

CASE 998-S-21

PRELIMINARY MEMORANDUM

FEBRUARY 3, 2021

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

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

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

Site Area: 6.04 acres

Time Schedule for Development: As soon as possible

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

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

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

BACKGROUND

The petitioners would like to establish an Adult-Use Cannabis Craft Grower facility. The subject property has an existing office building and accessory pole shed that was recently vacated by a seed research company. They would like to add a 2,400 square foot greenhouse in between the existing buildings, and leave the land currently in agricultural production as is.

The former seed research company was agricultural exempt and therefore no permits or zoning cases were required to establish the existing buildings. The proposed use requires a County Board Special Use Permit, per the text amendment in Case 973-AT-20 adopted by the County Board via Ordinance 2020-2 on June 18, 2020. The adopted amendment can be found in Attachment E, and a map from Case 973-AT-20 illustrating permissible areas in the county for this proposed use can be found in Attachment F. This will be the first cannabis use zoning case for our jurisdiction.

The Site Plan submitted by the petitioner and received January 26, 2021, accurately illustrates the existing and proposed buildings, but the layout on the ground differs. Attachment D is an Annotated 2020 Aerial created by P&Z Staff on January 27, 2021 that includes the dimensions and features from the petitioner's Site Plan that is consistent with on the ground positions.

The petitioner still needs approval from the State of Illinois to establish a Craft Grower facility, but State approval is independent of the zoning approval requested of the County Board.

EXTRATERRITORIAL JURISDICTION

The subject property is not located within the one and one-half mile extraterritorial of a municipality with zoning.

The subject property is located within Philo Township, which does not have a Plan Commission.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning Summary

Direction	Land Use	Zoning
Onsite	Vacant office space, agricultural production	AG-1 Agriculture
North	Agricultural production	AG-1 Agriculture
East	Agricultural production	AG-1 Agriculture
West	Agricultural production	AG-1 Agriculture
South	Residential and agricultural production	AG-1 Agriculture

COMPLIANCE WITH ZONING ORDINANCE CANNABIS USE REQUIREMENTS

The following evidence can be found under Item 9.B. of the Summary of Evidence dated February 11, 2021:

- (1) Section 5.2 authorizes an “ADULT USE CANNABIS CRAFT GROWER” by-right in the CR, AG-1, AG-2, B-1, B-2, B-3, B-4, B-5, I-1, and I-2 Zoning Districts; however, per Section 5.2 Footnote 28, if it is located 300 feet or less from an existing residence or an existing residentially zoned lot, in all non-residential zoning districts, it requires a Special Use Permit authorized by the County Board.
 - a. The subject property is located within 300 feet of a residence, and therefore requires a County Board Special Use Permit.
- (2) Regarding compliance with the requirements for an “ADULT USE CANNABIS CRAFT GROWER” listed under Section 5.2 Footnote 28 of the Zoning Ordinance:
 - a. The proposed Special Use complies with the following requirements:
 - (a) Shall not be located within 1,500 feet of any CULTIVATION CENTER or other CRAFT GROWER.
 - (b) Shall not be located less than 1.5 miles from a non-home rule municipality.
 - (c) Shall not be located less than 1.5 miles from a home rule municipality with a population less than 20,000.
 - (d) 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.
 - b. The following requirements do not appear to be relevant to the proposed Special Use. The petitioners can amend their operations to include the following related uses in the future, but an expansion of operations could require additional permits.
 - (a) A CRAFT GROWER may also be a CANNABIS TRANSPORTER for CANNABIS grown and or processed at the CRAFT GROWER.

- (b) 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.
- (c) May share a PREMISES with a CANNABIS DISPENSING ORGANIZATION in the B-4 District without a SPECIAL USE Permit.
- c. Special conditions have been added for the following requirements:
 - (a) 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.
 - (b) 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.
- d. The following requirements are not applicable to the proposed Special Use:
 - (a) 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.

PROPOSED SPECIAL CONDITIONS

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

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

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

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

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

That exterior lighting for the proposed Special Use meets the requirements established for Special Uses in the Zoning Ordinance.

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

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

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

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

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

That the proposed Special Use complies with State regulations.

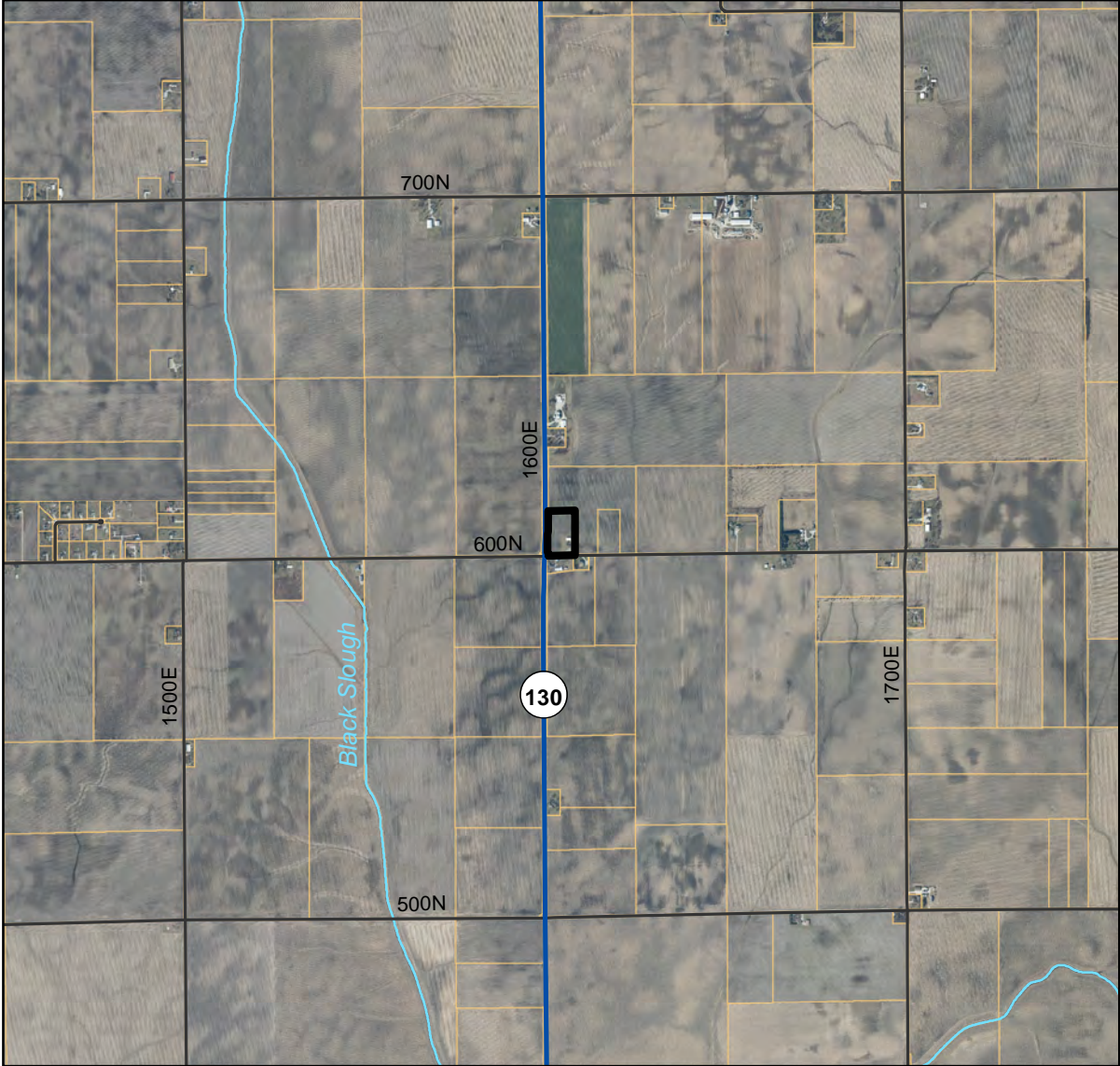
ATTACHMENTS





- A Case Maps (Location Map, Land Use, and Zoning)
- B Site Plan received January 26, 2021
- C Floor Plan created by Thompson Lumber for former Genetic Resources Inc, dated February 23, 1989 and received January 19, 2021
- D Annotated 2020 Aerial created by P&Z Staff on January 27, 2021
- E Case 973-AT-20 text amendment for cannabis uses as approved by the Champaign County Board on June 18, 2020
- F Case 973-AT-20 map of restricted areas for Adult-Use Cannabis Craft Grower facilities created by P&Z Staff on February 27, 2020
- G Site photos taken January 24, 2021
- H Summary of Evidence, Finding of Fact and Final Determination dated February 11, 2021

Location Map

Case 998-S-21
February 11, 2021

Subject Property



-  Subject Property
-  Streams
-  Municipal Boundary
-  Parcels

Property location in Champaign County



0 0.5 1 2 Miles





Champaign County
Department of
**PLANNING &
ZONING**

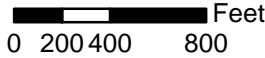
Land Use Map

Case 998-S-21
February 11, 2021



Legend

	Subject Property		Ag/Residential
	Agriculture		Residential






Champaign County
Department of
**PLANNING &
ZONING**

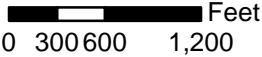
Zoning Map

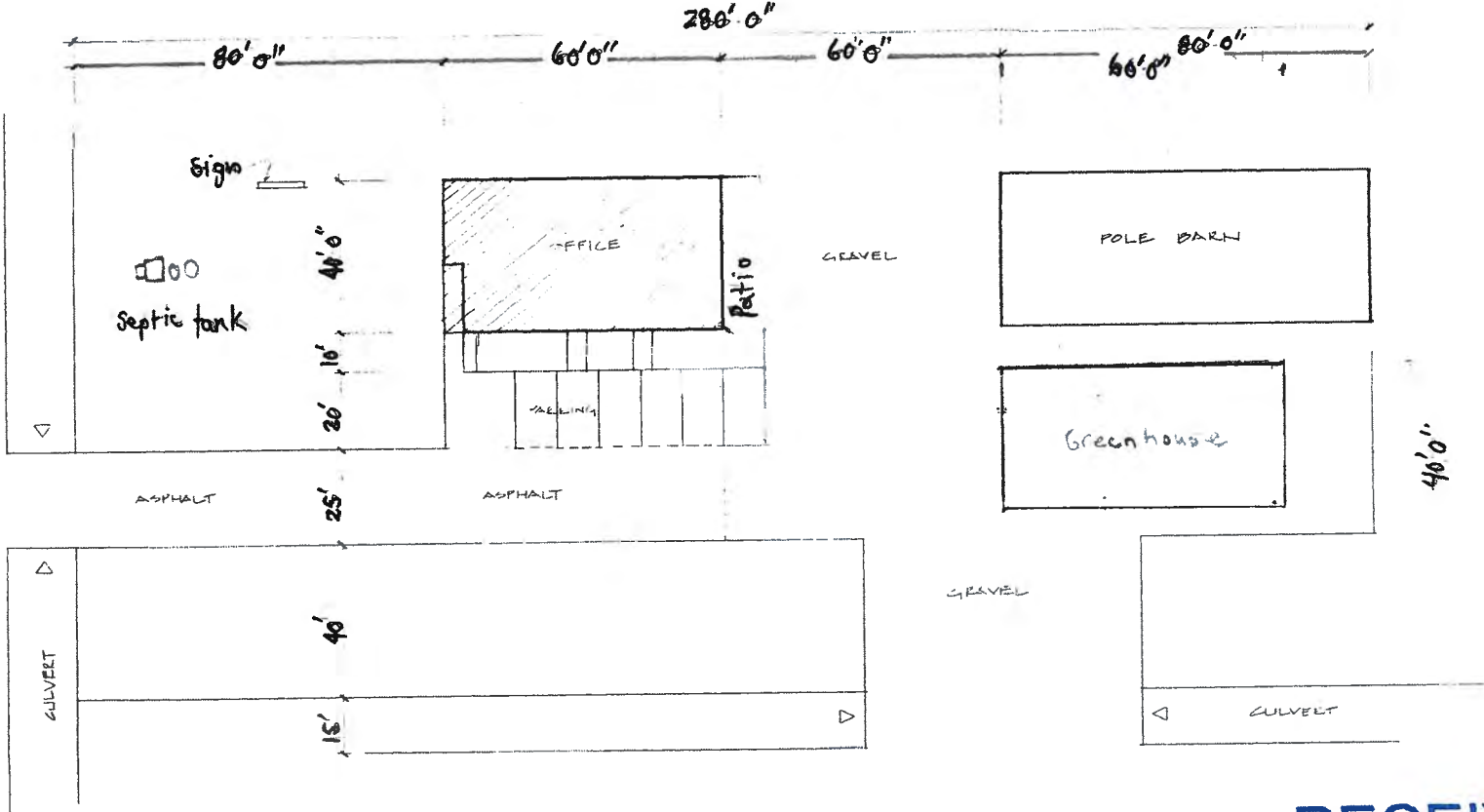
Case 998-S-21
February 11, 2021



Legend

-  Subject Property
-  Parcels
-  AG-1 Agriculture





RECEIVED

JAN 26 2021

CHAMPAIGN CO. P & Z DEPARTMENT



THOMPSON LUMBER CO.
 801 N. COUNTRY FAIR DR. • 388-7881
 CHAMPAIGN ILLINOIS

SITE PLAN



DATE FEB 23, 1989 PROJ. NO. 289003
 SQ. FT. 8000 SCALE 1/4" = 1'-0"
 CLIENT S. W. BREEM, INC.

REVISIONS:
 New Parking
 Patio
 Green house
 6 to 1' Fence

SHEET
 OF
 SHEET



Imagery ©2020 Google, Imagery ©2020 Champaign County GIS Consortium, Maxar Technologies, USDA Farm Service Agency, Map data ©2020 50 ft

RECEIVED

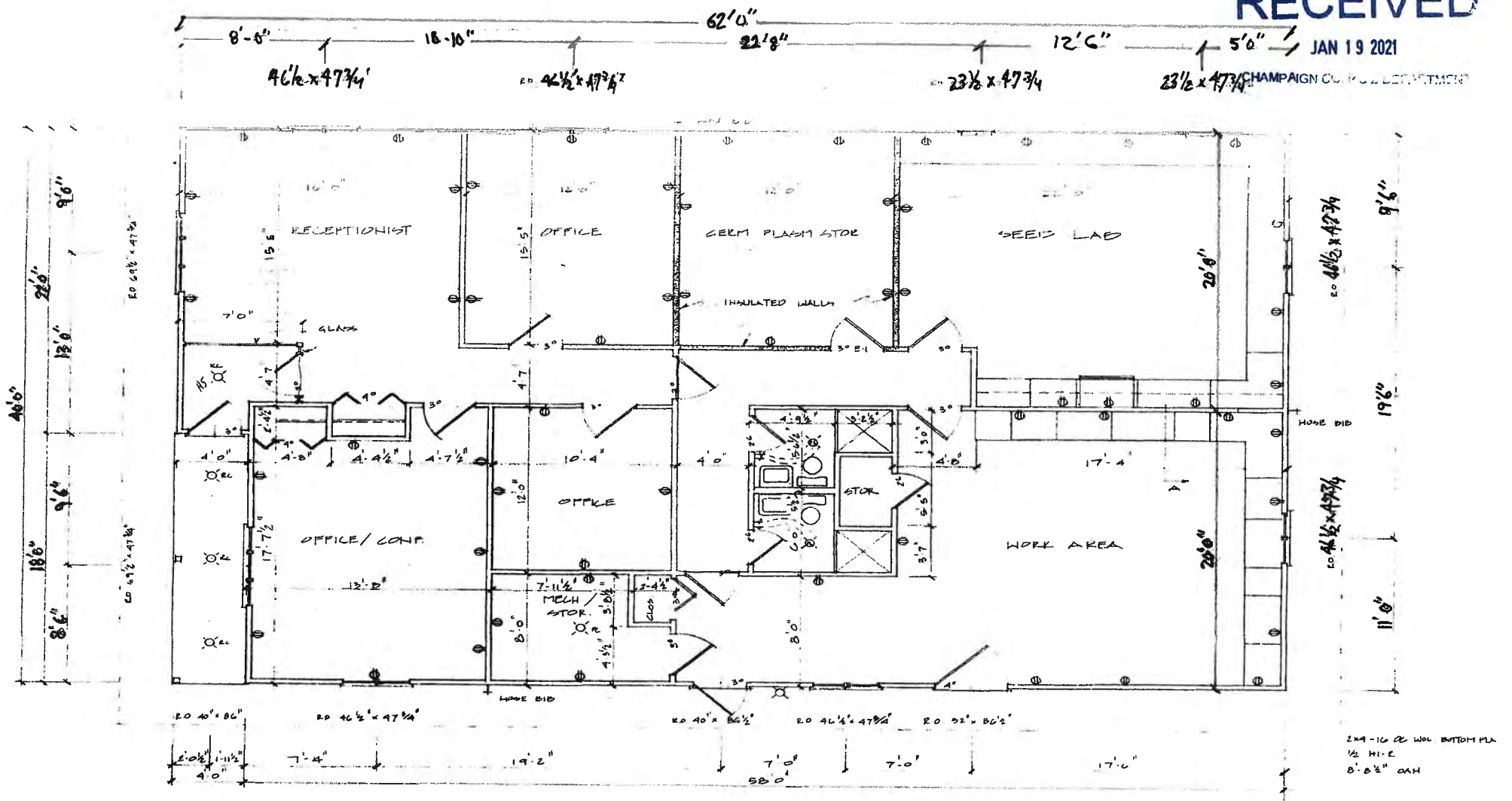
JAN 26 2021

CHAMPAIGN CO. P & Z DEPARTMENT

RECEIVED

JAN 19 2021

CHAMPAIGN COUNTY DEPARTMENT



2x4-10 @ WALL BOTTOM PL
1/2" HI-E
0'-0 1/2" OAH

THOMPSON LUMBER CO.
 201 S. GONTRY FAIR DR. • 225-2251
 CHAMPAIGN ILLINOIS

FLOOR PLAN

DATE FEB 11, 1989 PROJ. NO. 289003
 SQ. FT. 2400[±] SCALE 1/4" = 1'-0"
 CLIENT S W PROSSER INC.


REVISIONS:	FEB 22, 1989	SHEET
	JUNE 6, 1989	
	JULY 21, 1989	
		OF
		SHEETS

Annotated 2020 Aerial


Case 998-S-21
February 11, 2021

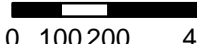


Legend

 Subject Property

Created by P&Z Staff 01/27/21

Main:  Feet
0 10 20 40

Inset:  Feet
0 100 200 400



Champaign County
Department of
PLANNING &
ZONING

EXHIBIT A: APPROVED TEXT AMENDMENT FOR CANNABIS USES

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.

EXHIBIT A: APPROVED TEXT AMENDMENT FOR CANNABIS USES

2. Revise Section 5.2 as follows:

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
ADULT USE CANNABIS DISPENSING ORGANIZATION ²³															
ADULT USE CANNABIS TRANSPORTING ORGANIZATION ²⁴			S												
ADULT USE CANNABIS INFUSER ORGANIZATION ²⁵															
ADULT USE CANNABIS PROCESSING ORGANIZATION ²⁶															
ADULT USE CANNABIS CULTIVATION CENTER ²⁷															
ADULT USE CANNABIS CRAFT GROWER ²⁸															



= Permitted by right



= Permitted on individual LOTS as a SPECIAL USE



= 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,B-4, I-1 and I-2 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.

EXHIBIT A: APPROVED TEXT AMENDMENT FOR CANNABIS USES

- (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, 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.

EXHIBIT A: APPROVED TEXT AMENDMENT FOR CANNABIS USES

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, 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.

EXHIBIT A: APPROVED TEXT AMENDMENT FOR CANNABIS USES

3. Add to Section 6.1.3 as follows:

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

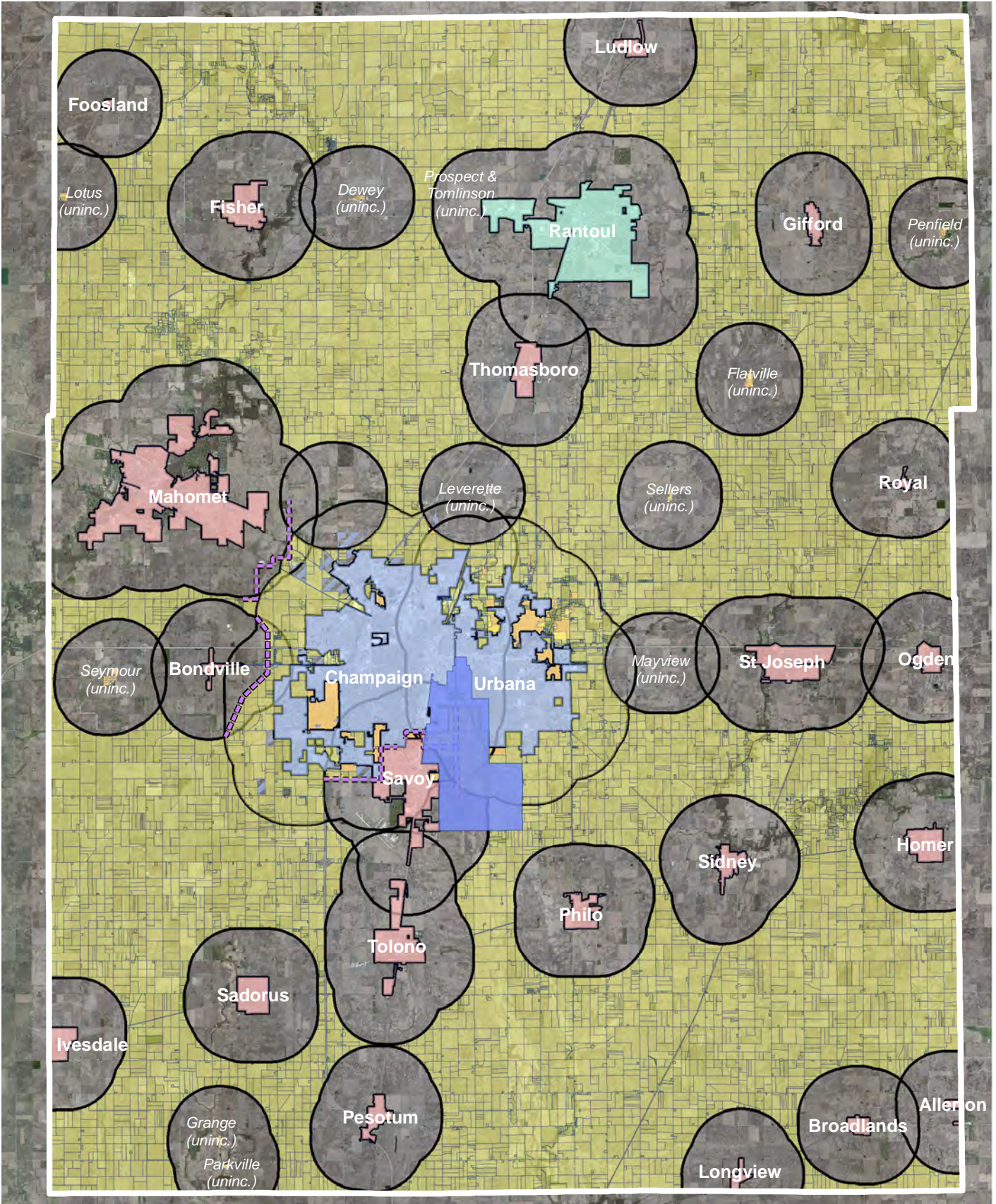
SPECIAL USES or USE Categories	Minimum Fencing Required ⁶	Minimum LOT Size		Maximum HEIGHT		Required YARDS (feet)					Explanatory or Special Provisions
		AREA (Acres)	Width (feet)	Feet	Stories	Front Setback from STREET Centerline ²			SIDE	REAR	
						STREET Classification					
						MAJOR	COLLECTOR	MINOR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

Footnotes

(1) Standard same as applicable zoning DISTRICT

973-AT-20: Cultivation Center or Craft Grower

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



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
- Miles
 0 1.25 2.5 5

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.

998-S-21 Site Images



From CR 600N facing NE



From CR 600N facing NW

998-S-21 Site Images



From east side of subject property facing NW to pole shed



From east side of subject property facing west

998-S-21 Site Images



From concrete parking area facing north to office building



Septic system west of office building

998-S-21 Site Images



998-S-21
01/24/21

From west gravel driveway facing east



998-S-21
01/24/21

From east gravel driveway facing west

998-S-21 Site Images



Neighbor to southeast



Neighbor to southwest

PRELIMINARY DRAFT

998-S-21

**SUMMARY OF EVIDENCE, FINDING OF FACT
AND FINAL DETERMINATION**

of

Champaign County Zoning Board of Appeals

Final Determination: *{RECOMMEND APPROVAL / RECOMMEND APPROVAL WITH
CONDITIONS / RECOMMEND DENIAL}*

Date: *February 11, 2021*

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

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

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PRELIMINARY DRAFT**SUMMARY OF EVIDENCE**

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

1. Blake Schilb, 4817 Sandcherry Dr, Champaign, owns the subject property.
 - A. Mr. Schilb, d.b.a. 217 Genetics LLC, with officers Stephane Lasme, 18 Joseph North Rd, Marlborough, MA, and John Litchfield, 434 E Campbell, Rantoul, seek a County Board Special Use Permit on the subject property.
2. The subject property is a 6.04-acre parcel of land located in the Southwest Corner of the Southwest Quarter of Section 35, Township 18 North, Range 9 East of the Third Principal Meridian in Philo Township, and commonly known as the former Genetic Resources seed research facility with an address of 1606 CR 600N, Philo.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - A. The subject property is not located within the one and one-half mile extraterritorial of a municipality with zoning.
 - B. The subject property is located within Philo Township, which does not have a Planning Commission.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

4. Regarding land use and zoning on the subject property and in the vicinity of the subject property:
 - A. The subject property is zoned AG-1 Agriculture, and the land use is vacant office space formerly used by a seed research company.
 - B. Land north, east, and west of the subject property is zoned AG-1 Agriculture and is land in agricultural production.
 - C. Land south of the subject property is zoned AG-1 Agriculture and is residential in use.

GENERALLY REGARDING THE PROPOSED SPECIAL USE

5. Regarding the Site plan for the proposed Special Use received November 1, 2018:
 - A. The Site Plan received January 26, 2021 includes the following existing and proposed features; note that the buildings as constructed and proposed are in a different location than what is illustrated in the site plan.
 - (1) Existing features include:
 - a. One 40 feet by 62 feet (2,480 square feet) office building, constructed in 1990 with no permit necessary due to ag exemption;
 - b. One 42 feet by 80 feet (3,360 square feet) accessory pole shed, constructed in 1990 with no permit necessary due to ag exemption;
 - c. Two gravel access drives;
 - d. A newly paved parking lot, approximately 2,772 square feet;

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- e. A 10 feet by 20 feet concrete pad in front of the large sliding door to the pole shed;
 - f. A septic system on the west side of the office building; and
 - g. A well located approximately 85 feet north of the septic tank on the west side of the pole shed.
- (2) Proposed features include:
- a. One 40 feet by 60 feet (2,400 square feet) greenhouse to be located between the two existing buildings.
- B. There are no previous Zoning Use Permits for the subject property.
- C. There are no previous Zoning Cases for the subject property.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS

6. Regarding authorization for an “ADULT USE CANNABIS CRAFT GROWER” in the AG-1 Agriculture Zoning District in the *Zoning Ordinance*:
- A. The County Board amended the Zoning Ordinance by adopting requirements for cannabis uses when it adopted Ordinance No. 2020-2 on June 18, 2020.
 - B. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Special Use Permit (capitalized words are defined in the Ordinance):
 - (1) “ACCESSORY BUILDING” is a BUILDING on the same LOT with the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE, either detached from or attached to the MAIN or PRINCIPAL STRUCTURE, and subordinate to and used for purposes customarily incidental to the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE.
 - (2) “ADULT-USE CANNABIS CRAFT GROWER” is 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.
 - (3) “ADULT-USE CANNABIS INFUSER ORGANIZATION OR INFUSER” is a 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.
 - (4) “ADULT-USE CANNABIS PROCESSING ORGANIZATION OR PROCESSOR” is 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

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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.

- (5) “ADULT-USE CANNABIS TRANSPORTING ORGANIZATION OR TRANSPORTER” is 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.
- (6) “BEST PRIME FARMLAND” is Prime Farmland Soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System that under optimum management have 91% to 100% of the highest soil productivities in Champaign County, on average, as reported in the *Bulletin 811 Optimum Crop Productivity Ratings for Illinois Soils*. Best Prime Farmland consists of the following:
 - a. Soils identified as Agriculture Value Groups 1, 2, 3 and/or 4 in the Champaign County LESA system;
 - b. Soils that, in combination on a subject site, have an average LE of 91 or higher, as determined by the Champaign County LESA system;
 - c. Any development site that includes a significant amount (10% or more of the area proposed to be developed) of Agriculture Value Groups 1, 2, 3 and/or 4 soils as determined by the Champaign County LESA system.
- (7) “BUILDING” is an enclosed STRUCTURE having a roof supported by columns, walls, arches, or other devices and used for the housing, shelter, or enclosure of persons, animal, and chattels.
- (8) “BY RIGHT” is a term to describe a USE permitted or allowed in the DISTRICT involved, without review by the BOARD or GOVERNING BODY, and complying with provisions of the Zoning Ordinance and with other applicable ordinances and regulations.
- (9) “LOT” is a designated parcel, tract or area of land established by PLAT, SUBDIVISION or as otherwise permitted by law, to be used, developed or built upon as a unit.
- (10) “OPERATIONS” are processing, assembly, fabrication, or handling of materials or products or movement of bulk materials or products not in containers or pipelines.
- (11) “PARKING SPACE” is a space ACCESSORY to a USE or STRUCTURE for the parking of one vehicle.
- (12) “PIPELINE, GAS” is any transmission pipeline for gases including within a storage field. This definition does not apply to either service lines for local service to individual buildings or distribution lines, as defined in 49 CFR 192.3.

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- (13) “RIGHT-OF-WAY” is the entire dedicated tract or strip of land that is to be used by the public for circulation and service.
- (14) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.
- (15) “SPECIAL USE” is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
- (16) “STREET” is a thoroughfare dedicated to the public within a RIGHT-OF-WAY which affords the principal means of ACCESS to abutting PROPERTY. A STREET may be designated as an avenue, a boulevard, a drive, a highway, a lane, a parkway, a place, a road, a thoroughfare, or by other appropriate names. STREETS are identified on the Official Zoning Map according to type of USE, and generally as follows:
- (a) MAJOR STREET: Federal or State highways.
 - (b) COLLECTOR STREET: COUNTY highways and urban arterial STREETS.
 - (c) MINOR STREET: Township roads and other local roads.
- (17) “USE” is the specific purpose for which land, a STRUCTURE or PREMISES, is designed, arranged, intended, or for which it is or may be occupied or maintained. The term “permitted USE” or its equivalent shall not be deemed to include any NONCONFORMING USE.
- (18) WELL SUITED OVERALL: A discretionary review performance standard to describe the site on which a development is proposed. A site may be found to be WELL SUITED OVERALL if the site meets these criteria:
- a. The site is one on which the proposed development can be safely and soundly accommodated using simple engineering and common, easily maintained construction methods with no unacceptable negative effects on neighbors or the general public; and
 - b. The site is reasonably well-suited in all respects and has no major defects.
- C. Section 5.2 authorizes an “ADULT USE CANNABIS CRAFT GROWER” by-right in the CR, AG-1, AG-2, B-1, B-2, B-3, B-4, B-5, I-1, and I-2 Zoning Districts; however, per Section 5.2 Footnote 28, if it is located 300 feet or less from an existing residence or an existing residentially zoned lot, in all non-residential zoning districts, it requires a Special Use Permit authorized by the County Board.
- (1) The subject property is located within 300 feet of a residence, and therefore requires a County Board Special Use Permit.
- D. Footnote 28 of Section 5.2 states, “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, 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.

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- (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.
- E. Paragraph 6.1.2 A. indicates that all Special Use Permits with exterior lighting shall be required to minimize glare on adjacent properties and roadways by the following means:
- (1) All exterior light fixtures shall be full-cutoff type lighting fixtures and shall be located and installed so as to minimize glare and light trespass. Full cutoff means that the lighting fixture emits no light above the horizontal plane.
 - (2) No lamp shall be greater than 250 watts and the Board may require smaller lamps when necessary.
 - (3) Locations and numbers of fixtures shall be indicated on the site plan (including floor plans and building elevations) approved by the Board.
 - (4) The Board may also require conditions regarding the hours of operation and other conditions for outdoor recreational uses and other large outdoor lighting installations.

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- (5) The Zoning Administrator shall not approve a Zoning Use Permit without the manufacturer's documentation of the full-cutoff feature for all exterior light fixtures.
- F. Section 7.4 establishes requirements for off-street PARKING SPACES and LOADING BERTHS:
- (1) Section 7.4.1 A. establishes general provisions for off-street parking.
 - a. Section 7.4.1 A.1. states, "All off-street PARKING SPACES shall be located on the same LOT or tract of land as the USE served."
 - b. Section 7.4.1 A.2. states, "All spaces for the accommodation of an AUTOMOBILE shall total at least 300 square feet including both parking and maneuvering area."
 - c. Section 7.4.1 A.3.a. states, "No such space shall be located less than 10 feet from any FRONT LOT LINE."
 - d. Section 7.4.1 A.3.b. states, "No such space shall be located less than five feet from any side or REAR LOT LINE."
 - (2) Section 7.4.1 B. establishes the minimum size of off-street PARKING SPACES shall be at least nine feet wide by 20 feet long.
 - (3) For parking purposes, the Zoning Administrator has determined that an "ADULT-USE CANNABIS CRAFT GROWER" is most similar to the parking requirements for commercial uses.
 - (4) Section 7.4.1 C. establishes parking for off-street commercial establishments.
 - a. Section 7.4.1 C.1. states, "Such PARKING SPACE for the accommodation of a heavy motor truck, MOTOR BUS, or other VEHICLE shall be of dimensions herein specified for an off-STREET LOADING BERTH."
 - b. Section 7.4.1 C.2. states, "The number of such PARKING SPACES shall be the sum of the individual requirements of the various individual ESTABLISHMENTS computed separately in accordance with this section. Such PARKING SPACES for one such ESTABLISHMENT shall not be considered as providing the number of such PARKING SPACES for any other ESTABLISHMENT."
 - c. Section 7.4.1 C.3. requires establishments that are not specifically mentioned in the ordinance to provide one parking space for every 200 square feet of floor area or portion thereof.
 - d. Section 7.4.1 C.4. states, "Required parking SCREENS for commercial ESTABLISHMENTS shall be provided as follows:
 - (a) Parking areas for more than four vehicles of no more than 8,000 pounds gross vehicle weight each, excluding any vehicles used for hauling solid waste except those used for hauling construction debris and other inert materials, located within any YARD abutting any

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residential DISTRICT or visible from and located within 100 feet from the BUILDING RESTRICTION LINE of a lot containing a DWELLING conforming as to USE shall be screened with a Type A SCREEN except that a TYPE B SCREEN may be erected along the rear LOT LINE of the business PROPERTY.

- (b) Parking areas for any number of vehicles exceeding 8,000 pounds in gross vehicle weight each or any number of vehicles used for hauling solid waste except those used for hauling construction debris and other inert materials located within any YARD abutting any residential DISTRICT or visible from and located within 100 feet from the BUILDING RESTRICTION LINE of a lot containing a DWELLING conforming as to USE shall be screened with a Type D SCREEN.”
- (5) Section 7.4.2 refers to off-street LOADING BERTHS for commercial uses:
- a. Section 7.4.2 A. establishes general provisions for LOADING BERTHS.
 - (a) All LOADING BERTHS shall have vertical clearance of at least 14 feet.
 - (b) All LOADING BERTHS shall be designed with appropriate means of vehicular access to a STREET or ALLEY in a manner which will least interfere with traffic movement.
 - (c) No VEHICLE repair or service work shall be performed on any LOADING BERTH.
 - (d) No LOADING BERTH shall be located less than 10 feet from any FRONT LOT LINE and less than five feet from any side or REAR LOT LINE.
 - b. Section 7.4.2 C. states, “Off-street LOADING BERTHS for commercial ESTABLISHMENTS shall be provided as follows:
 - (a) All LOADING BERTHS shall be located on the same LOT or tract of land as the ESTABLISHMENT served except when serving adjacent ESTABLISHMENTS when the LOADING BERTH requirement is sufficient to serve both ESTABLISHMENTS.
 - (b) No such BERTH shall be located within any YARD abutting a residential DISTRICT or located less than 100 feet from the BUILDING RESTRICTION LINE of any LOT in the R DISTRICT or any LOT containing a DWELLING conforming as to USE unless such BERTH is screened from public view by a Type C SCREEN. If the berth is located adjacent to an elevated loading dock, however, a Type D SCREEN shall be used to screen both the loading berth and the loading dock.
 - (c) No LOADING BERTH shall be located within 50 feet of the nearest point of intersection of two STREETS.

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(d) All **LOADING BERTHS** shall be improved with a compacted base at least six inches thick and shall be surfaced with at least two inches of some all-weather dustless material.

(e) Schedule of off-street **LOADING BERTHS**:

Floor Area of ESTABLISHMENT in Square Feet (Thousands)	Minimum Required Number and Size of LOADING BERTHS
1 – 9.999	1 (12 x 40 feet)
10 – 24.999	2 (10 x 40 feet)
25 – 39.999	2 (10 x 70 feet)
40 – 99.999	3 (10 x 70 feet)
100 – 249.999	4 (10 x 70 feet)

G. Section 9.1.11 requires that a Special Use Permit shall not be granted by the Zoning Board of Appeals unless the public hearing record and written application demonstrate the following:

- (1) That the Special Use is necessary for the public convenience at that location;
- (2) That the Special Use is so designed, located, and proposed as to be operated so that it will not be injurious to the **DISTRICT** in which it shall be located or otherwise detrimental to the public welfare except that in the **CR, AG-1, and AG-2 DISTRICTS** the following additional criteria shall apply:
 - a. The property is either **BEST PRIME FARMLAND** and the property with proposed improvements in **WELL SUITED OVERALL** or the property is not **BEST PRIME FARMLAND** and the property with proposed improvements is **SUITED OVERALL**.
 - b. The existing public services are available to support the proposed **SPECIAL USE** effectively and safely without undue public expense.
 - c. The existing public infrastructure together with proposed improvements is adequate to support the proposed development effectively and safely without undue public expense.
- (3) That the Special Use conforms to the applicable regulations and standards of and preserves the essential character of the **DISTRICT** in which it shall be located, except where such regulations and standards are modified by Section 6.
- (4) That the Special Use is in harmony with the general purpose and intent of this ordinance.
- (5) That in the case of an existing **NONCONFORMING USE**, it will make such **USE** more compatible with its surroundings.

H. Paragraph 9.1.11.D.2. states that in granting any **SPECIAL USE** permit, the **BOARD** may prescribe **SPECIAL CONDITIONS** as to appropriate conditions and safeguards in conformity with the Ordinance. Violation of such **SPECIAL CONDITIONS** when made a party of the terms under which the **SPECIAL USE** permit is granted, shall be deemed a violation of this Ordinance and punishable under this Ordinance.

PRELIMINARY DRAFT**GENERALLY REGARDING WHETHER THE SPECIAL USE IS NECESSARY FOR THE PUBLIC CONVENIENCE AT THIS LOCATION**

7. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use is necessary for the public convenience at this location:
- A. The Petitioner has testified on the application, **“The proposed use is necessary for the public convenience at the above location because the lack of disturbance it will cause for any community. At the above location the proposed use development can remain discrete, minister public safety.”**
 - B. The subject property is adjacent to IL 130, approximately 5.5 miles from US 45 South, and 10 miles from the I-57 interchange at Pesotum. The closest community is the Village of Philo, located 2 miles north of the subject property.

GENERALLY REGARDING WHETHER THE SPECIAL USE WILL BE INJURIOUS TO THE DISTRICT OR OTHERWISE INJURIOUS TO THE PUBLIC WELFARE

8. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use be designed, located, and operated so that it will not be injurious to the District in which it shall be located, or otherwise detrimental to the public welfare:
- A. The Petitioner has testified on the application, **“The proposed land will have reinforced fencing with authorized personnel entry only. The proposed land will also have security video and audio; along with records to the surveillance. The safety and welfare of the community is priority alongside creating job opportunities as well.”**
 - B. Regarding surface drainage:
 - (1) The subject property is relatively flat, and generally drains toward the ditch in the southwest corner of the subject property.
 - (2) The only construction proposed is a greenhouse to be located between the two existing buildings. This area is mostly covered in gravel, so any increase in storm impervious area would be minimal.
 - C. Regarding traffic in the subject property area:
 - (1) The subject property is a corner lot that has two access points on CR 600N. The west property line abuts IL-130.
 - (2) CR 600N is a two-lane township road, which is the equivalent of a MINOR STREET in the Zoning Ordinance. It has an asphalt surface that is approximately 20 feet wide, with grass shoulders.
 - (3) The Illinois Department of Transportation measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Average Daily Traffic (ADT). The most recent ADT data is from 2016 on CR 600N east of IL-130, with an ADT of 75. IL130 north of CR 600N had an ADT of 3,050 in 2019.
 - a. The Illinois Department of Transportation’s *Manual of Administrative Policies of the Bureau of Local Roads and Streets* general design guidelines

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recommends that rural two-lane local roads with two feet wide turf shoulders have an (ADT) of less than 400 vehicles.

- (4) The Philo Township Highway Commissioner has been notified of this case, and no comments have been received.
- D. Regarding fire protection:
 - (1) The subject property is located 3 road miles from the Philo Fire Protection District station in Philo.
 - (2) The Philo Fire Protection District was notified of this case and no comments have been received.
- E. No part of the subject property is located within a Special Flood Hazard Area.
- F. The 6.04-acre subject property is considered Best Prime Farmland. Soil on the subject property consists of 152A Drummer silty clay loam and 198A Elburn silt loam, and has an average Land Evaluation score of 100.
 - (1) No land will be removed from production; the petitioner has an agreement with the farmer to the north to continue farming the land on the subject property.
- G. Regarding outdoor lighting on the subject property, no information was provided on the application. A special condition has been added to ensure compliance for any future outdoor lighting installation.
- H. Regarding wastewater treatment and disposal on the subject property, there is an existing septic system located west of the office building.
- I. Other than as reviewed elsewhere in this Summary of Evidence, there is no evidence to suggest that the proposed Special Use will generate either nuisance conditions such as odor, noise, vibration, glare, heat, dust, electromagnetic fields or public safety hazards such as fire, explosion, or toxic materials release, that are in excess of those lawfully permitted and customarily associated with other uses permitted in the zoning district.

GENERALLY REGARDING WHETHER THE SPECIAL USE CONFORMS TO APPLICABLE REGULATIONS AND STANDARDS AND PRESERVES THE ESSENTIAL CHARACTER OF THE DISTRICT

- 9. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use conforms to all applicable regulations and standards and preserves the essential character of the District in which it shall be located, except where such regulations and standards are modified by Section 6 of the Ordinance:
 - A. The Petitioner has testified on the application, **“The proposed use does conform to the regulations and standards. Section 5.2 of the table of authorized uses states that an Adult-Use Cannabis Craft Grower may be permitted with a County Board Special Use Permit in the AG-1 Zoning District.”**
 - B. Regarding compliance with the *Zoning Ordinance*, the following evidence was provided:

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- (1) Section 5.2 authorizes an “ADULT USE CANNABIS CRAFT GROWER” by-right in the CR, AG-1, AG-2, B-1, B-2, B-3, B-4, B-5, I-1, and I-2 Zoning Districts; however, per Section 5.2 Footnote 28, if it is located 300 feet or less from an existing residence or an existing residentially zoned lot, in all non-residential zoning districts, it requires a Special Use Permit authorized by the County Board.
 - a. The subject property is located within 300 feet of a residence, and therefore requires a County Board Special Use Permit.

- (2) Regarding compliance with the requirements for an “ADULT USE CANNABIS CRAFT GROWER” listed under Section 5.2 Footnote 28 of the Zoning Ordinance:
 - a. The proposed Special Use complies with the following requirements:
 - (a) Shall not be located within 1,500 feet of any CULTIVATION CENTER or other CRAFT GROWER.
 - (b) Shall not be located less than 1.5 miles from a non-home rule municipality.
 - (c) Shall not be located less than 1.5 miles from a home rule municipality with a population less than 20,000.
 - (d) 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.
 - b. The following requirements do not appear to be relevant to the proposed Special Use. The petitioners can amend their operations to include the following related uses in the future, but an expansion of operations could require additional permits.
 - (a) A CRAFT GROWER may also be a CANNABIS TRANSPORTER for CANNABIS grown and or processed at the CRAFT GROWER.
 - (b) 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.
 - (c) May share a PREMISES with a CANNABIS DISPENSING ORGANIZATION in the B-4 District without a SPECIAL USE Permit.
 - c. Special conditions have been added for the following requirements:
 - (a) 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.

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- (b) 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.
- d. The following requirements are not applicable to the proposed Special Use:
 - (a) 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.
- (3) Regarding parking on the subject property:
 - a. Although the proposed use is listed as a business use in Section 5.2, the business parking standard in subparagraph 7.4.1 C.3.e. of one parking space per 200 square feet of floor area cannot be sensibly applied to the proposed Special Use. Instead, the parking standard for industrial uses in paragraph 7.4.1 D. appears to approximate the way the business will operate.
 - b. Paragraph 7.4.1.D.1 requires industrial uses to provide one off-street parking space for every three employees based upon the maximum number of persons employed during one work period, plus one space for each business vehicle, and a minimum of one visitor parking space.
 - c. Regarding proposed operations and number of required parking spaces:
 - (a) For the near future, Mr. Schilb expects to have 10 to 20 employees, and no company vehicles. He is planning for longer term expansion than could significantly increase the number of employees, but has not finalized any details.
 - (b) Assuming 20 employees plus one visitor parking space, the proposed use would require 8 parking spaces, with at least one of those being an accessible parking space.
 - d. The proposed site plan appears to include more than enough area to accommodate all required off-street parking:
 - (a) There is approximately 2,772 square feet of concrete parking area on the subject property, sufficient for 6 parking spaces as depicted on the Annotated 2020 Aerial created by P&Z Staff on January 27, 2021.
 - (b) Within the proposed fenced area, excluding the existing concrete parking area, proposed greenhouse location, and septic/well areas, there is enough room for at least 30 additional parking spaces on grass/gravel, for a total of at least 36 available spaces.

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- e Loading berth requirements are based on building square footage, and must be surfaced with an all-weather dustless material. Total building area is 8,240 square feet, which requires one 10 feet by 40 feet loading berth.
 - (a) There is sufficient concrete on the south side of the office building to accommodate a loading berth without losing parking spaces.
 - (b) The accessory building has a concrete floor, which could also be used as a loading berth if a 10 feet by 40 feet area can be set aside.
 - f. No screening is required for parking on the subject property because the parking area is more than 100 feet from the building restriction line of a residence.
- (4) There are no standard conditions of approval that specifically apply to “ADULT-USE CANNABIS CRAFT GROWER” uses.
 - (5) Regarding required screening of outdoor operations in Section 7.6, there are no proposed outdoor storage or operations for the proposed Special Use.
- C. Regarding compliance with the *Storm Water Management and Erosion Control Ordinance*, the subject property is exempt from SWMEC because less than one acre of land would be disturbed by the existing plus proposed development.
 - D. Regarding the Special Flood Hazard Areas Ordinance, no part of the subject property is located within a Special Flood Hazard Area.
 - E. Regarding the Subdivision Regulations, the 6.04-acre subject property is located in the County’s subdivision jurisdiction and the subject property is in compliance.
 - F. The proposed Special Use must comply with the Illinois Accessibility Code, which is not a County ordinance or policy and the County cannot provide any flexibility regarding that Code.
 - (1) A special condition has been added to ensure compliance.

GENERALLY REGARDING WHETHER THE SPECIAL USE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE

- 10. Regarding the *Zoning Ordinance* requirement that the proposed Special Use is in harmony with the general intent and purpose of the Ordinance:
 - A. An “ADULT-USE CANNABIS CRAFT GROWER” may be authorized by the County Board in the AG-1 Agriculture Zoning District as a Special Use.
 - B. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the Zoning Ordinance:
 - (1) Subsection 5.1.1 of the Ordinance states the general intent of the AG-1 District and states as follows (capitalized words are defined in the Ordinance):

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The AG-1, Agriculture DISTRICT is intended to protect the areas of the COUNTY where soil and topographic conditions are best adapted to the pursuit of AGRICULTURAL USES and to prevent the admixture of urban and rural USES which would contribute to the premature termination of AGRICULTURE pursuits.

- (2) The types of uses authorized in the AG-1 District are in fact the types of uses that have been determined to be acceptable in the AG-1 District. Uses authorized by Special Use Permit are acceptable uses in the districts provided that they are determined by the ZBA to meet the criteria for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.

C. Regarding whether the proposed Special Use Permit is in harmony with the general purpose of the Zoning Ordinance:

- (1) Paragraph 2.0(a) of the Ordinance states that one purpose of the Ordinance is securing adequate light, pure air, and safety from fire and other dangers.

This purpose is directly related to the limits on building coverage and the minimum yard requirements in the Ordinance and the proposed site plan appears to be in compliance with those requirements.

- (2) Paragraph 2.0(b) of the Ordinance states that one purpose of the Ordinance is conserving the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.

It is not clear whether the proposed Special Use will have any impact on the value of nearby properties without a formal real estate appraisal, which has not been requested nor provided, and so any discussion of values is necessarily general.

- (3) Paragraph 2.0(c) of the Ordinance states that one purpose of the Ordinance is lessening and avoiding congestion in the public STREETS.

The proposed Special Use is unlikely to have a significant impact on the transportation system.

- (4) Paragraph 2.0(d) of the Ordinance states that one purpose of the Ordinance is lessening and avoiding the hazards to persons and damage to PROPERTY resulting from the accumulation of runoff from storm or flood waters.

- a. The requested Special Use is outside of the Special Flood Hazard Area.
- b. The proposed special use is exempt from the *Storm Water Management and Erosion Control Ordinance* because less than one acre of land will be disturbed.

- (5) Paragraph 2.0(e) of the Ordinance states that one purpose of the Ordinance is promoting the public health, safety, comfort, morals, and general welfare.

- a. Regarding public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.

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- b. Regarding public comfort and general welfare, this purpose is similar to the purpose of conserving property values established in paragraph 2.0 (b) and is in harmony to the same degree.
 - c. No comments have been received for the proposed Special Use.
- (6) Paragraph 2.0 (f) states that one purpose of the Ordinance is regulating and limiting the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected; and paragraph 2.0 (g) states that one purpose is establishing, regulating, and limiting the BUILDING or SETBACK lines on or along any STREET, trafficway, drive or parkway; and paragraph 2.0 (h) states that one purpose is regulating and limiting the intensity of the USE of LOT AREAS, and regulating and determining the area of OPEN SPACES within and surrounding BUILDINGS and STRUCTURES.

These three purposes are directly related to the limits on building height and building coverage and the minimum setback and yard requirements in the Ordinance and the proposed site plan appears to be in compliance with those limits.

- (7) Paragraph 2.0(i) of the Ordinance states that one purpose of the Ordinance is classifying, regulating, and restricting the location of trades and industries and the location of BUILDINGS, STRUCTURES, and land designed for specified industrial, residential, and other land USES; and paragraph 2.0(j.) states that one purpose is dividing 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; and paragraph 2.0(k) states that one purpose is fixing regulations and standards to which BUILDINGS, STRUCTURES, or USES therein shall conform; and paragraph 2.0(l) states that one purpose is prohibiting USES, BUILDINGS, OR STRUCTURES incompatible with the character of such DISTRICT.

Harmony with these four purposes requires that the special conditions of approval sufficiently mitigate or minimize any incompatibilities between the proposed Special Use Permit and adjacent uses, and that the special conditions adequately mitigate nonconforming conditions.

- (8) Paragraph 2.0(m) of the Ordinance states that one purpose of the Ordinance is preventing 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.

This purpose is directly related to maintaining compliance with the Zoning Ordinance requirements for the District and the specific types of uses and the proposed Special Use will have to be conducted in compliance with those requirements.

- (9) Paragraph 2.0(n) of the Ordinance states that one purpose of the Ordinance is protecting the most productive AGRICULTURAL lands from haphazard and unplanned intrusions of urban USES.

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The subject property is located in the AG-1 Agriculture District. With the exception of being allowed within 1.5 miles of the Cities of Champaign and Urbana, the proposed use is limited to areas beyond 1.5 miles of remaining municipalities in the County.

- (10) Paragraph 2.0(o) of the Ordinance states that one purpose of the Ordinance is protecting natural features such as forested areas and watercourses.

The subject property does not contain any natural features and there are no natural features in the vicinity of the subject property.

- (11) Paragraph 2.0(p) of the Ordinance states that one purpose of the Ordinance is encouraging the compact development of urban areas to minimize the cost of development of public utilities and public transportation facilities.

No new public utilities or transportation facilities are required for the proposed use.

- (12) Paragraph 2.0(q) of the Ordinance states that one purpose of the Ordinance is encouraging the preservation of AGRICULTURAL belts surrounding urban areas, to retain the AGRICULTURAL nature of the COUNTY, and the individual character of existing communities.

No land will be removed from agricultural production, and the only new structure proposed is a greenhouse, so the facility will continue to reflect the agricultural nature of the area.

- (13) Paragraph 2.0(r) of the Ordinance states that one purpose of the Ordinance 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 Special Use would not hinder the development of renewable energy sources.

GENERALLY REGARDING WHETHER THE SPECIAL USE IS AN EXISTING NONCONFORMING USE

11. The proposed Special Use is not an existing NONCONFORMING USE.

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

12. Regarding proposed special conditions of approval:

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

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

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

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

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

That exterior lighting for the proposed Special Use meets the requirements established for Special Uses in the Zoning Ordinance.

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

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

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

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

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

That the proposed Special Use complies with State regulations.

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DOCUMENTS OF RECORD

1. Special Use Permit Application received January 19, 2021, with attachment:
 - A Floor and Site Plans created by Thompson Lumber for former Genetic Resources Inc, dated February 23, 1989

2. Preliminary Memorandum dated February 3, 2021, with attachments:
 - A Case Maps (Location Map, Land Use, and Zoning)
 - B Site Plan received January 26, 2021
 - C Floor Plan created by Thompson Lumber for former Genetic Resources Inc, dated February 23, 1989 and received January 19, 2021
 - D Annotated 2020 Aerial created by P&Z Staff on January 27, 2021
 - E Case 973-AT-20 text amendment for cannabis uses as approved by the Champaign County Board on June 18, 2020
 - F Case 973-AT-20 Map of restricted areas for Adult-Use Cannabis Craft Grower facilities created by P&Z Staff on February 27, 2020
 - G Site photos taken January 24, 2021
 - H Summary of Evidence, Finding of Fact and Final Determination dated February 11, 2021

PRELIMINARY DRAFT**FINDINGS OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **998-S-21** held on **February 11, 2021**, the Zoning Board of Appeals of Champaign County finds that:

1. The requested Special Use Permit *{IS / IS NOT}* necessary for the public convenience at this location because:
 - a. *The subject property is adjacent to IL 130, approximately 5.5 miles from US 45 South, and 10 miles from the I-57 interchange at Pesotum.*
 - b. *The closest community is the Village of Philo, located 2 miles north of the subject property.*

2. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* is so designed, located, and proposed to be operated so that it *{WILL NOT / WILL}* be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare because:
 - a. The street has *{ADEQUATE / INADEQUATE}* traffic capacity and the entrance location has *{ADEQUATE / INADEQUATE}* visibility *{because*}: the adjacent roads have adequate capacity for minor increases in traffic. The Philo Township Highway Commissioner has been notified of this case, and no comments have been received.*
 - b. Emergency services availability is *{ADEQUATE / INADEQUATE}* *{because*}: the subject property is 3 road miles away from the Philo Fire Protection District station in Philo, and no comments have been received from the Fire Protection District.*
 - c. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses *{because*}: the subject property is surrounded on three sides by land in agricultural production and by two residences on the south side. No screening is required because there will be no outdoor storage or operations or parking within 100 feet of a residence. No comments have been received regarding the proposed use.*
 - d. Surface and subsurface drainage will be *{ADEQUATE / INADEQUATE}* *{because*}: the only construction proposed is a greenhouse to be located between the two existing buildings. This area is mostly covered in gravel, so any increase in storm water runoff would be minimal.*
 - e. Public safety will be *{ADEQUATE / INADEQUATE}* *{because*}: the Township Road Commissioner, IDOT, and Philo Fire Protection District have been notified of this case, and no comments have been received.*
 - f. The provisions for parking will be *{ADEQUATE / INADEQUATE}* *{because*}: the subject property has room for at least 30 parking spaces, and only 8 parking spaces are required. There is sufficient concrete for one required accessible parking space and one required loading berth.*
 - g. The property *{IS/IS NOT}* WELL SUITED OVERALL for the proposed improvements *{because*}: for the proposed development can be safely and soundly accommodated on the subject property using simple engineering and common, easily maintained*

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construction methods with no unacceptable negative effects on neighbors or the general public, and the site is reasonably well-suited in all respects and has no major defects.

- h. Existing public services ***{ARE/ARE NOT}*** available to support the proposed SPECIAL USE without undue public expense ***{because*}***: ***all services are in place for this property, and no new public services are needed for the proposed use.***
- i. Existing public infrastructure together with the proposed development ***{IS/IS NOT}*** adequate to support the proposed development effectively and safely without undue public expense ***{because*}***: ***adjacent roads have sufficient capacity to handle minimal increases in traffic volumes with no improvements necessary, and no new utilities are required for the proposed use.***

**The Board may include other relevant considerations as necessary or desirable in each case.*

**The Board may include additional justification if desired, but it is not required.*

- 3a. The requested Special Use Permit ***{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {DOES / DOES NOT}*** conform to the applicable regulations and standards of the DISTRICT in which it is located.
- 3b. The requested Special Use Permit ***{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {DOES / DOES NOT}*** preserve the essential character of the DISTRICT in which it is located because:
 - a. The Special Use will be designed to ***{CONFORM / NOT CONFORM}*** to all relevant County ordinances and codes.
 - b. The Special Use ***{WILL / WILL NOT}*** be compatible with adjacent uses.
 - c. Public safety will be ***{ADEQUATE / INADEQUATE}***.
- 4. The requested Special Use Permit ***{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {IS / IS NOT}*** in harmony with the general purpose and intent of the Ordinance because:
 - a. The Special Use is authorized in the District.
 - b. The requested Special Use Permit ***{IS/ IS NOT}*** necessary for the public convenience at this location.
 - c. The requested Special Use Permit ***{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}*** is so designed, located, and proposed to be operated so that it ***{WILL / WILL NOT}*** be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.
 - d. The requested Special Use Permit ***{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {DOES / DOES NOT}*** preserve the essential character of the DISTRICT in which it is located.
- 5. The requested Special Use **IS NOT** an existing nonconforming use.
- 6. ***{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:***

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

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

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

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

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

That exterior lighting for the proposed Special Use meets the requirements established for Special Uses in the Zoning Ordinance.

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

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

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

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

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

That the proposed Special Use complies with State regulations.

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FINAL DETERMINATION

The Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, that the requirements for approval of Section 9.1.11B. **{HAVE / HAVE NOT}** been met, and pursuant to the authority granted by Section 9.1.6 B. of the Champaign County Zoning Ordinance, recommends that:

The Special Use requested in Case **998-S-21** is hereby **{GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED}** to the applicants, **Blake Schilb, d.b.a. 217 Genetics LLC, with officers Stephane Lasme and John Litchfield**, to authorize the following:

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

{ SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS: }

- A. An approved Zoning Use Permit must be received prior to construction of the proposed greenhouse.**
- B. The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the lighting specifications in Paragraph 6.1.2.A. of the Zoning Ordinance have been met.**
- C. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Special Use until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code, if necessary.**
- D. The Special Use shall be in compliance with the Illinois Cannabis Regulation and Tax Act, 410 ILCS 705/ 1-1 et seq (Public Act 101-0027) as it may be amended from time-to-time, and regulations promulgated thereunder, and a copy of the State-approved license shall be filed with the Zoning Administrator prior to receiving a Zoning Compliance Certificate.**

The 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