.5-mile extraterritorial jurisdiction of a home rule municipality of 20,000 or more population, which requires a Special Use Permit; and
    - (b) an ADULT-USE CANNABIS CULTIVATION CENTER located 300 feet or less from an existing residence or an existing residentially zoned lot, in all non-residential zoning districts within the 1.5-mile extraterritorial jurisdiction of a home rule municipality of 20,000 or more population, which requires a County Board approved Special Use Permit.
    - (c) an “ADULT-USE CANNABIS CRAFT GROWER” located 300 feet or less from an existing residence or an existing residentially zoned lot, in all non-residential zoning districts within the 1.5-mile extraterritorial jurisdiction of a home rule municipality of 20,000 or more population, which requires a County Board approved Special Use Permit.
  - b. Cultivation Centers and Craft Grower are examples of what would otherwise be considered “agriculture” albeit a highly regulated form of agriculture. Counties in Illinois cannot regulate agriculture. The State’s Attorney’s Office has reviewed the proposed amendment and has no legal concerns due to the special nature of cannabis regulation under the Cannabis Regulation and Tax Act (CRTA; Public Act 101-0027).
- (2) Policy 4.2.2 states, “**The County may authorize discretionary review development in a rural area if the proposed development:**
- a. **is a type that does not negatively affect agricultural activities; or**
  - b. **is located and designed to minimize exposure to any negative affect caused by agricultural activities; and**
  - c. **will not interfere with agricultural activities or damage or negatively affect the operation of agricultural drainage systems, rural roads, or other agriculture-related infrastructure.”**

The proposed amendment will **HELP ACHIEVE** Policy 4.2.2 for the following reasons:

- a. Cannabis cultivation occurs inside buildings, so there should be no negative impact on or from surrounding agricultural activities.
- b. Cannabis transport should have no different impact on rural roads than trucks used for agricultural hauling, and there will be far fewer cannabis transport trucks than other trucks used for agriculture.
- c. The proposed amendment will require any discretionary cannabis related land use to be authorized either by a ZBA Special Use Permit or a County Board Special Use Permit, which will allow for site specific review.

- (3) Policy 4.2.3 states, **“The County will require that each proposed discretionary development explicitly recognize and provide for the right of agricultural activities to continue on adjacent land.”**

The proposed amendment will *HELP ACHIEVE* Policy 4.2.3 for the following reason:

- a. Cannabis related discretionary developments can have a condition added for recognizing the Right to Farm Resolution 3425 like many other discretionary uses in unincorporated Champaign County.

- (4) Policy 4.2.4 states, **“To reduce the occurrence of agricultural land use and non-agricultural land use nuisance conflicts, the County will require that all discretionary review consider whether a buffer between existing agricultural operations and the proposed development is necessary.”**

The proposed amendment will *NOT IMPEDE* Policy 4.2.4 for the following reason:

- a. Cannabis cultivation is considered agriculture and therefore will not need a buffer.

- B. Objective 4.3 states, “Champaign County will require that each discretionary review development is located on a suitable site.”

The proposed amendment will *NOT IMPEDE* Objective 4.3 for the following reasons:

- (1) Policy 4.3.1 states **“On other than best prime farmland, the County may authorize a discretionary review development provided that the site with proposed improvements is suited overall for the proposed land use.”**
- (2) Policy 4.3.2 states, **“On best prime farmland, the County may authorize a discretionary review development provided the site with proposed improvements is well-suited overall for the proposed land use.”**
- (3) Policy 4.3.3 states, **“The County may authorize a discretionary review development provided that existing public services are adequate to support to the proposed development effectively and safely without undue public expense.”**
- (4) Policy 4.3.4 states, **“The County may authorize a discretionary review development provided that existing public infrastructure, together with proposed improvements, is adequate to support the proposed development effectively and safely without undue public expense.”**
- (5) Policy 4.3.5 states, **“On best prime farmland, the County will authorize a business or other non-residential use only if:**
- a. **It also serves surrounding agricultural uses or an important public need; and cannot be located in an urban area or on a less productive site; or**
- b. **the use is otherwise appropriate in a rural area and the site is very well suited to it.”**
- (6) The proposed amendment will *NOT IMPEDE* Policies 4.3.1, 4.3.2, 4.3.3, 4.3.4, and 4.3.5 for the following reasons:

- a. The proposed amendment will require any discretionary cannabis related land use to be authorized either by a ZBA Special Use Permit or a County Board Special Use Permit, which will allow for site specific review.
  - b. Cannabis related discretionary developments support agriculture; cultivating cannabis is considered agriculture.
- C. Objective 4.7 states, “Champaign County affirms County Resolution 3425 pertaining to the right to farm in Champaign County.”

The proposed amendment will **HELP ACHIEVE** Objective 4.7 for the following reason:

- (1) Cannabis related discretionary developments can have a condition added for recognizing the Right to Farm Resolution 3425 like many other discretionary uses in unincorporated Champaign County.

- D. Objective 4.8 states, “Champaign County acknowledges the importance of and encourages the production, purchase, and consumption of locally grown food.”

The proposed amendment will **HELP ACHIEVE** Objective 4.8 for the following reason:

- (1) Locally grown cannabis can contribute to local food systems.

10. LRMP Goal 5 is entitled “Urban Land Use” and states as follows:

**Champaign County will encourage urban development that is compact and contiguous to existing cities, villages, and existing unincorporated settlements.**

Goal 5 has 3 objectives and 15 policies. Policies 5.1.1, 5.1.2, 5.1.3, 5.1.5, 5.1.6, 5.1.7, 5.1.8, 5.1.9 and Objectives 5.2, 5.3 and their subsidiary policies are not relevant to the proposed amendment. The proposed amendment will **HELP ACHIEVE** the achievement of Goal 5 for the following reasons:

- A. Objective 5.1 states, “Champaign County will strive to ensure that the preponderance of population growth and economic development is accommodated by new urban development in or adjacent to existing population centers.”

The proposed amendment will **HELP ACHIEVE** Objective 5.1 for the following reasons:

- (1) Policy 5.1.4. states, “**The County may approve discretionary development outside contiguous urban growth areas, but within municipal extra-territorial jurisdiction areas only if:**
  - a. **the development is consistent with the municipal comprehensive plan and relevant municipal requirements;**
  - b. **the site is determined to be well-suited overall for the development if on best prime farmland or the site is suited overall, otherwise; and**
  - c. **the development is generally consistent with all relevant LRMP objectives and policies.”**

The proposed amendment will **HELP ACHIEVE** Policy 5.1.4 for the following reasons:

- a. The proposed amendment only allows cannabis related land uses under certain restrictions and only within 1.5 miles of a home rule municipality

with more than 20,000 population, or in other words, within 1.5 miles of the cities of Champaign and Urbana.

- b. Within 1.5 miles of Champaign and Urbana, the proposed amendment will require the same standards as are required by the nearest home rule municipality. Champaign does not require anything other than compliance with the Cannabis Regulation and Tax Act (CRTA; Public Act 101-0027), but Urbana has additional requirements and those requirements are proposed to be requirements that must be met in the Urbana 1.5-mile extraterritorial jurisdiction area.
- c. The proposed amendment will require any discretionary cannabis related land use to be authorized either by a ZBA Special Use Permit or a County Board Special Use Permit, which will allow for site specific review.

11. LRMP Goal 6 is entitled “Public Health and Safety” and states as follows:

**Champaign County will ensure protection of the public health and public safety in land resource management decisions.**

Goal 6 has 4 objectives and 7 policies. Policies 6.1.1, 6.1.2, 6.1.4 and Objectives 6.2, 6.3, and 6.4 and their subsidiary policies are not relevant to the proposed amendment. The proposed amendment will *HELP ACHIEVE* Goal 6 for the following reasons:

- A. Objective 6.1 states, **“Champaign County will seek to ensure that development in unincorporated areas of the County does not endanger public health or safety.”**

The proposed amendment will *HELP ACHIEVE* Objective 6.1 for the following reasons:

- (1) Policy 6.1.3. states, **“The County will seek to prevent nuisances created by light and glare and will endeavor to limit excessive night lighting, and to preserve clear views of the night sky throughout as much of the County as possible.”**

The proposed amendment will *HELP ACHIEVE* Policy 6.1.3 for the following reason:

- a. The proposed amendment includes a requirement for control of night lighting. Some cultivation centers grow cannabis in greenhouses and the night lighting can be a nuisance to neighbors.

12. LRMP Goal 7 is entitled “Transportation” and states as follows:

**Champaign County will coordinate land use decisions in the unincorporated area with the existing and planned transportation infrastructure and services.**

Goal 7 has 2 objectives and 7 policies. The proposed amendment *WILL NOT IMPEDE* the achievement of Goal 7.

13. LRMP Goal 8 is entitled “Natural Resources” and states as follows:

**Champaign County will strive to conserve and enhance the County’s landscape and natural resources and ensure their sustainable use.**

Goal 8 has 9 objectives and 36 policies. The proposed amendment ***WILL NOT IMPEDE*** the achievement of Goal 8.

14. LRMP Goal 9 is entitled “Energy Conservation” and states as follows:

**Champaign County will encourage energy conservation, efficiency, and the use of renewable energy sources.**

Goal 9 has 5 objectives and 5 policies. The proposed amendment ***WILL NOT IMPEDE*** the achievement of Goal 9.

15. LRMP Goal 10 is entitled “Cultural Amenities” and states as follows:

**Champaign County will promote the development and preservation of cultural amenities that contribute to a high quality of life for its citizens.**

Goal 10 has 1 objective and 1 policy. Goal 10 is ***NOT RELEVANT*** to the proposed amendment in general.

***REGARDING THE PURPOSE OF THE ZONING ORDINANCE***

16. The proposed amendment will ***HELP ACHIEVE*** the purpose of the Zoning Ordinance as established in Section 2 of the Ordinance for the following reasons:

- A. Paragraph 2.0 (a) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to secure adequate light, pure air, and safety from fire and other dangers.

The proposed amendment is consistent with this purpose.

- B. Paragraph 2.0 (b) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to conserve the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.

The proposed amendment is consistent with this purpose.

- C. Paragraph 2.0 (c) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid congestion in the public STREETS.

The proposed amendment is not directly related to this purpose.

- D. Paragraph 2.0 (d) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters.

The proposed amendment is not directly related to this purpose.

- E. Paragraph 2.0 (e) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to promote the public health, safety, comfort, morals, and general welfare.
- (1) Cultivation Centers and Craft Grower are examples of what would otherwise be considered “agriculture” albeit a highly regulated form of agriculture. Counties in Illinois cannot regulate agriculture. The State’s Attorney’s Office has reviewed the proposed amendment and has no legal concerns due to the special nature of cannabis regulation under the Cannabis Regulation and Tax Act (CRTA; Public Act 101-0027).
  - (2) The proposed amendment includes any required separations that are in the Illinois Cannabis Regulation and Tax Act, 410 ILCS 705/ 1-1 et seq (Public Act 101-0027).
  - (3) The proposed amendment only authorizes cannabis related land uses within the 1.5-mile extraterritorial jurisdiction of the cities of Champaign and Urbana.

- F. Paragraph 2.0 (f) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to regulate and limit the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected.

The proposed amendment is not directly related to this purpose.

- G. Paragraph 2.0 (g) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to establish, regulate, and limit the building or setback lines on or along any street, trafficway, drive or parkway.

The proposed amendment is not directly related to this purpose.

- H. Paragraph 2.0 (h) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to regulate and limit the intensity of the use of LOT areas, and regulating and determining the area of open spaces within and surrounding BUILDINGS and STRUCTURES.

The proposed amendment is not directly related to this purpose.

- I. Paragraph 2.0 (i) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to classify, regulate, and restrict the location of trades and industries and the location of BUILDINGS, STRUCTURES, and land designed for specified industrial, residential, and other land USES.

- (1) The proposed amendment designates cannabis uses in zoning districts where similar uses are authorized.
- (2) The proposed amendment includes any required separations that are in the Illinois Cannabis Regulation and Tax Act, 410 ILCS 705/ 1-1 et seq (Public Act 101-0027).

- J. Paragraph 2.0 (j) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to divide the entire County into DISTRICTS of such number, shape, area, and such different classes according to the USE of land, BUILDINGS, and STRUCTURES, intensity of the USE of LOT area, area of open



spaces, and other classification as may be deemed best suited to carry out the purpose of the ordinance.

The proposed amendment is not directly related to this purpose.

- K. Paragraph 2.0 (k) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to fix regulations and standards to which BUILDINGS, STRUCTURES, or USES therein shall conform.

The proposed amendment designates cannabis uses in zoning districts where similar uses are authorized.

- L. Paragraph 2.0 (l) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prohibit USES, BUILDINGS, or STRUCTURES incompatible with the character of such DISTRICTS.

The proposed amendment is consistent with this purpose.

- M. Paragraph 2.0 (m) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prevent additions to and alteration or remodeling of existing BUILDINGS, STRUCTURES, or USES in such a way as to avoid the restrictions and limitations lawfully imposed under this ordinance.

The proposed amendment is consistent with this purpose.

- N. Paragraph 2.0 (n) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect the most productive agricultural lands from haphazard and unplanned intrusions of urban USES.

The proposed amendment is consistent with this purpose.

- O. Paragraph 2.0 (o) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect natural features such as forested areas and watercourses.

The proposed amendment is not directly related to this purpose.

- P. Paragraph 2.0 (p) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the compact development of urban areas to minimize the cost of development of public utilities and public transportation facilities.

The proposed amendment is not directly related to this purpose.

- Q. Paragraph 2.0 (q) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the preservation of agricultural belts surrounding urban areas, to retain the agricultural nature of the County, and the individual character of existing communities.

The proposed amendment is not directly related to this purpose.

- R. Paragraph 2.0 (r) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to provide for the safe and efficient development of renewable energy sources in those parts of the COUNTY that are most suited to their development.

The proposed amendment is not directly related to this purpose.

17. The proposed text amendment **WILL** improve the text of the Zoning Ordinance because it **WILL** provide:
- A. A classification which allows certain cannabis related land uses that are already allowed by Illinois law while establishing minimum requirements that ensure the purposes of the Zoning Ordinance will be met.
  - B. Continuity with adjacent communities' regulations for cannabis related land uses.
  - C. A means to regulate an activity for which there is demonstrated demand.

## SUMMARY FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **February 27, 2020** and **March 12, 2020**, the Zoning Board of Appeals of Champaign County finds that:

1. The proposed Zoning Ordinance text amendment ***IS NECESSARY TO ACHIEVE*** the Land Resource Management Plan because:
  - A. The proposed Zoning Ordinance text amendment will ***HELP ACHIEVE*** LRMP Goals **3**, 4, 5, and 6.
  - B. The proposed Zoning Ordinance text amendment ***WILL NOT IMPEDE*** the achievement of LRMP Goals 1, 2, ~~3~~-4, 7, 8, and 9.
  - C. The proposed Zoning Ordinance text amendment is ***NOT RELEVANT*** to LRMP Goal 10.
2. The proposed text amendment ***WILL*** improve the Zoning Ordinance because it will:
  - A. ***HELP ACHIEVE*** the purpose of the Zoning Ordinance (see Item 16).
  - B. ***IMPROVE*** the text of the Zoning Ordinance (see Item 17).

## DOCUMENTS OF RECORD

1. Legal advertisement for Case 972-AT-20
2. Preliminary Memorandum for Cases 972-AT-20 and 973-AT-20, with attachments:
  - A Legal advertisement
  - B ELUC Memorandum dated December 23, 2019, with attachments:
    - A Proposed Amendment
    - B Alternative Transporter, Cultivation Center, and Craft Grower
  - C Side-by-side comparison of proposed amendments in Cases 972-AT-20 and 973-AT-20
  - D Land Resource Management Plan (LRMP) Goals & Objectives
  - E Excerpt pages from the Cannabis Regulation and Tax Act (PA 101-0027)\*
  - F City of Urbana cannabis amendment Ordinance 2019-10-059
  - G Preliminary Finding of Fact, Summary Finding of Fact, and Final Determination for Case 972-AT-20 dated February 27, 2020, with attachment:
    - G1 Proposed amendment
  - H Preliminary Finding of Fact, Summary Finding of Fact, and Final Determination for Case 973-AT-20 dated February 27, 2020, with attachment:
    - H1 Proposed amendment
3. Full version of the Cannabis Regulation and Tax Act (PA 101-0027) – available on P&Z meetings website
4. White paper: Recreational Cannabis in Illinois Counties: The Cannabis Regulation and Tax Act, dated July 31, 2019 – available on P&Z meetings website
5. Supplemental Memorandum #1 dated March 5, 2020, with attachments:
  - A Legal advertisement
  - B Revised Maps: Cannabis Related Land Uses for Cases 972-AT-20 and 973-AT-20, dated February 28, 2020
  - C Revised Finding of Fact, Summary Finding of Fact, and Final Determination for Case 972-AT-20 dated March 12, 2020, with proposed amendment attached
  - D Revised Finding of Fact, Summary Finding of Fact, and Final Determination for Case 973-AT-20 dated March 12, 2020, with proposed amendment attached

**FINAL DETERMINATION**

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:

The Zoning Ordinance Amendment requested in **Case 972-AT-20** should ***{BE ENACTED / NOT BE ENACTED}*** by the County Board in the form attached hereto.

The foregoing is an accurate and complete record of the Findings and Determination of the Zoning Board of Appeals of Champaign County.

SIGNED:

ATTEST:

Ryan Elwell, Chair  
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date

**1. Add the following definitions to Section 3 Definitions:**

**ADULT-USE CANNABIS CRAFT GROWER:** A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

**ADULT-USE CANNABIS CULTIVATION CENTER:** A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

**ADULT-USE CANNABIS DISPENSING ORGANIZATION:** A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

**ADULT-USE CANNABIS INFUSER ORGANIZATION OR INFUSER:** facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis infused product, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

**ADULT-USE CANNABIS PROCESSING ORGANIZATION OR PROCESSOR:** A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

**ADULT-USE CANNABIS TRANSPORTING ORGANIZATION OR TRANSPORTER:** An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

2. **Revise Section 5.2 as follows (new text underlined):**

**SECTION 5.2 TABLE OF AUTHORIZED PRINCIPAL USES**

Principal USES	Zoning DISTRICTS															
	CR	AG-1	AG-2	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-4	B-5	I-1	I-2	
<u>ADULT USE CANNABIS DISPENSING ORGANIZATION</u> <sup>23</sup>																
<u>ADULT USE CANNABIS TRANSPORTING ORGANIZATION</u> <sup>24</sup>			<u>S</u>													
<u>ADULT USE CANNABIS INFUSER ORGANIZATION</u> <sup>25</sup>																
<u>ADULT USE CANNABIS PROCESSING ORGANIZATION</u> <sup>26</sup>																
<u>ADULT USE CANNABIS CULTIVATION CENTER</u> <sup>27</sup>	<u>B</u>	<u>B</u>	<u>B</u>						<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	
<u>ADULT USE CANNABIS CRAFT GROWER</u> <sup>28</sup>	<u>B</u>	<u>B</u>	<u>B</u>						<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	

<div style="border: 1px solid black; width: 20px; height: 20px; background-color: #cccccc; margin-bottom: 5px;"></div> = Permitted by right  <div style="border: 1px solid black; width: 20px; height: 20px; background-color: #cccccc; margin-bottom: 5px;"></div> = Proposed to be permitted by right	<div style="border: 1px solid black; width: 20px; height: 20px; text-align: center; margin-bottom: 5px;"><b>S</b></div> = Permitted on individual LOTS as a SPECIAL USE  <div style="border: 1px solid black; width: 20px; height: 20px; text-align: center; margin-bottom: 5px;"><u>S</u></div> = Proposed to be permitted on individual LOTS as a SPECIAL USE	<div style="border: 1px solid black; width: 20px; height: 20px; text-align: center; margin-bottom: 5px;"><b>B</b></div> = COUNTY BOARD Special Use Permit  <div style="border: 1px solid black; width: 20px; height: 20px; text-align: center; margin-bottom: 5px;"><u>B</u></div> = Proposed to be permitted as a County Board SPECIAL USE Permit	
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Footnotes

23. ADULT-USE CANNABIS DISPENSING ORGANIZATION to be allowed By-Right in the B-4 Zoning District within the 1.5-mile extraterritorial jurisdiction of a home rule municipality of 20,000 or more population, subject to the following requirements:

- (1) Shall not be located within 1,500 feet of any existing ADULT-USE CANNABIS DISPENSING ORGANIZATION or any existing medical cannabis dispensing organization.
- (2) If located within the 1.5-mile extraterritorial jurisdiction of a home rule municipality that has minimum separation requirements between a dispensing organization to a public or private elementary or secondary school, the use shall comply with those same municipal separation requirements.
- (3) May share a PREMISES with a CRAFT GROWER in the B-4 District without a SPECIAL USE Permit.
- (4) Consumption of CANNABIS is allowed at the ADULT-USE CANNABIS DISPENSING ORGANIZATION if located within the 1.5-mile extraterritorial jurisdiction of a home rule municipality that also allows consumption of CANNABIS at an ADULT-USE CANNABIS DISPENSING ORGANIZATION.
- (5) Shall be in compliance with the Illinois Cannabis Regulation and Tax Act, 410 ILCS 705/ 1-1 et seq (Public Act 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder and a copy of the State-approved license shall be filed with the Zoning Administrator prior to receiving a Zoning Compliance Certificate.

24. ADULT-USE CANNABIS TRANSPORTING ORGANIZATION to be allowed By-Right in the B-3 and B-4 Zoning Districts within the 1.5-mile extraterritorial jurisdiction of a home rule municipality of 20,000 or more population; or as a Special Use Permit in the AG-2 Zoning District within the 1.5 mile extraterritorial jurisdiction of a home rule municipality of 20,000 or more population; or as a HOME OCCUPATION in any zoning district within the 1.5 mile extraterritorial jurisdiction of a home rule municipality of 20,000 or more population subject to the relevant requirements of Section 7.1.1 or 7.1.2, subject to the following requirements:

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

25. ADULT-USE CANNABIS INFUSER ORGANIZATION to be allowed By-Right in the I-2 Zoning District that is located within the 1.5-mile extraterritorial jurisdiction of a home rule municipality of 20,000 or more population, subject to the following requirements:

- (1) May share a PREMISES with a CRAFT GROWER in the I-2 District without a SPECIAL USE Permit.
- (2) Shall be in compliance with the Illinois Cannabis Regulation and Tax Act, 410 ILCS 705/ 1-1 et seq (Public Act 101-0027) as it may be amended from time-to-time, and regulations promulgated thereunder, and a copy of the State-approved license shall be filed with the Zoning Administrator prior to receiving a Zoning Compliance Certificate.

26. ADULT-USE CANNABIS PROCESSING ORGANIZATION to be allowed By-Right in the I-2 Zoning District that is located within the 1.5-mile extraterritorial jurisdiction of a home rule municipality of 20,000 or more population, subject to the following requirements:

- (1) May share a PREMISES with a CRAFT GROWER in the I-2 District without a SPECIAL USE Permit.
- (2) Shall be in compliance with the Illinois Cannabis Regulation and Tax Act, 410 ILCS 705/ 1-1 et seq (Public Act 101-0027) as it may be amended from time-to-time, and regulations promulgated thereunder, and a copy of the State-approved license shall be filed with the Zoning Administrator prior to receiving a Zoning Compliance Certificate.

27. ADULT-USE CANNABIS CULTIVATION CENTER to be allowed By-Right or by County Board approved Special Use Permit if located 300 feet or less from an existing residence or an existing residentially zoned lot, in all non-residential zoning districts within the 1.5 mile extraterritorial jurisdiction of a home rule municipality of 20,000 or more population, subject to the following requirements:

- (1) If located within the 1.5 miles extraterritorial jurisdiction of a home rule municipality that has requirements for odors to be mitigated by installing air scrubbing and/or exhaust air filtration or by some other means approved by the Zoning Administrator, the use shall comply with those same municipal odor mitigation requirements.
- (2) A CULTIVATION CENTER may also be a CANNABIS TRANSPORTER for CANNABIS grown and or processed at the CULTIVATION CENTER.
- (3) A CULTIVATION CENTER may also be a CANNABIS PROCESSING ORGANIZATION and or a CANNABIS INFUSER ORGANIZATION for CANNABIS that is grown at the CULTIVATION CENTER.
- (4) The CULTIVATION CENTER shall control nighttime lighting to ensure that little to no light escapes into the nighttime sky from where the CANNABIS is grown. The nighttime light controls shall be explained in the Special Use Permit and/or Zoning Use Permit Application.
- (5) Shall be in compliance with the Illinois Cannabis Regulation and Tax Act, 410 ILCS 705/ 1-1 et seq (Public Act 101-0027) as it may be amended from time-to-time, and regulations promulgated thereunder, and a copy of the State-approved license shall be filed with the Zoning Administrator prior to receiving a Zoning Compliance Certificate.

28. ADULT-USE CANNABIS CRAFT GROWER to be allowed By-Right or by County Board approved Special Use Permit if located 300 feet or less from an existing residence or an existing residentially zoned lot, in all non-residential zoning districts within the 1.5 mile extraterritorial jurisdiction of a home rule municipality of 20,000 or more population, subject to the following requirements:

- (1) Shall not be located within 1,500 feet of any CULTIVATION CENTER or other CRAFT GROWER.
- (2) If located within the 1.5 miles extraterritorial jurisdiction of a home rule municipality that has requirements for odors to be mitigated by installing air scrubbing and/or exhaust air filtration or by some other means approved by the Zoning Administrator, the use shall comply with those same municipal odor mitigation requirements.



- (3) A CRAFT GROWER may also be a CANNABIS TRANSPORTER for CANNABIS grown and or processed at the CRAFT GROWER.
- (4) A CRAFT GROWER may also be a CANNABIS PROCESSING ORGANIZATION and or a CANNABIS INFUSER ORGANIZATION for CANNABIS that is grown at the CRAFT GROWER.
- (5) May share a PREMISES with a CANNABIS DISPENSING ORGANIZATION in the B-4 District without a SPECIAL USE Permit.
- (6) The CRAFT GROWER shall control nighttime lighting to ensure that little to no light escapes into the nighttime sky from where the CANNABIS is grown. The nighttime light controls shall be explained in the Special Use Permit and/or Zoning Use Permit Application.
- (7) Shall be in compliance with the Illinois Cannabis Regulation and Tax Act, 410 ILCS 705/ 1-1 et seq (Public Act 101-0027) as it may be amended from time-to-time, and regulations promulgated thereunder, and a copy of the State-approved license shall be filed with the Zoning Administrator prior to receiving a Zoning Compliance Certificate.

**3. Add to Section 6.1.3 as follows (new text underlined):**

**SECTION 6.1.3 SCHEDULE OF STANDARD CONDITIONS FOR SPECIFIC TYPES OF SPECIAL USES**

SPECIAL USES or USE Categories	Minimum Fencing Required <sup>6</sup>	Minimum LOT Size		Maximum HEIGHT		Required YARDS (feet)					Explanatory or Special Provisions
		AREA (Acres)	Width (feet)	Feet	Stories	Front Setback from STREET Centerline <sup>2</sup>			SIDE	REAR	
						STREET Classification					
						MAJOR	COLLECTOR	MINOR			
<u>SE CANNABIS TRANSPORTING ORGANIZATION</u>	<u>NR</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>*See below</u>
<u>SE CANNABIS CULTIVATION CENTER</u>	<u>NR</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>*See below</u>
<u>SE CANNABIS CRAFT GROWER</u>	<u>NR</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>*See below</u>

Footnotes

- (1) Standard same as applicable zoning DISTRICT

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**FINDING OF FACT  
AND FINAL DETERMINATION  
of  
Champaign County Zoning Board of Appeals**

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Final Determination: ***{RECOMMEND ENACTMENT/RECOMMEND DENIAL}***

Date: ***{March 12, 2020}***

Petitioner: **Zoning Administrator**

Request: **Amend the Champaign County Zoning Ordinance as follows:**

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

- 3. Authorize adult-use cannabis Craft Grower by right in any Zoning District subject to specified conditions or by County Board approved Special Use Permit in any Zoning District subject to conditions if located 300 feet or less from an existing residence or residentially zoned lot.**

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**FINDING OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **February 27, 2020** and **March 12, 2020**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner is the Zoning Administrator.
2. The proposed amendment is intended to establish the requirements for adult-use cannabis businesses in the Zoning Ordinance.
3. Municipalities with zoning and townships with planning commissions have protest rights on all text amendments and they are notified of such cases.

**SUMMARY OF THE PROPOSED AMENDMENT**

4. The proposed amendment is attached to this Finding of Fact as it will appear in the Zoning Ordinance.

**GENERALLY REGARDING THE LRMP GOALS, OBJECTIVES, AND POLICIES**

5. The *Champaign County Land Resource Management Plan* (LRMP) was adopted by the County Board on April 22, 2010. The LRMP Goals, Objectives, and Policies were drafted through an inclusive and public process that produced a set of ten goals, 42 objectives, and 100 policies, which are currently the only guidance for amendments to the *Champaign County Zoning Ordinance*, as follows:
  - A. The Purpose Statement of the LRMP Goals, Objectives, and Policies is as follows:
 

“It is the purpose of this plan to encourage municipalities and the County to protect the land, air, water, natural resources and environment of the County and to encourage the use of such resources in a manner which is socially and economically desirable. The Goals, Objectives and Policies necessary to achieve this purpose are as follows:...”
  - B. The LRMP defines Goals, Objectives, and Policies as follows:
    - (1) Goal: an ideal future condition to which the community aspires
    - (2) Objective: a tangible, measurable outcome leading to the achievement of a goal
    - (3) Policy: a statement of actions or requirements judged to be necessary to achieve goals and objectives
  - C. The Background given with the LRMP Goals, Objectives, and Policies further states, “Three documents, the *County Land Use Goals and Policies* adopted in 1977, and two sets of *Land Use Regulatory Policies*, dated 2001 and 2005, were built upon, updated, and consolidated into the LRMP Goals, Objectives and Policies.

**REGARDING LRMP GOALS**

6. LRMP Goal 1 is entitled “Planning and Public Involvement” and states that as follows:

**Champaign County will attain a system of land resource management planning built on broad public involvement that supports effective decision making by the County.**

Goal 1 has 4 objectives and 4 policies. The proposed amendment will **NOT IMPEDE** the achievement of Goal 1.

7. LRMP Goal 2 is entitled “Governmental Coordination” and states as follows:

**Champaign County will collaboratively formulate land resource and development policy with other units of government in areas of overlapping land use planning jurisdiction.**

Goal 2 has two objectives and three policies. The proposed amendment will *NOT IMPEDE* the achievement of Goal 2.

8. LRMP Goal 3 is entitled “Prosperity” and states as follows:

**Champaign County will encourage economic growth and development to ensure prosperity for its residents and the region.**

Goal 3 has three objectives and no policies. Objective 3.1 is most relevant to the proposed text amendment. The proposed amendment will *HELP ACHIEVE* Goal 3 as follows:

A. Objective 3.1 states “Champaign County will seek to ensure that it maintains comparable tax rates and fees, and a favorable business climate relative to similar counties.”

The proposed amendment will *HELP ACHIEVE* Objective 3.1 as follows:

(1) The proposed text amendment will allow development of some cannabis related businesses throughout the unincorporated area while limiting sales to the public, infusing and processing to only within 1.5 miles of a home rule municipality with more than 20,000 population, which are the only municipalities in the County that allow cannabis related businesses.

(2) This approach will allow Champaign County to fully experience the economic benefits of cannabis related businesses in a way that is consistent with State law and existing zoning, while providing a cannabis business-free buffer around municipalities that do not allow cannabis related businesses and around unincorporated settlements such as Penfield and Seymour.

9. LRMP Goal 4 is entitled “Agriculture” and states as follows:

**Champaign County will protect the long term viability of agriculture in Champaign County and its land resource base.**

Goal 4 has 9 objectives and 22 policies. Objectives 4.1, 4.4, 4.5, 4.6, 4.9 and their subsidiary policies are not relevant to the proposed amendment. The proposed amendment will *HELP ACHIEVE* or will *NOT IMPEDE* the achievement of Goal 4 for the following reasons:

A. Objective 4.2 states, “Champaign County will require that each *discretionary review* development will not interfere with agricultural operations.”

The proposed amendment will *HELP ACHIEVE* Objective 4.2 for the following reasons:

(1) Policy 4.2.1 states, “**The County may authorize a proposed business or other non-residential discretionary review development in a rural area if the proposed development supports agriculture or involves a product or service that is provided better in a rural area than in an urban area.**”

The proposed amendment will *HELP ACHIEVE* Policy 4.2.1 for the following reasons:

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- a. The only discretionary review developments allowed through the proposed amendment are for:
    - (a) an ADULT-USE CANNABIS TRANSPORTING ORGANIZATION in the AG-2 Zoning District within the 1.5-mile extraterritorial jurisdiction of a home rule municipality of 20,000 or more population, which requires a Special Use Permit; and
    - (b) an ADULT-USE CANNABIS CULTIVATION CENTER located 300 feet or less from an existing residence or an existing residentially zoned lot, in all non-residential zoning districts, which requires a County Board approved Special Use Permit.
    - (c) an “ADULT-USE CANNABIS CRAFT GROWER” located 300 feet or less from an existing residence or an existing residentially zoned lot, in all non-residential zoning districts, which requires a County Board approved Special Use Permit.
  - b. Cultivation Centers and Craft Grower are examples of what would otherwise be considered “agriculture” albeit a highly regulated form of agriculture. Counties in Illinois cannot regulate agriculture. The State’s Attorney’s Office has reviewed the proposed amendment and has no legal concerns due to the special nature of cannabis regulation under the Cannabis Regulation and Tax Act (CRTA; Public Act 101-0027).
- (2) Policy 4.2.2 states, “**The County may authorize discretionary review development in a rural area if the proposed development:**
- a. **is a type that does not negatively affect agricultural activities; or**
  - b. **is located and designed to minimize exposure to any negative affect caused by agricultural activities; and**
  - c. **will not interfere with agricultural activities or damage or negatively affect the operation of agricultural drainage systems, rural roads, or other agriculture-related infrastructure.”**

The proposed amendment will *HELP ACHIEVE* Policy 4.2.2 for the following reasons:

- a. Cannabis cultivation occurs inside buildings, so there should be no negative impact on or from surrounding agricultural activities.
  - b. Cannabis transport should have no different impact on rural roads than trucks used for agricultural hauling, and there will be far fewer cannabis transport trucks than other trucks used for agriculture.
  - c. The proposed amendment will require any discretionary cannabis related land use to be authorized either by a ZBA Special Use Permit or a County Board Special Use Permit, which will allow for site specific review.
- (3) Policy 4.2.3 states, “**The County will require that each proposed discretionary development explicitly recognize and provide for the right of agricultural activities to continue on adjacent land.”**

The proposed amendment will **HELP ACHIEVE** Policy 4.2.3 for the following reason:

- a. Cannabis related discretionary developments can have a condition added for recognizing the Right to Farm Resolution 3425 like many other discretionary uses in unincorporated Champaign County.
- (4) Policy 4.2.4 states, **“To reduce the occurrence of agricultural land use and non-agricultural land use nuisance conflicts, the County will require that all discretionary review consider whether a buffer between existing agricultural operations and the proposed development is necessary.”**

The proposed amendment will **NOT IMPEDE** the achievement of Policy 4.2.4 for the following reason:

- a. The proposed amendment authorizes Transporter, Cultivation Center, and Craft Grower cannabis businesses anywhere in the AG-1 District (Transporter only as a Home Occupation) but requires a 1.5-mile buffer around villages and home rule municipalities that do not allow cannabis uses and also around residential districts such as Penfield and Seymour.
- B. Objective 4.3 states, “Champaign County will require that each discretionary review development is located on a suitable site.”

The proposed amendment will **NOT IMPEDE** the achievement of Objective 4.3 for the following reasons:

- (1) Policy 4.3.1 states **“On other than best prime farmland, the County may authorize a discretionary review development provided that the site with proposed improvements is suited overall for the proposed land use.”**
- (2) Policy 4.3.2 states, **“On best prime farmland, the County may authorize a discretionary review development provided the site with proposed improvements is well-suited overall for the proposed land use.”**
- (3) Policy 4.3.3 states, **“The County may authorize a discretionary review development provided that existing public services are adequate to support to the proposed development effectively and safely without undue public expense.”**
- (4) Policy 4.3.4 states, **“The County may authorize a discretionary review development provided that existing public infrastructure, together with proposed improvements, is adequate to support the proposed development effectively and safely without undue public expense.”**
- (5) Policy 4.3.5 states, **“On best prime farmland, the County will authorize a business or other non-residential use only if:**
  - a. **It also serves surrounding agricultural uses or an important public need; and cannot be located in an urban area or on a less productive site; or**
  - b. **the use is otherwise appropriate in a rural area and the site is very well suited to it.”**

- (6) The proposed amendment will **NOT IMPEDE** the achievement of Policies 4.3.1, 4.3.2, 4.3.3, 4.3.4, and 4.3.5 for the following reasons:
- a. The proposed amendment will require any discretionary cannabis related land use to be authorized either by a ZBA Special Use Permit or a County Board Special Use Permit, which will allow for site specific review.
  - b. Cannabis related discretionary developments support agriculture; cultivating cannabis is considered agriculture.

- C. Objective 4.7 states, “Champaign County affirms County Resolution 3425 pertaining to the right to farm in Champaign County.”

The proposed amendment will **HELP ACHIEVE** Objective 4.7 for the following reason:

- (1) Cannabis related discretionary developments can have a condition added for recognizing the Right to Farm Resolution 3425 like many other discretionary uses in unincorporated Champaign County.

- D. Objective 4.8 states, “Champaign County acknowledges the importance of and encourages the production, purchase, and consumption of locally grown food.”

The proposed amendment will **HELP ACHIEVE** Objective 4.8 for the following reason:

- (1) Locally grown cannabis can contribute to local food systems.

10. LRMP Goal 5 is entitled “Urban Land Use” and states as follows:

**Champaign County will encourage urban development that is compact and contiguous to existing cities, villages, and existing unincorporated settlements.**

Goal 5 has 3 objectives and 15 policies. Policies 5.1.1, 5.1.2, 5.1.3, 5.1.5, 5.1.6, 5.1.7, 5.1.8, 5.1.9 and Objectives 5.2, 5.3 and their subsidiary policies are not relevant to the proposed amendment. The proposed amendment will **HELP ACHIEVE** Goal 5 for the following reasons:

- A. Objective 5.1 states, “Champaign County will strive to ensure that the preponderance of population growth and economic development is accommodated by new urban development in or adjacent to existing population centers.”

The proposed amendment will **HELP ACHIEVE** Objective 5.1 for the following reasons:

- (1) Policy 5.1.4. states, **“The County may approve discretionary development outside contiguous urban growth areas, but within municipal extra-territorial jurisdiction areas only if:**
  - a. **the development is consistent with the municipal comprehensive plan and relevant municipal requirements;**
  - b. **the site is determined to be well-suited overall for the development if on best prime farmland or the site is suited overall, otherwise; and**
  - c. **the development is generally consistent with all relevant LRMP objectives and policies.”**

The proposed amendment will **HELP ACHIEVE** Policy 5.1.4 for the following reasons:

- a. Within 1.5 miles of Champaign and Urbana, the proposed amendment will require the same standards as are required by the nearest home rule



municipality. Champaign does not require anything other than compliance with the Cannabis Regulation and Tax Act (CRTA; Public Act 101-0027), but Urbana has additional requirements and those requirements are proposed to be requirements that must be met in the Urbana 1.5-mile extraterritorial jurisdiction area.

- b. The proposed amendment will require any discretionary cannabis related land use to be authorized either by a ZBA Special Use Permit or a County Board Special Use Permit, which will allow for site specific review.

11. LRMP Goal 6 is entitled “Public Health and Safety” and states as follows:

**Champaign County will ensure protection of the public health and public safety in land resource management decisions.**

Goal 6 has 4 objectives and 7 policies. Policies 6.1.1, 6.1.2, 6.1.4 and Objectives 6.2, 6.3, and 6.4 and their subsidiary policies are not relevant to the proposed amendment. The proposed amendment will **HELP ACHIEVE** Goal 6 for the following reasons:

- A. Objective 6.1 states, “**Champaign County will seek to ensure that development in unincorporated areas of the County does not endanger public health or safety.**”

The proposed amendment will **HELP ACHIEVE** Objective 6.1 for the following reason:

- (1) Policy 6.1.3. states, “**The County will seek to prevent nuisances created by light and glare and will endeavor to limit excessive night lighting, and to preserve clear views of the night sky throughout as much of the County as possible.**”

The proposed amendment will **HELP ACHIEVE** Policy 6.1.3 for the following reason:

- a. The proposed amendment includes a requirement for control of night lighting. Some cultivation centers grow cannabis in greenhouses and the night lighting can be a nuisance to neighbors.

12. LRMP Goal 7 is entitled “Transportation” and states as follows:

**Champaign County will coordinate land use decisions in the unincorporated area with the existing and planned transportation infrastructure and services.**

Goal 7 has 2 objectives and 7 policies. The proposed amendment will **NOT IMPEDE** the achievement of Goal 7.

13. LRMP Goal 8 is entitled “Natural Resources” and states as follows:

**Champaign County will strive to conserve and enhance the County’s landscape and natural resources and ensure their sustainable use.**

Goal 8 has 9 objectives and 36 policies. The proposed amendment will **NOT IMPEDE** the achievement of Goal 8.

14. LRMP Goal 9 is entitled “Energy Conservation” and states as follows:

**Champaign County will encourage energy conservation, efficiency, and the use of renewable energy sources.**

Goal 9 has 5 objectives and 5 policies. The proposed amendment will **NOT IMPEDE** the achievement of Goal 9.

15. LRMP Goal 10 is entitled “Cultural Amenities” and states as follows:

**Champaign County will promote the development and preservation of cultural amenities that contribute to a high quality of life for its citizens.**

Goal 10 has 1 objective and 1 policy. Goal 10 is **NOT RELEVANT** to the proposed amendment in general.

**REGARDING THE PURPOSE OF THE ZONING ORDINANCE**

16. The proposed amendment will **HELP ACHIEVE** the purpose of the Zoning Ordinance as established in Section 2 of the Ordinance for the following reasons:

- A. Paragraph 2.0 (a) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to secure adequate light, pure air, and safety from fire and other dangers.

The proposed amendment is consistent with this purpose.

- B. Paragraph 2.0 (b) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to conserve the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.

The proposed amendment is consistent with this purpose.

- C. Paragraph 2.0 (c) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid congestion in the public STREETS.

The proposed amendment is not directly related to this purpose.

- D. Paragraph 2.0 (d) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters.

The proposed amendment is not directly related to this purpose.

- E. Paragraph 2.0 (e) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to promote the public health, safety, comfort, morals, and general welfare.

- (1) Cultivation Centers and Craft Grower are examples of what would otherwise be considered “agriculture” albeit a highly regulated form of agriculture. Counties in Illinois cannot regulate agriculture. The State’s Attorney’s Office has reviewed the

proposed amendment and has no legal concerns due to the special nature of cannabis regulation under the Cannabis Regulation and Tax Act (CRTA; Public Act 101-0027).

- (2) The proposed amendment includes any required separations that are in the Illinois Cannabis Regulation and Tax Act, 410 ILCS 705/ 1-1 et seq (Public Act 101-0027).
- (3) The proposed amendment authorizes Transporter, Cultivation Center, and Craft Grower cannabis businesses anywhere in the AG-1 District (Transporter only as a Home Occupation) but requires a 1.5-mile buffer around villages and home rule municipalities that do not allow cannabis uses and also around residential districts such as Penfield and Seymour.

- F. Paragraph 2.0 (f) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to regulate and limit the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected.

The proposed amendment is not directly related to this purpose.

- G. Paragraph 2.0 (g) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to establish, regulate, and limit the building or setback lines on or along any street, trafficway, drive or parkway.

The proposed amendment is not directly related to this purpose.

- H. Paragraph 2.0 (h) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to regulate and limit the intensity of the use of LOT areas, and regulating and determining the area of open spaces within and surrounding BUILDINGS and STRUCTURES.

The proposed amendment is not directly related to this purpose.

- I. Paragraph 2.0 (i) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to classify, regulate, and restrict the location of trades and industries and the location of BUILDINGS, STRUCTURES, and land designed for specified industrial, residential, and other land USES.

- (1) The proposed amendment designates cannabis uses in zoning districts where similar uses are authorized.
- (2) The proposed amendment includes any required separations that are in the Illinois Cannabis Regulation and Tax Act, 410 ILCS 705/ 1-1 et seq (Public Act 101-0027).

- J. Paragraph 2.0 (j) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to divide the entire County into DISTRICTS of such number, shape, area, and such different classes according to the USE of land, BUILDINGS, and STRUCTURES, intensity of the USE of LOT area, area of open spaces, and other classification as may be deemed best suited to carry out the purpose of the ordinance.

The proposed amendment is not directly related to this purpose.

- K. Paragraph 2.0 (k) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to fix regulations and standards to which BUILDINGS, STRUCTURES, or USES therein shall conform.

The proposed amendment designates cannabis uses in zoning districts where similar uses are authorized.

- L. Paragraph 2.0 (l) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prohibit USES, BUILDINGS, or STRUCTURES incompatible with the character of such DISTRICTS.

The proposed amendment is consistent with this purpose.

- M. Paragraph 2.0 (m) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prevent additions to and alteration or remodeling of existing BUILDINGS, STRUCTURES, or USES in such a way as to avoid the restrictions and limitations lawfully imposed under this ordinance.

The proposed amendment is consistent with this purpose.

- N. Paragraph 2.0 (n) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect the most productive agricultural lands from haphazard and unplanned intrusions of urban USES.

The proposed amendment is consistent with this purpose.

- O. Paragraph 2.0 (o) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect natural features such as forested areas and watercourses.

The proposed amendment is not directly related to this purpose.

- P. Paragraph 2.0 (p) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the compact development of urban areas to minimize the cost of development of public utilities and public transportation facilities.

The proposed amendment is not directly related to this purpose.

- Q. Paragraph 2.0 (q) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the preservation of agricultural belts surrounding urban areas, to retain the agricultural nature of the County, and the individual character of existing communities.

The proposed amendment is not directly related to this purpose.

- R. Paragraph 2.0 (r) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to provide for the safe and efficient

development of renewable energy sources in those parts of the COUNTY that are most suited to their development.

The proposed amendment is not directly related to this purpose.

17. The proposed text amendment **WILL** improve the text of the Zoning Ordinance because it **WILL** provide:
- A. A classification which allows certain cannabis related land uses that are already allowed by Illinois law while establishing minimum requirements that ensure the purposes of the Zoning Ordinance will be met.
  - B. Continuity with adjacent communities' regulations for cannabis related land uses.
  - C. A means to regulate an activity for which there is demonstrated demand.

**SUMMARY FINDING OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **February 27, 2020** and **March 12, 2020**, the Zoning Board of Appeals of Champaign County finds that:

1. The proposed Zoning Ordinance text amendment ***IS NECESSARY TO ACHIEVE*** the Land Resource Management Plan because:
  - A. The proposed Zoning Ordinance text amendment will ***HELP ACHIEVE*** LRMP Goals **3**, 4, 5, and 6.
  - B. The proposed Zoning Ordinance text amendment will ***NOT IMPEDE*** the achievement of LRMP Goals 1, 2, ~~3~~, 4, 7, 8, and 9.
  - C. The proposed Zoning Ordinance text amendment is ***NOT RELEVANT*** to LRMP Goal 10.
2. The proposed text amendment ***WILL*** improve the Zoning Ordinance because it will:
  - A. ***HELP ACHIEVE*** the purpose of the Zoning Ordinance (see Item 16).
  - B. ***IMPROVE*** the text of the Zoning Ordinance (see Item 17).

**DOCUMENTS OF RECORD**

1. Legal advertisement for Case 973-AT-20
2. Preliminary Memorandum for Cases 972-AT-20 and 973-AT-20, with attachments:
  - A Legal advertisement
  - B ELUC Memorandum dated December 23, 2019, with attachments:
    - A Proposed Amendment
    - B Alternative Transporter, Cultivation Center, and Craft Grower
  - C Side-by-side comparison of proposed amendments in Cases 972-AT-20 and 973-AT-20
  - D Land Resource Management Plan (LRMP) Goals & Objectives
  - E Excerpt pages from the Cannabis Regulation and Tax Act (PA 101-0027)\*
  - F City of Urbana cannabis amendment Ordinance 2019-10-059
  - G Preliminary Finding of Fact, Summary Finding of Fact, and Final Determination for Case 972-AT-20 dated February 27, 2020, with attachment:
    - G1 Proposed amendment
  - H Preliminary Finding of Fact, Summary Finding of Fact, and Final Determination for Case 973-AT-20 dated February 27, 2020, with attachment:
    - H1 Proposed amendment
3. Full version of the Cannabis Regulation and Tax Act (PA 101-0027) – available on P&Z meetings website
4. White paper: Recreational Cannabis in Illinois Counties: The Cannabis Regulation and Tax Act, dated July 31, 2019 – available on P&Z meetings website
5. Supplemental Memorandum #1 dated March 5, 2020, with attachments:
  - A Legal advertisement
  - B Revised Maps: Cannabis Related Land Uses for Cases 972-AT-20 and 973-AT-20, dated February 28, 2020
  - Revised Finding of Fact, Summary Finding of Fact, and Final Determination for Case 972-AT-20 dated March 12, 2020, with proposed amendment attached
  - C Revised Finding of Fact, Summary Finding of Fact, and Final Determination for Case 973-AT-20 dated March 12, 2020, with proposed amendment attached

**Case 973-AT-20**

**REVISED DRAFT 03/12/20**

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**FINAL DETERMINATION**

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:

The Zoning Ordinance Amendment requested in **Case 973-AT-20** should ***{BE ENACTED / NOT BE ENACTED}*** by the County Board in the form attached hereto.

The foregoing is an accurate and complete record of the Findings and Determination of the Zoning Board of Appeals of Champaign County.

SIGNED:

ATTEST:

Ryan Elwell, Chair  
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date



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**PROPOSED AMENDMENT****1. Add the following definitions to Section 3 Definitions:**

**ADULT-USE CANNABIS CRAFT GROWER:** A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

**ADULT-USE CANNABIS CULTIVATION CENTER:** A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

**ADULT-USE CANNABIS DISPENSING ORGANIZATION:** A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

**ADULT-USE CANNABIS INFUSER ORGANIZATION OR INFUSER:** facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis infused product, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

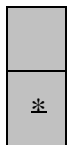
**ADULT-USE CANNABIS PROCESSING ORGANIZATION OR PROCESSOR:** A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

**ADULT-USE CANNABIS TRANSPORTING ORGANIZATION OR TRANSPORTER:** An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

2. **Revise Section 5.2 as follows (new text underlined):**

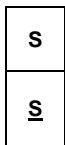
**SECTION 5.2 TABLE OF AUTHORIZED PRINCIPAL USES**

Principal USES	Zoning DISTRICTS														
	CR	AG-1	AG-2	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-4	B-5	I-1	I-2
<u>ADULT USE CANNABIS DISPENSING ORGANIZATION</u> <sup>23</sup>															
<u>ADULT USE CANNABIS TRANSPORTING ORGANIZATION</u> <sup>24</sup>			<u>S</u>												
<u>ADULT USE CANNABIS INFUSER ORGANIZATION</u> <sup>25</sup>															
<u>ADULT USE CANNABIS PROCESSING ORGANIZATION</u> <sup>26</sup>															
<u>ADULT USE CANNABIS CULTIVATION CENTER</u> <sup>27</sup>	<u>B</u>	<u>B</u>	<u>B</u>						<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>
<u>ADULT USE CANNABIS CRAFT GROWER</u> <sup>28</sup>	<u>B</u>	<u>B</u>	<u>B</u>						<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>



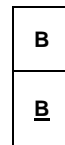
= Permitted by right

\* = Proposed to be permitted by right



**S** = Permitted on individual LOTS as a SPECIAL USE

**S**\* = Proposed to be permitted on individual LOTS as a SPECIAL USE



**B** = COUNTY BOARD Special Use Permit

**B**\* = Proposed to be permitted as a County Board SPECIAL USE Permit

Footnotes

23. ADULT-USE CANNABIS DISPENSING ORGANIZATION to be allowed By-Right in the B-4 Zoning District within the 1.5-mile extraterritorial jurisdiction of a home rule municipality of 20,000 or more population, subject to the following requirements:

- (1) Shall not be located within 1,500 feet of any existing ADULT-USE CANNABIS DISPENSING ORGANIZATION or any existing medical cannabis dispensing organization.
- (2) If located within the 1.5-mile extraterritorial jurisdiction of a home rule municipality that has minimum separation requirements between a dispensing organization to a public or private elementary or secondary school, the use shall comply with those same municipal separation requirements.
- (3) May share a PREMISES with a CRAFT GROWER in the B-4 District without a SPECIAL USE Permit.
- (4) Consumption of CANNABIS is allowed at the ADULT-USE CANNABIS DISPENSING ORGANIZATION if located within the 1.5-mile extraterritorial jurisdiction of a home rule municipality that also allows consumption of CANNABIS at an ADULT-USE CANNABIS DISPENSING ORGANIZATION.
- (5) Shall be in compliance with the Illinois Cannabis Regulation and Tax Act, 410 ILCS 705/ 1-1 et seq (Public Act 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder and a copy of the State-approved license shall be filed with the Zoning Administrator prior to receiving a Zoning Compliance Certificate.

24. ADULT-USE CANNABIS TRANSPORTING ORGANIZATION to be allowed By-Right in the B-3 and B-4 Zoning Districts within the 1.5-mile extraterritorial jurisdiction of a home rule municipality of 20,000 or more population; or as a Special Use Permit in the AG-2 Zoning District within the 1.5 mile extraterritorial jurisdiction of a home rule municipality of 20,000 or more population; or as a HOME OCCUPATION in any zoning district within the 1.5 mile extraterritorial jurisdiction of a home rule municipality of 20,000 or more population subject to the relevant requirements of Section 7.1.1 or 7.1.2, subject to the following requirements:

- 
- (1) Shall not be located less than 1.5 miles from a non-home rule municipality.
  - (2) Shall not be located less than 1.5 miles from a home rule municipality with a population less than 20,000.
  - (3) Shall not be located less than 1.5 miles from any residential zoning district that is located outside of the 1.5-mile extraterritorial jurisdiction of a home rule municipality with a population of 20,000 or more.
  - (4) Shall be in compliance with the Illinois Cannabis Regulation and Tax Act, 410 ILCS 705/ 1-1 et seq (Public Act 101-0027) as it may be amended from time-to-time, and regulations promulgated thereunder, and a copy of the State-approved license shall be filed with the Zoning Administrator prior to receiving a Zoning Compliance Certificate.
25. ADULT-USE CANNABIS INFUSER ORGANIZATION to be allowed By-Right in the I-2 Zoning District that is located within the 1.5-mile extraterritorial jurisdiction of a home rule municipality of 20,000 or more population, subject to the following requirements:
- (1) May share a PREMISES with a CRAFT GROWER in the I-2 District without a SPECIAL USE Permit.
  - (2) Shall be in compliance with the Illinois Cannabis Regulation and Tax Act, 410 ILCS 705/ 1-1 et seq (Public Act 101-0027) as it may be amended from time-to-time, and regulations promulgated thereunder, and a copy of the State-approved license shall be filed with the Zoning Administrator prior to receiving a Zoning Compliance Certificate.
26. ADULT-USE CANNABIS PROCESSING ORGANIZATION to be allowed By-Right in the I-2 Zoning District that is located within the 1.5-mile extraterritorial jurisdiction of a home rule municipality of 20,000 or more population, subject to the following requirements:
- (1) May share a PREMISES with a CRAFT GROWER in the I-2 District without a SPECIAL USE Permit.
  - (2) Shall be in compliance with the Illinois Cannabis Regulation and Tax Act, 410 ILCS 705/ 1-1 et seq (Public Act 101-0027) as it may be amended from time-to-time, and regulations promulgated thereunder, and a copy of the State-approved license shall be filed with the Zoning Administrator prior to receiving a Zoning Compliance Certificate.
27. ADULT-USE CANNABIS CULTIVATION CENTER to be allowed By-Right or by County Board approved Special Use Permit if located 300 feet or less from an existing residence or an existing residentially zoned lot, in all non-residential zoning districts ~~within the 1.5 mile extraterritorial jurisdiction of a home rule municipality of 20,000 or more population~~, subject to the following requirements:
- (1) Shall not be located less than 1.5 miles from a non-home rule municipality.
  - (2) Shall not be located less than 1.5 miles from a home rule municipality with a population less than 20,000.
  - (3) Shall not be located less than 1.5 miles from any residential zoning district that is located outside of the 1.5-mile extraterritorial jurisdiction of a home rule municipality with a population of 20,000 or more.
  - (4) If located within the 1.5 miles extraterritorial jurisdiction of a home rule municipality with a population of 20,000 or more and that that has requirements for odors to be mitigated by installing air scrubbing and/or exhaust air filtration or by some other means approved by the Zoning Administrator, the use shall comply with those same municipal odor mitigation requirements.
  - (5) A CULTIVATION CENTER may also be a CANNABIS TRANSPORTER for CANNABIS grown and or processed at the CULTIVATION CENTER.
  - (6) A CULTIVATION CENTER may also be a CANNABIS PROCESSING ORGANIZATION and or a CANNABIS INFUSER ORGANIZATION for CANNABIS that is grown at the CULTIVATION CENTER.
  - (7) The CULTIVATION CENTER shall control nighttime lighting to ensure that little to no light escapes into the nighttime sky from where the CANNABIS is grown. The nighttime light controls shall be explained in the Special Use Permit and/or Zoning Use Permit Application.

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

28. ADULT-USE CANNABIS CRAFT GROWER to be allowed By-Right or by County Board approved Special Use Permit if located 300 feet or less from an existing residence or an existing residentially zoned lot, in all non-residential zoning districts ~~within the 1.5 mile extraterritorial jurisdiction of a home rule municipality of 20,000 or more population~~, subject to the following requirements:

(1) Shall not be located within 1,500 feet of any CULTIVATION CENTER or other CRAFT GROWER.

(2) Shall not be located less than 1.5 miles from a non-home rule municipality.

(3) Shall not be located less than 1.5 miles from a home rule municipality with a population less than 20,000.

(4) Shall not be located less than 1.5 miles from any residential zoning district that is located outside of the 1.5-mile extraterritorial jurisdiction of a home rule municipality with a population of 20,000 or more.

(5) If located within the 1.5 miles extraterritorial jurisdiction of a home rule municipality with a population of 20,000 or more and that has requirements for odors to be mitigated by installing air scrubbing and/or exhaust air filtration or by some other means approved by the Zoning Administrator, the use shall comply with those same municipal odor mitigation requirements.

(6) A CRAFT GROWER may also be a CANNABIS TRANSPORTER for CANNABIS grown and or processed at the CRAFT GROWER.

(7) A CRAFT GROWER may also be a CANNABIS PROCESSING ORGANIZATION and or a CANNABIS INFUSER ORGANIZATION for CANNABIS that is grown at the CRAFT GROWER.

(8) May share a PREMISES with a CANNABIS DISPENSING ORGANIZATION in the B-4 District without a SPECIAL USE Permit.

(9) The CRAFT GROWER shall control nighttime lighting to ensure that little to no light escapes into the nighttime sky from where the CANNABIS is grown. The nighttime light controls shall be explained in the Special Use Permit and/or Zoning Use Permit Application.

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

**3. Add to Section 6.1.3 as follows (new text underlined>):**

**SECTION 6.1.3 SCHEDULE OF STANDARD CONDITIONS FOR SPECIFIC TYPES OF SPECIAL USES**

SPECIAL USES or USE Categories	Minimum Fencing Required <sup>6</sup>	Minimum LOT Size		Maximum HEIGHT		Required YARDS (feet)					Explanatory or Special Provisions	
		AREA (Acres)	Width (feet)	Feet	Stories	Front Setback from STREET Centerline <sup>2</sup>			SIDE	REAR		
						STREET Classification						
						MAJOR	COLLECTOR	MINOR				
<u>ADULT USE CANNABIS TRANSPORTING ORGANIZATION</u>	<u>NR</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>*See below</u>
<u>ADULT USE CANNABIS CULTIVATION CENTER</u>	<u>NR</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>*See below</u>
<u>ADULT USE CANNABIS CRAFT GROWER</u>	<u>NR</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>*See below</u>

Footnotes

(1) Standard same as applicable zoning DISTRICT