

CCZBA 972-AT-20 & 973-AT-20 Cannabis Zoning Ordinance Text Amendment

Additional County Materials:

- Preliminary Memo 2/20/2020 page 2
- Supplemental Memo #1 3/4/2020 page 124
- Supplemental Memo #2 4/28/2020 page 173
- ELUC Agenda Packet 10/10/2019 page 203
- ELUC Action 10/10/2019 page 221
- ELUC Agenda Packet 11/7/2019 page 225
- ELUC Action 11/7/2019 page 237
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Champaign County
Department of

**PLANNING &
ZONING**

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

PRELIMINARY MEMORANDUM

February 20, 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

BACKGROUND

The Cannabis Regulation and Tax Act (CRTA; House Bill 1438) became law on January 1, 2020. A unit of local government has up to one year to prohibit the establishment of a cannabis business.

Attachment B is the ELUC memo dated December 23, 2019, which provides additional information about the proposed amendment and the differences between Case 972-AT-20 and Case 973-AT-20.

ELUC AND COUNTY BOARD INPUT TO DATE

Cannabis regulation was first discussed by ELUC at its October 10, 2019 meeting, with the introduction of a proposed amendment that would allow each of the various types of cannabis related land uses authorized by the CRTA to be permitted by-right within specific zoning districts in Champaign County. One member expressed concern about access to cannabis by minors in smaller towns. There were only six members present at the meeting, and there was no majority of ELUC that supported sending the proposed amendment to a public hearing. The Zoning Ordinance amendment was continued for consideration to the November 7, 2019, ELUC meeting.

At the November 7, 2019 meeting, John Hall introduced the same proposed amendment that was introduced in October, and another proposed amendment that was a model ordinance prohibiting adult cannabis uses in unincorporated Champaign County. One resident from Penfield commented that Penfield is a quiet town and they would like it kept that way, in reference to allowing cannabis related business there. There were only six members present and the vote on both ordinances was a tie. However, the tie vote on the proposed “by right” Zoning Ordinance text amendment meant that the proposed amendment did not proceed to the ZBA, but because the prohibition ordinance was for County Board consideration, the tie vote allowed that ordinance to proceed to the full Board without a recommendation. The following is a summary of comments from ELUC members from the November 7, 2019 meeting:

Generally in favor of allowing adult use cannabis related businesses:

- One member said that cannabis related businesses will become a state allowable endeavor that has a tax benefit for the county. We voted to tax these businesses in all unincorporated Champaign County, so it would be odd to vote to collect tax from a business and then say they can’t have a business.
- Regarding cultivation centers, the same member asked, would we contradict our own right to agriculture if we don’t allow a grower to grow, and do we put ourselves in a position to be litigated against. The answer was that the state has given counties the right to opt-out.
- Another member stated that the discussion is more about whether someone has the right to own a certain type of business. It’s a highly regulated law. They don’t see the point in something being legal and we say that Champaign County isn’t open for business.

Generally opposed to allowing adult use cannabis related businesses:

- One member did not want to see recreational cannabis businesses come into small towns, with the primary concern being the physical proximity to people under age 21. They suggested seeing how recreational marijuana sales play out in in Champaign-Urbana before deciding on the unincorporated areas.
- Another member stated that hemp growing is going to be done in regular fields. Since our soils are so good, people are afraid it will go over the 0.3 THC limit. Not sure that industrial hemp could be grown in this area. We’re so early in this, we don’t know what it’s going to be, and he is worried about the unintended consequences rather than the fact that we are trying to regulate business. This member was against the proposed amendment based on that.
- Another member said that young people are most impacted by marijuana and cannabis use. They said that our biggest issue is what happens in unincorporated areas where there isn’t a structure in place to regulate. It’s easier to control if we don’t allow it in the first place.

At the November 21, 2019 County Board meeting, there was much debate regarding the cannabis prohibition ordinance, which the Board ultimately chose not to approve. A compromise was eventually proposed that would prohibit cannabis related uses within 1.5 miles of municipalities that did not also allow cannabis related uses, and also prohibit cannabis related uses from being near unincorporated settlements such as Penfield and Seymour. The compromise was also proposed to require similar requirements as required by those municipalities that already allowed cannabis uses, reasoning that such municipalities had already gained experience with such uses. The Board referred the topic back to ELUC for further consideration.

At the January 9, 2020, ELUC meeting, John Hall returned with the same pair of proposals that is now before the ZBA. ELUC members unanimously approved sending both proposed amendments to the ZBA. The following is a summary of comments from ELUC members from the January 9, 2020 meeting:

Generally in favor of Option A: within 1.5 miles of Champaign-Urbana only

- One member said that it bothers them that the craft grower use is undefined, where we know what a cultivation center is. They are concerned that we are going to over-produce and have an oversupply. They felt that Option A would be a good place to start and then maybe, if needed, we can come back and re-visit it and make changes in the future.
- Another member supports Option A more than Option B, but could live with Option B. They said that if there was a grow center out in County, appropriately zoned, it would be OK. As far as the special use permit, they support keeping that at the County Board level.
- Another member would be able to, very hesitantly, vote for Option A. They said that with Option B, it concerns them that it could come into the unincorporated areas when the communities don't want that type of business. They have been contacted by people saying they don't want it. They would like to slow down and slowly go into this, but could support sending both options to the ZBA.

Generally in favor of Option B: alternative transporter, cultivation center, and craft grower

- One member said Option B would be more of a compromise that was suggested at the County Board meeting, and favored keeping the Special Use Permit in Option B at the County Board level.
- Another member said that they support Option B more than Option A at this point, but it just makes sense to send them both to ZBA now.
- Another member said that they don't think the County should limit anyone's ability to grow cannabis if it's done within the county zoning, and doesn't think we should limit access to economic development around this.

REQUESTED ACTION BY THE ZBA

Case 972-AT-20 only authorizes cannabis businesses within the 1.5-mile extraterritorial jurisdiction of a home rule municipality with a population of 20,000 or more (i.e. Champaign and Urbana).

Case 973-AT-20 is an alternative version for the Transporter, Cultivation Center, and Craft Grower uses that authorizes these types of 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.

The ZBA is being asked to make a recommendation of approval or denial for both cases so that ELUC and the County Board can consider both proposed amendments. The Board can always recommend changes to either option before making its recommendations. The Board could forward both amendments to ELUC with a recommendation for denial, but this would effectively countermand the County Board's decision to deny the prohibition of cannabis uses at their November 21, 2019 meeting.

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

MATERIALS AVAILABLE ONLINE

http://www.co.champaign.il.us/CountyBoard/meetings_ZBA.php

* Full version of the Cannabis Regulation and Tax Act (PA 101-0027)

White paper: *Recreational Cannabis in Illinois Counties: The Cannabis Regulation and Tax Act*, dated July 31, 2019

**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

Champaign County
Department of

**PLANNING &
ZONING**

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

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

TO: **Environment and Land Use Committee**

FROM: **John Hall, Zoning Administrator**

DATE: **December 23, 2019**

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

BACKGROUND

The Committee reviewed both a proposed Zoning Ordinance text amendment pursuant to the Cannabis Regulation and Tax Act (CRTA; Public Act 101-0027) and a proposed cannabis prohibition ordinance at their November 5, 2019, meeting and forwarded the prohibition ordinance to the County Board. After extensive debate the County Board chose not to approve the prohibition ordinance and referred the issue back to ELUC.

REVISED PROPOSED AMENDMENT

A revised Zoning Ordinance text amendment is attached. The revisions are based on the discussion at the 11/21/19 County Board meeting. Key considerations and questions about the amendment are the following:

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).
3. The basic proposed amendment only authorizes cannabis uses within 1.5 miles of Champaign and Urbana which are each a “home rule municipality with more than 20,000 population”. Note that the amendment distinguishes between “home rule municipalities with more than 20,000 population” (the Cities of Champaign and Urbana, who both allow sales of cannabis) and “home rule municipality with a population less than 20,000” (the Village of Rantoul that does not allow cannabis).
4. 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 Act but Urbana has additional requirements and those requirements are proposed to be requirements that must be met in the Urbana ETJ area.
5. The proposed amendment follows the relevant municipal requirements regarding consumption of cannabis. Neither Champaign nor Urbana currently allow onsite consumption of cannabis at Dispensaries.
6. The proposed amendment proposes more restrictive requirements than corresponding municipal requirements in the case of Cultivation Center and/or Craft Grower that are proposed to be located 300 feet or less from an existing residence or an existing residentially zoned lot. The proposed amendment requires a County Board approved Special Use Permit similar to the City of

Urbana requirements but the proposed amendment requires that County Board approved Special Use Permit even within the City of Champaign ETJ Area and in the rural area under the alternative scheme. This Special Use Permit could be downgraded to a Zoning Board of Appeals Special Use Permit and it could be limited to only the City of Urbana ETJ Area.

7. 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.
8. As much as possible the draft amendment provides guidance on what accessory uses may be and what is required for those accessory uses to be in compliance with local zoning. For example, Cultivation Centers are allowed to also do processing, infusing, and transporting of cannabis that is grown onsite.
9. The proposed amendment also specifies that a Transporter may be a home occupation provided the use complies with the relevant home occupation standards.
10. There are two alternatives regarding Transporters, Cultivation Centers and Craft Growers vis-à-vis the AG-1 District:
 - Attachment A is the basic amendment and only authorizes cannabis businesses within the 1.5 mile extraterritorial jurisdiction of a home rule municipality with a population of 20,000 or more (ie, Champaign and Urbana).
 - Attachment B is an alternative version for Transporter, Cultivation Center, and Craft Grower that authorizes these types of 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. This creates many more opportunities at the risk of allowing these uses to convert more best prime farmland.

REVIEW BY STATE'S ATTORNEY'S OFFICE

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).

ATTACHMENTS

- A Proposed Amendment
- B Alternative Transporter, Cultivation Center, and Craft Grower

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. Add the following uses to Section 5.2 Table of Authorized Principal Uses:

- a. Add “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:

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- (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.
- b. Add “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.
- c. Add “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.
- d. Add “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.
- e. Add “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.
- f. Add “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.

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- (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.

Note: Changes to text from Attachment B version are shown in strike-out for deletion and underlining for new text.

- b. Add “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.
- e. Add “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.
- f. Add “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.

Case 972-AT-20	Case 973-AT-20
<p>1. Add the following definitions to Section 3 Definitions:</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>	<p>1. Add the following definitions to Section 3 Definitions:</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>

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. Add the following uses to Section 5.2 Table of Authorized Principal Uses:

- a. Add “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.

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. Add the following uses to Section 5.2 Table of Authorized Principal Uses:

- a. Add “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.

<p>(3) May share a PREMISES with a CRAFT GROWER in the B-4 District without a SPECIAL USE Permit.</p> <p>(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.</p> <p>(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.</p> <p>b. Add “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:</p> <p>(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.</p>	<p>(3) May share a PREMISES with a CRAFT GROWER in the B-4 District without a SPECIAL USE Permit.</p> <p>(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.</p> <p>(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.</p> <p>b. Add “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:</p> <p>(1) <u>Shall not be located less than 1.5 miles from a non-home rule municipality.</u></p> <p>(2) <u>Shall not be located less than 1.5 miles from a home rule municipality with a population less than 20,000.</u></p> <p>(3) <u>Shall not be located less than 1.5 miles from any residential zoning district that is located outside of the 1.5-mile</u></p>
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<p>c. Add “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:</p> <p>(1) May share a PREMISES with a CRAFT GROWER in the I-2 District without a SPECIAL USE Permit.</p> <p>(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.</p> <p>d. Add “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:</p> <p>(1) May share a PREMISES with a CRAFT GROWER in the I-2 District without a SPECIAL USE Permit.</p> <p>(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</p>	<p><u>extraterritorial jurisdiction of a home rule municipality with a population of 20,000 or more.</u></p> <p>(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.</p> <p>c. Add “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:</p> <p>(1) May share a PREMISES with a CRAFT GROWER in the I-2 District without a SPECIAL USE Permit.</p> <p>(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.</p> <p>d. Add “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:</p> <p>(1) May share a PREMISES with a CRAFT GROWER in the I-2 District without a SPECIAL USE Permit.</p> <p>(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</p>
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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. Add “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.

- e. Add “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

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.

- f. Add “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.

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.
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 - (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.

- (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.

- (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.

LRMP Goals

1 Planning and Public Involvement	Champaign County will attain a system of land resource management planning built on broad public involvement that supports effective decision making by the County.
2 Governmental Coordination	Champaign County will collaboratively formulate land resource and development policy with other units of government in areas of overlapping land use planning jurisdiction.
3 Prosperity	Champaign County will encourage economic growth and development to ensure prosperity for its residents and the region.
4 Agriculture	Champaign County will protect the long term viability of agriculture in Champaign County and its land resource base.
5 Urban Land Use	Champaign County will encourage <i>urban development</i> that is compact and contiguous to existing cities, villages, and existing unincorporated settlements.
6 Public Health and Public Safety	Champaign County will ensure protection of the public health and public safety in land resource management decisions.
7 Transportation	Champaign County will coordinate land use decisions in the unincorporated area with the existing and planned transportation infrastructure and services.
8 Natural Resources	Champaign County will strive to conserve and enhance the County's landscape and natural resources and ensure their sustainable use.
9 Energy Conservation	Champaign County will encourage energy conservation, efficiency, and the use of renewable energy sources.
10 Cultural Amenities	Champaign County will promote the development and preservation of cultural amenities that contribute to a high quality of life for its citizens.

Goal 1 Planning and Public Involvement

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 Objectives

Objective 1.1 Guidance on Land Resource Management Decisions

Champaign County will consult the Champaign County Land Resource Management Plan (LRMP) that formally establishes County land resource management policies and serves as an important source of guidance for the making of County land resource management decisions.

Objective 1.2 Updating Officials

Champaign County will annually update County Board members with regard to land resource management conditions within the County.

Objective 1.3 Incremental Updates

Champaign County will update the LRMP, incrementally, on an annual or biannual basis to make minor changes to the LRMP or to adjust boundaries of LRMP Future Land Use Map areas to reflect current conditions, (e.g., Contiguous Urban Growth Area, or Rural Residential Area).

Objective 1.4 Comprehensive Updates

Champaign County will comprehensively update the LRMP at a regular interval of no more than 15 or less than 10 years, to allow for the utilization of available updated census data and other information.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

Goal 1 Objectives and Policies

Objective 1.1 Guidance on Land Resource Management Decisions

Champaign County will consult the LRMP that formally establishes County land resource management policies and serves as an important source of guidance for the making of County land resource management decisions.

Objective 1.2 Updating Officials

Champaign County will annually update County Board members with regard to land resource management conditions within the County.

Policy 1.2.1

County planning staff will provide an annual update to County Board members with regard to land resource management conditions within the County.

Objective 1.3 Incremental Updates

Champaign County will update the LRMP, incrementally, on an annual or biannual basis to make minor changes to the LRMP or to adjust boundaries of LRMP Future Land Use Map areas to reflect current conditions, (e.g., Contiguous Urban Growth Area, or Rural Residential Area).

Policy 1.3.1

ELUC will recommend minor changes to the LRMP after an appropriate opportunity for public input is made available.

Objective 1.4 Comprehensive Updates

Champaign County will comprehensively update the LRMP at a regular interval of no more than 15 or less than 10 years, to allow for the utilization of available updated census data and other information.

Policy 1.4.1

A Steering Committee that is broadly representative of the constituencies in the County but weighted towards the unincorporated area will oversee comprehensive updates of the LRMP.

Policy 1.4.2

The County will provide opportunities for public input throughout any comprehensive update of the LRMP.

Goal 2 Governmental Coordination

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 Objectives

Objective 2.1 Local and Regional Coordination

Champaign County will coordinate land resource management planning with all County jurisdictions and, to the extent possible, in the larger region.

Objective 2.2 Information Sharing

Champaign County will work cooperatively with other units of government to ensure that the Geographic Information Systems Consortium and Regional Planning Commission have the resources to effectively discharge their responsibilities to develop, maintain and share commonly used land resource management data between local jurisdictions and County agencies that will help support land use decisions.

Goal 2 Objectives and Policies

Objective 2.1 Local and Regional Coordination

Champaign County will coordinate land resource management planning with all County jurisdictions and, to the extent possible, in the larger region.

Policy 2.1.1

The County will maintain an inventory through the LRMP, of contiguous urban growth areas where connected sanitary service is already available or is planned to be made available by a public sanitary sewer service plan, and development is intended to occur upon annexation.

Policy 2.1.2

The County will continue to work to seek a county-wide arrangement that respects and coordinates the interests of all jurisdictions and that provides for the logical extension of municipal land use jurisdiction by annexation agreements.

Policy 2.1.3

The County will encourage municipal adoption of plan and ordinance elements which reflect mutually consistent (County and municipality) approach to the protection of best prime farmland and other natural, historic, or cultural resources.

Objective 2.2 Information Sharing

Champaign County will work cooperatively with other units of government to ensure that the Geographic Information Systems Consortium and Regional Planning Commission have the resources to effectively discharge their responsibilities to develop, maintain and share commonly used land resource management data between local jurisdictions and County agencies that will help support land use decisions.

Goal 3 Prosperity

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

Goal 3 Objectives

Objective 3.1 Business Climate

Champaign County will seek to ensure that it maintains comparable tax rates and fees, and a favorable business climate relative to similar counties.

Objective 3.2 Efficient County Administration

Champaign County will ensure that its regulations are administrated efficiently and do not impose undue costs or delays on persons seeking permits or other approvals.

Objective 3.3 County Economic Development Policy

Champaign County will maintain an updated Champaign County Economic Development Policy that is coordinated with and supportive of the LRMP.

Goal 4 Agriculture

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

Goal 4 Objectives

Objective 4.1 Agricultural Land Fragmentation and Conservation

Champaign County will strive to minimize the fragmentation of the County's agricultural land base and conserve farmland, generally applying more stringent development standards on best prime farmland.

Objective 4.2 Development Conflicts with Agricultural Operations

Champaign County will require that each *discretionary review* development will not interfere with agricultural operations.

Objective 4.3 Site Suitability for Discretionary Review Development

Champaign County will require that each *discretionary review* development is located on a suitable site.

Objective 4.4 Regulations for Rural Residential Discretionary Review

Champaign County will update County regulations that pertain to rural residential *discretionary review* developments to best provide for site specific conditions by 2010.

Objective 4.5 LESA Site Assessment Review and Updates

By the year 2012, Champaign County will review the Site Assessment portion of the Champaign County Land Evaluation and Site Assessment System (LESA) for possible updates; thereafter, the County will periodically review the site assessment portion of LESA for potential updates at least once every 10 years.

Objective 4.6 Protecting Productive Farmland

Champaign County will seek means to encourage and protect productive farmland within the County.

Objective 4.7 Right to Farm Resolution

Champaign County affirms County Resolution 3425 pertaining to the right to farm in Champaign County.

Objective 4.8 Locally Grown Foods

Champaign County acknowledges the importance of and encourages the production, purchase, and consumption of locally grown food.

Objective 4.9 Landscape Character

Champaign County will seek to preserve the landscape character of the agricultural and *rural* areas of the County, and, at the same time, allow for potential *discretionary development* that supports agriculture or involves a product or service that is provided better in a *rural* area.

Goal 4 Objectives and Policies

Objective 4.1 Agricultural Land Fragmentation and Conservation

Champaign County will strive to minimize the fragmentation of the County's agricultural land base and conserve farmland, generally applying more stringent development standards on *best prime farmland*.

Policy 4.1.1

Commercial agriculture is the highest and best use of land in the areas of Champaign County that are by virtue of topography, soil and drainage, suited to its pursuit. The County will not accommodate other land uses except under very restricted conditions or in areas of less productive soils.

Policy 4.1.2

The County will guarantee all landowners a *by right development* allowance to establish a non-agricultural use, provided that public health, safety and site development regulations (e.g., floodplain and zoning regulations) are met.

Policy 4.1.3

The *by right development* allowance is intended to ensure legitimate economic use of all property. The County understands that continued agricultural use alone constitutes a reasonable economic use of *best prime farmland* and the *by right development* allowance alone does not require accommodating non-farm development beyond the *by right development* allowance on such land.

Policy 4.1.4 The County will guarantee landowners of one or more lawfully created lots that are recorded or lawfully conveyed and are considered a *good zoning lot* (i.e., a lot that meets County zoning requirements in effect at the time the lot is created) the *by right development* allowance to establish a new single family dwelling or non-agricultural land use on each such lot, provided that current public health, safety and transportation standards are met.

Policy 4.1.5

- a. The County will allow landowner *by right development* that is generally proportionate to tract size, created from the January 1, 1998 configuration of tracts on lots that are greater than five acres in area, with:
 - 1 new lot allowed per parcel less than 40 acres in area;
 - 2 new lots allowed per parcel 40 acres or greater in area provided that the total amount of acreage of *best prime farmland* for new *by right* lots does not exceed three acres per 40 acres; and
 - 1 authorized land use allowed on each vacant *good zoning lot* provided that public health and safety standards are met.
- b. The County will not allow further division of parcels that are 5 acres or less in size.

Policy 4.1.6

Provided that the use, design, site and location are consistent with County policies regarding:

- i. suitability of the site for the proposed use;
 - ii. adequacy of infrastructure and public services for the proposed use;
 - iii. minimizing conflict with agriculture;
 - iv. minimizing the conversion of farmland; and
 - v. minimizing the disturbance of natural areas, then,
- a. on *best prime farmland*, the County may authorize discretionary residential development subject to a limit on total acres converted which is generally proportionate to tract size and is based on the January 1, 1998 configuration of tracts, with the total amount of acreage converted to residential use (inclusive of *by-right development*) not to exceed three acres plus three acres per each 40 acres (including any existing right-of-way), but not to exceed 12 acres in total; or
 - b. on *best prime farmland*, the County may authorize non-residential *discretionary development*; or
 - c. the County may authorize *discretionary review* development on tracts consisting of other than *best prime farmland*.

Policy 4.1.7

To minimize the conversion of *best prime farmland*, the County will require a maximum lot size limit on new lots established as *by right development* on *best prime farmland*.

Policy 4.1.8

The County will consider the LESA rating for farmland protection when making land use decisions regarding a *discretionary development*.

Policy 4.1.9

The County will set a minimum lot size standard for a farm residence on land used for agricultural purposes.

Objective 4.2 Development Conflicts with Agricultural Operations

Champaign County will require that each *discretionary review* development will not interfere with agricultural operations.

Policy 4.2.1

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.

Policy 4.2.2

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.

Policy 4.2.3

The County will require that each proposed *discretionary development* explicitly recognize and provide for the right of agricultural activities to continue on adjacent land.

Policy 4.2.4

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.

Objective 4.3 Site Suitability for Discretionary Review Development

Champaign County will require that each *discretionary review* development is located on a suitable site.

Policy 4.3.1

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.

Policy 4.3.2

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.

Policy 4.3.3

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.

Policy 4.3.4

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.

Policy 4.3.5

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.

Objective 4.4 Regulations for Rural Residential Discretionary Review

Champaign County will update County regulations that pertain to *rural* residential *discretionary review* developments to best provide for site specific conditions by 2010.

Objective 4.5 LESA Site Assessment Review and Updates

By the year 2012, Champaign County will review the Site Assessment portion of the LESA for possible updates; thereafter, the County will periodically review the site assessment portion of LESA for potential updates at least once every 10 years.

Objective 4.6 Protecting Productive Farmland

Champaign County will seek means to encourage and protect productive farmland within the County.

Policy 4.6.1

The County will utilize, as may be feasible, tools that allow farmers to permanently preserve farmland.

Policy 4.6.2

The County will support legislation that promotes the conservation of agricultural land and related natural resources in Champaign County provided that legislation proposed is consistent with County policies and ordinances, including those with regard to landowners' interests.

Policy 4.6.3

The County will implement the agricultural purposes exemption, subject to applicable statutory and constitutional restrictions, so that all full- and part-time farmers and retired farmers will be assured of receiving the benefits of the agricultural exemption even if some non-farmers receive the same benefits.

Objective 4.7 Right to Farm Resolution

Champaign County affirms County Resolution 3425 pertaining to the right to farm in Champaign County.

Objective 4.8 Locally Grown Foods

Champaign County acknowledges the importance of and encourages the production, purchase, and consumption of locally grown food.

Objective 4.9 Landscape Character

Champaign County will seek to preserve the landscape character of the agricultural and *rural* areas of the County, and, at the same time, allow for potential *discretionary development* that supports agriculture or involves a product or service that is provided better in a *rural* area.

Policy 4.9.1

The County will develop and adopt standards to manage the visual and physical characteristics of *discretionary development* in *rural* areas of the County.

Goal 5 Urban Land Use

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

Goal 5 Objectives**Objective 5.1** Population Growth and Economic Development

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.

Objective 5.2 Natural Resources Stewardship

When new *urban development* is proposed, Champaign County will encourage that such development demonstrates good stewardship of natural resources.

Objective 5.3 Adequate Public Infrastructure and Services

Champaign County will oppose proposed new *urban development* unless adequate utilities, infrastructure, and *public services* are provided.

Goal 5 Objectives and Policies

Objective 5.1 Population Growth and Economic Development

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.

Policy 5.1.1

The County will encourage new *urban development* to occur within the boundaries of incorporated municipalities.

Policy 5.1.2

- a. The County will encourage that only compact and contiguous *discretionary development* occur within or adjacent to existing villages that have not yet adopted a municipal comprehensive land use plan.
- b. The County will require that only compact and contiguous *discretionary development* occur within or adjacent to existing unincorporated settlements.

Policy 5.1.3

The County will consider municipal extra-territorial jurisdiction areas that are currently served by or that are planned to be served by an available public sanitary sewer service plan as contiguous urban growth areas which should develop in conformance with the relevant municipal comprehensive plans. Such areas are identified on the Future Land Use Map.

Policy 5.1.4

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.

Policy 5.1.5

The County will encourage *urban development* to explicitly recognize and provide for the right of agricultural activities to continue on adjacent land.

Policy 5.1.6

To reduce the occurrence of agricultural land use and non-agricultural land use nuisance conflicts, the County will encourage and, when deemed necessary, will require discretionary development to create a sufficient buffer between existing agricultural operations and the proposed *urban development*.

Policy 5.1.7

The County will oppose new *urban development* or development authorized pursuant to a municipal annexation agreement that is located more than one and one half miles from a municipality's corporate limit unless the Champaign County Board determines that the development is otherwise consistent with the LRMP, and that such extraordinary exercise of extra-territorial jurisdiction is in the interest of the County as a whole.

Policy 5.1.8

The County will support legislative initiatives or intergovernmental agreements which specify that property subject to annexation agreements will continue to be under the ordinances, control, and jurisdiction of the County until such time that the property is actually annexed, except that within 1-1/2 miles of the corporate limit of a municipality with an adopted comprehensive land use plan, the subdivision ordinance of the municipality shall apply.

Policy 5.1.9

The County will encourage any new *discretionary development* that is located within municipal extra-territorial jurisdiction areas and subject to an annexation agreement (but which is expected to remain in the unincorporated area) to undergo a coordinated municipal and County review process, with the municipality considering any

discretionary development approval from the County that would otherwise be necessary without the annexation agreement.

Objective 5.2 Natural Resources Stewardship

When new *urban development* is proposed, Champaign County will encourage that such development demonstrates good stewardship of natural resources.

Policy 5.2.1

The County will encourage the reuse and redevelopment of older and vacant properties within *urban land* when feasible.

Policy 5.2 2

The County will:

- a. ensure that *urban development* proposed on *best prime farmland* is efficiently designed in order to avoid unnecessary conversion of such farmland; and
- b. encourage, when possible, other jurisdictions to ensure that *urban development* proposed on *best prime farmland* is efficiently designed in order to avoid unnecessary conversion of such farmland.

Policy 5.2.3

The County will:

- a. require that proposed new *urban development* results in no more than minimal disturbance to areas with significant natural environmental quality; and
- b. encourage, when possible, other jurisdictions to require that proposed new *urban development* results in no more than minimal disturbance to areas with significant natural environmental quality.

Objective 5.3 Adequate Public Infrastructure and Services

Champaign County will oppose proposed new *urban development* unless adequate utilities, infrastructure, and *public services* are provided.

Policy 5.3.1

The County will:

- a. require that proposed new *urban development* in unincorporated areas is sufficiently served by available *public services* and without undue public expense; and
- b. encourage, when possible, other jurisdictions to require that proposed new *urban development* is sufficiently served by available *public services* and without undue public expense.

Policy 5.3.2

The County will:

- a. require that proposed new *urban development*, with proposed improvements, will be adequately served by *public infrastructure*, and that related needed improvements to *public infrastructure* are made without undue public expense; and
- b. encourage, when possible, other jurisdictions to require that proposed new *urban development*, with proposed improvements, will be adequately served by *public infrastructure*, and that related needed improvements to *public infrastructure* are made without undue public expense.

Policy 5.3.3

The County will encourage a regional cooperative approach to identifying and assessing the incremental costs of public utilities and services imposed by new development.

Goal 6 Public Health and Public Safety

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

Goal 6 Objectives

Objective 6.1 Protect Public Health and Safety

Champaign County will seek to ensure that *rural* development does not endanger public health or safety.

Objective 6.2 Public Assembly Land Uses

Champaign County will seek to ensure that public assembly, dependent population, and multifamily land uses provide safe and secure environments for their occupants.

Objective 6.3 Development Standards

Champaign County will seek to ensure that all new non-agricultural construction in the unincorporated area will comply with a building code by 2015.

Objective 6.4 Countywide Waste Management Plan

Champaign County will develop an updated Champaign County Waste Management Plan by 2015 to address the re-use, recycling, and safe disposal of wastes including: landscape waste; agricultural waste; construction/demolition debris; hazardous waste; medical waste; and municipal solid waste.

Goal 6 Objectives and Policies

Objective 6.1 Protect Public Health and Safety

Champaign County will seek to ensure that development in unincorporated areas of the County does not endanger public health or safety.

Policy 6.1.1

The County will establish minimum lot location and dimension requirements for all new *rural* residential development that provide ample and appropriate areas for onsite wastewater and septic systems.

Policy 6.1.2

The County will ensure that the proposed wastewater disposal and treatment systems of *discretionary development* will not endanger public health, create nuisance conditions for adjacent uses, or negatively impact surface or groundwater quality.

Policy 6.1.3

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.

Policy 6.1.4

The County will seek to abate blight and to prevent and rectify improper dumping.

Objective 6.2 Public Assembly Land Uses

Champaign County will seek to ensure that public assembly, dependent population, and multifamily land uses provide safe and secure environments for their occupants.

Policy 6.2.1

The County will require public assembly, dependent population, and multifamily premises built, significantly renovated, or established after 2010 to comply with the Office of State Fire Marshal life safety regulations or equivalent.

Policy 6.2.2

The County will require Champaign County Liquor Licensee premises to comply with the Office of State Fire Marshal life safety regulations or equivalent by 2015.

Policy 6.2.3

The County will require Champaign County Recreation and Entertainment Licensee premises to comply with the Office of State Fire Marshal life safety regulations or equivalent by 2015.

Objective 6.3 Development Standards

Champaign County will seek to ensure that all new non-agricultural construction in the unincorporated area will comply with a building code by 2015.

Objective 6.4 Countywide Waste Management Plan

Champaign County will develop an updated Champaign County Waste Management Plan by 2015 to address the re-use, recycling, and safe disposal of wastes including: landscape waste; agricultural waste; construction/demolition debris; hazardous waste; medical waste; and municipal solid waste.

Goal 7 Transportation

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

Goal 7 Objectives**Objective 7.1 Traffic Impact Analyses**

Champaign County will consider traffic impact in all land use decisions and coordinate efforts with other agencies when warranted.

Objective 7.2 Countywide Transportation System

Champaign County will strive to attain a countywide transportation network including a variety of transportation modes which will provide rapid, safe, and economical movement of people and goods.

Goal 7 Objectives and Policies**Objective 7.1 Traffic Impact Analyses**

Champaign County will consider traffic impact in all land use decisions and coordinate efforts with other agencies when warranted.

Policy 7.1.1

The County will include traffic impact analyses in *discretionary review* development proposals with significant traffic generation.

Objective 7.2 Countywide Transportation System

Champaign County will strive to attain a countywide transportation network including a variety of transportation modes which will provide rapid, safe, and economical movement of people and goods.

Policy 7.2.1

The County will encourage development of a multi-jurisdictional countywide transportation plan that is consistent with the LRMP.

Policy 7.2.2

The County will encourage the maintenance and improvement of existing County railroad system lines and services.

Policy 7.2.3

The County will encourage the maintenance and improvement of the existing County road system, considering fiscal constraints, in order to promote agricultural production and marketing.

Policy 7.2.4

The County will seek to implement the County's Greenways and Trails Plan.

Policy 7.2.5

The County will seek to prevent establishment of incompatible *discretionary development* in areas exposed to noise and hazards of vehicular, aircraft and rail transport.

Policy 7.2.6

The County will seek to protect *public infrastructure* elements which exhibit unique scenic, cultural, or historic qualities.

Goal 8 Natural Resources

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

Goal 8 Objectives**Objective 8.1 Groundwater Quality and Availability**

Champaign County will strive to ensure adequate and safe supplies of groundwater at reasonable cost for both human and ecological purposes.

Objective 8.2 Soil

Champaign County will strive to conserve its soil resources to provide the greatest benefit to current and future generations.

Objective 8.3 Underground Mineral and Energy Resource Extraction

Champaign County will work to ensure future access to its underground mineral and energy resources and to ensure that their extraction does not create nuisances or detract from the long-term beneficial use of the affected property.

Objective 8.4 Surface Water Protection

Champaign County will work to ensure that new development and ongoing land management practices maintain and improve surface water quality, contribute to stream channel stability, and minimize erosion and sedimentation.

Objective 8.5 Aquatic and Riparian Ecosystems

Champaign County will encourage the maintenance and enhancement of aquatic and riparian habitats.

Objective 8.6 Natural Areas and Habitat

Champaign County will encourage resource management which avoids loss or degradation of areas representative of the *pre-settlement environment* and other areas that provide habitat for native and game species.

Objective 8.7 Parks and Preserves

Champaign County will work to protect existing investments in *rural* parkland and natural area preserves and will encourage the establishment of new public *parks and preserves* and protected private lands.

Objective 8.8 Air Pollutants

Champaign County considers the atmosphere a valuable resource and will seek to minimize harmful impacts to it and work to prevent and reduce the discharge of ozone precursors, acid rain precursors, toxics, dust and aerosols that are harmful to human health.

Objective 8.9 Natural Resources Assessment System

Champaign County will, by the year 2016, adopt a natural resources specific assessment system that provides a technical framework to numerically rank land parcels based on local resource evaluation and site considerations, including: groundwater resources; soil and mineral resources; surface waters; aquatic and riparian ecosystems; natural areas; parks and preserves; known cultural resources; and air quality.

Goal 8 Objectives and Policies**Objective 8.1 Groundwater Quality and Availability**

Champaign County will strive to ensure adequate and safe supplies of groundwater at reasonable cost for both human and ecological purposes.

Policy 8.1.1

The County will not approve *discretionary development* using on-site water wells unless it can be reasonably assured that an adequate supply of water for the proposed use is available without impairing the supply to any existing well user.

Policy 8.1.2

The County will encourage regional cooperation in protecting the quality and availability of groundwater from the Mahomet Aquifer.

Policy 8.1.3

As feasible, the County will seek to ensure that withdrawals from the Mahomet Aquifer and other aquifers do not exceed the long-term sustainable yield of the aquifer including withdrawals under potential drought conditions, particularly for shallow aquifers.

Policy 8.1.4

To the extent that distinct recharge areas are identified for any aquifers, the County will work to prevent development of such areas that would significantly impair recharge to the aquifers.

Policy 8.1.5

To the extent that groundwater in the County is interconnected with surface waters, the County will work to ensure that groundwater contributions to natural surface hydrology are not disrupted by groundwater withdrawals by *discretionary development*.

Policy 8.1.6

The County will encourage the development and refinement of knowledge regarding the geology, hydrology, and other features of the County's groundwater resources.

Policy 8.1.7

The County will ensure that existing and new developments do not pollute the groundwater supply.

Policy 8.1.8

The County will protect community well heads, distinct aquifer recharge areas and other critical areas from potential sources of groundwater pollution.

Policy 8.1.9

The County will work to ensure the remediation of contaminated land or groundwater and the elimination of potential contamination pathways.

Objective 8.2 Soil

Champaign County will strive to conserve its soil resources to provide the greatest benefit to current and future generations.

Policy 8.2.1

The County will strive to minimize the destruction of its soil resources by non-agricultural development and will give special consideration to the protection of *best prime farmland*. *Best prime farmland* is that comprised of soils that have a Relative Value of at least 85 and includes land parcels with mixed soils that have a Land Evaluation score of 85 or greater as defined in the LESA.

Objective 8.3 Underground Mineral and Energy Resource Extraction

Champaign County will work to ensure future access to its underground mineral and energy resources and to ensure that their extraction does not create nuisances or detract from the long-term beneficial use of the affected property.

Policy 8.3.1

The County will allow expansion or establishment of underground mineral and energy resource extraction operations only if:

- a. the operation poses no significant adverse impact to existing land uses;
- b. the operation creates no significant adverse impact to surface water quality or other natural resources; and
- c. provisions are made to fully reclaim the site for a beneficial use.

Objective 8.4 Surface Water Protection

Champaign County will work to ensure that new development and ongoing land management practices maintain and improve surface water quality, contribute to stream channel stability, and minimize erosion and sedimentation.

Policy 8.4.1

The County will incorporate the recommendations of adopted watershed plans in its policies, plans, and investments and in its *discretionary review* of new development.

Policy 8.4.2

The County will require stormwater management designs and practices that provide effective site drainage, protect downstream drainage patterns, minimize impacts on adjacent properties and provide for stream flows that support healthy aquatic ecosystems.

Policy 8.4.3

The County will encourage the implementation of agricultural practices and land management that promotes good drainage while maximizing stormwater infiltration and aquifer recharge.

Policy 8.4.4

The County will ensure that point discharges including those from new development, and including surface discharging on-site wastewater systems, meet or exceed state and federal water quality standards.

Policy 8.4.5

The County will ensure that non-point discharges from new development meet or exceed state and federal water quality standards.

Policy 8.4.6

The County recognizes the importance of the drainage districts in the operation and maintenance of drainage.

Objective 8.5 Aquatic and Riparian Ecosystems

Champaign County will encourage the maintenance and enhancement of aquatic and riparian habitats.

Policy 8.5.1

For *discretionary development*, the County will require land use patterns, site design standards and land management practices that, wherever possible, preserve existing habitat, enhance degraded habitat and restore habitat.

Policy 8.5.2

The County will require in its *discretionary review* that new development cause no more than minimal disturbance to the stream corridor environment.

Policy 8.5.3

The County will encourage the preservation and voluntary restoration of wetlands and a net increase in wetland habitat acreage.

Policy 8.5.4

The County will support efforts to control and eliminate invasive species.

Policy 8.5.5

The County will promote drainage system maintenance practices that provide for effective drainage, promote channel stability, minimize erosion and sedimentation, minimize ditch maintenance costs and, when feasible, support healthy aquatic ecosystems.

Objective 8.6 Natural Areas and Habitat

Champaign County will encourage resource management which avoids loss or degradation of areas representative of the *pre-settlement environment* and other areas that provide habitat for native and game species.

Policy 8.6.1

The County will encourage educational programs to promote sound environmental stewardship practices among private landowners.

Policy 8.6.2

- a. For new development, the County will require land use patterns, site design standards and land management practices to minimize the disturbance of existing areas that provide habitat for native and game species, or to mitigate the impacts of unavoidable disturbance to such areas.
- b. With regard to *by-right development* on *good zoning lots*, or the expansion thereof, the County will not require new zoning regulations to preserve or maintain existing onsite areas that provide habitat for native and game species, or new zoning regulations that require mitigation of impacts of disturbance to such onsite areas.

Policy 8.6.3

For *discretionary development*, the County will use the Illinois Natural Areas Inventory and other scientific sources of information to identify priority areas for protection or which offer the potential for restoration, preservation, or enhancement.

Policy 8.6.4

The County will require implementation of IDNR recommendations for *discretionary development* sites that contain endangered or threatened species, and will seek to ensure that recommended management practices are maintained on such sites.

Policy 8.6.5

The County will continue to allow the reservation and establishment of private and public hunting grounds where conflicts with surrounding land uses can be minimized.

Policy 8.6.6

The County will encourage the purchase, donation, or transfer of development rights and the like, by public and private entities, of significant natural areas and habitat for native and game species for the purpose of preservation.

Objective 8.7 Parks and Preserves

Champaign County will work to protect existing investments in *rural* parkland and natural area preserves and will encourage the establishment of new public parks and preserves and protected private lands.

Policy 8.7.1

The County will require that the location, site design and land management of *discretionary development* minimize disturbance of the natural quality, habitat value and aesthetic character of existing public and private parks and preserves.

Policy 8.7.2

The County will strive to attract alternative funding sources that assist in the establishment and maintenance of parks and preserves in the County.

Policy 8.7.3

The County will require that *discretionary development* provide a reasonable contribution to support development of parks and preserves.

Policy 8.7.4

The County will encourage the establishment of public-private partnerships to conserve woodlands and other significant areas of natural environmental quality in Champaign County.

Policy 8.7.5

The County will implement, where possible, incentives to encourage land development and management practices that preserve, enhance natural areas, wildlife habitat and/or opportunities for hunting and other recreational uses on private land.

Policy 8.7.6

The County will support public outreach and education regarding site-specific natural resource management guidelines that landowners may voluntarily adopt.

Objective 8.8 Air Pollutants

Champaign County considers the atmosphere a valuable resource and will seek to minimize harmful impacts to it and work to prevent and reduce the discharge of ozone precursors, acid rain precursors, toxics, dust and aerosols that are harmful to human health.

Policy 8.8.1 The County will require compliance with all applicable Illinois Environmental Protection Agency and Illinois Pollution Control Board standards for air quality when relevant in *discretionary review* development.

Policy 8.8.2 In reviewing proposed *discretionary development*, the County will identify existing sources of air pollutants and will avoid locating sensitive land uses where occupants will be affected by such discharges.

Objective 8.9 Natural Resources Assessment System

Champaign County will, by the year 2016, adopt a natural resources specific assessment system that provides a technical framework to numerically rank land parcels based on local resource evaluation and site considerations, including: groundwater resources; soil and mineral resources; surface waters; aquatic and riparian ecosystems; natural areas; parks and preserves; known cultural resources; and air quality.

Goal 9 Energy Conservation

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

Goal 9 Objectives

Objective 9.1 Reduce Greenhouse Gases

Champaign County will seek to reduce the discharge of greenhouse gases.

Objective 9.2 Energy Efficient Buildings

Champaign County will encourage energy efficient building design standards.

Objective 9.3 Land Use and Transportation Policies

Champaign County will encourage land use and transportation planning policies that maximize energy conservation and efficiency.

Objective 9.4 Reuse and Recycling

Champaign County will promote efficient resource use and re-use and recycling of potentially recyclable materials.

Objective 9.5 Renewable Energy Sources

Champaign County will encourage the development and use of renewable energy sources where appropriate and compatible with existing land uses.

Goal 9 Objectives and Policies

Objective 9.1 Reduce Greenhouse Gases

Champaign County will seek to reduce the discharge of greenhouse gases.

Policy 9.1.1

The County will promote land use patterns, site design standards and land management practices that minimize the discharge of greenhouse gases.

Policy 9.1.2

The County will promote energy efficient building design standards.

Policy 9.1.3

The County will strive to minimize the discharge of greenhouse gases from its own facilities and operations.

Objective 9.2 Energy Efficient Buildings

Champaign County will encourage energy efficient building design standards.

Policy 9.2.1

The County will enforce the Illinois Energy Efficient Commercial Building Act (20 ILCS 3125/1).

Policy 9.2.2

The County will strive to incorporate and utilize energy efficient building design in its own facilities.

Objective 9.3 Land Use and Transportation Policies

Champaign County will encourage land use and transportation planning policies that maximize energy conservation and efficiency.

Objective 9.4 Reuse and Recycling

Champaign County will promote efficient resource use and re-use and recycling of potentially recyclable materials.

Objective 9.5 Renewable Energy Sources

Champaign County will encourage the development and use of renewable energy sources where appropriate and compatible with existing land uses.

Goal 10 Cultural Amenities

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

Goal 10 Objective

Objective 10.1 Cultural Amenities

Champaign County will encourage the development and maintenance of cultural, educational, recreational, and other amenities that contribute to the quality of life of its citizens.

Goal 10 Objectives and Policy

Objective 10.1 Cultural Amenities

Champaign County will encourage the development and maintenance of cultural, educational, recreational, and other amenities that contribute to the quality of life of its citizens.

Policy 10.1.1

The County will work to identify historic structures, places and landscapes in the County.

area, East Central Illinois nonmetropolitan area, and South Illinois nonmetropolitan area.

"Cannabis" means marijuana, hashish, and other substances that are identified as including any parts of the plant *Cannabis sativa* and including derivatives or subspecies, such as *indica*, of all strains of cannabis, whether growing or not; the seeds thereof, the resin extracted from any part of the plant; and any compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin, including tetrahydrocannabinol (THC) and all other naturally produced cannabinol derivatives, whether produced directly or indirectly by extraction; however, "cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted from it), fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination. "Cannabis" does not include industrial hemp as defined and authorized under the Industrial Hemp Act. "Cannabis" also means concentrate and cannabis-infused products.

"Cannabis business establishment" means a cultivation center, craft grower, processing organization, dispensing organization, or transporting organization.

"Cannabis concentrate" means a product derived from cannabis that is produced by extracting cannabinoids from the

meets certain conditions described in this Act, but does not entitle the recipient to begin purchasing or selling cannabis or cannabis-infused products.

"Conditional Adult Use Cultivation Center License" means a license awarded to top-scoring applicants for an Adult Use Cultivation Center License that reserves the right to an Adult Use Cultivation Center License if the applicant meets certain conditions as determined by the Department of Agriculture by rule, but does not entitle the recipient to begin growing, processing, or selling cannabis or cannabis-infused products.

"Craft grower" means a facility operated by an organization or business that is licensed by the 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. A craft grower may contain up to 5,000 square feet of canopy space on its premises for plants in the flowering state. The Department of Agriculture may authorize an increase or decrease of flowering stage cultivation space in increments of 3,000 square feet by rule based on market need, craft grower capacity, and the licensee's history of compliance or noncompliance, with a maximum space of 14,000 square feet for cultivating plants in the flowering stage, which must be cultivated in all stages of growth in an enclosed and secure area. A craft grower may share premises with a processing organization or a dispensing organization, or both, provided

each licensee stores currency and cannabis or cannabis-infused products in a separate secured vault to which the other licensee does not have access or all licensees sharing a vault share more than 50% of the same ownership.

"Craft grower agent" means a principal officer, board member, employee, or other agent of a craft grower who is 21 years of age or older.

"Craft Grower Agent Identification Card" means a document issued by the Department of Agriculture that identifies a person as a craft grower agent.

"Cultivation center" means a facility operated by an organization or business that is licensed by the Department of Agriculture to cultivate, process, transport (unless otherwise limited by this Act), and perform other necessary activities to provide cannabis and cannabis-infused products to cannabis business establishments.

"Cultivation center agent" means a principal officer, board member, employee, or other agent of a cultivation center who is 21 years of age or older.

"Cultivation Center Agent Identification Card" means a document issued by the Department of Agriculture that identifies a person as a cultivation center agent.

"Currency" means currency and coin of the United States.

"Dispensary" means a facility operated by a dispensing organization at which activities licensed by this Act may occur.

"Dispensing organization" means a facility operated by an organization or business that is licensed by the Department of Financial and Professional Regulation to acquire cannabis from a cultivation center, craft grower, processing organization, or another dispensary for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia, or related supplies under this Act to purchasers or to qualified registered medical cannabis patients and caregivers. As used in this Act, dispensary organization shall include a registered medical cannabis organization as defined in the Compassionate Use of Medical Cannabis Pilot Program Act or its successor Act that has obtained an Early Approval Adult Use Dispensing Organization License.

"Dispensing organization agent" means a principal officer, employee, or agent of a dispensing organization who is 21 years of age or older.

"Dispensing organization agent identification card" means a document issued by the Department of Financial and Professional Regulation that identifies a person as a dispensing organization agent.

"Disproportionately Impacted Area" means a census tract or comparable geographic area that satisfies the following criteria as determined by the Department of Commerce and Economic Opportunity, that:

(1) meets at least one of the following criteria:

(A) the area has a poverty rate of at least 20%

"Early Approval Adult Use Dispensing Organization License" means a license that permits a medical cannabis dispensing organization licensed under the Compassionate Use of Medical Cannabis Pilot Program Act as of the effective date of this Act to begin selling cannabis to purchasers as permitted by this Act as of January 1, 2020.

"Early Approval Adult Use Dispensing Organization at a secondary site" means a license that permits a medical cannabis dispensing organization licensed under the Compassionate Use of Medical Cannabis Pilot Program Act as of the effective date of this Act to begin selling cannabis to purchasers as permitted by this Act on January 1, 2020 at a different dispensary location from its existing registered medical dispensary location.

"Enclosed, locked facility" means a room, greenhouse, building, or other enclosed area equipped with locks or other security devices that permit access only by cannabis business establishment agents working for the licensed cannabis business establishment or acting pursuant to this Act to cultivate, process, store, or distribute cannabis.

"Enclosed, locked space" means a closet, room, greenhouse, building or other enclosed area equipped with locks or other security devices that permit access only by authorized individuals under this Act. "Enclosed, locked space" may include:

- (1) a space within a residential building that (i) is

the primary residence of the individual cultivating 5 or fewer cannabis plants that are more than 5 inches tall and (ii) includes sleeping quarters and indoor plumbing. The space must only be accessible by a key or code that is different from any key or code that can be used to access the residential building from the exterior; or

(2) a structure, such as a shed or greenhouse, that lies on the same plot of land as a residential building that (i) includes sleeping quarters and indoor plumbing and (ii) is used as a primary residence by the person cultivating 5 or fewer cannabis plants that are more than 5 inches tall, such as a shed or greenhouse. The structure must remain locked when it is unoccupied by people.

"Financial institution" has the same meaning as "financial organization" as defined in Section 1501 of the Illinois Income Tax Act, and also includes the holding companies, subsidiaries, and affiliates of such financial organizations.

"Flowering stage" means the stage of cultivation where and when a cannabis plant is cultivated to produce plant material for cannabis products. This includes mature plants as follows:

(1) if greater than 2 stigmas are visible at each internode of the plant; or

(2) if the cannabis plant is in an area that has been intentionally deprived of light for a period of time intended to produce flower buds and induce maturation, from the moment the light deprivation began through the

remainder of the marijuana plant growth cycle.

"Individual" means a natural person.

"Infuser organization" or "infuser" means a facility operated by an organization or business that is licensed by the Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product.

"Kief" means the resinous crystal-like trichomes that are found on cannabis and that are accumulated, resulting in a higher concentration of cannabinoids, untreated by heat or pressure, or extracted using a solvent.

"Labor peace agreement" means an agreement between a cannabis business establishment and any labor organization recognized under the National Labor Relations Act, referred to in this Act as a bona fide labor organization, that prohibits labor organizations and members from engaging in picketing, work stoppages, boycotts, and any other economic interference with the cannabis business establishment. This agreement means that the cannabis business establishment has agreed not to disrupt efforts by the bona fide labor organization to communicate with, and attempt to organize and represent, the cannabis business establishment's employees. The agreement shall provide a bona fide labor organization access at reasonable times to areas in which the cannabis business establishment's employees work, for the purpose of meeting with employees to discuss their right to representation, employment

rights under State law, and terms and conditions of employment. This type of agreement shall not mandate a particular method of election or certification of the bona fide labor organization.

"Limited access area" means a building, room, or other area under the control of a cannabis dispensing organization licensed under this Act and upon the licensed premises with access limited to purchasers, dispensing organization owners and other dispensing organization agents, or service professionals conducting business with the dispensing organization.

"Member of an impacted family" means an individual who has a parent, legal guardian, child, spouse, or dependent, or was a dependent of an individual who, prior to the effective date of this Act, was arrested for, convicted of, or adjudicated delinquent for any offense that is eligible for expungement under this Act.

"Mother plant" means a cannabis plant that is cultivated or maintained for the purpose of generating clones, and that will not be used to produce plant material for sale to an infuser or dispensing organization.

"Ordinary public view" means within the sight line with normal visual range of a person, unassisted by visual aids, from a public street or sidewalk adjacent to real property, or from within an adjacent property.

"Ownership and control" means ownership of at least 51% of the business, including corporate stock if a corporation, and

control over the management and day-to-day operations of the business and an interest in the capital, assets, and profits and losses of the business proportionate to percentage of ownership.

"Person" means a natural individual, firm, partnership, association, joint stock company, joint venture, public or private corporation, limited liability company, or a receiver, executor, trustee, guardian, or other representative appointed by order of any court.

"Possession limit" means the amount of cannabis under Section 10-10 that may be possessed at any one time by a person 21 years of age or older or who is a registered qualifying medical cannabis patient or caregiver under the Compassionate Use of Medical Cannabis Pilot Program Act.

"Principal officer" includes a cannabis business establishment applicant or licensed cannabis business establishment's board member, owner with more than 1% interest of the total cannabis business establishment or more than 5% interest of the total cannabis business establishment of a publicly traded company, president, vice president, secretary, treasurer, partner, officer, member, manager member, or person with a profit sharing, financial interest, or revenue sharing arrangement. The definition includes a person with authority to control the cannabis business establishment, a person who assumes responsibility for the debts of the cannabis business establishment and who is further defined in this Act.

"Primary residence" means a dwelling where a person usually stays or stays more often than other locations. It may be determined by, without limitation, presence, tax filings; address on an Illinois driver's license, an Illinois Identification Card, or an Illinois Person with a Disability Identification Card; or voter registration. No person may have more than one primary residence.

"Processing organization" or "processor" means a facility operated by an organization or business that is licensed by the 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.

"Processing organization agent" means a principal officer, board member, employee, or agent of a processing organization.

"Processing organization agent identification card" means a document issued by the Department of Agriculture that identifies a person as a processing organization agent.

"Purchaser" means a person 21 years of age or older who acquires cannabis for a valuable consideration. "Purchaser" does not include a cardholder under the Compassionate Use of Medical Cannabis Pilot Program Act.

"Qualified Social Equity Applicant" means a Social Equity Applicant who has been awarded a conditional license under this Act to operate a cannabis business establishment.

"Resided" means an individual's primary residence was

eligible for expungement under this Act; or

(ii) is a member of an impacted family;

(3) for applicants with a minimum of 10 full-time employees, an applicant with at least 51% of current employees who:

(i) currently reside in a Disproportionately Impacted Area; or

(ii) have been arrested for, convicted of, or adjudicated delinquent for any offense that is eligible for expungement under this Act or member of an impacted family.

Nothing in this Act shall be construed to preempt or limit the duties of any employer under the Job Opportunities for Qualified Applicants Act. Nothing in this Act shall permit an employer to require an employee to disclose sealed or expunged offenses, unless otherwise required by law.

"Tincture" means a cannabis-infused solution, typically comprised of alcohol, glycerin, or vegetable oils, derived either directly from the cannabis plant or from a processed cannabis extract. A tincture is not an alcoholic liquor as defined in the Liquor Control Act of 1934. A tincture shall include a calibrated dropper or other similar device capable of accurately measuring servings.

"Transporting organization" or "transporter" means an organization or business that is licensed by the Department of Agriculture to transport cannabis on behalf of a cannabis

(3) Transportation of cannabis or cannabis products across state lines is prohibited.

Section 15-70. Operational requirements; prohibitions.

(a) A dispensing organization shall operate in accordance with the representations made in its application and license materials. It shall be in compliance with this Act and rules.

(b) A dispensing organization must include the legal name of the dispensary on the packaging of any cannabis product it sells.

(c) All cannabis, cannabis-infused products, and cannabis seeds must be obtained from an Illinois registered adult use cultivation center, craft grower, infuser, or another dispensary.

(d) Dispensing organizations are prohibited from selling any product containing alcohol except tinctures, which must be limited to containers that are no larger than 100 milliliters.

(e) A dispensing organization shall inspect and count product received by the adult use cultivation center before dispensing it.

(f) A dispensing organization may only accept cannabis deliveries into a restricted access area. Deliveries may not be accepted through the public or limited access areas unless otherwise approved by the Department.

(g) A dispensing organization shall maintain compliance with State and local building, fire, and zoning requirements or

regulations.

(h) A dispensing organization shall submit a list to the Department of the names of all service professionals that will work at the dispensary. The list shall include a description of the type of business or service provided. Changes to the service professional list shall be promptly provided. No service professional shall work in the dispensary until the name is provided to the Department on the service professional list.

(i) A dispensing organization's license allows for a dispensary to be operated only at a single location.

(j) A dispensary may operate between 6 a.m. and 10 p.m. local time.

(k) A dispensing organization must keep all lighting outside and inside the dispensary in good working order and wattage sufficient for security cameras.

(l) A dispensing organization shall ensure that any building or equipment used by a dispensing organization for the storage or sale of cannabis is maintained in a clean and sanitary condition.

(m) The dispensary shall be free from infestation by insects, rodents, or pests.

(n) A dispensing organization shall not:

(1) Produce or manufacture cannabis;

(2) Accept a cannabis product from an adult use cultivation center, craft grower, infuser, dispensing

organization, or transporting organization unless it is pre-packaged and labeled in accordance with this Act and any rules that may be adopted pursuant to this Act;

(3) Obtain cannabis or cannabis-infused products from outside the State of Illinois;

(4) Sell cannabis or cannabis-infused products to a purchaser unless the dispensary organization is licensed under the Compassionate Use of Medical Cannabis Pilot Program, and the individual is registered under the Compassionate Use of Medical Cannabis Pilot Program or the purchaser has been verified to be over the age of 21;

(5) Enter into an exclusive agreement with any adult use cultivation center, craft grower, or infuser. Dispensaries shall provide consumers an assortment of products from various cannabis business establishment licensees such that the inventory available for sale at any dispensary from any single cultivation center, craft grower, processor, or infuser entity shall not be more than 40% of the total inventory available for sale. For the purpose of this subsection, a cultivation center, craft grower, processor, or infuser shall be considered part of the same entity if the licensees share at least one principal officer. The Department may request that a dispensary diversify its products as needed or otherwise discipline a dispensing organization for violating this requirement;

(6) Refuse to conduct business with an adult use cultivation center, craft grower, transporting organization, or infuser that has the ability to properly deliver the product and is permitted by the Department of Agriculture, on the same terms as other adult use cultivation centers, craft growers, infusers, or transporters with whom it is dealing;

(7) Operate drive-through windows;

(8) Allow for the dispensing of cannabis or cannabis-infused products in vending machines;

(9) Transport cannabis to residences or other locations where purchasers may be for delivery;

(10) Enter into agreements to allow persons who are not dispensing organization agents to deliver cannabis or to transport cannabis to purchasers.

(11) Operate a dispensary if its video surveillance equipment is inoperative;

(12) Operate a dispensary if the point-of-sale equipment is inoperative;

(13) Operate a dispensary if the State's cannabis electronic verification system is inoperative;

(14) Have fewer than 2 people working at the dispensary at any time while the dispensary is open;

(15) Be located within 1,500 feet of the property line of a pre-existing dispensing organization;

(16) Sell clones or any other live plant material;

(17) Sell cannabis, cannabis concentrate, or cannabis-infused products in combination or bundled with each other or any other items for one price, and each item of cannabis, concentrate, or cannabis-infused product must be separately identified by quantity and price on the receipt;

(18) Violate any other requirements or prohibitions set by Department rules.

(o) It is unlawful for any person having an Early Approval Adult Use Cannabis Dispensing Organization License, a Conditional Adult Use Cannabis Dispensing Organization, an Adult Use Dispensing Organization License, or a medical cannabis dispensing organization license issued under the Compassionate Use of Medical Cannabis Pilot Program or any officer, associate, member, representative, or agent of such licensee to accept, receive, or borrow money or anything else of value or accept or receive credit (other than merchandising credit in the ordinary course of business for a period not to exceed 30 days) directly or indirectly from any adult use cultivation center, craft grower, infuser, or transporting organization. This includes anything received or borrowed or from any stockholders, officers, agents, or persons connected with an adult use cultivation center, craft grower, infuser, or transporting organization. This also excludes any received or borrowed in exchange for preferential placement by the dispensing organization, including preferential placement on

the dispensing organization's shelves, display cases, or website.

(p) It is unlawful for any person having an Early Approval Adult Use Cannabis Dispensing Organization License, a Conditional Adult Use Cannabis Dispensing Organization, an Adult Use Dispensing Organization License, or a medical cannabis dispensing organization license issued under the Compassionate Use of Medical Cannabis Pilot Program to enter into any contract with any person licensed to cultivate, process, or transport cannabis whereby such dispensary organization agrees not to sell any cannabis cultivated, processed, transported, manufactured, or distributed by any other cultivator, transporter, or infuser, and any provision in any contract violative of this Section shall render the whole of such contract void and no action shall be brought thereon in any court.

Section 15-75. Inventory control system.

(a) A dispensing organization agent-in-charge shall have primary oversight of the dispensing organization's cannabis inventory verification system, and its point-of-sale system. The inventory point-of-sale system shall be real-time, web-based, and accessible by the Department at any time. The point-of-sale system shall track, at a minimum the date of sale, amount, price, and currency.

(b) A dispensing organization shall establish an account

(6) the licensee, principal officer, board member, or person having a financial or voting interest of 5% or greater in the licensee, or the agent is delinquent in filing any required tax returns or paying any amounts owed to the State of Illinois.

Section 20-30. Cultivation center requirements; prohibitions.

(a) The operating documents of a cultivation center shall include procedures for the oversight of the cultivation center a cannabis plant monitoring system including a physical inventory recorded weekly, accurate recordkeeping, and a staffing plan.

(b) A cultivation center shall implement a security plan reviewed by the Department of State Police that includes, but is not limited to: facility access controls, perimeter intrusion detection systems, personnel identification systems, 24-hour surveillance system to monitor the interior and exterior of the cultivation center facility and accessibility to authorized law enforcement, the Department of Public Health where processing takes place, and the Department of Agriculture in real time.

(c) All cultivation of cannabis by a cultivation center must take place in an enclosed, locked facility at the physical address provided to the Department of Agriculture during the licensing process. The cultivation center location shall only

be accessed by the agents working for the cultivation center, the Department of Agriculture staff performing inspections, the Department of Public Health staff performing inspections, local and State law enforcement or other emergency personnel, contractors working on jobs unrelated to cannabis, such as installing or maintaining security devices or performing electrical wiring, transporting organization agents as provided in this Act, individuals in a mentoring or educational program approved by the State, or other individuals as provided by rule.

(d) A cultivation center may not sell or distribute any cannabis or cannabis-infused products to any person other than a dispensing organization, craft grower, infusing organization, transporter, or as otherwise authorized by rule.

(e) A cultivation center may not either directly or indirectly discriminate in price between different dispensing organizations, craft growers, or infuser organizations that are purchasing a like grade, strain, brand, and quality of cannabis or cannabis-infused product. Nothing in this subsection (e) prevents a cultivation centers from pricing cannabis differently based on differences in the cost of manufacturing or processing, the quantities sold, such as volume discounts, or the way the products are delivered.

(f) All cannabis harvested by a cultivation center and intended for distribution to a dispensing organization must be entered into a data collection system, packaged and labeled

under Section 55-21, and placed into a cannabis container for transport. All cannabis harvested by a cultivation center and intended for distribution to a craft grower or infuser organization must be packaged in a labeled cannabis container and entered into a data collection system before transport.

(g) Cultivation centers are subject to random inspections by the Department of Agriculture, the Department of Public Health, local safety or health inspectors, and the Department of State Police.

(h) A cultivation center agent shall notify local law enforcement, the Department of State Police, and the Department of Agriculture within 24 hours of the discovery of any loss or theft. Notification shall be made by phone or in person, or by written or electronic communication.

(i) A cultivation center shall comply with all State and any applicable federal rules and regulations regarding the use of pesticides on cannabis plants.

(j) No person or entity shall hold any legal, equitable, ownership, or beneficial interest, directly or indirectly, of more than 3 cultivation centers licensed under this Article. Further, no person or entity that is employed by, an agent of, has a contract to receive payment in any form from a cultivation center, is a principal officer of a cultivation center, or entity controlled by or affiliated with a principal officer of a cultivation shall hold any legal, equitable, ownership, or beneficial interest, directly or indirectly, in a

cultivation that would result in the person or entity owning or controlling in combination with any cultivation center, principal officer of a cultivation center, or entity controlled or affiliated with a principal officer of a cultivation center by which he, she, or it is employed, is an agent of, or participates in the management of, more than 3 cultivation center licenses.

(k) A cultivation center may not contain more than 210,000 square feet of canopy space for plants in the flowering stage for cultivation of adult use cannabis as provided in this Act.

(l) A cultivation center may process cannabis, cannabis concentrates, and cannabis-infused products.

(m) Beginning July 1, 2020, a cultivation center shall not transport cannabis to a craft grower, dispensing organization, infuser organization, or laboratory licensed under this Act, unless it has obtained a transporting organization license.

(n) It is unlawful for any person having a cultivation center license or any officer, associate, member, representative, or agent of such licensee to offer or deliver money, or anything else of value, directly or indirectly to any person having an Early Approval Adult Use Dispensing Organization License, a Conditional Adult Use Dispensing Organization License, an Adult Use Dispensing Organization License, or a medical cannabis dispensing organization license issued under the Compassionate Use of Medical Cannabis Pilot Program Act, or to any person connected with or in any way

representing, or to any member of the family of, such person holding an Early Approval Adult Use Dispensing Organization License, a Conditional Adult Use Dispensing Organization License, an Adult Use Dispensing Organization License, or a medical cannabis dispensing organization license issued under the Compassionate Use of Medical Cannabis Pilot Program Act, or to any stockholders in any corporation engaged in the retail sale of cannabis, or to any officer, manager, agent, or representative of the Early Approval Adult Use Dispensing Organization License, a Conditional Adult Use Dispensing Organization License, an Adult Use Dispensing Organization License, or a medical cannabis dispensing organization license issued under the Compassionate Use of Medical Cannabis Pilot Program Act to obtain preferential placement within the dispensing organization, including, without limitation, on shelves and in display cases where purchasers can view products, or on the dispensing organization's website.

(o) A cultivation center must comply with any other requirements or prohibitions set by administrative rule of the Department of Agriculture.

Section 20-35. Cultivation center agent identification card.

(a) The Department of Agriculture shall:

(1) establish by rule the information required in an initial application or renewal application for an agent

(2) the applicant would not be in compliance with local zoning rules;

(3) one or more of the prospective principal officers or board members causes a violation of Section 30-20 of this Article;

(4) one or more of the principal officers or board members is under 21 years of age;

(5) the person has submitted an application for a license under this Act that contains false information; or

(6) the licensee; principal officer, board member, or person having a financial or voting interest of 5% or greater in the licensee; or agent is delinquent in filing any required tax returns or paying any amounts owed to the State of Illinois.

Section 30-30. Craft grower requirements; prohibitions.

(a) The operating documents of a craft grower shall include procedures for the oversight of the craft grower, a cannabis plant monitoring system including a physical inventory recorded weekly, accurate recordkeeping, and a staffing plan.

(b) A craft grower shall implement a security plan reviewed by the Department of State Police that includes, but is not limited to: facility access controls, perimeter intrusion detection systems, personnel identification systems, and a 24-hour surveillance system to monitor the interior and exterior of the craft grower facility and that is accessible to

authorized law enforcement and the Department of Agriculture in real time.

(c) All cultivation of cannabis by a craft grower must take place in an enclosed, locked facility at the physical address provided to the Department of Agriculture during the licensing process. The craft grower location shall only be accessed by the agents working for the craft grower, the Department of Agriculture staff performing inspections, the Department of Public Health staff performing inspections, State and local law enforcement or other emergency personnel, contractors working on jobs unrelated to cannabis, such as installing or maintaining security devices or performing electrical wiring, transporting organization agents as provided in this Act, or participants in the incubator program, individuals in a mentoring or educational program approved by the State, or other individuals as provided by rule. However, if a craft grower shares a premises with an infuser or dispensing organization, agents from those other licensees may access the craft grower portion of the premises if that is the location of common bathrooms, lunchrooms, locker rooms, or other areas of the building where work or cultivation of cannabis is not performed. At no time may an infuser or dispensing organization agent perform work at a craft grower without being a registered agent of the craft grower.

(d) A craft grower may not sell or distribute any cannabis to any person other than a cultivation center, a craft grower,

an infuser organization, a dispensing organization, or as otherwise authorized by rule.

(e) A craft grower may not be located in an area zoned for residential use.

(f) A craft grower may not either directly or indirectly discriminate in price between different cannabis business establishments that are purchasing a like grade, strain, brand, and quality of cannabis or cannabis-infused product. Nothing in this subsection (f) prevents a craft grower from pricing cannabis differently based on differences in the cost of manufacturing or processing, the quantities sold, such as volume discounts, or the way the products are delivered.

(g) All cannabis harvested by a craft grower and intended for distribution to a dispensing organization must be entered into a data collection system, packaged and labeled under Section 55-21, and, if distribution is to a dispensing organization that does not share a premises with the dispensing organization receiving the cannabis, placed into a cannabis container for transport. All cannabis harvested by a craft grower and intended for distribution to a cultivation center, to an infuser organization, or to a craft grower with which it does not share a premises, must be packaged in a labeled cannabis container and entered into a data collection system before transport.

(h) Craft growers are subject to random inspections by the Department of Agriculture, local safety or health inspectors,

and the Department of State Police.

(i) A craft grower agent shall notify local law enforcement, the Department of State Police, and the Department of Agriculture within 24 hours of the discovery of any loss or theft. Notification shall be made by phone, in person, or written or electronic communication.

(j) A craft grower shall comply with all State and any applicable federal rules and regulations regarding the use of pesticides.

(k) A craft grower or craft grower agent shall not transport cannabis or cannabis-infused products to any other cannabis business establishment without a transport organization license unless:

(i) If the craft grower is located in a county with a population of 3,000,000 or more, the cannabis business establishment receiving the cannabis is within 2,000 feet of the property line of the craft grower;

(ii) If the craft grower is located in a county with a population of more than 700,000 but fewer than 3,000,000, the cannabis business establishment receiving the cannabis is within 2 miles of the craft grower; or

(iii) If the craft grower is located in a county with a population of fewer than 700,000, the cannabis business establishment receiving the cannabis is within 15 miles of the craft grower.

(l) A craft grower may enter into a contract with a

transporting organization to transport cannabis to a cultivation center, a craft grower, an infuser organization, a dispensing organization, or a laboratory.

(m) No person or entity shall hold any legal, equitable, ownership, or beneficial interest, directly or indirectly, of more than 3 craft grower licenses. Further, no person or entity that is employed by, an agent of, or has a contract to receive payment from or participate in the management of a craft grower, is a principal officer of a craft grower, or entity controlled by or affiliated with a principal officer of a craft grower shall hold any legal, equitable, ownership, or beneficial interest, directly or indirectly, in a craft grower license that would result in the person or entity owning or controlling in combination with any craft grower, principal officer of a craft grower, or entity controlled or affiliated with a principal officer of a craft grower by which he, she, or it is employed, is an agent of, or participates in the management of more than 3 craft grower licenses.

(n) It is unlawful for any person having a craft grower license or any officer, associate, member, representative, or agent of the licensee to offer or deliver money, or anything else of value, directly or indirectly, to any person having an Early Approval Adult Use Dispensing Organization License, a Conditional Adult Use Dispensing Organization License, an Adult Use Dispensing Organization License, or a medical cannabis dispensing organization license issued under the

Compassionate Use of Medical Cannabis Pilot Program Act, or to any person connected with or in any way representing, or to any member of the family of, the person holding an Early Approval Adult Use Dispensing Organization License, a Conditional Adult Use Dispensing Organization License, an Adult Use Dispensing Organization License, or a medical cannabis dispensing organization license issued under the Compassionate Use of Medical Cannabis Pilot Program Act, or to any stockholders in any corporation engaged in the retail sale of cannabis, or to any officer, manager, agent, or representative of the Early Approval Adult Use Dispensing Organization License, a Conditional Adult Use Dispensing Organization License, an Adult Use Dispensing Organization License, or a medical cannabis dispensing organization license issued under the Compassionate Use of Medical Cannabis Pilot Program Act to obtain preferential placement within the dispensing organization, including, without limitation, on shelves and in display cases where purchasers can view products, or on the dispensing organization's website.

(o) A craft grower shall not be located within 1,500 feet of another craft grower or a cultivation center.

(p) A graft grower may process cannabis, cannabis concentrates, and cannabis-infused products.

(q) A craft grower must comply with any other requirements or prohibitions set by administrative rule of the Department of Agriculture.

greater in the licensee; or agent is delinquent in filing any required tax returns or paying any amounts owed to the State of Illinois.

Section 35-25. Infuser organization requirements; prohibitions.

(a) The operating documents of an infuser shall include procedures for the oversight of the infuser, an inventory monitoring system including a physical inventory recorded weekly, accurate recordkeeping, and a staffing plan.

(b) An infuser shall implement a security plan reviewed by the Department of State Police that includes, but is not limited to: facility access controls, perimeter intrusion detection systems, personnel identification systems, and a 24-hour surveillance system to monitor the interior and exterior of the infuser facility and that is accessible to authorized law enforcement, the Department of Public Health, and the Department of Agriculture in real time.

(c) All processing of cannabis by an infuser must take place in an enclosed, locked facility at the physical address provided to the Department of Agriculture during the licensing process. The infuser location shall only be accessed by the agents working for the infuser, the Department of Agriculture staff performing inspections, the Department of Public Health staff performing inspections, State and local law enforcement or other emergency personnel, contractors working on jobs

unrelated to cannabis, such as installing or maintaining security devices or performing electrical wiring, transporting organization agents as provided in this Act, participants in the incubator program, individuals in a mentoring or educational program approved by the State, local safety or health inspectors, or other individuals as provided by rule. However, if an infuser shares a premises with a craft grower or dispensing organization, agents from these other licensees may access the infuser portion of the premises if that is the location of common bathrooms, lunchrooms, locker rooms, or other areas of the building where processing of cannabis is not performed. At no time may a craft grower or dispensing organization agent perform work at an infuser without being a registered agent of the infuser.

(d) An infuser may not sell or distribute any cannabis to any person other than a dispensing organization, or as otherwise authorized by rule.

(e) An infuser may not either directly or indirectly discriminate in price between different cannabis business establishments that are purchasing a like grade, strain, brand, and quality of cannabis or cannabis-infused product. Nothing in this subsection (e) prevents an infuser from pricing cannabis differently based on differences in the cost of manufacturing or processing, the quantities sold, such volume discounts, or the way the products are delivered.

(f) All cannabis infused by an infuser and intended for

distribution to a dispensing organization must be entered into a data collection system, packaged and labeled under Section 55-21, and, if distribution is to a dispensing organization that does not share a premises with the infuser, placed into a cannabis container for transport. All cannabis produced by an infuser and intended for distribution to a cultivation center, infuser organization, or craft grower with which it does not share a premises, must be packaged in a labeled cannabis container and entered into a data collection system before transport.

(g) Infusers are subject to random inspections by the Department of Agriculture, the Department of Public Health, the Department of State Police, and local law enforcement.

(h) An infuser agent shall notify local law enforcement, the Department of State Police, and the Department of Agriculture within 24 hours of the discovery of any loss or theft. Notification shall be made by phone, in person, or by written or electronic communication.

(i) An infuser organization may not be located in an area zoned for residential use.

(j) An infuser or infuser agent shall not transport cannabis or cannabis-infused products to any other cannabis business establishment without a transport organization license unless:

(i) If the infuser is located in a county with a population of 3,000,000 or more, the cannabis business

establishment receiving the cannabis or cannabis-infused product is within 2,000 feet of the property line of the infuser;

(ii) If the infuser is located in a county with a population of more than 700,000 but fewer than 3,000,000, the cannabis business establishment receiving the cannabis or cannabis-infused product is within 2 miles of the infuser; or

(iii) If the infuser is located in a county with a population of fewer than 700,000, the cannabis business establishment receiving the cannabis or cannabis-infused product is within 15 miles of the infuser.

(k) An infuser may enter into a contract with a transporting organization to transport cannabis to a dispensing organization or a laboratory.

(l) An infuser organization may share premises with a craft grower or a dispensing organization, or both, provided each licensee stores currency and cannabis or cannabis-infused products in a separate secured vault to which the other licensee does not have access or all licensees sharing a vault share more than 50% of the same ownership.

(m) It is unlawful for any person or entity having an infuser organization license or any officer, associate, member, representative or agent of such licensee to offer or deliver money, or anything else of value, directly or indirectly to any person having an Early Approval Adult Use

Public Act 101-0027

HB1438 Enrolled

LRB101 04919 JRG 49928 b

Dispensing Organization License, a Conditional Adult Use Dispensing Organization License, an Adult Use Dispensing Organization License, or a medical cannabis dispensing organization license issued under the Compassionate Use of Medical Cannabis Pilot Program Act, or to any person connected with or in any way representing, or to any member of the family of, such person holding an Early Approval Adult Use Dispensing Organization License, a Conditional Adult Use Dispensing Organization License, an Adult Use Dispensing Organization License, or a medical cannabis dispensing organization license issued under the Compassionate Use of Medical Cannabis Pilot Program Act, or to any stockholders in any corporation engaged the retail sales of cannabis, or to any officer, manager, agent, or representative of the Early Approval Adult Use Dispensing Organization License, a Conditional Adult Use Dispensing Organization License, an Adult Use Dispensing Organization License, or a medical cannabis dispensing organization license issued under the Compassionate Use of Medical Cannabis Pilot Program Act to obtain preferential placement within the dispensing organization, including, without limitation, on shelves and in display cases where purchasers can view products, or on the dispensing organization's website.

(n) At no time shall an infuser organization or an infuser agent perform the extraction of cannabis concentrate from cannabis flower.

license under this Act that contains false information; or

(6) the licensee, principal officer, board member, or person having a financial or voting interest of 5% or greater in the licensee is delinquent in filing any required tax returns or paying any amounts owed to the State of Illinois.

Section 40-25. Transporting organization requirements; prohibitions.

(a) The operating documents of a transporting organization shall include procedures for the oversight of the transporter, an inventory monitoring system including a physical inventory recorded weekly, accurate recordkeeping, and a staffing plan.

(b) A transporting organization may not transport cannabis or cannabis-infused products to any person other than a cultivation center, a craft grower, an infuser organization, a dispensing organization, a testing facility, or as otherwise authorized by rule.

(c) All cannabis transported by a transporting organization must be entered into a data collection system and placed into a cannabis container for transport.

(d) Transporters are subject to random inspections by the Department of Agriculture, the Department of Public Health, and the Department of State Police.

(e) A transporting organization agent shall notify local law enforcement, the Department of State Police, and the

Department of Agriculture within 24 hours of the discovery of any loss or theft. Notification shall be made by phone, in person, or by written or electronic communication.

(f) No person under the age of 21 years shall be in a commercial vehicle or trailer transporting cannabis goods.

(g) No person or individual who is not a transporting organization agent shall be in a vehicle while transporting cannabis goods.

(h) Transporters may not use commercial motor vehicles with a weight rating of over 10,001 pounds.

(i) It is unlawful for any person to offer or deliver money, or anything else of value, directly or indirectly, to any of the following persons to obtain preferential placement within the dispensing organization, including, without limitation, on shelves and in display cases where purchasers can view products, or on the dispensing organization's website:

(1) a person having a transporting organization license, or any officer, associate, member, representative, or agent of the licensee;

(2) a person having an Early Applicant Adult Use Dispensing Organization License, an Adult Use Dispensing Organization License, or a medical cannabis dispensing organization license issued under the Compassionate Use of Medical Cannabis Pilot Program Act;

(3) a person connected with or in any way representing, or a member of the family of, a person holding an Early

Applicant Adult Use Dispensing Organization License, an Adult Use Dispensing Organization License, or a medical cannabis dispensing organization license issued under the Compassionate Use of Medical Cannabis Pilot Program Act; or

(4) a stockholder, officer, manager, agent, or representative of a corporation engaged in the retail sale of cannabis, an Early Applicant Adult Use Dispensing Organization License, an Adult Use Dispensing Organization License, or a medical cannabis dispensing organization license issued under the Compassionate Use of Medical Cannabis Pilot Program Act.

(j) A transportation organization agent must keep his or her identification card visible at all times when on the property of a cannabis business establishment and during the transportation of cannabis when acting under his or her duties as a transportation organization agent. During these times, the transporter organization agent must also provide the identification card upon request of any law enforcement officer engaged in his or her official duties.

(k) A copy of the transporting organization's registration and a manifest for the delivery shall be present in any vehicle transporting cannabis.

(l) Cannabis shall be transported so it is not visible or recognizable from outside the vehicle.

(m) A vehicle transporting cannabis must not bear any markings to indicate the vehicle contains cannabis or bear the

name or logo of the cannabis business establishment.

(n) Cannabis must be transported in an enclosed, locked storage compartment that is secured or affixed to the vehicle.

(o) The Department of Agriculture may, by rule, impose any other requirements or prohibitions on the transportation of cannabis.

Section 40-30. Transporting agent identification card.

(a) The Department of Agriculture shall:

(1) establish by rule the information required in an initial application or renewal application for an agent identification card submitted under this Act and the nonrefundable fee to accompany the initial application or renewal application;

(2) verify the information contained in an initial application or renewal application for an agent identification card submitted under this Act and approve or deny an application within 30 days of receiving a completed initial application or renewal application and all supporting documentation required by rule;

(3) issue an agent identification card to a qualifying agent within 15 business days of approving the initial application or renewal application;

(4) enter the license number of the transporting organization where the agent works; and

(5) allow for an electronic initial application and

(o) Labeling, including warning labels, may be modified by rule by the Department of Agriculture.

Section 55-25. Local ordinances. Unless otherwise provided under this Act or otherwise in accordance with State law:

(1) A unit of local government, including a home rule unit or any non-home rule county within the unincorporated territory of the county, may enact reasonable zoning ordinances or resolutions, not in conflict with this Act or rules adopted pursuant to this Act, regulating cannabis business establishments. No unit of local government, including a home rule unit or any non-home rule county within the unincorporated territory of the county, may prohibit home cultivation or unreasonably prohibit use of cannabis authorized by this Act.

(2) A unit of local government, including a home rule unit or any non-home rule county within the unincorporated territory of the county, may enact ordinances or rules not in conflict with this Act or with rules adopted pursuant to this Act governing the time, place, manner, and number of cannabis business establishment operations, including minimum distance limitations between cannabis business establishments and locations it deems sensitive, including colleges and universities, through the use of conditional use permits. A unit of local government, including a home rule unit, may establish civil penalties for violation of

an ordinance or rules governing the time, place, and manner of operation of a cannabis business establishment or a conditional use permit in the jurisdiction of the unit of local government. No unit of local government, including a home rule unit or non-home rule county within an unincorporated territory of the county, may unreasonably restrict the time, place, manner, and number of cannabis business establishment operations authorized by this Act.

(3) A unit of local government, including a home rule unit, or any non-home rule county within the unincorporated territory of the county may regulate the on-premises consumption of cannabis at or in a cannabis business establishment within its jurisdiction in a manner consistent with this Act. A cannabis business establishment or other entity authorized or permitted by a unit of local government to allow on-site consumption shall not be deemed a public place within the meaning of the Smoke Free Illinois Act.

(4) A unit of local government, including a home rule unit or any non-home rule county within the unincorporated territory of the county, may not regulate the activities described in paragraph (1), (2), or (3) in a manner more restrictive than the regulation of those activities by the State under this Act. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units

of powers and functions exercised by the State.

(5) A unit of local government, including a home rule unit or any non-home rule county within the unincorporated territory of the county, may enact ordinances to prohibit or significantly limit a cannabis business establishment's location.

Section 55-28. Restricted cannabis zones.

(a) As used in this Section:

"Legal voter" means a person:

(1) who is duly registered to vote in a municipality with a population of over 500,000;

(2) whose name appears on a poll list compiled by the city board of election commissioners since the last preceding election, regardless of whether the election was a primary, general, or special election;

(3) who, at the relevant time, is a resident of the address at which he or she is registered to vote; and

(4) whose address, at the relevant time, is located in the precinct where such person seeks to circulate or sign a petition under this Section.

As used in the definition of "legal voter", "relevant time" means any time that:

(i) a notice of intent is filed, pursuant to subsection (c) of this Section, to initiate the petition process under this Section;

ORDINANCE NO. 2019-10-059**AN ORDINANCE AMENDING THE URBANA ZONING ORDINANCE
(Cannabis Text Amendment – Plan Case 2385-T-19)**

WHEREAS, the City Council passed Ordinance No. 9293-124 on June 21, 1993, which adopted the 1993 Comprehensive Amendment to replace the 1979 Comprehensive Amendment to the 1950 Zoning Ordinance of the City of Urbana (“City”), which is also known as the Urbana Zoning Ordinance (“Zoning Ordinance”); and

WHEREAS, the State of Illinois enacted the Cannabis Regulation and Tax Act (410 ILCS 705/) on June 25, 2019, making it legal as of January 1, 2020, for all adults 21 and older to possess and consume cannabis for non-medical purposes in the State of Illinois; and

WHEREAS, non-medical, adult use cannabis business uses are not included in the Urbana Zoning Ordinance; and

WHEREAS, the Zoning Administrator has submitted a petition to amend the Zoning Ordinance to add definitions and establish use provisions for non-medical, adult use cannabis businesses the Zoning Ordinance; and

WHEREAS, said petition was presented to the Plan Commission as Plan Case No. 2385-T-19; and

WHEREAS, after due publication in accordance with Section XI-7 of the Zoning Ordinance and Section 11-13-14 of the Illinois Municipal Code (65 ILCS 5/11-13-14), the Plan Commission held public hearings on the petition on September 19, 2019 and October 10, 2019; and

WHEREAS, the Plan Commission voted six ayes to zero nays on October 10, 2019, to forward Plan Case No. 2385-T-19 to the City Council with a recommendation for approval of the proposed amendment; and

WHEREAS, the amendments described herein conform to the goals, objectives and policies of the 2005 Comprehensive Plan as amended from time to time; and

WHEREAS, after due and proper consideration, the City Council finds that amending the Zoning Ordinance as herein provided is in best interests of the residents of the City and is desirable for the welfare of the City’s government and affairs.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Urbana, Illinois, as follows:

Section 1.

The following provisions of the Urbana Zoning Ordinance are hereby amended and as amended shall read as set forth in Ordinance Attachment A, which is attached hereto and incorporated herein by reference:

- A. Article II, "Definitions," Section II-3, "Definitions,"
- B. Article V, "Use Regulations," Section V-13, "Regulations of Medical Cannabis Uses," Table V-1, "Table of Uses."

Section 2.

This Ordinance shall not be construed to affect any suit or proceeding pending in any court, or any rights acquired, or a liability incurred, or any cause or causes of action acquired or existing prior to the effective date of this Ordinance; nor shall any right or remedy of any character be lost, impaired, or affected by this Ordinance.

Section 3.

The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with Section 1-2-4 of the Illinois Municipal Code.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

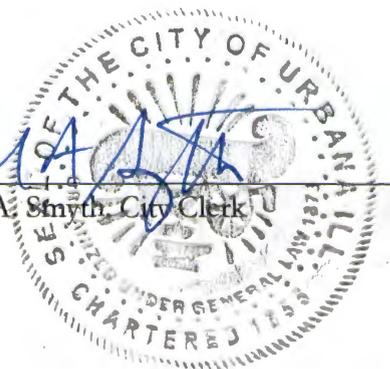
PASSED BY THE CITY COUNCIL this 21st day of October, 2019.

AYES: Brown, Hazen, Hursey, Jakobsson, Miller, Roberts, Wu

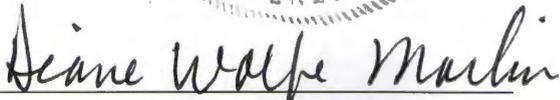
NAYS:

ABSTENTIONS:


 Charles A. Smyth, City Clerk



APPROVED BY THE MAYOR this 22nd day of October, 2019.


 Diane Wolfe Marlin, Mayor

ORDINANCE ATTACHMENT A

Section II-3. Definitions

Cannabis Business: A craft grower, cultivation center, dispensary, infuser, processor or transporter, as defined by the Cannabis Regulation and Tax Act, 410 ILCS 705/ 1-1 *et seq.*, as amended.

Section V-13. Regulation of Cannabis Uses

- A. Medical cannabis uses shall only be allowed in locations that are consistent with the Compassionate Use of Medical Cannabis Program Act (410 ILCS 130/1 *et seq.*, as amended):
1. No medical cannabis cultivation center shall be located or established in a building or structure within 2,500 feet of the property line of a pre-existing public or private preschool or elementary school or secondary school or day care center, day care home, group day care home, part day child care facility, or on any lot in an R-1, R-2, R-3, R-4, R-5, R-6, R-6B, R-7, B-3U or MOR Zoning District. State law reference 410 ILCS 130/105(c).
- B. Cannabis business uses shall only be allowed in locations that are consistent with the Cannabis Regulation and Tax Act, 410 ILCS 705/ 1-1 *et seq.*, as amended, and as follows:
1. No non-medical dispensary shall be located on a parcel whose property line is within 1,500 feet of the property line of a pre-existing non-medical dispensary or within 100 feet of a public or private elementary or secondary school. State law references 410 ILCS 705/15-20(b); 410 ILCS 705/15-70(n)(15).
 2. No craft grower shall be located on a parcel whose property line is within 1,500 feet of the property line of another craft grower or cultivation center. State law reference 410 ILCS 705/30-30(o).
 3. A Special Use Permit is required to establish a cannabis cultivation center or craft grower on a parcel whose property line is within 300 feet of any residentially zoned lot in the City of Urbana, City of Champaign, or Champaign County, or in the B-3U or MOR Zoning District.
 4. Cannabis cultivation centers and craft growers shall mitigate exterior odors by installing air scrubbing and/or air filtration systems, or by some other means approved by the Zoning Administrator.

Table V-1. Table of Uses

Principal Uses	R-1	R-2	R-3	R-4	R-5	R-6	R-6B	R-7	AG	B-1	B-2	B-3	B-3U	B-4	B-4E	CCD	CRE	MOR	IN-1	IN-2
<i>Cannabis Business</i>																				
Craft Grower									S			P	P	P	P				P	P
Cultivation Center (Non-Medical)									S										P	P
Dispensary (Non-Medical)											S	P	P	P	P				P	P
Infuser												P	P*	P*	P				P	P
Processor																			P	P
Transporter																			P	P
<i>Medical Cannabis</i>																				
Medical Cannabis Cultivation									S										S	P
Medical Cannabis Dispensary												P		P					P	

**Use permitted by right when the gross square footage of the use is 3,500 square feet or less per floor, and by conditional use when the gross square footage is greater than 3,500 square feet per floor.*



CERTIFICATE OF PUBLICATION IN PAMPHLET FORM



I, Charles A. Smyth, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois. I certify that on the 21st day of October, 2019 the City Council of the City of Urbana passed and approved Ordinance No. 2019-10-059, entitled:

**AN ORDINANCE AMENDING THE URBANA ZONING ORDINANCE
(CANNABIS TEXT AMENDMENT – PLAN CASE 2385-T-19)**

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2019-10-059 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 22nd day of October, 2019, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

Dated at Urbana, Illinois, this 22nd day of October, 2019.





 Charles A. Smyth, City Clerk

PRELIMINARY DRAFT

972-AT-20

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

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

Date: *{February 27, 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:**
 - 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.**

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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**, 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. The proposed amendment *WILL NOT IMPEDE* the achievement of Goal 3.

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**, 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 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 Preliminary Finding of Fact, Summary Finding of Fact, and Final Determination for Case 972-AT-20 dated February 27, 2020
 - F Preliminary Finding of Fact, Summary Finding of Fact, and Final Determination for Case 973-AT-20 dated February 27, 2020

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> ²³															
<u>ADULT USE CANNABIS TRANSPORTING ORGANIZATION</u> ²⁴			<u>S</u>												
<u>ADULT USE CANNABIS INFUSER ORGANIZATION</u> ²⁵															
<u>ADULT USE CANNABIS PROCESSING ORGANIZATION</u> ²⁶															
<u>ADULT USE CANNABIS CULTIVATION CENTER</u> ²⁷	<u>B</u>	<u>B</u>	<u>B</u>						<u>B</u>						
<u>ADULT USE CANNABIS CRAFT GROWER</u> ²⁸	<u>B</u>	<u>B</u>	<u>B</u>						<u>B</u>						

	= Permitted by right		= Permitted on individual LOTS as a SPECIAL USE		= COUNTY BOARD Special Use Permit
	= Proposed to be permitted by right		= Proposed to be permitted on individual LOTS as a SPECIAL USE		= 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 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 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	
						MAJOR	COLLECTOR	MINOR			
<u>ADULT USE CANNABIS TRANSPORTING ORGANIZATION</u>	NR	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	<u>*See below</u>
<u>ADULT USE CANNABIS CULTIVATION CENTER</u>	NR	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	<u>*See below</u>
<u>ADULT USE CANNABIS CRAFT GROWER</u>	NR	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	<u>*See below</u>

Footnotes

- (1) Standard same as applicable zoning DISTRICT

PRELIMINARY DRAFT

973-AT-20

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

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

Date: *{February 27, 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**, 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. The proposed amendment will *NOT IMPEDE* the achievement of Goal 3.

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* 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**, 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 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 & 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 Preliminary Finding of Fact, Summary Finding of Fact, and Final Determination for Case 972-AT-20 dated February 27, 2020
 - F Preliminary Finding of Fact, Summary Finding of Fact, and Final Determination for Case 973-AT-20 dated February 27, 2020

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

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> ²³																
<u>ADULT USE CANNABIS TRANSPORTING ORGANIZATION</u> ²⁴			<u>S</u>													
<u>ADULT USE CANNABIS INFUSER ORGANIZATION</u> ²⁵																
<u>ADULT USE CANNABIS PROCESSING ORGANIZATION</u> ²⁶																
<u>ADULT USE CANNABIS CULTIVATION CENTER</u> ²⁷	<u>B</u>	<u>B</u>	<u>B</u>						<u>B</u>							
<u>ADULT USE CANNABIS CRAFT GROWER</u> ²⁸	<u>B</u>	<u>B</u>	<u>B</u>						<u>B</u>							

	= Permitted by right		= Permitted on individual LOTS as a SPECIAL USE		= COUNTY BOARD Special Use Permit
	= Proposed to be permitted by right		= Proposed to be permitted on individual LOTS as a SPECIAL USE		= 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 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							
<u>ADULT USE CANNABIS TRANSPORTING ORGANIZATION</u>	NR	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	<u>*See below</u>
<u>ADULT USE CANNABIS CULTIVATION CENTER</u>	NR	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	<u>*See below</u>
<u>ADULT USE CANNABIS CRAFT GROWER</u>	NR	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	<u>*See below</u>

Footnotes

(1) Standard same as applicable zoning DISTRICT

Champaign County
Department of

**PLANNING &
ZONING**

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

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

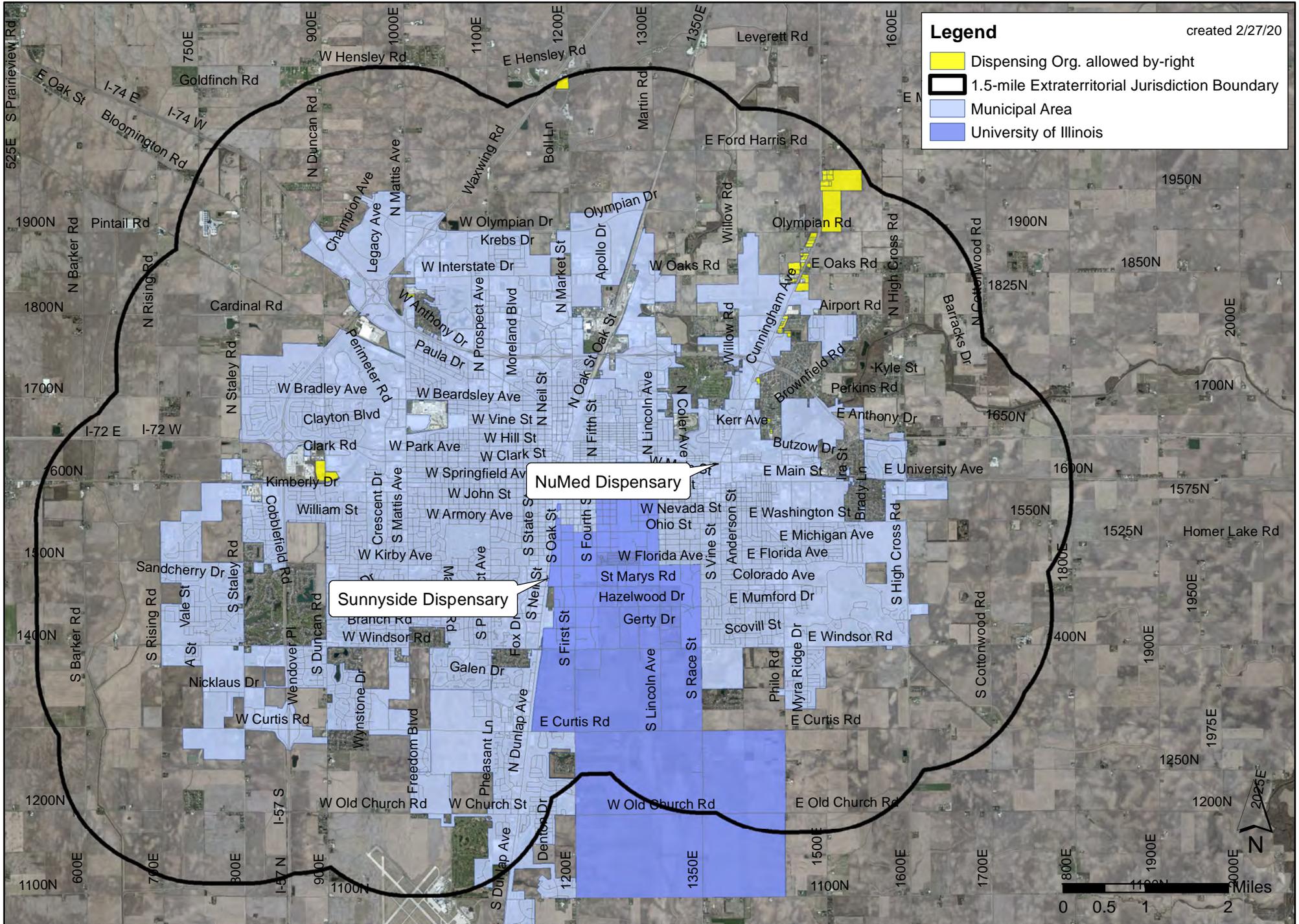
TO BE PUBLISHED: WEDNESDAY, FEBRUARY 12, 2020, ONLY

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

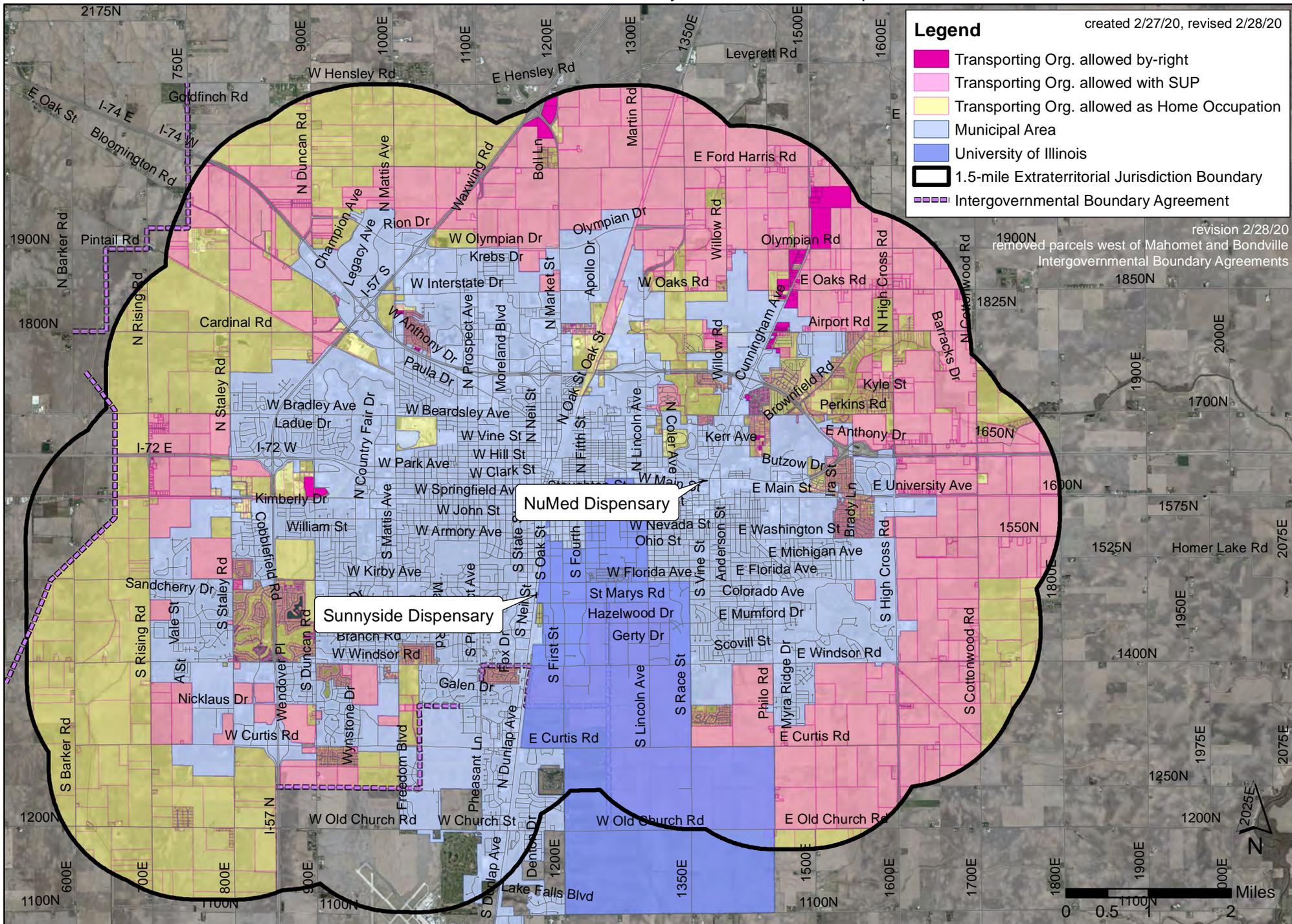
972-AT-20: Dispensing Organization

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



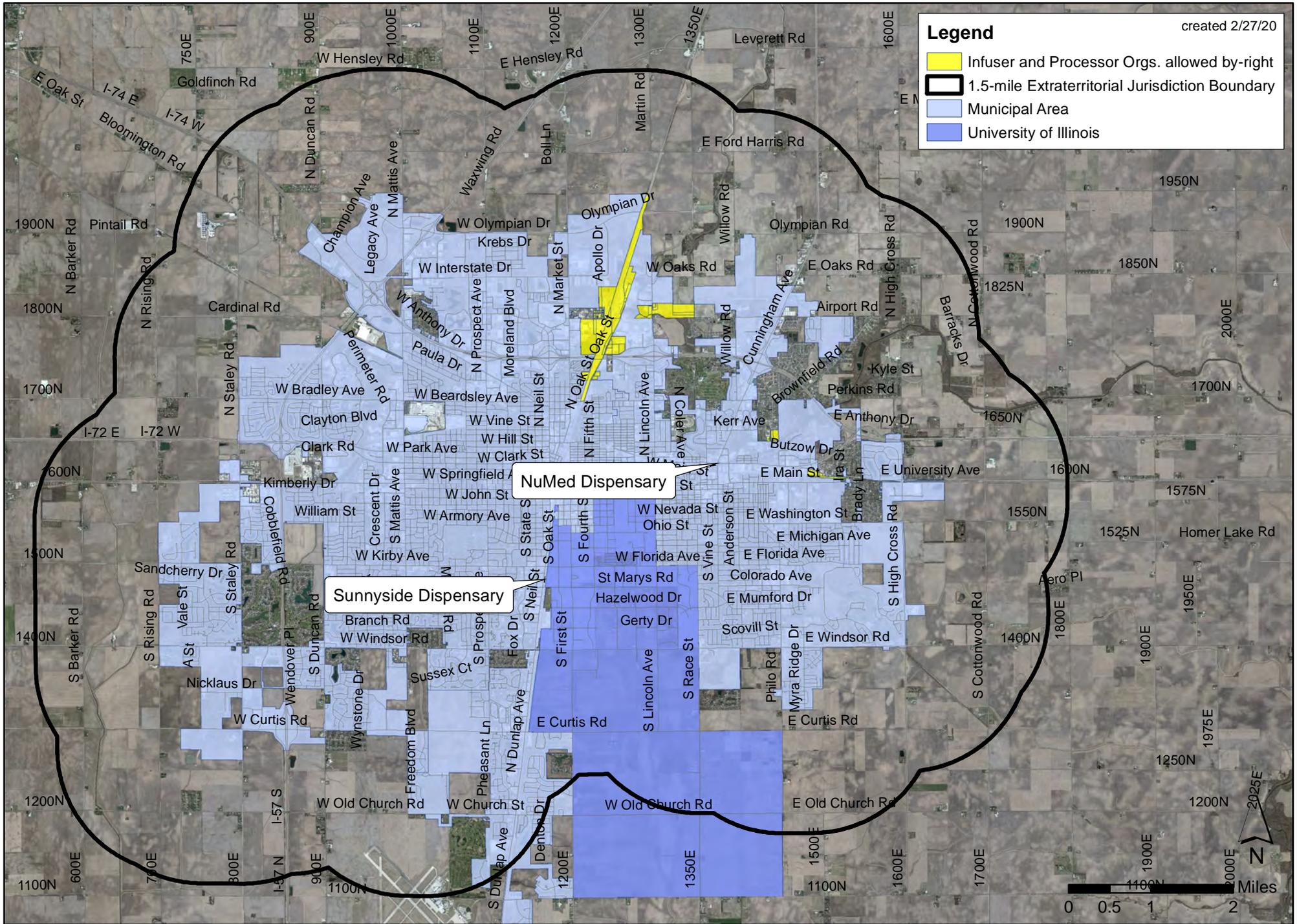
972-AT-20: Transporting Organization

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



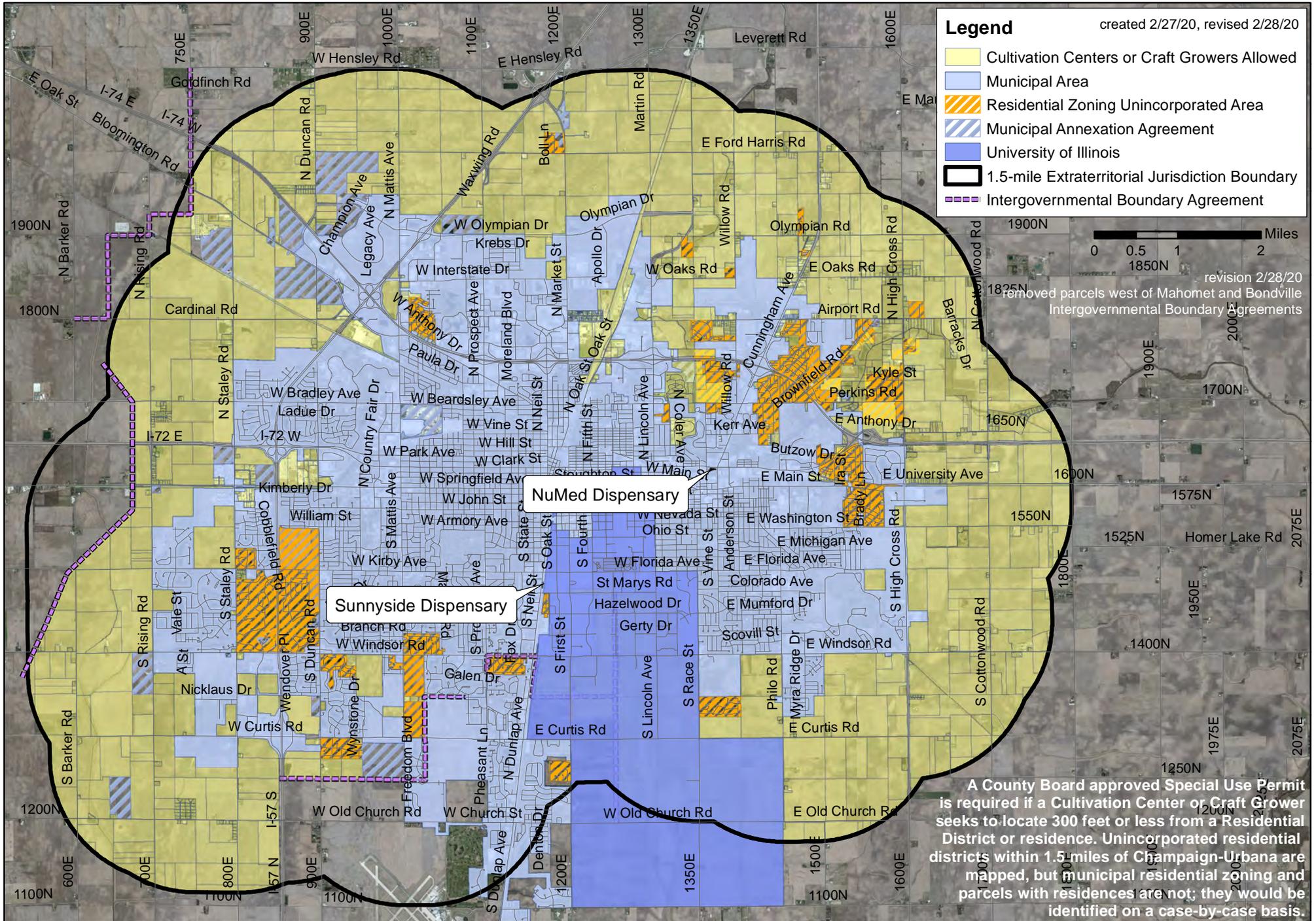
972-AT-20: Infuser and Processing Organizations

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



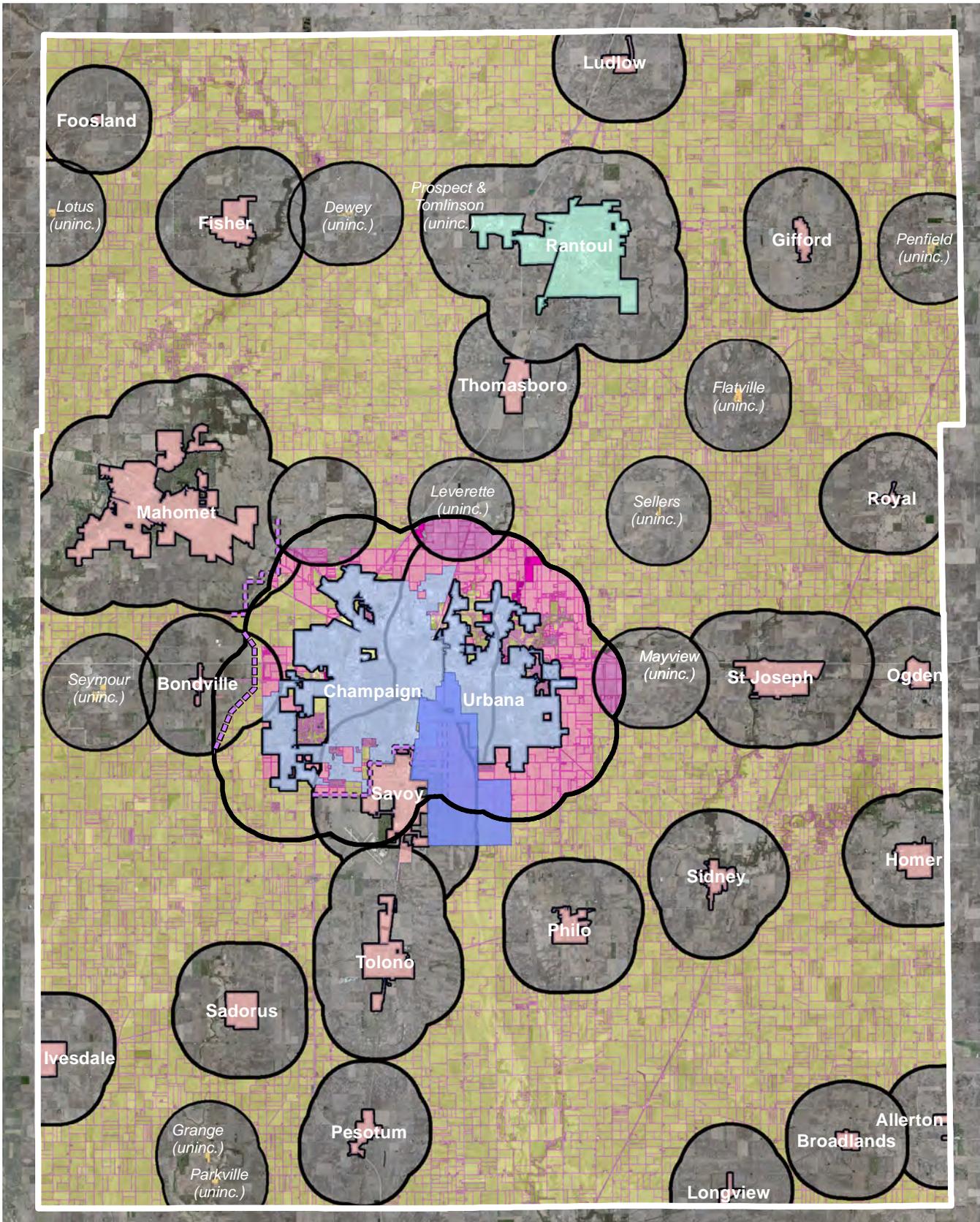
972-AT-20: Cultivation Center or Craft Grower

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



973-AT-20: Transporting Organization

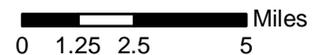
All cannabis related land uses are subject to State and local requirements



Legend

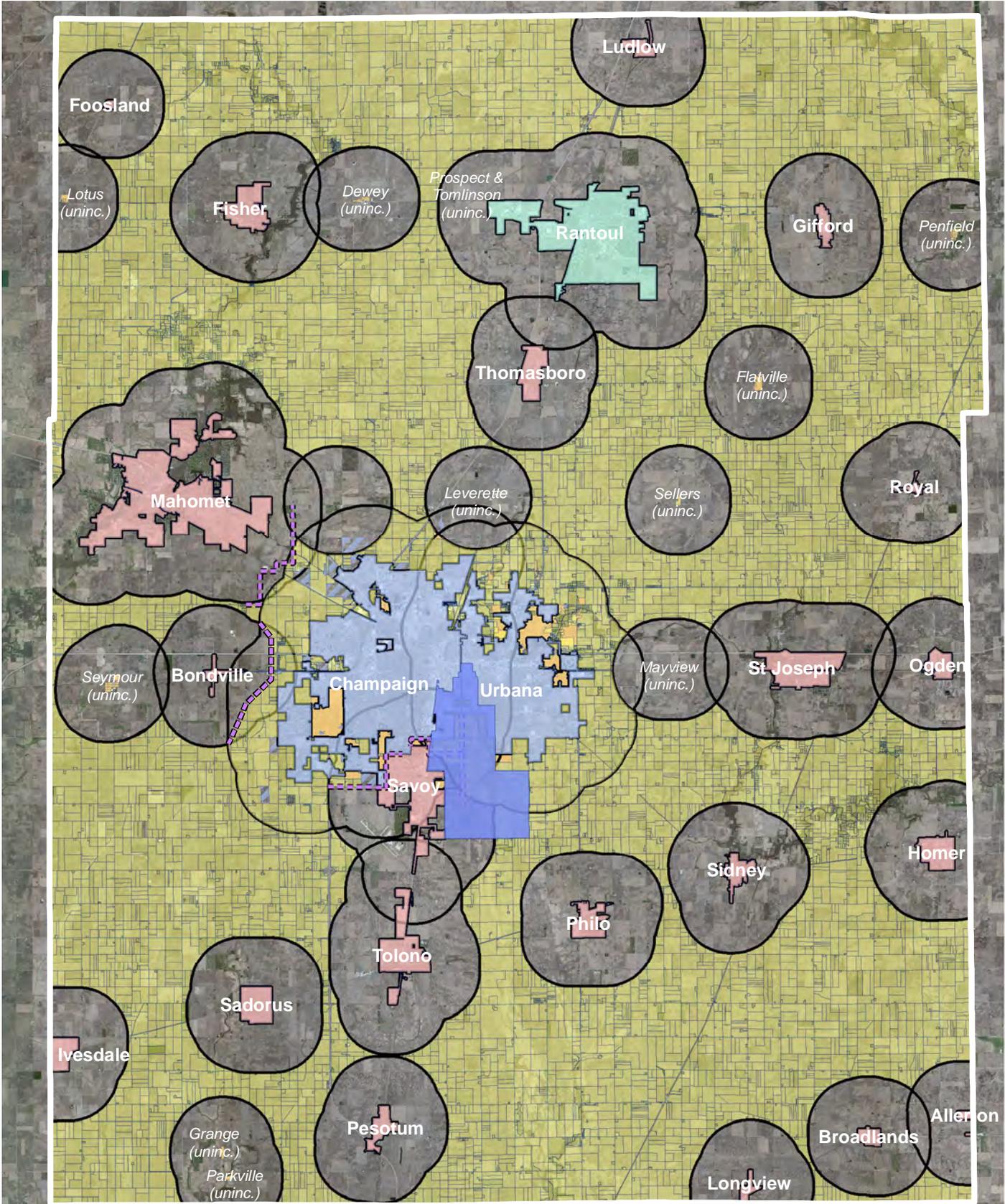
created 2/27/20

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



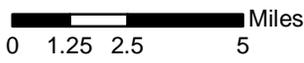
973-AT-20: Cultivation Center or Craft Grower

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



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.

REVISED DRAFT 03/12/20

972-AT-20

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

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:**
 - 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.**
-

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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> ²³															
<u>ADULT USE CANNABIS TRANSPORTING ORGANIZATION</u> ²⁴			<u>S</u>												
<u>ADULT USE CANNABIS INFUSER ORGANIZATION</u> ²⁵															
<u>ADULT USE CANNABIS PROCESSING ORGANIZATION</u> ²⁶															
<u>ADULT USE CANNABIS CULTIVATION CENTER</u> ²⁷	<u>B</u>	<u>B</u>	<u>B</u>						<u>B</u>						
<u>ADULT USE CANNABIS CRAFT GROWER</u> ²⁸	<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;">S</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</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 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			
<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

REVISED DRAFT 03/12/20

973-AT-20

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

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:

- 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

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

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> ²³															
<u>ADULT USE CANNABIS TRANSPORTING ORGANIZATION</u> ²⁴			<u>S</u>												
<u>ADULT USE CANNABIS INFUSER ORGANIZATION</u> ²⁵															
<u>ADULT USE CANNABIS PROCESSING ORGANIZATION</u> ²⁶															
<u>ADULT USE CANNABIS CULTIVATION CENTER</u> ²⁷	<u>B</u>	<u>B</u>	<u>B</u>						<u>B</u>						
<u>ADULT USE CANNABIS CRAFT GROWER</u> ²⁸	<u>B</u>	<u>B</u>	<u>B</u>						<u>B</u>						

<div style="background-color: #cccccc; width: 20px; height: 20px; margin: 0 auto;"></div>	= Permitted by right	<div style="border: 1px solid black; width: 20px; height: 20px; margin: 0 auto; text-align: center; line-height: 20px;">S</div>	= Permitted on individual LOTS as a SPECIAL USE	<div style="border: 1px solid black; width: 20px; height: 20px; margin: 0 auto; text-align: center; line-height: 20px;">B</div>	= COUNTY BOARD Special Use Permit
<div style="background-color: #cccccc; width: 20px; height: 20px; margin: 0 auto;"></div>	= Proposed to be permitted by right	<div style="border: 1px solid black; width: 20px; height: 20px; margin: 0 auto; text-align: center; line-height: 20px;">S</div>	= Proposed to be permitted on individual LOTS as a SPECIAL USE	<div style="border: 1px solid black; width: 20px; height: 20px; margin: 0 auto; text-align: center; line-height: 20px;">B</div>	= 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 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					
<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

Champaign County
Department of

**PLANNING &
ZONING**

TO: **Environment and Land Use Committee**
FROM: **John Hall, Zoning Administrator**
DATE: **April 28, 2020**
RE: **Case 972-AT-20**

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

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

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.

STATUS

At the March 12, 2020 public hearing, the Zoning Board of Appeals voted 4-1 to forward Case 972-AT-20 with a RECOMMENDATION FOR DENIAL, and voted 4-1 to forward Case 973-AT-20 with a RECOMMENDATION FOR APPROVAL. No public input was received for these cases.

Since that meeting, it was noted that staff erred in excluding Transporting Organizations in the I-1 and I-2 zoning districts. Staff recommends adding Transporting Organizations in these districts for both cases 972-AT-20 and 973-AT-20, and has added this to Attachments B, C, D, and E.

The Summary Finding of Fact for these cases can be found in Attachments B and C. Attachment D is a side by side comparison of Cases 972-AT-20 and 973-AT-20. Attachment E is a series of maps illustrating the differences in cannabis related land uses as proposed in Cases 972-AT-20 and 973-AT-20. The latest revisions were to include transporting Organizations as by-right in I-1 and I-2 districts for both cases, and to identify existing annexation agreements outside Champaign and Urbana.

ELUC AND COUNTY BOARD INPUT TO DATE

Cannabis regulation was first discussed by ELUC at its October 10, 2019 meeting, with the introduction of a proposed amendment that would allow each of the various types of cannabis related land uses authorized by the CRTA to be permitted by-right within specific zoning districts in Champaign County. One member expressed concern about access to cannabis by minors in smaller towns. There were only six members present at the meeting, and there was no majority of ELUC that supported sending the proposed amendment to a public hearing. The Zoning Ordinance amendment was continued for consideration to the November 7, 2019, ELUC meeting.

At the November 7, 2019 meeting, John Hall introduced the same proposed amendment that was introduced in October, and another proposed amendment that was a model ordinance prohibiting adult cannabis uses in unincorporated Champaign County. One resident from Penfield commented that Penfield is a quiet town and they would like it kept that way, in reference to allowing cannabis related business there. There were only six members present and the vote on both ordinances was a tie. However, the tie vote on the proposed “by right” Zoning Ordinance text amendment meant that the proposed amendment did not proceed to the ZBA, but because the prohibition ordinance was for County Board consideration, the tie vote allowed that ordinance to proceed to the full Board without a recommendation. The following is a summary of comments from ELUC members from the November 7, 2019 meeting:

Generally in favor of allowing adult use cannabis related businesses:

- One member said that cannabis related businesses will become a state allowable endeavor that has a tax benefit for the county. We voted to tax these businesses in all unincorporated Champaign County, so it would be odd to vote to collect tax from a business and then say they can't have a business.
- Regarding cultivation centers, the same member asked, would we contradict our own right to agriculture if we don't allow a grower to grow, and do we put ourselves in a position to be litigated against. The answer was that the state has given counties the right to opt-out.
- Another member stated that the discussion is more about whether someone has the right to own a certain type of business. It's a highly regulated law. They don't see the point in something being legal and we say that Champaign County isn't open for business.

Generally opposed to allowing adult use cannabis related businesses:

- One member did not want to see recreational cannabis businesses come into small towns, with the primary concern being the physical proximity to people under age 21. They suggested seeing how recreational marijuana sales play out in in Champaign-Urbana before deciding on the unincorporated areas.
- Another member stated that hemp growing is going to be done in regular fields. Since our soils are so good, people are afraid it will go over the 0.3 THC limit. Not sure that industrial hemp could be grown in this area. We're so early in this, we don't know what it's going to be, and he is worried about the unintended consequences rather than the fact that we are trying to regulate business. This member was against the proposed amendment based on that.
- Another member said that young people are most impacted by marijuana and cannabis use. They said that our biggest issue is what happens in unincorporated areas where there isn't a structure in place to regulate. It's easier to control if we don't allow it in the first place.

At the November 21, 2019 County Board meeting, there was much debate regarding the cannabis prohibition ordinance, which the Board ultimately chose not to approve. A compromise was eventually proposed that would prohibit cannabis related uses within 1.5 miles of municipalities that did not also allow cannabis related uses, and also prohibit cannabis related uses from being near unincorporated settlements such as Penfield and Seymour. The compromise was also proposed to require similar requirements as required by those municipalities that already allowed cannabis uses, reasoning that such municipalities had already gained experience with such uses. The Board referred the topic back to ELUC for further consideration.

At the January 9, 2020, ELUC meeting, John Hall returned with the same pair of proposals. ELUC members unanimously approved sending both proposed amendments to the ZBA. The following is a summary of comments from ELUC members from the January 9, 2020 meeting:

Generally in favor of Option A: within 1.5 miles of Champaign-Urbana only (Case 972-AT-20)

- One member said that it bothers them that the craft grower use is undefined, where we know what a cultivation center is. They are concerned that we are going to over-produce and have an oversupply. They felt that Option A would be a good place to start and then maybe, if needed, we can come back and re-visit it and make changes in the future.
- Another member supports Option A more than Option B, but could live with Option B. They said that if there was a grow center out in County, appropriately zoned, it would be OK. As far as the special use permit, they support keeping that at the County Board level.
- Another member would be able to, very hesitantly, vote for Option A. They said that with Option B, it concerns them that it could come into the unincorporated areas when the communities don't want that type of business. They have been contacted by people saying they don't want it. They would like to slow down and slowly go into this, but could support sending both options to the ZBA.

Generally in favor of Option B: alternative transporter, cultivation center, and craft grower (Case 973-AT-20)

- One member said Option B would be more of a compromise that was suggested at the County Board meeting, and favored keeping the Special Use Permit in Option B at the County Board level.
- Another member said that they support Option B more than Option A at this point, but it just makes sense to send them both to ZBA now.
- Another member said that they don't think the County should limit anyone's ability to grow cannabis if it's done within the county zoning, and doesn't think we should limit access to economic development around this.

NEXT STEPS

Standard protocol is for the Committee to make a preliminary recommendation on a proposed text amendment at the first Committee meeting following a ZBA recommendation, and then make a final recommendation to the County Board at the next regularly scheduled Committee meeting (June 4, 2020, in this instance). The one-month delay in a final recommendation is intended to give municipalities and townships with plan commissions one month in which to provide comments or protests.

ATTACHMENTS

- A Legal advertisement
- B Approved Summary Finding of Fact for Case 972-AT-20 with proposed amendment attached, dated March 12, 2020 and revised April 28, 2020
- C Approved Summary Finding of Fact for Case 973-AT-20 with proposed amendment attached, dated March 12, 2020 and revised April 28, 2020
- D Side by side comparison of Cases 972-AT-20 and 973-AT-20, revised April 28, 2020
- E Maps: Cannabis Related Land Uses for Cases 972-AT-20 and 973-AT-20, revised April 28, 2020

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

SUMMARY FINDING OF FACT FOR CASE 972-AT-20

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, 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).

PROPOSED AMENDMENT FOR CASE 972-AT-20

Red text and red boxes in gray highlight are proposed changes due to staff error dated 4/28/2020

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> ²³															
<u>ADULT USE CANNABIS TRANSPORTING ORGANIZATION</u> ²⁴			<u>S</u>												
<u>ADULT USE CANNABIS INFUSER ORGANIZATION</u> ²⁵															
<u>ADULT USE CANNABIS PROCESSING ORGANIZATION</u> ²⁶															
<u>ADULT USE CANNABIS CULTIVATION CENTER</u> ²⁷	<u>B</u>	<u>B</u>	<u>B</u>						<u>B</u>						
<u>ADULT USE CANNABIS CRAFT GROWER</u> ²⁸	<u>B</u>	<u>B</u>	<u>B</u>						<u>B</u>						

	= Permitted by right		= Permitted on individual LOTS as a SPECIAL USE		= COUNTY BOARD Special Use Permit
	= Proposed to be permitted by right		= Proposed to be permitted on individual LOTS as a SPECIAL USE		= 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, 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 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 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							
<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>(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>(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>(1)</u>	<u>*See below</u>

Footnotes

- (1) Standard same as applicable zoning DISTRICT

SUMMARY FINDING OF FACT FOR CASE 973-AT-20

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, 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).

PROPOSED AMENDMENT FOR CASE 973-AT-20

Red text and red boxes in gray highlight are proposed changes due to staff error dated 4/28/2020

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):**

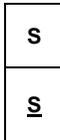
SECTION 5.2 TABLE OF AUTHORIZED PRINCIPAL USES

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> ²³																
<u>ADULT USE CANNABIS TRANSPORTING ORGANIZATION</u> ²⁴			<u>S</u>													
<u>ADULT USE CANNABIS INFUSER ORGANIZATION</u> ²⁵																
<u>ADULT USE CANNABIS PROCESSING ORGANIZATION</u> ²⁶																
<u>ADULT USE CANNABIS CULTIVATION CENTER</u> ²⁷	<u>B</u>	<u>B</u>	<u>B</u>						<u>B</u>							
<u>ADULT USE CANNABIS CRAFT GROWER</u> ²⁸	<u>B</u>	<u>B</u>	<u>B</u>						<u>B</u>							



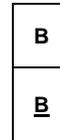
= Permitted by right

= Proposed to be permitted by right



= Permitted on individual LOTS as a SPECIAL USE

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



= COUNTY BOARD Special Use Permit

= 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,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.

- (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.

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.

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 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				
<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

Case 972-AT-20	Case 973-AT-20
<p data-bbox="109 276 932 308">1. Add the following definitions to Section 3 Definitions:</p> <p data-bbox="109 337 1037 587">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.</p> <p data-bbox="109 623 1012 873">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.</p> <p data-bbox="109 909 1037 1234">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.</p> <p data-bbox="109 1269 1029 1513">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.</p>	<p data-bbox="1066 276 1890 308">1. Add the following definitions to Section 3 Definitions:</p> <p data-bbox="1066 337 1990 587">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.</p> <p data-bbox="1066 623 1965 873">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.</p> <p data-bbox="1066 909 1995 1234">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.</p> <p data-bbox="1066 1269 1982 1513">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.</p>

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. Add the following uses to Section 5.2 Table of Authorized Principal Uses:

- a. Add “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.

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.

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- (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.
- b. Add “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 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) 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.
- b. Add “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 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

<p>c. Add “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:</p> <p>(1) May share a PREMISES with a CRAFT GROWER in the I-2 District without a SPECIAL USE Permit.</p> <p>(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.</p> <p>d. Add “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:</p> <p>(1) May share a PREMISES with a CRAFT GROWER in the I-2 District without a SPECIAL USE Permit.</p> <p>(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</p>	<p><u>extraterritorial jurisdiction of a home rule municipality with a population of 20,000 or more.</u></p> <p>(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.</p> <p>c. Add “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:</p> <p>(1) May share a PREMISES with a CRAFT GROWER in the I-2 District without a SPECIAL USE Permit.</p> <p>(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.</p> <p>d. Add “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:</p> <p>(1) May share a PREMISES with a CRAFT GROWER in the I-2 District without a SPECIAL USE Permit.</p> <p>(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</p>
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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. Add “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

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 - (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.
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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.

- f. Add “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.
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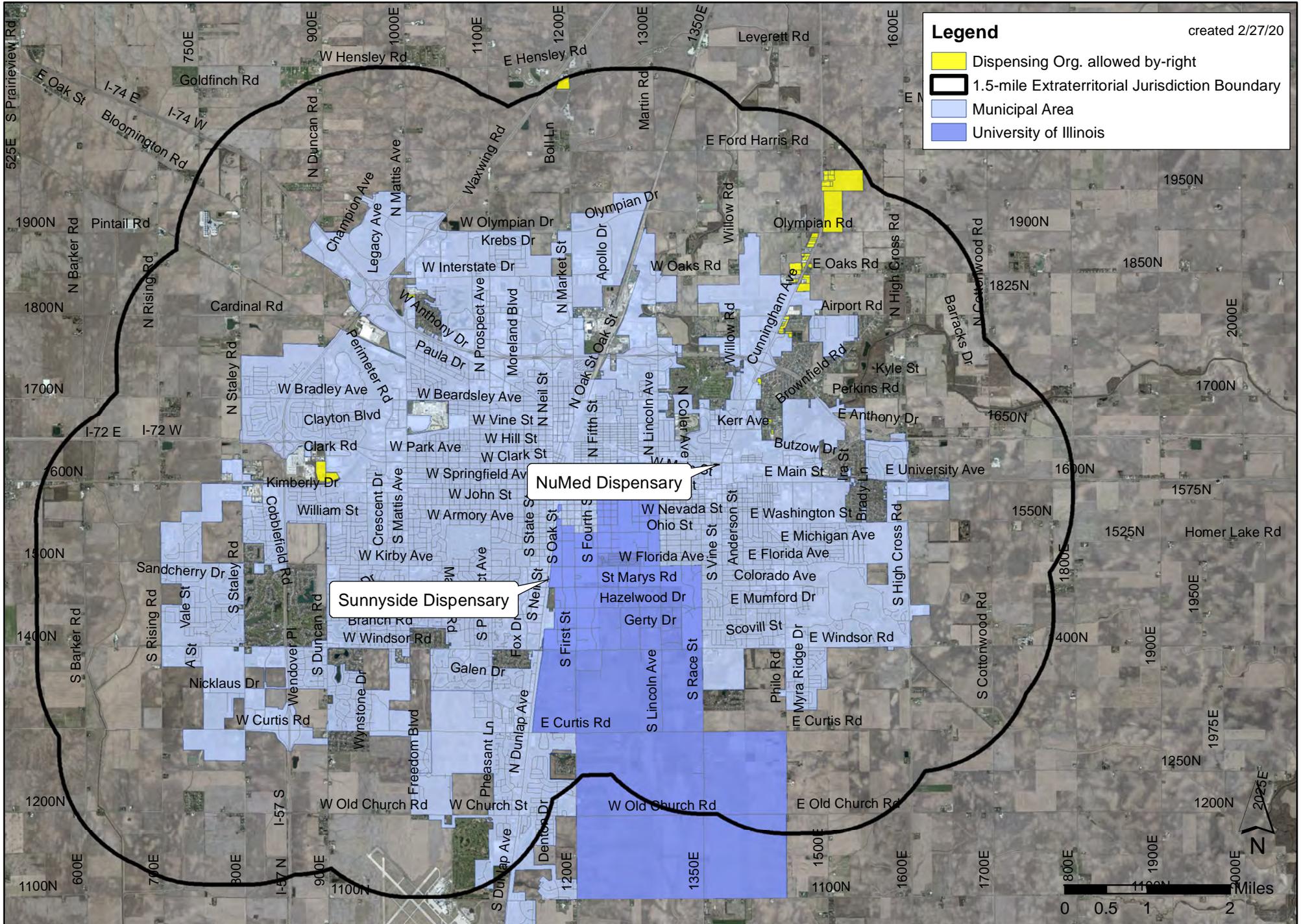
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- (5) May share a PREMISES with a CANNABIS DISPENSING ORGANIZATION in the B-4 District without a SPECIAL USE Permit.
- (6) The CRAFT GROWER shall control nighttime lighting to ensure that little to no light escapes into the nighttime sky from where the CANNABIS is grown. The nighttime light controls shall be explained in the Special Use Permit and/or Zoning Use Permit Application.
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filtration or by some other means approved by the Zoning Administrator, the use shall comply with those same municipal odor mitigation requirements.

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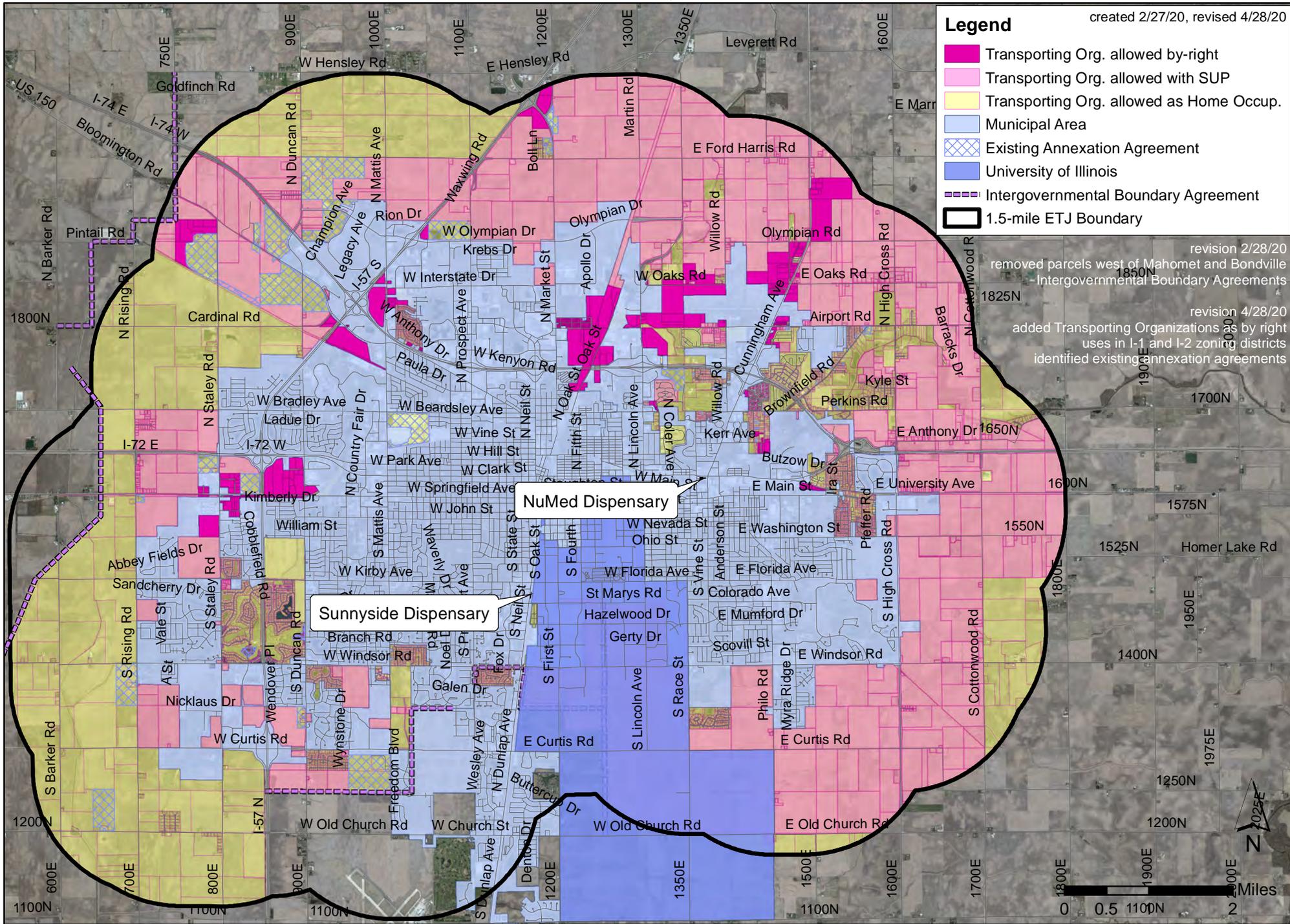
972-AT-20: Dispensing Organization

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



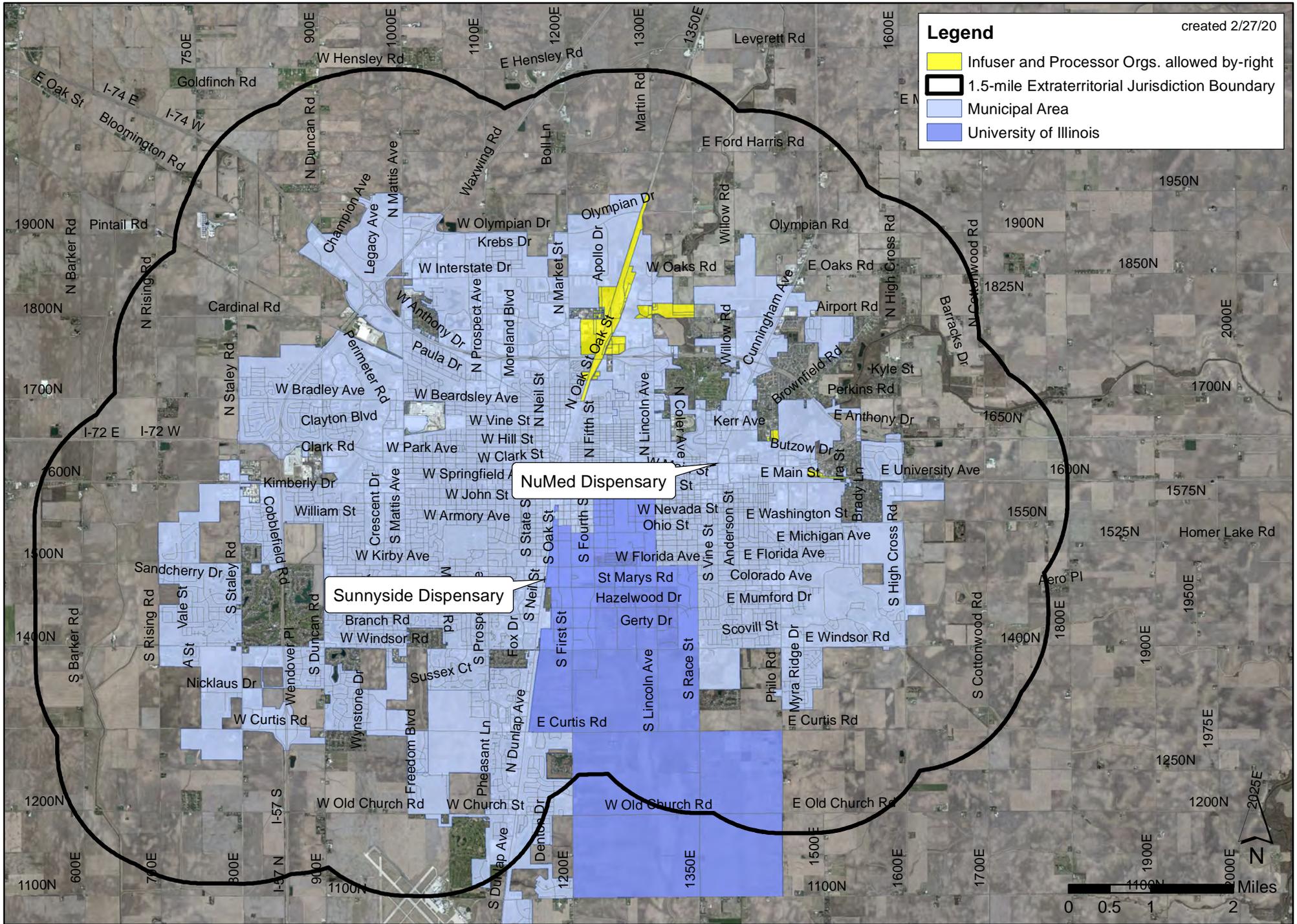
972-AT-20: Transporting Organization

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



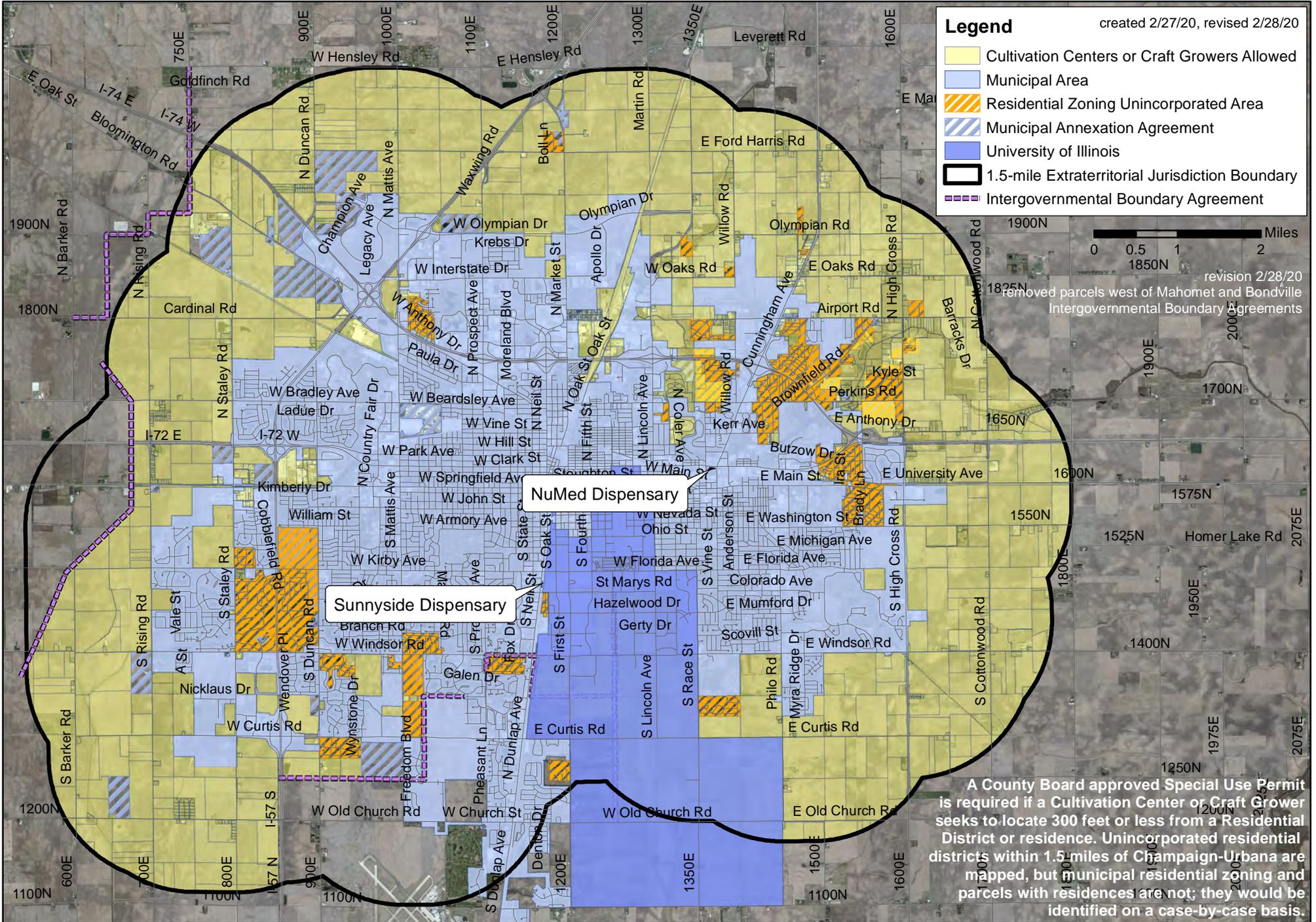
972-AT-20: Infuser and Processing Organizations

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



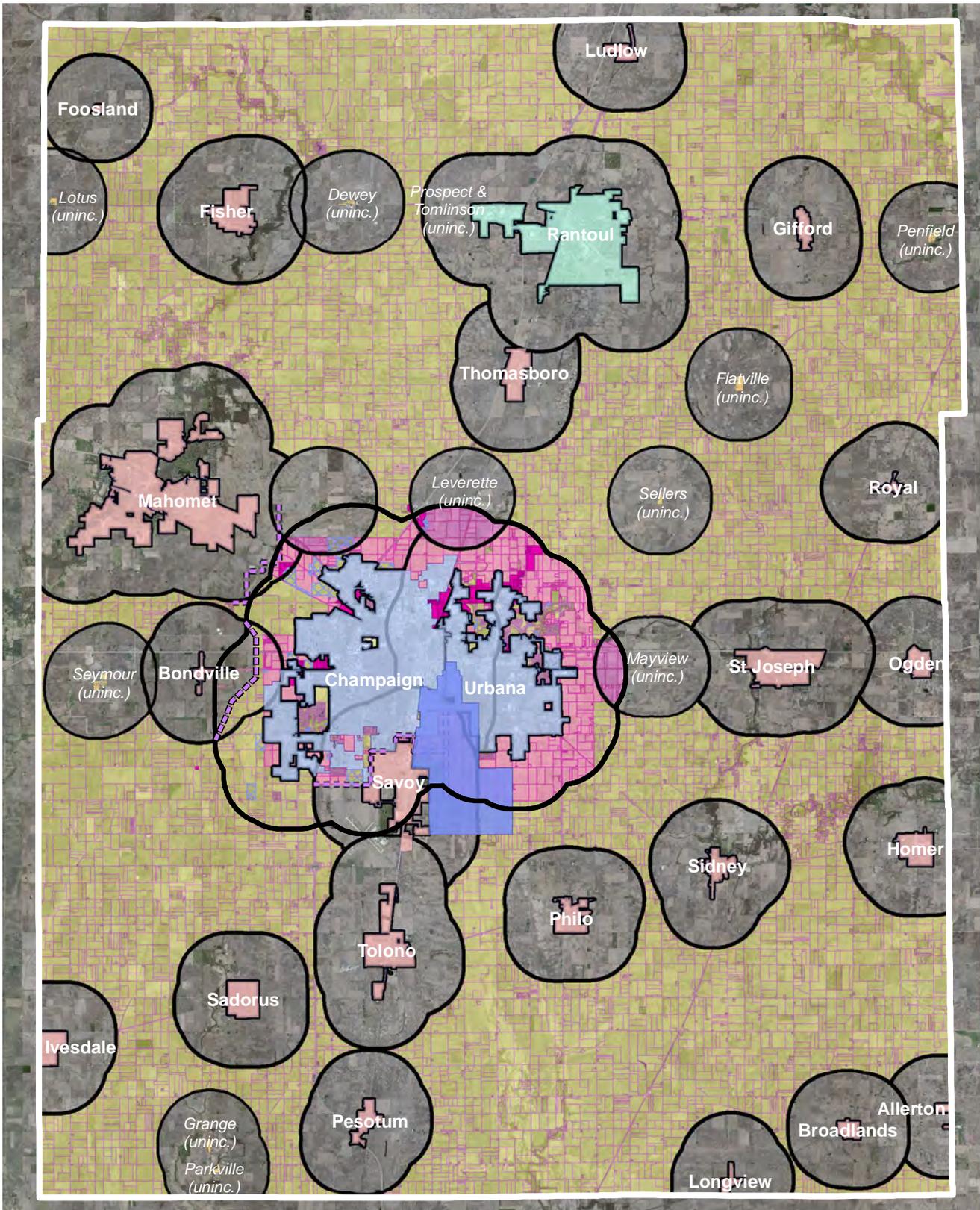
972-AT-20: Cultivation Center or Craft Grower

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



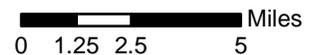
973-AT-20: Transporting Organization

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



Legend

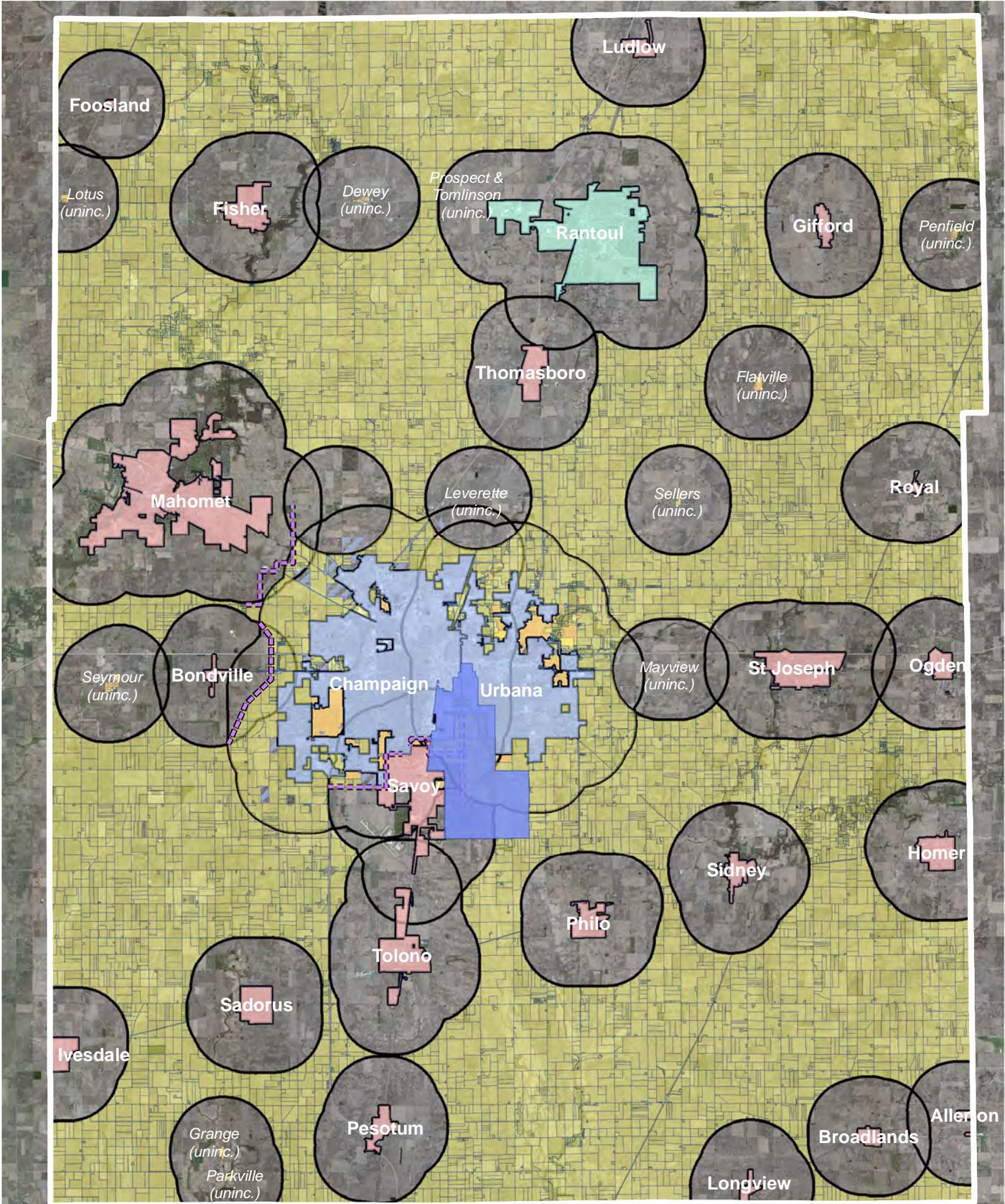
- | | |
|--|---|
|  Transporting Org. allowed by-right |  Home Rule Muni. Area with >20,000 Population |
|  Transporting Org. allowed with SUP |  Home Rule Muni. Area with 20,000 or less Population |
|  Transporting Org. allowed as Home Occupation |  Non-Home Rule Muni. Area |
|  Unincorporated residential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



created 2/27/20, revised 4/28/20

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



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.

Agenda	Page #'s
I. Call to Order	
II. Roll Call	
III. Approval of Agenda/Addendum	
IV. Approval of Minutes	
A. June 6, 2019 – Closed Session	
B. August 8, 2019	1-3
V. Public Participation	
VI. Communications	
VII. New Business: For Information Only	
A. October Events: Residential Electronics Collection and IEPA-Sponsored One-Day HHW Collection	4-5
VIII. New Business: Items to be Approved by ELUC	
A. Recreation & Entertainment License: Illini BMX, Champaign County Fairgrounds, 1302 North Coler Avenue, Urbana for September 28, October 5, 12,18,26, 2019	6-13
B. Direction Regarding Proposed Zoning Ordinance Text Amendment for Adult Use Cannabis Zoning Regulations Pursuant to Public Act 101-0027	14-25
IX. New Business: Items to be Recommended to the County Board	
A. Zoning Case 931-AM-19. A request by Bill Cope and Mary Kalantzis to amend the Zoning Map to add the Rural Residential Overlay Zoning District designation to allow for the development of 5 single family residential lots in the CR Conservation Recreation Zoning District in conjunction with related Zoning Case 932-S-19 on a 17.2 acre tract in the East Half of the Northeast Quarter of the Northwest Quarter of Section 32, Township 20 North, Range 9 East of the Third Principal Meridian in Somer Township and commonly known as the residence and property at 4018 North Lincoln Avenue, Urbana.	26-54

- B. **Zoning Case 932-S-19.** A request by Bill Cope and Mary Kalantzis to amend the Zoning Map to authorize a special use permit for a Rural Residential Development of 5 single family residential lots in the CR Conservation Recreation Zoning District in conjunction with related Zoning Case 931-AM-19 on a 17.2 acre tract in the East Half of the Northeast Quarter of the Northwest Quarter of Section 32, Township 20 North, Range 9 East of the Third Principal Meridian in Somer Township and commonly known as the residence and property at 4018 North Lincoln Avenue, Urbana.
- C. **Zoning Case 934-AM-19.** A request by Bill Cope and Mary Kalantzis to amend the Zoning Map to change the Zoning District designation from the current CR Conservation Recreation Zoning District to the AG-2 Agriculture Zoning District for proposed Outlot A and Proposed Lots 1,2,3,4, and 5 in the Preliminary Plat of Subdivision created by Berns, Clancy and Associates dated July 31, 2019, in order to establish and operate a proposed Event Center as a special use permit authorized by the Zoning Board of Appeals in related Zoning Case 935-S-19 and commonly known as the residence and property at 4018 North Lincoln Avenue, Urbana.
- D. **Zoning Case 955-FV-19.** Request by Brad and Simone Ribbe to authorize a variance from the Champaign County Special Flood Hazard Areas Ordinance for construction and use of a shed in the Special Flood Hazard Area for which the earthen fill extends only 3 feet beyond the foundation before sloping below the Flood Protection Elevation in lieu of the minimum required extension of fill for 10 feet beyond the foundation before sloping below the Flood Protection Elevation on property located at 2176 CR2100N, St. Joseph. 55-74
- E. **Zoning Case 903-S-18.** A request by Nexamp, 101 Summer Street, 2nd Floor, Boston MA 02110, via Barton Pitts, Director of Business Development Midwest Region, and participating landowners the Mildred Catherine Wolf Trust, Mildred Catherine Wolf, Trustee, and Judith K. Wertz to approve the Decommissioning and Site Reclamation Plan for a Community PV Solar Farm with a nameplate capacity of 2 megawatts (MW), on approximately 11 acres in the AG-1 Agriculture Zoning District. The subject property is a 121.79-acre tract comprised of part of Lot D of the Proprietor's Survey of Lands Subdivision in Section 11 of Township 18 North, Range 10 East of the Third Principal Meridian in Sidney Township, and commonly known as the field east of the house located at 2232A CR 1000N, Sidney. 75-101

F.	Proposed Fee Increase: Waste Hauler License	102-114
G.	Proposed Intergovernmental Agreement and Bylaws for Proposed East Central Illinois Land Bank Authority	115-131
X.	Other Business	
XI.	Chair's Report	
XII.	Designation of Items to be Placed on the Consent Agenda	
XIII.	Adjournment	



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

MINUTES – SUBJECT TO REVIEW AND APPROVAL

DATE: Thursday, August 8, 2019
 TIME: 6:30 p.m.
 PLACE: Lyle Shields Meeting Room
 Brookens Administrative Center
 1776 E Washington, Urbana, IL 61802

Committee Members

Present	Absent
Aaron Esry (Chair)	
Jodi Eisenmann	
Stephanie Fortado	
Jim Goss	
	Tanisha King-Taylor
	Kyle Patterson
Eric Thorsland (Vice-Chair)	

County Staff: John Hall (Zoning Administrator), Susan Monte (Planner), Rita Kincheloe (Recording Secretary)

Others Present: Giraldo Rosales (County Board Chair)

MINUTES

I. Call to Order

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

II. Roll Call

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

III. Approval of Agenda

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

IV. Approval of Minutes

A. *ELUC Committee Meeting – June 6, 2019*

MOTION by Mr. Thorsland to approve the minutes of the June 6, 2019 ELUC meeting; second by Ms. Eisenmann. Upon vote, the **MOTION CARRIED** unanimously.

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V. Public Participation

Randy Huffman, who lives at 401C Co Rd 2600N, Mahomet, spoke regarding the maintenance of the lane that leads to the Foster Parcel. He stated that he would like to see maintenance of the lane included in an agreement that is approved prior to an increase in traffic.

VI. Communications

Mr. Thorsland spoke on the passing of Ralph Langenheim. He served on every committee and his honesty will be missed.

VII. New Business: for Information Only

A. Champaign County Multi-Jurisdictional Hazard Mitigation Plan Update Project

Ms. Monte stated that Champaign County was notified of its selection to receive a Pre-Disaster Mitigation grant totaling \$69,442.13, consisting of a Federal share of \$52,081.50, and a non-Federal share of \$17,360.63. We are still awaiting a formal agreement and will have a Budget Amendment going to the Finance Committee next week. The project began this July and will continue through June. One intern will be hired.

B. IEPA-sponsored Unit of Local Government Tire Collection for August 2019

The Illinois IEPA is willing to cover the costs of a Unit of Local Government Tire Collection in Champaign County during this August-September. Ms. Monte explained that Mr. Padgett, Champaign Township Road Commissioner, proposed the idea of a tire collection. Allocation of funds was confirmed today. Collections will begin in August and go through the week of September 16th. Notifications will be sent. No tire collection is planned for residents at this time.

C. Prospect of IEPA-sponsored One-Day HHW Collection this Fall

Ms. Monte stated after a seven year wait, we have been selected (unofficially), for a collection this fall. The tentative date is the weekend of October 26, 2019. A tentative location is located at the future Cosco parking lot area at Market Place Mall.

D. Update on IHDA Abandoned Properties Program Grant

Mr. Hall reminded the Committee that they applied for a grant through 2020 with IHDA. Approved for approximately \$70,000 for the first round. In December, they received notification that the first \$12,000 would be approved. At this time, the amount received has not been confirmed by the Treasurer's office. Mr. Hall stated that he is still working on additional demolitions to be submitted through the middle of 2020.

E. Update on Recruitment of Zoning Officer

Mr. Hall reminded the Committee that a Zoning Officer retired on June 28, 2019. Previous Champaign County employee, Charlie Campo, was hired for the vacant position. He has agreed to start on August 19, 2019.

VIII. New Business: Items to be Approved by ELUC

A. Recreation & Entertainment License: Darren Tharp for live music festival, 905 East Perkins Road, Urbana, for September 14, 2019

MOTION by Mr. Goss to approve; second by Mr. Thorsland. Upon vote, the **MOTION CARRIED** unanimously.

86 **IX. New Business: Items to Receive and Place on File by ELUC Committee to Allow a Review Period Until**
 87 **October 10, 2019**

88 A. *Proposed Fee Increase: Waste Hauler License*

89
 90 Ms. Monte stated that Ms. Ogden suggested increasing the waste hauler license fee. The fee has not
 91 increased since 1996 and they are not equitable across the board. A per vehicle rate is recommended
 92 over the flat fee. Eight other counties that were compared were also doing a per vehicle rate. Ms. Monte
 93 suggested a \$25 per vehicle fee and to not exceed \$50 per vehicle. There wasn't any feedback received
 94 from the waste haulers. She pointed out the City of Urbana has a fee of \$100 per vehicle. Motion was
 95 **RECEIVED and PLACED ON FILE**, unanimously.
 96

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

98 A. *Subdivision Case 202-19: Foster Subdivision – Final Plat Approval of a One-Lot Minor Subdivision located in*
 99 *the West Half of the Northwest Quarter of Section 26 of T21N-R7E of the Third Principal Meridian in*
 100 *Newcomb Township and commonly known as the south half of the property located at 401B CR 2600N,*
 101 *Mahomet.*

102
 103 Mr. Hall discussed the condition that was requested by Mr. Huffman. The ZBA did include the special
 104 condition that Mr. Huffman requested. Anyone that requests a permit must agree to participate in
 105 maintenance. Ms. Eisenmann received confirmation from Theresa Foster, who lives at 401B Co Rd 2600N,
 106 that the property will most likely be sold to someone outside of the family.
 107

108 **MOTION** by Mr. Thorsland; seconded by Ms. Fortado. Upon vote, the **MOTION CARRIED** unanimously.
 109

110 B. *Proposed Minor Amendments to the Land Resource Management Plan*

111
 112 Ms. Monte spoke to the data from the 2017 agriculture census. There was an increase of small farms and
 113 large farms with a decrease in mid-size farms. The overall number of farms is decreasing.
 114

115 **MOTION** by Mr. Thorsland to approve; seconded by Mr. Goss. Upon vote, the **MOTION CARRIED**
 116 unanimously
 117

118 **XI. Other Business**

119 There was no other business.
 120

121 **XII. Chair's Report**

122 There was no Chair's report.
 123

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

125 X. A and X. B
 126

127 **XIV. Adjournment**

128 There being no further business, Mr. Esry adjourned the meeting at 7:00 p.m.
 129

130 *Please note the minutes reflect the order of the agenda and may not necessarily reflect the order of business conducted at the meeting.*
 131
 132

TO: **Environment and Land Use Committee**

FROM: **John Hall, Zoning Administrator**

DATE: **September 24, 2019**

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

Champaign County
Department of

**PLANNING &
ZONING**

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 Cannabis Regulation and Tax Act (CRTA; House Bill 1438) was recently approved by both houses of the State legislature and is expected to be signed by the Governor and become law on January 1, 2020.

Attachment A is a review of the CRTA by the Illinois Association of County Board Members. The CRTA should be of interest to Champaign County for more than just land use considerations but this memo will focus on land use considerations.

COUNTY LAND USE CONSIDERATIONS ARISING FROM THE CRTA

Once the CRTA goes into law, Champaign County should decide whether or not to opt out of the CRTA and ban recreational marijuana businesses. A unit of local government has up to one year from the effective date of the amendment to prohibit the establishment of a cannabis business.

If Champaign County does not opt out of the CRTA, the County should take care to amend the Zoning Ordinance to make clear when, where, and how recreational marijuana businesses may be permitted.

The second page of Attachment A reviews basic zoning considerations related to the CRTA. Note that the CRTA includes a requirement for a 1,500 foot separation between dispensaries. The CRTA also prohibits “craft growers” from locating in “...an area zoned for residential use.”

PROPOSED AMENDMENT ASSUMING ZONING AUTHORIZATION FOR ADULT CANNABIS LAND USES

A draft Zoning Ordinance amendment to authorize adult cannabis land use is included as Attachment B and can be summarized as follows:

- This amendment has been kept as simple as possible and assumes that the County Board will authorize each of the various types of cannabis related land uses authorized by the CRTA. In fact, the County Board can pick and choose which types of cannabis related land uses it will authorize in the Zoning Ordinance.
- The amendment only authorizes cannabis related businesses “by right” and no special use permits are required.
- The amendment authorizes the various cannabis related businesses in zoning districts where similar uses are authorized. For example, Dispensaries are only authorized in the principal business districts, B-4 General Business and B-5 Central Business Districts, and Processors and Infusers are only authorized in the I-2 Heavy Industry Zoning District.

- Cultivation Centers and Craft Growers are authorized in all Zoning Districts because these uses agricultural in nature and an Illinois county cannot regulate agriculture.
- The amendment includes the 1,500 feet separation between Dispensaries that is mentioned in the CRTA but it does include the prohibition on Craft Grower in any residential district because Craft Grower seems to be an agricultural use that is exempt from the Zoning Ordinance. The State's Attorney's Office will have to provide guidance regarding regulation of Craft Growers.
- All uses are required to be in compliance with the Illinois Cannabis Regulation and Tax Act, Public Act 101-0027.

CRTA IS NOT FINAL YET

Additional relevant legislation is anticipated in November of this year that could change the CRTA. That legislation will have to be monitored for any changes that might be relevant to the proposed amendment.

ATTACHMENTS

- A *Insight: Cannabis Regulation and Tax Act*. Illinois Association of County Board Members. July 31, 2019.
- B Proposed Amendment



Business Cannabis
Regulation and
Local Zoning



Cannabis County
Retailer Occupation
Tax



Local Enforcement
and Criminal Record
Expungement



Insight

Cannabis Regulation and Tax Act

On May 31, 2019, the Illinois General Assembly adopted the Cannabis Regulation and Tax Act legalizing the sale, possession and use of marijuana for recreational purposes by adults over age 21. Illinois is the 11th state to legalize marijuana and the first state to do so by legislative action rather than by public referendum. The new law is being called the most progressive in the country. The Act takes effect immediately for regulatory and licensing purposes, but the sale and possession of cannabis will not become legal until January 1, 2020.

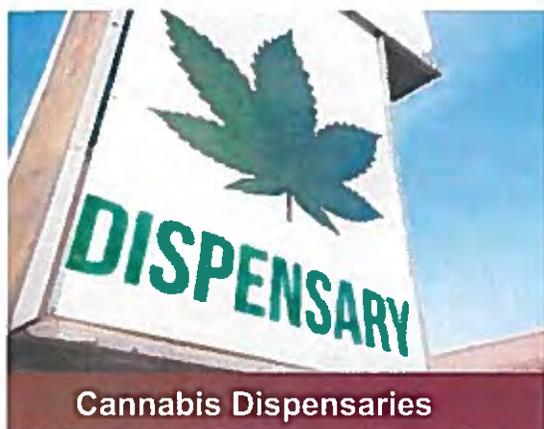
The Cannabis Regulation and Tax Act legalizes the sale, possession and use of cannabis by persons 21 and older for recreational purposes and provides for a rapid expansion in the number of cannabis retailers. The Act sets tax rates on both wholesale transactions by cultivators and retail sales by dispensaries. It also authorizes counties and municipalities to impose local taxes on retail sales.

Primary licensing authority for cannabis businesses is reserved to the state, while local governments are granted limited authority to regulate cannabis businesses through zoning.

The Act also tasks state and local law enforcement agencies with expunging decades of criminal records involving minor cannabis offenses. The provisions of the Act requiring expungement of minor

cannabis offenses were narrowed to exclude felony convictions and the time period to complete the expungement process was extended.

One surprising late addition to the Act was the ability for cannabis businesses to allow on-premises consumption subject to local permission. This research brief focuses on how legalization of cannabis will impact local governments in Illinois.



There are currently 55 cannabis dispensaries and 20 cannabis cultivation centers in Illinois serving the state's 46,000 medical cannabis patients. It is expected that the majority of these facilities will apply to the state for "early approval" licenses to allow them to supply the recreational market starting on January 1, 2020.

In addition, existing dispensaries will be permitted to apply for a "secondary site" license to open a second dispensary location within the same regional area. Applicants for "secondary site" licenses will be required to demonstrate that their proposed use complies with local zoning rules. **NOTE:** Interestingly, dispensaries seeking "early approval" licenses for their existing locations will not be required to demonstrate to the state that they will be allowed to sell cannabis for non-medical purposes under their current zoning. This may result in conflicts between the state licensing agencies and municipalities that have narrowly defined dispensaries solely as medical facilities.

The issuance of "secondary site" licenses could double the number of licensed dispensaries in the state by Jan. 1, 2020. After that, the Illinois Department of Financial and Professional Regulation (IDFPR) will have the authority to issue up to 500 total dispensary licenses on a staggered basis through 2022.

In addition to significantly expanding the number and capacity of licensed dispensaries and cultivation centers, the Act establishes new categories of business licenses for cannabis transporters, infusers, processors and craft growers, which are smaller-scale cultivate operations that can also operate an on-site dispensary.

Cannabis Regulation and Tax Act

What will be allowed?



As of January 1, 2020, Illinois residents over age 21 will be allowed to possess up to 30 grams of raw cannabis, 5 grams of cannabis concentrate or cannabis-infused products containing up to 500 milligrams of THC. All permitted cannabis products must be purchased from a licensed dispensary.

Adults 21 and over will be allowed to consume cannabis on private property away from minors and certain prohibited areas.

What will be prohibited?

- Consumption of cannabis in any "public place." A "public place" is defined as "any place where a person could reasonably be expected to be observed by others" but excludes private residences
- Consumption of cannabis on school grounds
- Consumption "in close physical proximity" to persons under 21
- Smoking cannabis in any location where smoking is prohibited by the Smoke Free Illinois Act (410 ILCS 82), including hospitals, restaurants, retail stores, offices, commercial establishments, etc.
- Sale of cannabis to minors under the age of 21
- Home delivery of cannabis to a consumer by a cannabis business
- Possession and consumption by a minor under the age of 21 (other than for legal medical purpose)
- Possession of cannabis in motor vehicle unless the cannabis is in a "sealed, odor-proof, child resistant, tamper-evident cannabis container" and "reasonably inaccessible"
- Driving under the influence of cannabis (DUI)

As with alcohol-related offenses, the enforcement and prosecution of most cannabis offenses will be the responsibility of local governments.

Most importantly, the right of unlicensed private citizens to grow cannabis for personal use in their own home was removed from the Act. It allows only medical-marijuana patients to grow their own.



THIS PUBLICATION IS A RESEARCH TOOL AND NOT THE COUNSEL OF AN ATTORNEY. THIS PUBLICATION IS NOT A SUBSTITUTE FOR THE ADVICE OF AN ATTORNEY. It is provided without warranty of any kind and, as with any research tool, should be double checked against relevant statutes, cited sources, case law, attorney general opinions and advice of legal counsel.



Local Authority Over the Sale and Consumption of Cannabis

The preamble of the Cannabis Regulation and Tax Act declares the regulation of recreational cannabis sale and consumption is a matter of statewide concern, effectively preempting local governments, including home-rule units, from imposing regulations that conflict with, or are more stringent than, the Act. Nevertheless, the Act does grant local governments limited authority over certain aspects of recreational cannabis.

Zoning

First, and most importantly, a municipality may "prohibit or significantly limit" the location of cannabis businesses by ordinance. It is expected that this provision will be interpreted to allow municipalities to impose a generally applicable prohibition on recreational cannabis businesses from locating in any zoning district. This authority includes the ability to allow certain classes of cannabis businesses (e.g., cultivation centers or processors) while prohibiting others (e.g., dispensaries). **NOTE:** The Illinois Compassionate Use of Medical Cannabis Pilot Program Act still requires municipalities to allow medical cannabis facilities to locate and operate pursuant to reasonable zoning restrictions.

If a municipality chooses to permit cannabis businesses to locate and operate within its borders, it may also enact reasonable zoning regulations that are not in conflict with the Act. This authority would include permitting cannabis businesses to locate in certain zoning districts but not others, and imposing generally applicable off-street parking requirements.

Further, the Act explicitly authorizes municipalities to impose limits on the "time, place, manner, and number" of cannabis business by requiring the businesses to obtain conditional or special use permits. These limits must be reasonable and may not conflict with the requirements of the Act.

Although requiring cannabis businesses to obtain a conditional or special use permit will be useful to local zoning authorities, determining whether a local restriction conflicts with the Act may be more difficult than the drafters anticipated. For instance, the Act allows dispensaries to operate between 6 a.m. and 10 p.m. It is uncertain whether a municipality would be allowed to require shorter hours of operation as a condition of issuing a conditional use permit for a dispensary. Similar questions arise with regard to separation requirements. The Act prohibits new dispensaries from locating within 1,500 feet of another dispensary. Whether a municipality could require a greater separation distance is not clear. Finally, the ability to limit the "number" of cannabis businesses through a conditional use permit process raises the question of whether a municipality could impose a hard numerical cap on the number of conditional use permits the municipality would be willing to issue.



Although licensing of cannabis businesses will be the exclusive domain of states agencies such as the Department of Agriculture (cultivation centers, processors, infusers, transporters, and craft growers) and the IDFPR (dispensaries), local governments may still enforce generally applicable business registration requirements for cannabis businesses and conduct inspections of premises to ensure compliance with local building codes.

One area in which municipalities appear to have been granted broad regulatory authority is on-premises consumption. Early versions of the Act only allowed for consumption of cannabis in private residences, but the final version allows for on-premises consumption of recreational cannabis in a licensed cannabis business, subject to local permission and regulation.

Bill author and principal sponsor Rep. Kelly Cassidy (D-Chicago) clarified that this would permit smoking lounges as accessory uses to dispensaries, but the decision of whether, and to what extent, to allow them would be left to local governments.



If a municipality chooses to allow on-premises consumption through the grant of a local license or permit, it is expected that the municipality could impose significant restrictions on the location, security, and environment in which such consumption would occur.

Requiring cannabis dispensaries to obtain a local "on-premises consumption" license will also provide municipalities with a legitimate justification to periodically inspect the licensed premises to ensure compliance with local regulations.

REGULATING PERSONAL POSSESSION AND CONSUMPTION

The Act provides municipalities with the authority to locally regulate possession and consumption of cannabis by private citizens in a manner consistent with the Act.

Accordingly, municipalities should evaluate whether to adopt the prohibitions and penalties of the Act into their local codes. This will give the local governments the ability to enforce and prosecute these offenses (with the exception of DUIs) through local adjudication or the circuit court, so long as the penalties do not exceed those provided for in the Act.

Possession limit for Illinois residents:

- 30 grams of cannabis flower;
- 5 grams of cannabis concentrate; and
- No more than 500 milligrams of THC contained in a cannabis-infused product;
- Registered patients in the medical cannabis pilot program may possess more than 30 grams of cannabis if it is grown and secured in their residence under certain conditions.

Possession limit for non-Illinois residents:

- 15 grams of cannabis flower;
- 2.5 grams of cannabis; and
- No more than 250 milligrams of THC contained in a cannabis-infused product.



These avenues for enforcement will become increasingly important if state's attorneys' offices follow the lead of Cook County and decline to devote ongoing resources to prosecution of low-level cannabis offenses by individuals.



The possession limits are to be considered cumulative.

The legalization of adult use cannabis does not alter the state's medical cannabis pilot program. Cultivators and dispensaries will be required to reserve sufficient supply to ensure patient access to product is not interrupted.

Labor and Employment: Drug Free Work Zones

The Act maintains important protections for employers previously established under the Compassionate Use of Medical Cannabis Pilot Program Act of 2013 (Medical Cannabis Act), including the ability to enforce reasonable workplace policies such as "drug free" or "zero tolerance" policies and to impose discipline up to, and including, termination if an employee is impaired or under the influence of cannabis while in the workplace. The Act's final language resolves ambiguity caused by earlier drafts that did not expressly authorize "drug free" and "zero tolerance" policies.

The Act's employment provisions differ from the Medical Cannabis Act in two main respects. First, the Act precludes employees from being impaired or under the influence of cannabis not only in the workplace, but also if they are "on call." Employees are considered to be "on call" if they are scheduled to be on standby with at least 24 hours' notice or otherwise responsible for performing work-related tasks. Second, the Act amends the Illinois Right to Privacy in the Workplace Act, which protects employees from adverse employment actions related to their use of "lawful products" outside of working hours, to clarify that recreational cannabis is considered a "lawful product." It is unclear how this provision is intended to interact with the Act's authorization for employers to impose "zero tolerance" policies, so it will be important to carefully monitor how courts will strike a balance between the competing rights of employers and employees.



NOTICE

THIS IS A DRUG-FREE WORKPLACE



taxation

Recreational cannabis will be subject to multiple layers of taxation, on top of existing state, county and local sales taxes. In addition to state taxes on wholesale cannabis sales by cultivation centers and retail sales by dispensaries, counties and municipalities may impose local retailer occupation taxes on dispensary sales.

Non-home rule counties are authorized to impose a tax of up to 0.75 percent in incorporated areas and 3.75 percent on sales emanating from unincorporated areas. Cook County, the only home-rule county in the state, is authorized to impose a tax of 3 percent regardless of whether the sale occurs in an incorporated or unincorporated area. Municipalities are likewise authorized to impose a 3 percent retailer occupation tax on final sales to consumers. All local taxes will be collected by the state and deposited into dedicated funds that will be protected from budgetary sweeps. These revenues will be disbursed to local governments in the same manner as local sales tax revenues.



ALL TAXES ARE DEPOSITED IN THE NEW CANNABIS REGULATION FUND

Cultivation Privilege Tax

- 7% of the gross receipts from the sale of cannabis by a cultivator or a craft grower to a dispensing organization

Cannabis Purchaser Excise Tax

- 10% of the purchase price – Cannabis with a THC level at or below 35%
- 20% of the purchase price – All cannabis infused products
- 25% of the purchase price – Cannabis with a THC level above 35%
- This tax is not imposed on cannabis that is subject to tax under the Compassionate Use of Medical Cannabis Pilot Program Act
- This tax shall be in addition to all other occupation, privilege, or excise taxes imposed by the State of Illinois or by any municipal corporation or political subdivision thereof.

Municipal Cannabis Retailers' Occupation Tax

On and after January 1, 2020, the corporate authorities of a municipality may, by ordinance, impose a tax on all persons engaged in the business of selling cannabis at retail location in the municipality on the gross receipts from these sales. If imposed, the tax shall be imposed in 0.25% increments and may not exceed 3% of the gross receipts from these sales.

ALLOCATION OF STATE REVENUE

State agencies responsible for administering the adult use cannabis program will receive resources to cover administrative costs from the taxes collected by the program.

All remaining revenue will be allocated as follows:

- 35% will be transferred to the General Revenue Fund,
- 25% will be transferred to the Criminal Justice Information Projects Fund to support the R3 program,
- 20% will be transferred to the Department of Human Services Community Services Fund to address substance abuse and prevention and mental health concerns,
- 10% will be transferred to the Budget Stabilization Fund to pay the backlog of unpaid bills,
- 8% will be transferred to the Local Government Distributive Fund to support crime prevention programs, training, and interdiction efforts, including detection, enforcement, and prevention efforts, relating to the illegal cannabis market and driving under the influence of cannabis, and
- 2% will be transferred to the Drug Treatment Fund to fund public education campaign and to support data collection and analysis of the public health impacts of legalizing the recreational use of cannabis.



Cannabis County Retailers Occupation Tax

On and after January 1, 2020, the corporate authorities of a county may, by ordinance, impose a tax on all persons engaged in the business of selling cannabis at retail locations in the county on the gross receipts from these sales. If imposed, the tax shall be imposed in 0.25% increments. The tax rate may not exceed:

- 3.75% of the gross receipts of sales made in unincorporated areas of the county
- 0.75% of the gross receipts of sales made in a municipality located in a non-home rule county
- 3% of the gross sales receipts made in a municipality located in a home rule county.

Expungement of Law Enforcement Records Minor Cannabis Offenses



Community Investment

The proposal establishes a new grant program, the Restore, Reinvest and Renew (R3) program, to address the impact of economic disinvestment, violence, and the historical overuse of the criminal justice system.

After enforcement and administrative costs are paid, the bill earmarks 25% of the remaining cannabis tax revenues to the R3. Program funds (grants) will be used to address economic development, violence prevention services, re-entry services, civil legal aid and youth development.

License Types

New entrants to the adult use cannabis market

Dispensary: provides cannabis products to adult consumers

Processor: infuses products such as edibles with cannabis extract

Transporter: transports cannabis between business licensees

Craft Grower: can grow between 5,000 and 14,000 square feet of canopy space and may be separately licensed as a processor and a dispensary at the same facility

Cultivation Center: can grow up to 210,000 square feet

License fees vary. Application fees will be \$100,000 for cultivators and \$30,000 for dispensaries with lower fees for social equity partners. There is also a separate business development fee of 5% of total sales or \$750,000, whichever is less, for cultivators and up to \$200,000 for dispensaries, again both with lower fees for social equity applicants.



As part of its broad social justice focus, the Act mandates that certain criminal records must be automatically expunged by law enforcement agencies and creates a process for expunging many other records that do not qualify for automatic expungement. The Act's expungement provisions differ significantly from the expungement provisions that were in previous version of the Act.

The Act mandates that the Illinois State Police and other law enforcement agencies automatically expunge all criminal history records of an arrest, charge not initiated by arrest, order of supervision, or order of qualified probation for a "minor cannabis offense" if:

1. one year or more has elapsed since the date of the arrest or law enforcement interaction documented in the records
2. no criminal charges were filed relating to the arrest or law enforcement interaction or criminal charges were filed and subsequently dismissed or vacated or the arrestee was acquitted

Minor cannabis offenses" are violations of Section 4 or 5 of the Cannabis Control Act concerning not more than 30 grams of any substance containing cannabis, provided the violation did not include a penalty enhancement under Section 7 of the Cannabis Control Act and is not associated with an arrest, conviction or other disposition for a violent crime as defined in subsection (c) of Section 3 of the Rights of Crime Victims and Witnesses Act. Because "minor cannabis offenses" are defined as violations of the Cannabis Control Act, the automatic expungement mandate does not appear to include local ordinance violations.

The Act provides that law enforcement agencies must automatically expunge qualifying records pursuant to the following schedule:

1. records created prior to the effective date of the Act, but on or after Jan. 1, 2013, shall be automatically expunged prior to Jan. 1, 2021
2. records created prior to Jan. 1, 2013, but on or after Jan. 1, 2000, shall be automatically expunged prior to Jan. 1, 2023
3. records created prior to Jan. 1, 2000, shall be automatically expunged prior to Jan. 1, 2025

Therefore, it appears that law enforcement agencies will have significant time to automatically expunge decades worth of qualifying records. That said, it is unclear how these deadlines will interact with the state's standard expungement processes which require an order from a circuit court before a law enforcement agency is required to expunge its records.

The Act provides two other avenues for persons who are not eligible for automatic expungement. First, the governor is authorized to grant pardons and order the expungement of arrest records for offenders who were actually convicted of minor cannabis offenses. Second, offenders who were arrested for, charged with or convicted of more serious violations of the Cannabis Control Act may petition the circuit court for expungement.

CURRENT LAW AND CATEGORY OF EXPUNGEMENT THAT EACH FALLS UNDER

Section 4 (Possession) – Unlawful for any person knowingly to possess cannabis in the following amounts.

(a) <10g	Civil Law Violation	Fees; May be given probation and charges dismissed §10(a)	Governor's Clemency Authority / Automatic Law Enforcement Expungement
(b) 10-30g	Class B Misdemeanor	<6 months; May be given probation and charges dismissed §10(a)	Governor's Clemency Authority / Automatic Law Enforcement Expungement
(c) 30-100g	Class A Misdemeanor	<1 year; May be given probation and charges dismissed §10(a)	Individual / State's Attorney Motions to Vacate
(d) 100-500g	Class 4 Felony	1-3 years	Individual / State's Attorney Motions to Vacate

Section 5 (Manufacture, deliver or intent to deliver) – Unlawful for any person knowingly to manufacture, deliver, or possess with intent to deliver or manufacture cannabis in the following amounts.

(a) <2.5g	Class B Misdemeanor	<6 months; May be given probation and charges dismissed §10(a)	Governor's Clemency Authority / Automatic Law Enforcement Expungement
(b) 2.5-10g	Class A Misdemeanor	<1 year; May be given probation and charges dismissed §10(a)	Governor's Clemency Authority / Automatic Law Enforcement Expungement
(c) 10-30g	Class 4 Felony	1-3 years; May be given probation and charges dismissed §10(a)	Governor's Clemency Authority / Automatic Law Enforcement Expungement

NOTE: Possession amounts were different pre-2016.

Projected Revenue

The Department of Revenue projects that this industry will generate over \$57 million in tax revenue and licensing fees in FY20. This figure represents the combined revenue projections that Governor's Office received from the Department of Revenue concerning the taxation of cannabis as well as the application and licensing fees estimated by the Department of Agriculture and the Department of Financial and Professional Regulation.



Breakdown

- DOR tax revenue: \$34 million (midpoint of the range project by DOR: 10-58 million)
- DOA estimate: \$12.7 million
- IDFPF estimate: \$10.78 million

The Department of Revenue estimates that the state will generate \$140.5 million in tax revenue in FY21. This excludes agencies' application and licensing fees as the program continues to expand. As the cannabis market matures, the state could generate \$253.5 million in FY22, \$323.5 million in FY23, and \$375.5 million in FY24.

The cannabis market has already delivered \$1 billion in revenue to Colorado. Marijuana Business Daily projects the Illinois recreational market potentially will eclipse \$2 billion in annual sales, factors including tourist traffic, among others.

RESOURCES



Holland & Knight www.hklaw.com

Holland & Knight's Local Government Advocacy Team has an extensive history of representing cities, counties, transportation agencies, education districts, and other public entities across the United States. The legalization of cannabis for recreational use will impact local governments across Illinois. Holland & Knight attorneys are ready to advise you on issues that may arise.

Ancel Glink www.ancelglink.com

For over 80 years, Ancel Glink has built and modernized the practice of local government law in Illinois. From litigation to land use and labor relations, their clients enjoy access to top attorneys and large firm resources in a small, personalized setting. Ancel Glink attorneys are available to present legal advice of the Cannabis Regulation and Tax Act in a form that can be easily understood, evaluation and applied.

Marijuana Policy Project www.mpp.org

The Marijuana Policy Project (MPP) is the largest organization in the U.S. that's focused solely on enacting humane marijuana laws. MPP's mission is to change federal law to allow states to determine their own marijuana policies without federal interference.



Useful websites for information on cannabis regulation

Department of Revenue www.revenue.state.il.us

Responsible for enforcing and collecting taxes associated with the sale of cannabis.

Department of Agriculture www2.illinois.gov/sites/agr

Responsible for licensure and oversight of cultivation centers, craft growers, infusers, and transporting organizations and for authorizing laboratories that test cannabis.

Department of Public Health www.dph.illinois.gov

Develops recommendations surrounding health warnings and facilitates the Adult Use Cannabis Public Health Advisory Committee

Department of Financial and Professional Regulation www.idfpr.com

Responsible for licensure and oversight of dispensing organizations.

Illinois State Police www.isp.state.il.us

Conducts background checks on everyone involved in the licensed cannabis sector. Reviews security plans for all licensed entities. Responsible for reviewing all criminal history record information and identifying all individuals with minor violations of the Cannabis Control Act that are eligible for expungement.

Department of Commerce and Economic Opportunity www2.illinois.gov/dceo

Administers a low-interest loan program, a grant program, and technical assistance for social equity applicants. Identifies 'disproportionately impacted areas'.

Department of Human Services www.dhs.state.il.us

Administers programs that address substance abuse and prevention and mental health. Makes recommendations to the Adult Use Cannabis Public Health Advisory Committee regarding drug treatment and prevention. Responsible for administering a public education campaign and collecting data and conducting analysis of the public health impacts of legalizing the recreational use of cannabis.

Sources: Illinois General Assembly P.A. 101-0027, Office of the Governor Adult Use Cannabis Summary. Insight overview of the Cannabis Regulation and Tax Act provided by Holland & Knight Attorneys (Stewart Weiss, Andrew Fiske, Benjamin Schuster)

Illinois Association of County Board Members
and Commissioners
828 S. Second Street, Suite 101
Springfield, Illinois 62704
www.ilcounty.org

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. Add the following uses to Section 5.2 Table of Authorized Principal Uses:
 - a. Add “ADULT-USE CANNABIS DISPENSING ORGANIZATION” to be allowed By-Right in the B-4 and B-5 Districts subject to the following conditions (footnotes in Section 5-2):
 - (1) The use shall be in compliance with the Illinois Cannabis Regulation and Tax Act, Public Act 101-0027.
 - (2) The use shall not be located within 1,500 feet of the property line of a pre-existing dispensing organization or medical cannabis dispensing organization.
 - b. Add “ADULT-USE CANNABIS TRANSPORTING ORGANIZATION OR TRANSPORTER” to be allowed By-Right in the B-3, B-4 and B-5 Districts subject to the condition (footnote in Section 5-2) that the use shall be in compliance with the Illinois Cannabis Regulation and Tax Act, Public Act 101-0027.
 - c. Add “ADULT-USE CANNABIS CRAFT GROWER” to be allowed By-Right in CR, AG-1, AG-2, B-1, B-2, B-3, B-4, B-5, I-1, and I-2 Zoning Districts, subject to the condition (footnote in Section 5-2) that the use shall be in compliance with the Illinois Cannabis Regulation and Tax Act, Public Act 101-0027.
 - d. Add “ADULT-USE CANNABIS CULTIVATION CENTER” to be allowed 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 subject to the condition (footnote in Section 5-2) that the use shall be in compliance with the Illinois Cannabis Regulation and Tax Act, Public Act 101-0027.
 - e. ADULT-USE CANNABIS INFUSER ORGANIZATION OR INFUSER to be allowed By-Right in the I-2 District, subject to the condition (footnote in Section 5-2) that the use shall be in compliance with the Illinois Cannabis Regulation and Tax Act, Public Act 101-0027.
 - f. ADULT-USE CANNABIS PROCESSING ORGANIZATION OR PROCESSOR to be allowed By-Right in the I-2 District, subject to the condition (footnote in Section 5-2) that the use shall be in compliance with the Illinois Cannabis Regulation and Tax Act, Public Act 101-0027.

<u>Agenda</u>	<u>Action Taken</u>
I. Call to Order	6:30 p.m.
II. Roll Call	6 Committee members present
III. Approval of Agenda/Addendum	Approved
IV. Approval of Minutes A. June 6, 2019 – Closed Session B. August 8, 2019	Approved as distributed Approved as distributed
V. Public Participation	Barton Pitts and Cathy Strick
VI. Communications	None
VII. New Business: For Information Only A. October Events: Residential Electronics Collection and IEPA-Sponsored One-Day HHW Collection	None
VIII. New Business: Items to be Approved by ELUC A. Recreation & Entertainment License: Illini BMX, Champaign County Fairgrounds, 1302 North Coler Avenue, Urbana for September 28, October 5,12,18,26, 2019 B. Direction Regarding Proposed Zoning Ordinance Text Amendment for Adult Use Cannabis Zoning Regulations Pursuant to Public Act 101-0027	Approved with additional date of November 2, 2019 Continued to November Meeting
IX. New Business: Items to be Recommended to the County Board A. Zoning Case 931-AM-19. A request by Bill Cope and Mary Kalantzis to amend the Zoning Map to add the Rural Residential Overlay Zoning District designation to allow for the development of 5 single family residential lots in the CR Conservation Recreation Zoning District in conjunction with related Zoning Case 932-S-19 on a 17.2 acre tract in the East	<i>*RECOMMEND County Board approval of amendment to the Zoning Map</i>

Half of the Northeast Quarter of the Northwest Quarter of Section 32, Township 20 North, Range 9 East of the Third Principal Meridian in Somer Township and commonly known as the residence and property at 4018 North Lincoln Avenue, Urbana.

- B. **Zoning Case 932-S-19.** A request by Bill Cope and Mary Kalantzis to amend the Zoning Map to authorize a special use permit for a Rural Residential Development of 5 single family residential lots in the CR Conservation Recreation Zoning District in conjunction with related Zoning Case 931-AM-19 on a 17.2 acre tract in the East Half of the Northeast Quarter of the Northwest Quarter of Section 32, Township 20 North, Range 9 East of the Third Principal Meridian in Somer Township and commonly known as the residence and property at 4018 North Lincoln Avenue, Urbana.
- *RECOMMEND County Board approval of special use permit***
- C. **Zoning Case 934-AM-19.** A request by Bill Cope and Mary Kalantzis to amend the Zoning Map to change the Zoning District designation from the current CR Conservation Recreation Zoning District to the AG-2 Agriculture Zoning District for proposed Outlot A and Proposed Lots 1,2,3,4, and 5 in the Preliminary Plat of Subdivision created by Berns, Clancy and Associates dated July 31, 2019, in order to establish and operate a proposed Event Center as a special use permit authorized by the Zoning Board of Appeals in related Zoning Case 935-S-19 and commonly known as the residence and property at 4018 North Lincoln Avenue, Urbana.
- *RECOMMEND County Board approval of amendment to the Zoning Map***
- D. **Zoning Case 955-FV-19.** Request by Brad and Simone Ribbe to authorize a variance from the Champaign County Special Flood Hazard Areas Ordinance for construction and use of a shed in
- *Recommend County Board approval to authorize a variance from the Champaign County Special Flood Hazard Areas Ordinance***

the Special Flood Hazard Area for which the earthen fill extends only 3 feet beyond the foundation before sloping below the Flood Protection Elevation in lieu of the minimum required extension of fill for 10 feet beyond the foundation before sloping below the Flood Protection Elevation on property located at 2176 CR2100N, St. Joseph.

- | | |
|---|---|
| <p>E. Zoning Case 903-S-18. A request by Nexamp, 101 Summer Street, 2nd Floor, Boston MA 02110, via Barton Pitts, Director of Business Development Midwest Region, and participating landowners the Mildred Catherine Wolf Trust, Mildred Catherine Wolf, Trustee, and Judith K. Wertz to approve the Decommissioning and Site Reclamation Plan for a Community PV Solar Farm with a nameplate capacity of 2 megawatts (MW), on approximately 11 acres in the AG-1 Agriculture Zoning District. The subject property is a 121.79-acre tract comprised of part of Lot D of the Proprietor's Survey of Lands Subdivision in Section 11 of Township 18 North, Range 10 East of the Third Principal Meridian in Sidney Township, and commonly known as the field east of the house located at 2232A CR 1000N, Sidney.</p> | <p>RECOMMEND County Board approval of decommissioning and site reclamation plan contingent upon approval by State's Attorney's Office</p> |
| <p>F. Proposed Fee Increase: Waste Hauler License</p> | <p><i>*RECOMMEND County Board approval of \$35 flat fee per vehicle for Waste Hauler License</i></p> |
| <p>G. Proposed Intergovernmental Agreement and Bylaws for Proposed East Central Illinois Land Bank Authority</p> | <p>RECOMMEND County Board approval of Intergovernmental Agreement</p> |
| <p>X. Other Business</p> | <p>Correction to Recreation and Entertainment License to show date of 10/19/2019 not 10/18/2019</p> |

XI.	Chair's Report	None
XII.	Designation of Items to be Placed on the Consent Agenda	IX. A, B, C, D, F
XIII.	Adjournment	7:34 p.m.

****Denotes inclusion on Consent Agenda***

Agenda	Page #
I. Call to Order	
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A. October 10, 2019	1-5
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VII. New Business: For Information Only	
A. Update Regarding Planning for Follow-up IEPA-Sponsored HHW Collection in 2020	
VIII. New Business: Items to be Approved by ELUC	
A. Direction Regarding Proposed Zoning Ordinance Text Amendment for Adult Use Cannabis Zoning Regulations Pursuant to Public Act 101-0027	6-8
IX. New Business: Items to be Recommended to the County Board	
A. Public Comment Period for Proposed Fee Increase for Waste Hauler License	12-25
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X. Other Business	
A. Semi-annual Review of CLOSED Session Minutes	26-27
XI. Chair's Report	
XII. Designation of Items to be Placed on the Consent Agenda	
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**Champaign County Board
Environment and Land Use Committee (ELUC)
County of Champaign, Urbana, Illinois**

MINUTES – SUBJECT TO REVIEW AND APPROVAL

DATE: Thursday, October 10, 2019
 TIME: 6:30 p.m.
 PLACE: Lyle Shields Meeting Room
 Brookens Administrative Center
 1776 E Washington, Urbana, IL 61802

Committee Members

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

County Staff: John Hall (Zoning Administrator), Susan Monte (Planner), Rita Kincheloe (Recording Secretary)

Others Present: Giraldo Rosales (County Board Chair), Darlene Kloeppel (County Executive)

MINUTES

I. Call to Order

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

II. Roll Call

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

III. Approval of Agenda

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

IV. Approval of Minutes

A. June 6, 2019 – Closed Session

MOTION by Mr. Goss to approve the minutes of the June 6, 2019 ELUC Closed Session Meeting; seconded by Mr. Thorsland. Upon vote, the **MOTION CARRIED** unanimously.

B. August 8, 2019

MOTION by Ms. Eisenmann to approve the minutes of the August 8, 2019 ELUC meeting; second by Ms. Fortado. Upon vote, the **MOTION CARRIED** unanimously.

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V. Public Participation

Barton Pitts, of Nexamp, spoke regarding item IX. E. Zoning Case 903-S-18, requesting approval of the decommissioning and reclamation plan for a solar farm project.

Cathy Strick, who lives at 2006 Juniper Dr., Mahomet, spoke regarding noxious weed removal in unincorporated Mahomet and asked that the commons area adjacent to her property be maintained by the county.

VI. Communications

There were no communications.

VII. New Business: for Information Only

A. October Events: Residential Electronics Collection and IEPA Sponsored One Day HHW Collection

Ms. Monte provided a reminder that there were two events this month and that there were still openings for both.

VIII. New Business: Items to be Approved by ELUC

A. Recreation & Entertainment License: Illini BMX, Champaign County Fairgrounds, 1302 North Coler Avenue, Urbana for September 28, October 5, 12, 18, 26, 2019

There was a rainout on September 28, and they have added a date of November 2. Mr. Hall will coordinate with the clerk to make sure the license reflects this change.

MOTION by Mr. Thorsland to approve; second by Mr. Patterson. Upon vote, the **MOTION CARRIED** unanimously.

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

Mr. Hall gave brief overview. This is a draft amendment, a simple amendment that will specify which zoning districts these uses are allowed in. They must meet the state requirements. If the County Board wants to prohibit some of these uses, it could be a simple resolution. If you like what is before you, after you take action tonight, a public hearing could be held at the Zoning Board of Appeals, which has been docketed for December 12, and could be back to this committee as early as the January meeting.

Discussion followed: Mr. Goss asked if we have an inventory of parcels that might be included. Mr. Hall stated I-2 is the most limited area in the county, B-4 is more widespread and B-5 is possibly more limited than I-2. Mr. Thorsland stated that there are 75 parcels throughout the state, so there would probably not be that many licenses for Champaign County. He is in favor of what has been proposed here. Ms. Eisenmann would like to see us opt-out of CRT and ban recreational businesses. She has concerns about putting it in small towns and how it would be monitored. It will already be available in big cities and will not be doing any favors by allowing it in small areas.

MOTION by Mr. Thorsland to approve the Proposed Amendment (B1 and B2, pages 24 and 25); second by Mr. Patterson.

Discussion on the Motion: Mr. Goss will not support the motion. Mr. Hall added that if the consensus of the committee is to opt-out, we should come back in November with a draft resolution. Mr. Thorsland commented that the vote may be a tie, but if it passes it will go to the ZBA for public comments. We should start with what we have here and let public comments dictate if we opt-out. Mr. Esry stated that if it is a tie at committee, it goes to County Board with no recommendation. If at full committee strength in November, it could be discussed again. Ms. Fortado stated that if it is not legal in some areas, it can cause more problems. Ms. Eisenmann stated concerns that business will be all around small towns and is sending

a mixed message. Ms. Fortado stated folks in the area will be/are using the product. Mr. Esry asked if a motion to postpone is in order. Mr. Thorsland withdrew the original motion.

MOTION by Mr. Thorsland to postpone until the November ELUC meeting; second by Mr. Patterson. Discussion followed on postponing the motion. Upon vote, the **MOTION CARRIED** by a vote of 4 to 2.

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

Mr. Hall explained that items A – C are related; A and B are rezoning requests to allow a subdivision and C is for an event center that they do out of their house. The event center has been approved by the ZB as special use.

- A. **Zoning Case 931-AM-19.** *A request by Bill Cope and Mary Kalantzis to amend the Zoning Map to add the Rural Residential Overlay Zoning District designation to allow for the development of 5 single family residential lots in the CR Conservation Recreation Zoning District in conjunction with related Zoning Case 932-S-19 on a 17.2 acre tract in the East Half of the Northeast Quarter of the Northwest Quarter of Section 32, Township 20 North, Range 9 East of the Third Principal Meridian in Somer Township and commonly known as the residence and property at 4018 North Lincoln Avenue, Urbana.*

MOTION by Mr. Goss; second by Mr. Patterson. Mr. Goss asked if there was a water feature on Lot 4 and 4A. Mr. Hill answered that, yes, there was a pond. Upon vote, the **MOTION CARRIED** unanimously.

- B. **Zoning Case 932-S-19.** *A request by Bill Cope and Mary Kalantzis to amend the Zoning Map to authorize a special use permit for a Rural Residential Development of 5 single family residential lots in the CR Conservation Recreation Zoning District in conjunction with related Zoning Case 931-AM-19 on a 17.2 acre tract in the East Half of the Northeast Quarter of the Northwest Quarter of Section 32, Township 20 North, Range 9 East of the Third Principal Meridian in Somer Township and commonly known as the residence and property at 4018 North Lincoln Avenue, Urbana.*

MOTION by Mr. Thorsland; second by Mr. Patterson. Upon vote, the **MOTION CARRIED** unanimously.

- C. **Zoning Case 934-AM-19.** *A request by Bill Cope and Mary Kalantzis to amend the Zoning Map to change the Zoning District designation from the current CR Conservation Recreation Zoning District to the AG-2 Agriculture Zoning District for proposed Outlot A and Proposed Lots 1,2,3,4, and 5 in the Preliminary Plat of Subdivision created by Berns, Clancy and Associates dated July 31, 2019, in order to establish and operate a proposed Event Center as a special use permit authorized by the Zoning Board of Appeals in related Zoning Case 935-S-19 and commonly known as the residence and property at 4018 North Lincoln Avenue, Urbana.*

MOTION by Ms. Fortado; second by Mr. Patterson. Upon vote, the **MOTION CARRIED** unanimously.

- D. **Zoning Case 955-FV-19.** *Request by Brad and Simone Ribbe to authorize a variance from the Champaign County Special Flood Hazard Areas Ordinance for construction and use of a shed in the Special Flood Hazard Area for which the earthen fill extends only 3 feet beyond the foundation before sloping below the Flood Protection Elevation in lieu of the minimum required extension of fill for 10 feet beyond the foundation before sloping below the Flood Protection Elevation on property located at 2176 CR2100N, St. Joseph.*

MOTION by Ms. Eisenmann; second by Mr. Thorsland. Upon vote, the **MOTION CARRIED** unanimously.

- 139 E. **Zoning Case 903-S-18.** A request by Nexamp, 101 Summer Street, 2nd Floor, Boston MA 02110, via Barton Pitts,
 140 Director of Business Development Midwest Region, and participating landowners the Mildred Catherine Wolf
 141 Trust, Mildred Catherine Wolf, Trustee, and Judith K. Wertz to approve the Decommissioning and Site
 142 Reclamation Plan for a Community PV Solar Farm with a nameplate capacity of 2 megawatts (MW), on
 143 approximately 11 acres in the AG-1 Agriculture Zoning District. The subject property is a 121.79-acre tract
 144 comprised of part of Lot D of the Proprietor's Survey of Lands Subdivision in Section 11 of Township 18 North,
 145 Range 10 East of the Third Principal Meridian in Sidney Township, and commonly known as the field east of the
 146 house located at 2232A CR 1000N, Sidney.

147
 148 **MOTION** by Mr. Thorsland; second by Mr. Goss. Mr. Hill said we are awaiting comments from the State's
 149 Attorney's Office and it was explained to the Petitioner that we may need to postpone until November. The
 150 Original Motion was amended to add the following: **move to approve to full County Board contingent**
 151 **upon approval of the State's Attorney.**

152
 153 Barton Pitts, of Nexamp, answered a question about the ramifications of waiting until November. They can
 154 start the building permit process once approved. Many people are nervous that it won't get done in time
 155 as a tax issue expires at the end of the year.

156
 157 Upon vote, the **MOTION CARRIED** unanimously. Will be kept off the consent agenda.

- 158
 159 F. *Proposed Fee Increase: Waste Hauler License*

160 **MOTION** by Mr. Thorsland to approve a \$35 flat fee per vehicle per company; second by Mr. Goss. The
 161 question was asked if there was feedback from any waste haulers; there was none.

162
 163 Upon vote, the **MOTION CARRIED** unanimously.

- 164
 165 G. *Proposed Intergovernmental Agreement and Bylaws for Proposed East Central Illinois Land Bank Authority*

166 Ms. Kloeppel discussed that fees were dropped because of the Rantoul grant, so the grant satisfies the
 167 money needs for now. There is an exit clause. Ms. Fortado stated there is 60 day notice to withdraw. Ms.
 168 Kloeppel stated there is interest from surrounding counties and additional municipalities, which will lower
 169 the cost. If we are charged a fee, we would get advance notice. We would have 3 positions on their board
 170 and they require either a board member or someone representing the board. The make-up of the board
 171 would be 3 board members from each county and 2 from each municipality. Vermilion County has a land
 172 bank and are looking to expand. The State's Attorney has signed off on this.

173
 174 **MOTION** by Mr. Goss to approve subject to County Board approval; second by Mr. Thorsland.

175 Upon vote, the **MOTION CARRIED** unanimously. Will be kept off the consent agenda.

176
 177 X. **Other Business**

178 A representative of the BMX event stated that the October 18, 2019 date on the Agenda (VIII A.) was incorrect and
 179 that the correct date is October 19, 2019.

180
 181 XI. **Chair's Report**

182 There was no Chair's report.
 183

184 XII. **Designation of Items to be Placed on the Consent Agenda**

185 IX. A, B, C, D and F.

186 XIII. **Adjournment**

187 There being no further business, Mr. Esry adjourned the meeting at 7:34 p.m.

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

190

191

TO: **Environment and Land Use Committee**

231

FROM: **John Hall, Zoning Administrator**

DATE: **October 28, 2019**

RE: **Direction Regarding Proposed Zoning Ordinance Text Amendment for Adult Use Cannabis Zoning Regulations Pursuant to Public Act 101-0027 (Continued from 10/07/19 ELUC Meeting); and**

Proposed Prohibition of Cannabis Related Uses Pursuant to Public Act 101-0027

Champaign County
Department of

**PLANNING &
ZONING**

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

At the October 10, 2019, meeting the Committee reviewed a proposed Zoning Ordinance text amendment to authorize adult cannabis land use pursuant to the Cannabis Regulation and Tax Act (CRTA; House Bill 1438) that was recently approved by both houses of the State legislature and is expected to be signed by the Governor and become law on January 1, 2020.

The Committee continued this item to the November 7, 2019, meeting.

Based on the discussion from the October 10 meeting, this memorandum has two attachments:

- Attachment A is the draft Zoning Ordinance text amendment that would authorize adult cannabis uses businesses “by right” in zoning districts where similar uses are authorized. No special use permits are proposed. For example, Dispensaries are only authorized in the principal business districts, B-4 General Business and B-5 Central Business Districts, and Processors and Infusers are only authorized in the I-2 Heavy Industry Zoning District.
- Attachment B is a model ordinance that would prohibit adult cannabis uses. The model prohibition ordinance was promulgated by the United Counties Council of Illinois (UCCI). This draft ordinance is the item that is the subject of item IX.B. on the Agenda.

ATTACHMENTS

- A Draft Proposed Amendment from 9/24/19 ELUC Memorandum (10/7/19 ELUC Meeting)
- B Draft Cannabis Prohibition Ordinance from the UCCI

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. Add the following uses to Section 5.2 Table of Authorized Principal Uses:
 - a. Add “ADULT-USE CANNABIS DISPENSING ORGANIZATION” to be allowed By-Right in the B-4 and B-5 Districts subject to the following conditions (footnotes in Section 5-2):
 - (1) The use shall be in compliance with the Illinois Cannabis Regulation and Tax Act, Public Act 101-0027.
 - (2) The use shall not be located within 1,500 feet of the property line of a pre-existing dispensing organization or medical cannabis dispensing organization.
 - b. Add “ADULT-USE CANNABIS TRANSPORTING ORGANIZATION OR TRANSPORTER” to be allowed By-Right in the B-3, B-4 and B-5 Districts subject to the condition (footnote in Section 5-2) that the use shall be in compliance with the Illinois Cannabis Regulation and Tax Act, Public Act 101-0027.
 - c. Add “ADULT-USE CANNABIS CRAFT GROWER” to be allowed By-Right in all Zoning Districts, subject to the condition (footnote in Section 5-2) that the use shall be in compliance with the Illinois Cannabis Regulation and Tax Act, Public Act 101-0027.
 - d. Add “ADULT-USE CANNABIS CULTIVATION CENTER” to be allowed By-Right in all Zoning Districts subject to the condition (footnote in Section 5-2) that the use shall be in compliance with the Illinois Cannabis Regulation and Tax Act, Public Act 101-0027.
 - e. ADULT-USE CANNABIS INFUSER ORGANIZATION OR INFUSER to be allowed By-Right in the I-2 District, subject to the condition (footnote in Section 5-2) that the use shall be in compliance with the Illinois Cannabis Regulation and Tax Act, Public Act 101-0027.
 - f. ADULT-USE CANNABIS PROCESSING ORGANIZATION OR PROCESSOR to be allowed By-Right in the I-2 District, subject to the condition (footnote in Section 5-2) that the use shall be in compliance with the Illinois Cannabis Regulation and Tax Act, Public Act 101-0027.

ORDINANCE NO. _____

**AN ORDINANCE
PROHIBITING CANNABIS BUSINESS ESTABLISHMENTS**

WHEREAS, County of _____, a body politic and corporate of the state of Illinois (“_____ County”) is a non-home rule unit of local government pursuant to Article VII, § 8 of the 1970 Illinois Constitution; and

WHEREAS, this Ordinance is adopted pursuant to the provisions of the Illinois Cannabis Regulation and Tax Act, Public Act 101-0027, which provides that the County has the authority to enact ordinances to prohibit or significantly limit a cannabis business establishment's location; and

WHEREAS, the County has determined that the operation of cannabis business establishments would present adverse impacts upon the health, safety and welfare of the residents, and additional costs, burdens and impacts upon law enforcement and regulatory operations of the County; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF THE COUNTY OF _____ AS FOLLOWS:

SECTION 1. Recitals. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

SECTION 2. Cannabis Business Establishments Prohibited. Chapter ___ of the County Code of the County of _____ shall be amended by the addition of [Article Chapter] ___ that will read as follows:

[ARTICLE / CHAPTER/ SECTION] ___ Cannabis Business Establishments Prohibited.

1. Definitions. The following words and phrases shall, for the purposes of this [Article / Chapter / SECTION], have the meanings respectively ascribed to them by this section, as follows:

ADULT-USE CANNABIS BUSINESS ESTABLISHMENT: A cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization.

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: 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.

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.

PERSON: Any person, firm, corporation, association, club, society or other organization, including any owner, manager, proprietor, employee, volunteer or agent.

2. Cannabis Business Establishments Prohibited. The following Adult-Use Cannabis Business Establishments are prohibited in the County of _____. No person shall locate, operate, own, suffer, allow to be operated or aide, abet or assist in the operation within the County of _____ of any of the following:

[REMOVE ANY OF THE FOLLOWING THAT WILL BE PERMITTED]

- Adult-Use Cannabis Craft Grower
- Adult-Use Cannabis Cultivation Center
- Adult-Use Cannabis Dispensing Organization
- Adult-Use Cannabis Infuser Organization or Infuser
- Adult-Use Cannabis Processing Organization or Processor
- Adult-Use Cannabis Transporting Organization or Transporter

3. Public Nuisance Declared. Operation of any prohibited Cannabis Business Establishment within the County in violation of the provisions of this [Article / Chapter / Section] is hereby declared a public nuisance and shall be abated pursuant to all available remedies.

4. Violations. Violations of this Article [Article / Chapter / Section] may be enforced in accordance with the provisions of [Article / Chapter / Section] ___ of this Code.

SECTION 3. Severability. If any provision of this Ordinance, or the application of any provision of this Ordinance, is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this Ordinance, or their application, that can be given effect without the unconstitutional or invalid provision or its application. Each unconstitutional or invalid provision, or application of such provision, is severable, unless otherwise provided by this Ordinance.

SECTION 4. Effective Date. This Ordinance shall be in full force and effect from and after its passage and approval and publication as required by law.

Passed by the County Board this _____ day of _____, 20_____.

AYES: _____
 NAYS: _____
 PRESENT: _____
 ABSTAIN/ABSENT: _____

Approved this _____ day of _____, 20__.

CHAIRPERSON, _____ COUNTY

ATTEST:

COUNTY CLERK

<u>Agenda</u>	<u>Action Taken</u>
I. Call to Order	6:34 p.m.
II. Roll Call	6 Committee members present
III. Approval of Agenda/Addendum	Approved
IV. Approval of Minutes A. October 10, 2019	Approved as distributed
V. Public Participation	Kacie Osterbur
VI. Communications	None
VII. New Business: For Information Only A. Update Regarding Planning for Follow-up IEPA-Sponsored HHW Collection in 2020	None
VIII. New Business: Items to be Approved by ELUC A. Direction Regarding Proposed Zoning Ordinance Text Amendment for Adult Use Cannabis Zoning Regulations Pursuant to Public Act 101-0027	Defeated on tie vote
IX. New Business: Items to be Recommended to the County Board A. Public Comment Period for Proposed Fee Increase for Waste Hauler License.	<i>*RECOMMEND County Board approval of \$35 flat fee per vehicle for Waste Hauler License</i>
B. Resolution Prohibiting Cannabis Related Uses Pursuant to Public Act 101-0027	Advances to County Board without recommendation.
X. Other Business A. Semi-annual Review of CLOSED Session Minutes	
XI. Chair's Report	None
XII. Designation of Items to be Placed on the Consent Agenda	IX. A

XIII. Adjournment

7:32 p.m.

****Denotes inclusion on Consent Agenda***

Agenda	Page #
I. Call to Order	
II. Roll Call	
III. Approval of Agenda/Addendum	
IV. Approval of Minutes	
A. November 7, 2019	1-5
V. Public Participation	
VI. Communications	
VII. <u>New Business: Items for Information Only</u>	
A. E-Waste Collection for Champaign County Residents in 2020 and Beyond	6-11
B. Champaign County Environmental Stewards	12
C. Notice of Non-Compliance with Illinois Noxious Weed Law	13
D. Complaint of open burning at Champaign Township property	14-16
VIII. <u>New Business: Items to be Approved by ELUC</u>	
A. Annual Renewal of Recreation & Entertainment License.	
i. Hudson Farm Wedding & Events, LLC, 1341 CR1800E, Urbana IL 61802. 01/01/20- 12/31/20.	17-23
ii. Champaign County Fair Association, 1302 North Coler Avenue, Urbana IL. 01/01/20- 12/31/20.	24-34
B. Annual Hotel/Motel License for Urbana Motel Inc. at 1906 North Cunningham Avenue, Urbana for 01/01/20- 12/31/20.	35-36
C. Direction Regarding Proposed Zoning Ordinance Text Amendment for Adult Use Cannabis Zoning Regulations Pursuant to Public Act 101-0027	37-44

- IX. New Business: Items to Receive & Place On File by ELUC Committee to Allow a 30-Day Review Period
- A. Zoning Case 945-AT-19. Amend the Champaign County Zoning Ordinance Requirements for a photovoltaic (PV) solar farm in Section 6.1.5 B. (2) of the Champaign County Zoning Ordinance by adding the following requirements for any proposed PV solar farm that is located within one-and-one-half miles of a municipality: 45-62
 Part A: Increase the minimum required time for municipal review as described in the legal advertisement.
 Part B: Require municipal subdivision approval for any PV solar farmland lease exceeding five years when required by any relevant municipal authority that has an adopted comprehensive plan.
 Part C: Amend Section 8.2.3 to allow any PV solar farm authorized prior to the effective date of this amendment and that is in the process of being repaired to not lose its zoning right to operate.
 Part D: Add new Section 8.2.4 to allow any PV solar farm authorized prior to the effective date of this amendment to be constructed pursuant to the standard requirement of a Zoning Use Permit, provided that the Special Use Permit for the solar farm has not expired.
- B. Zoning Case 946-AT-19. Amend the Champaign County Zoning Ordinance requirements for a photovoltaic (PV) solar farm in Section 6.1.5 B. (2) of the Champaign County Zoning Ordinance by adding the following requirements for any proposed PV solar farm that is located within one-and-one-half miles of a municipality: 45-62
 Part A: Increase the minimum required separation between a PV solar farm and a municipal boundary from 0.5 mile to 1.5 miles.
 Part B: (same as Part A in Case 945-AT-19) Increase the minimum required time for municipal review as described in the legal advertisement.
 Part C: (same as Part B in Case 945-AT-19) Require municipal subdivision approval for any PV solar farmland lease exceeding five years when required by any relevant municipal authority that has an adopted comprehensive plan.
 Part D: (same as Part C in Case 945-AT-19) Amend Section 8.2.3 to allow any PV solar farm authorized prior to the effective date of this amendment and that is in the process of being repaired to not lose its zoning right to operate.
 Part E: (same as Part D in Case 945-AT-19) Add new Section 8.2.4 to allow any PV solar farm authorized prior to the effective date of this amendment to be constructed pursuant to the standard requirement of a Zoning Use Permit, provided that the Special Use Permit for the solar farm has not expired.
- C. Zoning Case 948-AT-19. Amend the Champaign County Zoning Ordinance by amending Section 8.3.2 to authorize a variance to rebuild a nonconforming structure before the structure is damaged. 63-68
- X. New Business: Items to be Recommended to the County Board
- A. Subdivision Case 203-19: Liu Subdivision- Final Plat Approval of a Two-Lot Minor Subdivision located in the East Half of the Northeast Quarter of Section 8 of T17N-R9E of the Third Principal Meridian in Crittenden Township and commonly known as the farmstead located at 493 CR1400E, Tolono. 69-112

B.	Resolution Authorizing Collector, Coordinator, and Host Site Agreement: 2020 Residential Electronics Collections	113-122
C.	Resolution Authorizing 2020 Residential Electronics Collection Events and Follow-up IEPA One-Day Household Hazardous Waste Collection Event Cost-Sharing Agreement Between the County of Champaign, the City of Champaign, the City of Urbana, and the Village of Savoy	123-127
D.	CLOSED Session pursuant to 5 ILCS 120/2(c)(6) to consider the setting of a price for lease or sale of property owned by Champaign County	
XI.	Other Business	
A.	Monthly Reports	
i.	February 2019	128-136
ii.	March 2019	137-146
iii.	April 2019	147-159
iv.	May 2019	160-170
v.	June 2019	171-183
vi.	July 2019	184-196
vii.	August 2019	197-210
XII.	Chair's Report	
XIII.	Designation of Items to be Placed on the Consent Agenda	
XIV.	Adjournment	



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

MINUTES – SUBJECT TO REVIEW AND APPROVAL

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

Committee Members

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

County Staff: John Hall (Zoning Administrator), Susan Monte (Planner), Mary Ward (Recording Secretary), Rita Kincheloe

Others Present: Giraldo Rosales (County Board Chair), Jim McGuire (County Board)

MINUTES

I. Call to Order

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

II. Roll Call

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

III. Approval of Agenda

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

IV. Approval of Minutes

A. *October 10, 2019*

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

38 **V. Public Participation**

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

43
44 **MOTION** by Mr. Thorsland to suspend the rules regarding discussion during public participation; seconded by Mr.
45 Goss. Upon vote, the **MOTION CARRIED** unanimously.

46
47 It was explained that it was just a discussion point of unincorporated areas of the county and Penfield was used as
48 an example. Other unincorporated areas include Seymour, Foosland, Dewey and Flatville. The discussion would
49 not just impact Penfield, but other unincorporated areas. What would be voted on is if we would allow the
50 business at all or what kind of regulations would be put on them. Ms. Osterbur stated that Penfield is a quiet town
51 and she would like to keep it like that.

52
53 **VI. Communications**

54 There were no communications.

55
56 **VII. New Business: for Information Only**

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

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

63
64 **VIII. New Business: Items to be Approved by ELUC**

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

67
68 **MOTION** by Mr. Thorsland to approve the Proposed Zoning Ordinance Text Amendment; second by Mr.
69 Patterson.

70
71 Discussion followed. Mr. Thorsland said there are a limited number of licenses and they're expensive. He
72 doesn't think Penfield is a targeted area for a retail operation. All of unincorporated Champaign county is at
73 play for businesses like manufacturing, transport, packaging, infusers or growing. This will become a state
74 allowable endeavor that has a tax benefit for the county. We voted to tax these businesses in all
75 unincorporated Champaign County, so it would be odd to vote to collect tax from a business and then say
76 they can't have a business. Mr. Thorsland is in support of most, if not all, of these businesses to be allowed
77 in the county. Champaign county will only get less than 10 of the available licenses, there are only 75
78 available statewide.

79
80 Ms. Eisenmann asked for clarification as to if this is just for unincorporated Champaign County or for the
81 whole county. Mr. Esry stated that this is just for unincorporated Champaign County. Ms. Eisenmann said
82 that she is against it. She does not want to see recreational cannabis businesses come in to small towns.
83 Her concern is what is regulation going to look like; how will it work. We should see how it's going to work
84 in Champaign-Urbana. One of the things that is prohibited is the consumption of cannabis in any public
85 place. A business could have a special section where you could consume it. Her concern is the physical
86 proximity to people under 21. How is something like that going to be regulated in these small towns where
87 you call the sheriff and by the time they get there, they've moved out of the proximity. Feels that it would
88 have no positive impact on small, rural communities.

89
90 Ms. Dillard-Myers stated that medical marijuana has been available for several years in Illinois. Recreational
91 marijuana is only going to be available to adults. There may be some kids who slip through, but that

92 happens already. With only 200 people, she doesn't see a business going into an area the size of Penfield.
 93 She talked about the medicinal uses for marijuana and the need for people to do more research. Ms.
 94 Eisenmann stated that she had researched this. There is a difference between recreational and medical
 95 marijuana. We're sending a message to children at an earlier age that there is no problem with it.
 96

97 Mr. Thorsland had a question for Mr. Hall about the ordinance; part of the prohibition includes a cultivation
 98 center. So, do we contradict our own right to agriculture if we don't allow a grower to grow? We either
 99 need to allow it or come up with a compromise. Mr. Hall said at this point, he doesn't think anyone has an
 100 answer to that. This may be something we need to check with the State's Attorney to get a better handle
 101 on. It was asked that if we don't allow any of these uses, do we put ourselves in a position to be litigated
 102 against. The answer was that the state has given counties the right to opt-out.
 103

104 Mr. Goss stated that hemp growing is going to be done in regular fields. Since our soils are so good, people
 105 are afraid it will go over the .3 THC limit. Not sure that industrial hemp could be grown in this area. We're
 106 so early in this, we don't know what it's going to be, and he is worried about the unintended consequences
 107 rather than the fact that we are trying to regulate business. He is against this, based on that.
 108

109 Mr. Patterson said that to him, the discussion is more about whether someone has the right to own a
 110 certain type of business. It's a highly regulated law. He doesn't see the point in something being legal and
 111 we say that Champaign County isn't open for business.
 112

113 Mr. McGuire said if you do more of something, it encourages it more. It's interesting that they want to ban
 114 vaping, as one of the issues is the flavored vape as that encourages kids to vape. We talk about infused
 115 gummy bears and chocolate and that's something that's attractive to kids, how would that not encourage
 116 kids to try THC and marijuana. Young people are most impacted by marijuana and cannabis use. We're
 117 here to talk about regulation. Our biggest issue is what happens in unincorporated areas where there isn't
 118 a structure in place to regulate. It's easier to control, if we don't allow it in the first place.
 119

120 Mr. Thorsland questioned Mr. Hall about dispensing organizations and that they are only allowed in the B4
 121 and B5 areas as currently written in the proposed ordinance. How much B4 and B5 is there currently? Mr.
 122 Hall said there is some B4 in Penfield, Seymour and some limited B4 outside of Mahomet. There is even less
 123 B5, and it's spread out even more. Infusers and processing are I2 and that is much more restricted. There
 124 are limits from the state and we have a limit of the actual places you can do it. Mr. Thorsland thinks that
 125 we are over stepping regulating something.
 126

127 Mr. Patterson asked if the state legislation allowed for use at a facility or dispensary to consume the
 128 product. Mr. Hall answered that it was his understanding it was not allowed.
 129

130 Mr. Goss asked what this vote does. Mr. Hall said item VIII. A is if you want to opt-in, we need to know
 131 where you want these to be located, what kind of review process you want. The one presented is the
 132 simplest possible. The other proposal, item XI. B is to prohibit cannabis related uses.
 133

134 Upon roll call vote, the **MOTION** was a tie. Those voting against the motion were: Ms. Eisenmann, Mr.
 135 Goss and Mr. Esry. Those voting for the motion were: Ms. Dillard-Myers, Mr. Patterson and Mr. Thorsland.
 136

137 The vote was a tie and at the ELUC level a tie is a **DEFEAT**.
 138

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

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

141 No one from the public was here to make a comment. The public notice was published on October 19, so it
 142 made sense for it not to go right to the county board to have people comment there if they wanted to.
 143 That's why it's back here. This is covering our publication requirement.
 144

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

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

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

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

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

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

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

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

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

X. **Other Business**

A. Semi-annual Review of CLOSED Session Minutes

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

- 194 XI. **Chair's Report**
195 There was no Chair's report.
196
197 XII. **Designation of Items to be Placed on the Consent Agenda**
198 IX. A.

199 XIII. **Adjournment**
200 There being no further business, Mr. Esry adjourned the meeting at 7:32 p.m.

201
202 *Please note the minutes reflect the order of the agenda and may not necessarily reflect the order of business conducted at the meeting.*
203

Champaign County
Department of

**PLANNING &
ZONING**

TO: **Environment and Land Use Committee**

FROM: **John Hall, Zoning Administrator**

DATE: **December 23, 2019**

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

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 Committee reviewed both a proposed Zoning Ordinance text amendment pursuant to the Cannabis Regulation and Tax Act (CRTA; Public Act 101-0027) and a proposed cannabis prohibition ordinance at their November 5, 2019, meeting and forwarded the prohibition ordinance to the County Board. After extensive debate the County Board chose not to approve the prohibition ordinance and referred the issue back to ELUC.

REVISED PROPOSED AMENDMENT

A revised Zoning Ordinance text amendment is attached. The revisions are based on the discussion at the 11/21/19 County Board meeting. Key considerations and questions about the amendment are the following:

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).
3. The basic proposed amendment only authorizes cannabis uses within 1.5 miles of Champaign and Urbana which are each a “home rule municipality with more than 20,000 population”. Note that the amendment distinguishes between “home rule municipalities with more than 20,000 population” (the Cities of Champaign and Urbana, who both allow sales of cannabis) and “home rule municipality with a population less than 20,000” (the Village of Rantoul that does not allow cannabis).
4. 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 Act but Urbana has additional requirements and those requirements are proposed to be requirements that must be met in the Urbana ETJ area.
5. The proposed amendment follows the relevant municipal requirements regarding consumption of cannabis. Neither Champaign nor Urbana currently allow onsite consumption of cannabis at Dispensaries.
6. The proposed amendment proposes more restrictive requirements than corresponding municipal requirements in the case of Cultivation Center and/or Craft Grower that are proposed to be located 300 feet or less from an existing residence or an existing residentially zoned lot. The proposed amendment requires a County Board approved Special Use Permit similar to the City of

Urbana requirements but the proposed amendment requires that County Board approved Special Use Permit even within the City of Champaign ETJ Area and in the rural area under the alternative scheme. This Special Use Permit could be downgraded to a Zoning Board of Appeals Special Use Permit and it could be limited to only the City of Urbana ETJ Area.

7. 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.
8. As much as possible the draft amendment provides guidance on what accessory uses may be and what is required for those accessory uses to be in compliance with local zoning. For example, Cultivation Centers are allowed to also do processing, infusing, and transporting of cannabis that is grown onsite.
9. The proposed amendment also specifies that a Transporter may be a home occupation provided the use complies with the relevant home occupation standards.
10. There are two alternatives regarding Transporters, Cultivation Centers and Craft Growers vis-à-vis the AG-1 District:
 - Attachment A is the basic amendment and only authorizes cannabis businesses within the 1.5 mile extraterritorial jurisdiction of a home rule municipality with a population of 20,000 or more (ie, Champaign and Urbana).
 - Attachment B is an alternative version for Transporter, Cultivation Center, and Craft Grower that authorizes these types of 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. This creates many more opportunities at the risk of allowing these uses to convert more best prime farmland.

REVIEW BY STATE'S ATTORNEY'S OFFICE

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).

ATTACHMENTS

- A Proposed Amendment
- B Alternative Transporter, Cultivation Center, and Craft Grower

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. Add the following uses to Section 5.2 Table of Authorized Principal Uses:

- a. Add “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.
- b. Add “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.
- c. Add “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.
- d. Add “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.
- e. Add “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.
- f. Add “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.

Note: Changes to text from Attachment B version are shown in strike-out for deletion and underlining for new text.

- b. Add “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.
- e. Add “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.
- f. Add “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.

Agenda	Action
I. Call to Order	6:30 p.m.
II. Roll Call	6 members present
III. Approval of Agenda/Addendum	Approved
IV. Approval of Minutes	
A. November 7, 2019	Approved
V. Public Participation	Gina Pagliuso & Keith Padgett
VI. Communications	Ms. Dillard-Myers mentioned that she would rather be at the town hall meeting being held by Carol Ammons tonight
VII. <u>New Business: Items for Information Only</u>	
A. E-Waste Collection for Champaign County Residents in 2020 and Beyond	Information only
B. Champaign County Environmental Stewards	Information only
C. Notice of Non-Compliance with Illinois Noxious Weed Law	Information only
C. Complaint of open burning at Champaign Township property	Information only
VIII. <u>New Business: Items to be Approved by ELUC</u>	
A. Annual Renewal of Recreation & Entertainment License.	
i. Hudson Farm Wedding & Events, LLC, 1341 CR1800E, Urbana IL 61802. 01/01/20- 12/31/20.	Approved
ii. Champaign County Fair Association, 1302 North Coler Avenue, Urbana IL. 01/01/20- 12/31/20.	Approved
B. Annual Hotel/Motel License for Urbana Motel Inc. at 1906 North Cunningham Avenue, Urbana for 01/01/20- 12/31/20.	Approved

- C. Direction Regarding Proposed Zoning Ordinance Text Amendment for Adult Use Cannabis Zoning Regulations Pursuant to Public Act 101-0027
Option A & B forwarded to the Zoning Board of Appeals
- IX. New Business: Items to Receive & Place On File by ELUC Committee to Allow a 30-Day Review Period
- A. Zoning Case 945-AT-19. Amend the Champaign County Zoning Ordinance requirements for a photovoltaic (PV) solar farm in Section 6.1.5 B. (2) of the Champaign County Zoning Ordinance by adding the following requirements for any proposed PV solar farm that is located within one-and-one-half miles of a municipality:
Part A: Increase the minimum required time for municipal review as described in the legal advertisement.
Part B: Require municipal subdivision approval for any PV solar farmland lease exceeding five years when required by any relevant municipal authority that has an adopted comprehensive plan.
Part C: Amend Section 8.2.3 to allow any PV solar farm authorized prior to the effective date of this amendment and that is in the process of being repaired to not lose its zoning right to operate.
Part D: Add new Section 8.2.4 to allow any PV solar farm authorized prior to the effective date of this amendment to be constructed pursuant to the standard requirement of a Zoning Use Permit, provided that the Special Use Permit for the solar farm has not expired.
Received and placed on file for 30 days
- B. Zoning Case 946-AT-19. Amend the Champaign County Zoning Ordinance requirements for a photovoltaic (PV) solar farm in Section 6.1.5 B. (2) of the Champaign County Zoning Ordinance by adding the following requirements for any proposed PV solar farm that is located within one-and-one-half miles of a municipality:
Part A: Increase the minimum required separation between a PV solar farm and a municipal boundary from 0.5 mile to 1.5 miles.
Part B: (same as Part A in Case 945-AT-19) Increase the minimum required time for municipal review as described in the legal advertisement.
Part C: (same as Part B in Case 945-AT-19) Require municipal subdivision approval for any PV solar farmland lease exceeding five years when required by any relevant municipal authority that has an adopted
Received and placed on file for 30 days

comprehensive plan.

Part D: (same as Part C in Case 945-AT-19) Amend Section 8.2.3 to allow any PV solar farm authorized prior to the effective date of this amendment and that is in the process of being repaired to not lose its zoning right to operate.

Part E: (same as Part D in Case 945-AT-19) Add new Section 8.2.4 to allow any PV solar farm authorized prior to the effective date of this amendment to be constructed pursuant to the standard requirement of a Zoning Use Permit, provided that the Special Use Permit for the solar farm has not expired.

- | | | |
|------|---|---|
| C. | Zoning Case 948-AT-19. Amend the Champaign County Zoning Ordinance by amending Section 8.3.2 to authorize a variance to rebuild a nonconforming structure before the structure is damaged. | Received and placed on file for 30 days |
|
 | | |
| X. | <u>New Business: Items to be Recommended to the County Board</u> | |
| A. | Subdivision Case 203-19: Liu Subdivision- Final Plat Approval of a Two-Lot Minor Subdivision located in the East Half of the Northeast Quarter of Section 8 of T17N-R9E of the Third Principal Meridian in Crittenden Township and commonly known as the farmstead located at 493 CR 1400E, Tolono. | *RECOMMEND COUNTY BOARD APPROVAL of Final Plat Approval of a Two-Lot Minor Subdivision located in the East Half of the Northeast Quarter of Section 8 of T17N-R9E of the Third Principal Meridian in Crittenden Township |
| B. | Resolution Authorizing Collector, Coordinator, and Host Site Agreement: 2020 Residential Electronics Collections | *RECOMMEND COUNTY BOARD APPROVAL of a resolution authorizing Collector, Coordinator, and Host Site Agreement: 2020 Residential Electronics Collections |
| C. | Resolution Authorizing 2020 Residential Electronics Collection Events and Follow-up IEPA One-Day Household Hazardous Waste Collection Event Cost-Sharing Agreement Between the County of Champaign, the City of Champaign, the City of Urbana, and the Village of Savoy | *RECOMMEND COUNTY BOARD APPROVAL of a resolution authorizing 2020 Residential Electronics Collections Events and follow-up IEPA One-Day Household Hazardous Waste Collection Event Cost-Sharing Agreement Between the County of Champaign, the City of Champaign, the City of Urbana, and the Village of Savoy |
| D. | CLOSED Session pursuant to 5 ILCS 120/2(c)(6) to consider the setting of a price for lease or sale of property owned by Champaign County | Recommend County Board Approval |

- | | | |
|-------|---|-----------------------------|
| XI. | Other Business | |
| | A. Monthly Reports | Received and placed on file |
| | i. February 2019 | |
| | ii. March 2019 | |
| | iii. April 2019 | |
| | iv. May 2019 | |
| | v. June 2019 | |
| | vi. July 2019 | |
| | vii. August 2019 | |
| XII. | Chair's Report | None |
| XIII. | Designation of Items to be Placed on the Consent Agenda | X. A, B, C |
| XIV. | Adjournment | 8:40 |

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS²⁵⁹

NOTICE OF REGULAR MEETING

Date: **February 27, 2020**
Time: **6:30 P.M.**
Place: **Lyle Shields Meeting Room**
Brookens Administrative Center
1776 E. Washington Street
Urbana, IL 61802

**Note: NO ENTRANCE TO BUILDING FROM
WASHINGTON STREET PARKING LOT
AFTER 4:30 PM.**

**Use Northeast parking lot via Lierman Avenue
and enter building through Northeast door.**

If you require special accommodations, please notify the Department of Planning & Zoning at (217) 384-3708

EVERYONE MUST SIGN THE ATTENDANCE SHEET - ANYONE GIVING TESTIMONY MUST SIGN THE WITNESS FORM

AGENDA

1. Call to Order
2. Roll Call and Declaration of Quorum
3. Correspondence
4. Approval of Minutes: January 16, 2020
5. Continued Public Hearings
6. New Public Hearings

**Note: The full ZBA packet is now available
online at: www.co.champaign.il.us.**

- *Case 967-S-19** Petitioner: **Bruce and Brody Block, d.b.a., Block Field Tiling, LLC**
Request: **Authorize a Contractor's Facility with Outdoor Storage and Outdoor Operations as a Special Use in the AG-1 Agriculture Zoning District.**
Location: **A 35-acre tract in the South Half of the Southeast Quarter of Section 7, Township 17 North, Range 11 East of the Third Principal Meridian in Ayers Township with an address of 2460 CR 400N, Broadlands.**
- Case 972-AT-20** 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:**
 - 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.**

Case 972-AT-20 cont:

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 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.**

7. Staff Report

8. Other Business

A. Review of Docket

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

10. Adjournment

THIS MEETING WILL BE CONDUCTED REMOTELY

This meeting will also be live streamed at: <https://video.ibm.com/channel/champco1776>

Agenda	Page #
I. Call to Order	
II. Roll Call	
III. Approval of Agenda/Addendum	
IV. Approval of Minutes	
A. February 6, 2020	1-5
V. Public Participation	
*Being accepted remotely through Zoom – for instructions go to: http://www.co.champaign.il.us/CountyBoard/ELUC/2020/200507_Meeting/200507_Zoom_Instructions.pdf	
VI. Communications	
VII. <u>New Business: For Information Only</u>	
A. Notice of Public Review Period for the Champaign County Multi-Jurisdictional Hazard Mitigation Plan Preliminary Draft.	6
B. Update on Prosecution of Enforcement for Dangerous Structures	7-10
VIII. <u>New Business: Items to be Approved by ELUC</u>	
A. Authorization to proceed with an Invitation to Bid for demolition and removal of garbage and debris for property located at 202 Third Street, Foosland pursuant to Enforcement Case ZN-20-30/01, subject to County Board acceptance of the Property Deed and a Budget Amendment on the COW Agenda for May 12, 2020.	11-13
IX. <u>New Business: Items to Receive and Place on File by ELUC Committee to Allow a Review Period Until June 4, 2020</u>	

- A. **Zoning Case 972-AT-20.** 14-43
 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; Processing Organization; Transporting Organization; Craft Grower; and Cultivation Center.
- 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.
- B. **Zoning Case 973-AT-20.** 14-43
 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.
- 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.
- 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.
- X. New Business: Items to be Recommended to the County Board
- A. Annual Facility Inspection Report for the period 4/1/19 – 3/31/20 for Champaign County’s National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Storm Water Discharge Permit with the Illinois Environmental Protection Agency (IEPA). 44-84
- B. Adjustment of Financial Assurance for the California Ridge Wind Farm (Champaign County Special Use Permit 696-S-11) 85-97
- C. Acceptance of a Deed for Property with a Dangerous Structure at 202 Third Street, Foosland (Note: related to Budget Amendment on COW Agenda) 98-103
- D. **Zoning Case 947-AT-19.** Amend the Champaign County Zoning Ordinance by amending the requirements for PV solar farms by deleting Section 6.1.5 B.(2)b. that requires a 0.5 mile separation between a proposed PV solar farm and the CR Conservation Recreation Zoning District. 104-106
- E. **Zoning Case 971-AT-19.** Amend the Champaign County Zoning Ordinance by amending the requirements for PV solar farms by amending the requirements for a letter of credit in Section 6.1.5 Q.(4)e. to change the minimum acceptable long term corporate debt (credit) rating of the proposed financial institution to a rating of “A-” by Standard & Poor’s, or a rating of “A3” by Moody’s or a rating of “A-” by Kroll Bond Rating Agency. 107-109

- XI. Other Business
 - A. Monthly Report
 - i. November 2019 110-123
 - ii. December 2019 124-134
- XII. Chair's Report
- XIII. Designation of Items to be Placed on the Consent Agenda
- XIV. Adjournment



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

MINUTES – Subject to Review and Approval

DATE: Thursday, February 6, 2020
 TIME: 6:30 p.m.
 PLACE: Lyle Shields Meeting Room
 Brookens Administrative Center
 1776 E Washington, Urbana, IL 61802

Committee Members

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

County Staff: John Hall (Zoning Administrator), Susan Monte (Planner), Mary Ward (Recording Secretary)
Others Present: Giraldo Rosales (County Board Chair), Cynthia Fears (Board Member)

MINUTES

I. Call to Order

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

II. Roll Call

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

III. Approval of Agenda/Addendum

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

IV. Approval of Minutes

A. January 9, 2020 – open meeting minutes

MOTION by Mr. Goss to approve the minutes of the January 9, 2020 meeting, seconded by Mr. Thorsland. Upon vote, the **MOTION CARRIED** unanimously.

B. January 9, 2020 – closed session

MOTION by Ms. Dillard-Myers to approve the closed session minutes of the January 9, 2020 meeting, seconded by Mr. Goss. Upon vote, the **MOTION CARRIED** unanimously.

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V. Public Participation

Tami Fruhling-Voges, Mayor of St. Joseph, spoke to the committee regarding the Solar Amendments and the 1.5-mile jurisdiction. It was important for the Village to be part of the planning process and being part of the conversation. It's important to work together on the process.

Mr. Patterson joined the meeting.

VI. Communications

There were no communications.

VII. New Business: Items for Information Only

A. IEPA Appointment to Statewide Materials Management Advisory Committee

Susan Monte has been appointed to serve on this Advisory Committee. Mr. Esry thanked her for taking on this additional work.

B. Online Registration Opens February 3 for Residents to Attend IEPA One-Day Household Hazardous Waste Collection

Ms. Monte reported that we are working more closely with the contractor to see that it goes more smoothly. We are also registering fewer residents. The question was asked about those who didn't get to get through the line at the fall collection. They were given first chance to register for this one and about 150-200 have taken advantage of this. There are still about 350 appointment times left.

C. IEPA Notice of Application for Renewal of NPDES Permit for Urbana-Champaign Sanitary District NE Plant

This is an FYI from IEPA that does not require any County Board action and has been placed on file.

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

A. Zoning Case 947-AT-19. Amend the Champaign County Zoning Ordinance by amending the requirements for PV solar farms by deleting Section 6.1.5 B.(2)b. that requires a 0.5 mile separation between a proposed PV solar farm and the CR Conservation Recreation Zoning District.

MOTION by Mr. Thorsland and seconded by Ms. Fortado.

Discussion followed. Mr. Hall gave a brief review of this amendment. It was not unanimous at ZBA, so it is back here. This could enhance CR areas; it should not hurt them. There was clarification made that this was to be put on 30-day review. The committee will see this again next month.

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

B. Zoning Case 971-AT-19. Amend the Champaign County Zoning Ordinance by amending the requirements for PV solar farms by amending the requirements for a letter of credit in Section 6.1.5 Q.(4)e. to change the minimum acceptable long term corporate debt (credit) rating of the proposed financial institution to a rating of "A-" by Standard & Poor's, or a rating of "A3" by Moody's, or a rating of "A-" by Kroll Bond Rating Agency.

MOTION by Mr. Goss and seconded by Mr. Thorsland.

Discussion followed. Mr. Hall stated that originally this amendment was to add a rating for a bank headquartered in Champaign County. After review by the State's Attorney it was recommend revising the amendment to treat all financial institutions the same. In order to do that, it is necessary to lower the minimum required financial rating to the lower end of the generic, broader "A" rating. The question was asked if this was subject to annual review. The answer was that it was subject to a 3-year review. Some members were uncomfortable with a 3-year review and

87 felt that a yearly review would be better. Mr. Hall said that requiring county review yearly is the only way to be
88 sure that it's done.

89
90 Upon vote, the **MOTION CARRIED** unanimously.

91
92 **IX. New Business: Items to be Approved by ELUC**

- 93 A. Annual Renewal of Recreation and Entertainment License
94 i. Generations Music Booking, MFP, for Christian Music Festival, Champaign County Fairgrounds, 1302 North
95 Coler Avenue, Urbana. July 1 – July 4, 2020
96 ii. Bluestem Hall, Weddings & Events, 1401 E. Old Church Road, Urbana. 1/1/20 – 12/31/20
97

98 **OMNIBUS MOTION** made by Mr. Patterson and seconded by Mr. Thorsland. Upon vote, the **MOTION CARRIED**
99 unanimously.

100
101 New Business: Items to be Recommended to the County Board

- 102 A. **Zoning Case 968-AM-19.** A request by Kyle Britt, 412 Deerpath St, Tolono, and Alex Wilson, 134 W Orleans St,
103 Paxton, d.b.a. Big Rig Diesel Service, LLC, to amend the Zoning Map to change the zoning district designation from
104 the AG-1 Agriculture District to the B-3 Highway Business District in order to establish a Major Automobile Repair
105 Shop on a 6.8 acre tract in the Northwest Quarter of the Southwest Quarter and the Southwest Quarter of the
106 Northwest Quarter of Section 12, Township 18N Range 10E of the Third Principal Meridian in Sidney Township,
107 commonly known as part of the former Agrigenetics tract with an address of 2310 CR 1050 North (County Highway
108 15), Homer.

109
110 **MOTION** made by Mr. Goss and seconded by Ms. Dillard-Myers. Mr. Esry said that this is across the road from
111 Frito-Lay, between Sidney and Homer, and that the buildings have not been used for a couple of years.

112
113 Upon vote, the **MOTION CARRIED** unanimously.

- 114
115 B. Resolution Authorizing Brookfield Properties and Champaign County Event Agreement for IEPA One-Day Household
116 Hazardous Waste Collection on April 4, 2020

117
118 **MOTION** by Ms. Dillard-Myers, seconded by Mr. Thorsland. Upon vote, the **MOTION CARRIED** unanimously.

- 119
120 C. Resolution Approving Champaign County Opt-in Form to Illinois EPA to Participate in Manufacturer E-Waste
121 Program in 2021

122
123 **MOTION** by Mr. Patterson, seconded by Mr. Thorsland. Ms. Monte mentioned that this non-binding, should the
124 county arrange for a program collection site to replace the biannual events.

125
126 Upon vote, the **MOTION CARRIED** unanimously.

- 127
128 D. **Zoning Case 945-AT-19.** Amend the Champaign County Zoning Ordinance requirements for a photovoltaic (PV) solar
129 farm in Section 6.1.5 B.(2) of the Champaign County Zoning Ordinance by adding the following requirements for any
130 proposed PV solar farm that is located within one-and-one-half miles of a municipality:

131 Part A: Increase the minimum required time for municipal review as described in the legal advertisement.

132 Part B: Require municipal subdivision approval for any PV solar farmland lease exceeding five years when required
133 by any relevant municipal authority that has an adopted comprehensive plan.

134 Part C: Amend Section 8.2.3 to allow any PV solar farm authorized prior to the effective date of this amendment
135 and that is in the process of being repaired to not lose its zoning right to operate.

136 Part D: Add new Section 8.2.4 to allow any PV solar farm authorized prior to the effective date of this amendment
137 to be constructed pursuant to the standard requirement of a Zoning Use Permit, provided that the Special Use
138 Permit for the solar farm has not expired.

139 **MOTION** by Mr. Thorsland, seconded by Ms. Fortado.
 140

141 Discussion followed regarding the required separation between a PV solar farm and a municipality and reasons for
 142 and against an increase. There was also discussion about the increased minimum required time for municipal
 143 review and most felt that was a good thing as it gives more time for dialog and working with the solar farms and
 144 municipalities.
 145

146 Ms. Fruhling/Voges spoke again to clarify that the 1.5-mile separation is more desirable for the village due to the
 147 costs of infrastructure for the village. If solar farms are a little further away from the substation, they are in a better
 148 position to pay for their infrastructure to get to the substation. She also said that working with the various solar
 149 farms resulted in very different experiences.
 150

151 Upon vote, a show of hands was called for. The vote was 3 Ayes and 3 Nays. This advances to the County Board
 152 with no recommendation.
 153

- 154 E. **Zoning Case 946-AT-19.** Amend the Champaign County Zoning Ordinance requirements for a photovoltaic (PV) solar
 155 farm in Section 6.1.5 B.(2) of the Champaign County Zoning Ordinance by adding the following requirements for any
 156 proposed PV solar farm that is located within one-and-one-half miles of a municipality:

157 Part A: Increase the minimum required separation between a PV solar farm and a municipal boundary from 0.5 mile
 158 to 1.5 miles.

159 Part B: (same as Part A in Case 945-AT-19) Increase the minimum required time for municipal review as described in
 160 the legal advertisement.

161 Part C: (same as Part B in Case 945-AT-19) Require municipal subdivision approval for any PV solar farmland lease
 162 exceeding five years when required by any relevant municipal authority that has an adopted comprehensive plan.

163 Part D: (same as Part C in Case 945-AT-19) Amend Section 8.2.3 to allow any PV solar farm authorized prior to the
 164 effective date of this amendment and that is in the process of being repaired to not lose its zoning right to operate.

165 Part E: (same as Part D in Case 945-AT-19) Add new Section 8.2.4 to allow any PV solar farm authorized prior to the
 166 effective date of this amendment to be constructed pursuant to the standard requirement of a Zoning Use Permit,
 167 provided that the Special Use Permit for the solar farm has not expired.
 168

169 **MOTION** by Mr. Goss, seconded by Ms. Dillard-Myers. There was no discussion.
 170

171 Upon vote, a show of hands was called for. The vote was 3 Ayes and 3 Nays. This advances to the County Board
 172 with no recommendation.
 173

- 174 F. **Zoning Case 948-AT-19.** Amend the Champaign County Zoning Ordinance by amending Section 8.3.2 to authorize a
 175 variance to rebuild a nonconforming structure before the structure is damaged.
 176

177 **MOTION** by Mr. Thorsland, seconded by Mr. Goss. Discussion followed. A formal protest has been received from
 178 the City of Urbana. It was not a unanimous vote at their meeting. They did note that voting on a protest doesn't
 179 mean the County Board can't pass it, but it does raise the bar at the County Board. It will take a super majority, 17
 180 of 22 members, of the County Board to override the municipal protest.
 181

182 Upon vote, the **MOTION CARRIED** unanimously.
 183

184 **X. Other Business**

185 A. Monthly Report

- 186 i. September 2019
 187 ii. October 2019
 188

189 Mr. Hall said that 2019 was a huge year for the ZBA; the staff and the ZBA did a great job in 2019. The
 190 reports were received and placed and file.

191 **XI. Chair's Report**

192 There was no report. Mr. Esry thanked everyone for coming out for the meeting.
193

194 **XII. Designation of Items to be Placed on the Consent Agenda**

195 IX. A, B, C and F
196

197 **XIII. Adjournment**

198 The meeting was adjourned at 7:44 p.m.
199

200 *Please note the minutes reflect the order of the agenda and may not necessarily reflect the order of business conducted at the meeting.*
201
202

Champaign County
Department of

**PLANNING &
ZONING**

TO: **Environment and Land Use Committee**
FROM: **John Hall, Zoning Administrator**
DATE: **April 28, 2020**
RE: **Case 972-AT-20**

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

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

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.

STATUS

At the March 12, 2020 public hearing, the Zoning Board of Appeals voted 4-1 to forward Case 972-AT-20 with a RECOMMENDATION FOR DENIAL, and voted 4-1 to forward Case 973-AT-20 with a RECOMMENDATION FOR APPROVAL. No public input was received for these cases.

Since that meeting, it was noted that staff erred in excluding Transporting Organizations in the I-1 and I-2 zoning districts. Staff recommends adding Transporting Organizations in these districts for both cases 972-AT-20 and 973-AT-20, and has added this to Attachments B, C, D, and E.

The Summary Finding of Fact for these cases can be found in Attachments B and C. Attachment D is a side by side comparison of Cases 972-AT-20 and 973-AT-20. Attachment E is a series of maps illustrating the differences in cannabis related land uses as proposed in Cases 972-AT-20 and 973-AT-20. The latest revisions were to include transporting Organizations as by-right in I-1 and I-2 districts for both cases, and to identify existing annexation agreements outside Champaign and Urbana.

ELUC AND COUNTY BOARD INPUT TO DATE

Cannabis regulation was first discussed by ELUC at its October 10, 2019 meeting, with the introduction of a proposed amendment that would allow each of the various types of cannabis related land uses authorized by the CRTA to be permitted by-right within specific zoning districts in Champaign County. One member expressed concern about access to cannabis by minors in smaller towns. There were only six members present at the meeting, and there was no majority of ELUC that supported sending the proposed amendment to a public hearing. The Zoning Ordinance amendment was continued for consideration to the November 7, 2019, ELUC meeting.

At the November 7, 2019 meeting, John Hall introduced the same proposed amendment that was introduced in October, and another proposed amendment that was a model ordinance prohibiting adult cannabis uses in unincorporated Champaign County. One resident from Penfield commented that Penfield is a quiet town and they would like it kept that way, in reference to allowing cannabis related business there. There were only six members present and the vote on both ordinances was a tie. However, the tie vote on the proposed “by right” Zoning Ordinance text amendment meant that the proposed amendment did not proceed to the ZBA, but because the prohibition ordinance was for County Board consideration, the tie vote allowed that ordinance to proceed to the full Board without a recommendation. The following is a summary of comments from ELUC members from the November 7, 2019 meeting:

Generally in favor of allowing adult use cannabis related businesses:

- One member said that cannabis related businesses will become a state allowable endeavor that has a tax benefit for the county. We voted to tax these businesses in all unincorporated Champaign County, so it would be odd to vote to collect tax from a business and then say they can't have a business.
- Regarding cultivation centers, the same member asked, would we contradict our own right to agriculture if we don't allow a grower to grow, and do we put ourselves in a position to be litigated against. The answer was that the state has given counties the right to opt-out.
- Another member stated that the discussion is more about whether someone has the right to own a certain type of business. It's a highly regulated law. They don't see the point in something being legal and we say that Champaign County isn't open for business.

Generally opposed to allowing adult use cannabis related businesses:

- One member did not want to see recreational cannabis businesses come into small towns, with the primary concern being the physical proximity to people under age 21. They suggested seeing how recreational marijuana sales play out in in Champaign-Urbana before deciding on the unincorporated areas.
- Another member stated that hemp growing is going to be done in regular fields. Since our soils are so good, people are afraid it will go over the 0.3 THC limit. Not sure that industrial hemp could be grown in this area. We're so early in this, we don't know what it's going to be, and he is worried about the unintended consequences rather than the fact that we are trying to regulate business. This member was against the proposed amendment based on that.
- Another member said that young people are most impacted by marijuana and cannabis use. They said that our biggest issue is what happens in unincorporated areas where there isn't a structure in place to regulate. It's easier to control if we don't allow it in the first place.

At the November 21, 2019 County Board meeting, there was much debate regarding the cannabis prohibition ordinance, which the Board ultimately chose not to approve. A compromise was eventually proposed that would prohibit cannabis related uses within 1.5 miles of municipalities that did not also allow cannabis related uses, and also prohibit cannabis related uses from being near unincorporated settlements such as Penfield and Seymour. The compromise was also proposed to require similar requirements as required by those municipalities that already allowed cannabis uses, reasoning that such municipalities had already gained experience with such uses. The Board referred the topic back to ELUC for further consideration.

At the January 9, 2020, ELUC meeting, John Hall returned with the same pair of proposals. ELUC members unanimously approved sending both proposed amendments to the ZBA. The following is a summary of comments from ELUC members from the January 9, 2020 meeting:

Generally in favor of Option A: within 1.5 miles of Champaign-Urbana only (Case 972-AT-20)

- One member said that it bothers them that the craft grower use is undefined, where we know what a cultivation center is. They are concerned that we are going to over-produce and have an oversupply. They felt that Option A would be a good place to start and then maybe, if needed, we can come back and re-visit it and make changes in the future.
- Another member supports Option A more than Option B, but could live with Option B. They said that if there was a grow center out in County, appropriately zoned, it would be OK. As far as the special use permit, they support keeping that at the County Board level.
- Another member would be able to, very hesitantly, vote for Option A. They said that with Option B, it concerns them that it could come into the unincorporated areas when the communities don't want that type of business. They have been contacted by people saying they don't want it. They would like to slow down and slowly go into this, but could support sending both options to the ZBA.

Generally in favor of Option B: alternative transporter, cultivation center, and craft grower (Case 973-AT-20)

- One member said Option B would be more of a compromise that was suggested at the County Board meeting, and favored keeping the Special Use Permit in Option B at the County Board level.
- Another member said that they support Option B more than Option A at this point, but it just makes sense to send them both to ZBA now.
- Another member said that they don't think the County should limit anyone's ability to grow cannabis if it's done within the county zoning, and doesn't think we should limit access to economic development around this.

NEXT STEPS

Standard protocol is for the Committee to make a preliminary recommendation on a proposed text amendment at the first Committee meeting following a ZBA recommendation, and then make a final recommendation to the County Board at the next regularly scheduled Committee meeting (June 4, 2020, in this instance). The one-month delay in a final recommendation is intended to give municipalities and townships with plan commissions one month in which to provide comments or protests.

ATTACHMENTS

- A Legal advertisement
- B Approved Summary Finding of Fact for Case 972-AT-20 with proposed amendment attached, dated March 12, 2020 and revised April 28, 2020
- C Approved Summary Finding of Fact for Case 973-AT-20 with proposed amendment attached, dated March 12, 2020 and revised April 28, 2020
- D Side by side comparison of Cases 972-AT-20 and 973-AT-20, revised April 28, 2020
- E Maps: Cannabis Related Land Uses for Cases 972-AT-20 and 973-AT-20, revised April 28, 2020

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

SUMMARY FINDING OF FACT FOR CASE 972-AT-20

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, 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).

PROPOSED AMENDMENT FOR CASE 972-AT-20

Red text and red boxes in gray highlight are proposed changes due to staff error dated 4/28/2020

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> ²³																
<u>ADULT USE CANNABIS TRANSPORTING ORGANIZATION</u> ²⁴			<u>S</u>													
<u>ADULT USE CANNABIS INFUSER ORGANIZATION</u> ²⁵																
<u>ADULT USE CANNABIS PROCESSING ORGANIZATION</u> ²⁶																
<u>ADULT USE CANNABIS CULTIVATION CENTER</u> ²⁷	<u>B</u>	<u>B</u>	<u>B</u>						<u>B</u>							
<u>ADULT USE CANNABIS CRAFT GROWER</u> ²⁸	<u>B</u>	<u>B</u>	<u>B</u>						<u>B</u>							

	= Permitted by right		= Permitted on individual LOTS as a SPECIAL USE		= COUNTY BOARD Special Use Permit
	= Proposed to be permitted by right		= Proposed to be permitted on individual LOTS as a SPECIAL USE		= 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, 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 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 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			
<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

SUMMARY FINDING OF FACT FOR CASE 973-AT-20

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, 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).

PROPOSED AMENDMENT FOR CASE 973-AT-20

Red text and red boxes in gray highlight are proposed changes due to staff error dated 4/28/2020

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> ²³																
<u>ADULT USE CANNABIS TRANSPORTING ORGANIZATION</u> ²⁴			<u>S</u>													
<u>ADULT USE CANNABIS INFUSER ORGANIZATION</u> ²⁵																
<u>ADULT USE CANNABIS PROCESSING ORGANIZATION</u> ²⁶																
<u>ADULT USE CANNABIS CULTIVATION CENTER</u> ²⁷	<u>B</u>	<u>B</u>	<u>B</u>						<u>B</u>							
<u>ADULT USE CANNABIS CRAFT GROWER</u> ²⁸	<u>B</u>	<u>B</u>	<u>B</u>						<u>B</u>							

	= Permitted by right	S	= Permitted on individual LOTS as a SPECIAL USE	B	= COUNTY BOARD Special Use Permit
*	= Proposed to be permitted by right	<u>S</u>	= Proposed to be permitted on individual LOTS as a SPECIAL USE	<u>B</u>	= 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,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.

- (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.

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.

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 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				
<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

Case 972-AT-20	Case 973-AT-20
<p>1. Add the following definitions to Section 3 Definitions:</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>	<p>1. Add the following definitions to Section 3 Definitions:</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>

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. Add the following uses to Section 5.2 Table of Authorized Principal Uses:

- a. Add “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.

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. Add the following uses to Section 5.2 Table of Authorized Principal Uses:

- a. Add “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.
- b. Add “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 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) 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.
- b. Add “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 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

<p>c. Add “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:</p> <p>(1) May share a PREMISES with a CRAFT GROWER in the I-2 District without a SPECIAL USE Permit.</p> <p>(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.</p> <p>d. Add “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:</p> <p>(1) May share a PREMISES with a CRAFT GROWER in the I-2 District without a SPECIAL USE Permit.</p> <p>(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</p>	<p><u>extraterritorial jurisdiction of a home rule municipality with a population of 20,000 or more.</u></p> <p>(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.</p> <p>c. Add “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:</p> <p>(1) May share a PREMISES with a CRAFT GROWER in the I-2 District without a SPECIAL USE Permit.</p> <p>(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.</p> <p>d. Add “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:</p> <p>(1) May share a PREMISES with a CRAFT GROWER in the I-2 District without a SPECIAL USE Permit.</p> <p>(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</p>
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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. Add “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.

- e. Add “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.

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.

- f. Add “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.

(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.

- f. Add “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

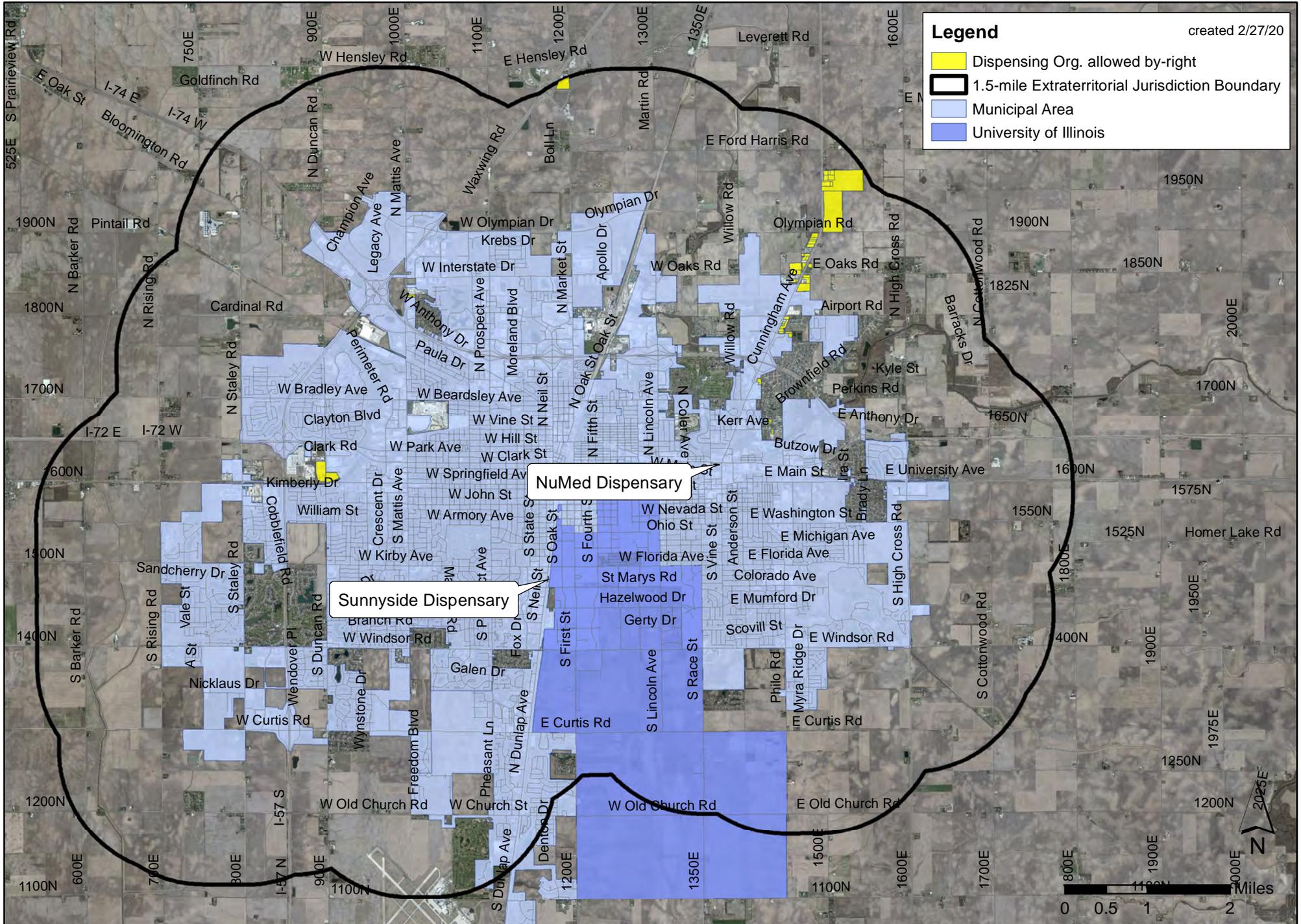
- (4) A CRAFT GROWER may also be a CANNABIS PROCESSING ORGANIZATION and or a CANNABIS INFUSER ORGANIZATION for CANNABIS that is grown at the CRAFT GROWER.
- (5) May share a PREMISES with a CANNABIS DISPENSING ORGANIZATION in the B-4 District without a SPECIAL USE Permit.
- (6) The CRAFT GROWER shall 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.

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.
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- (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.

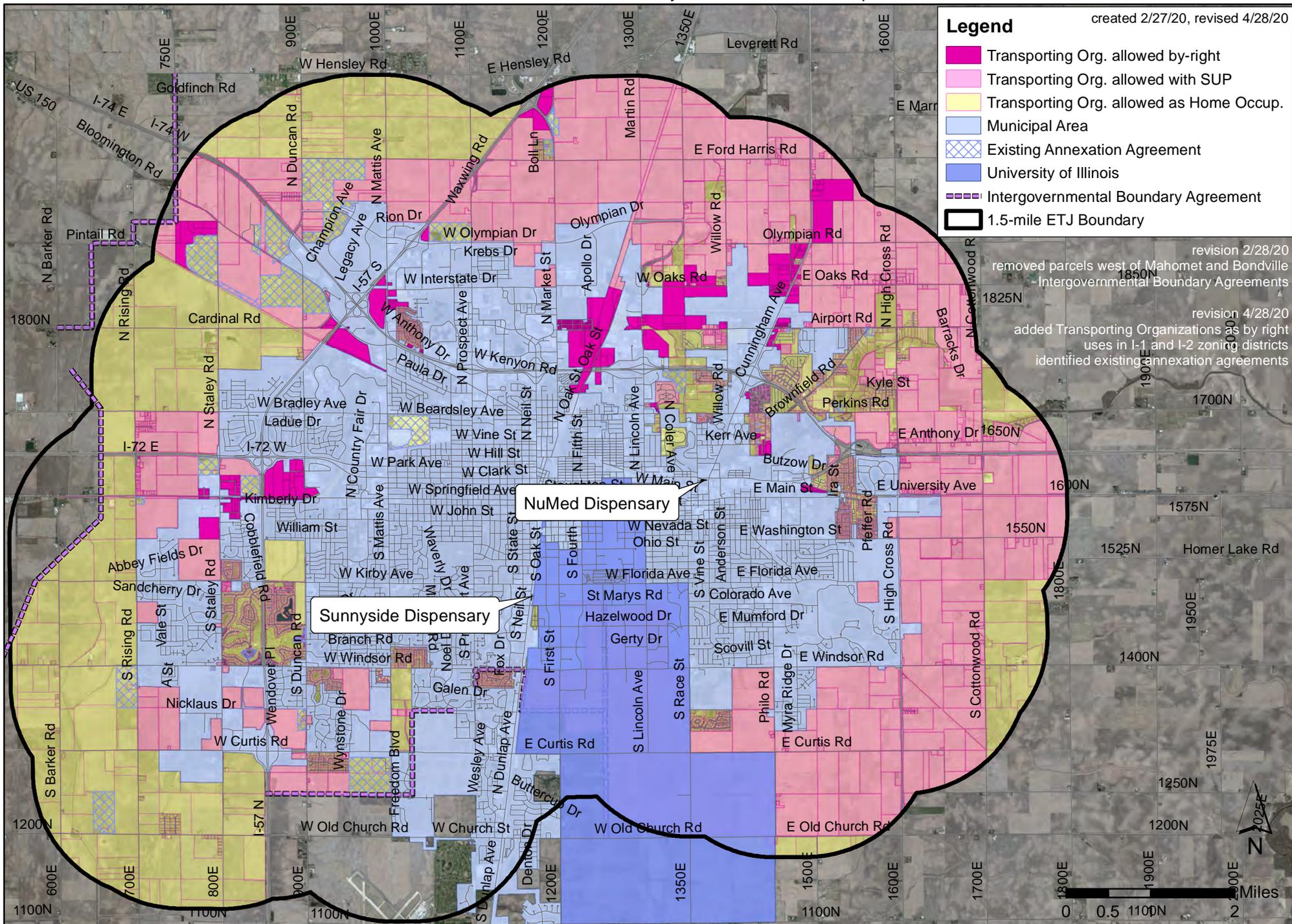
972-AT-20: Dispensing Organization

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



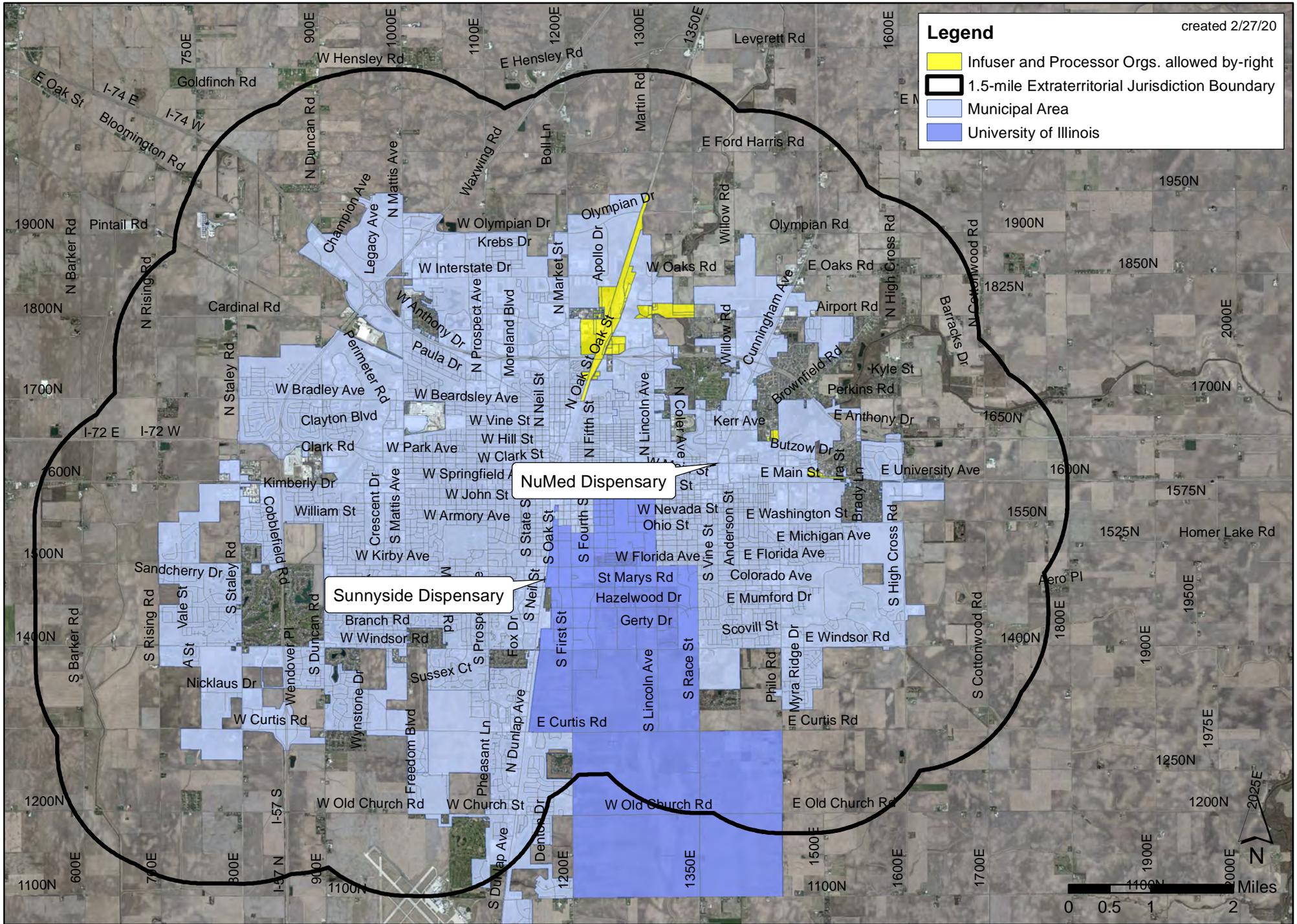
972-AT-20: Transporting Organization

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



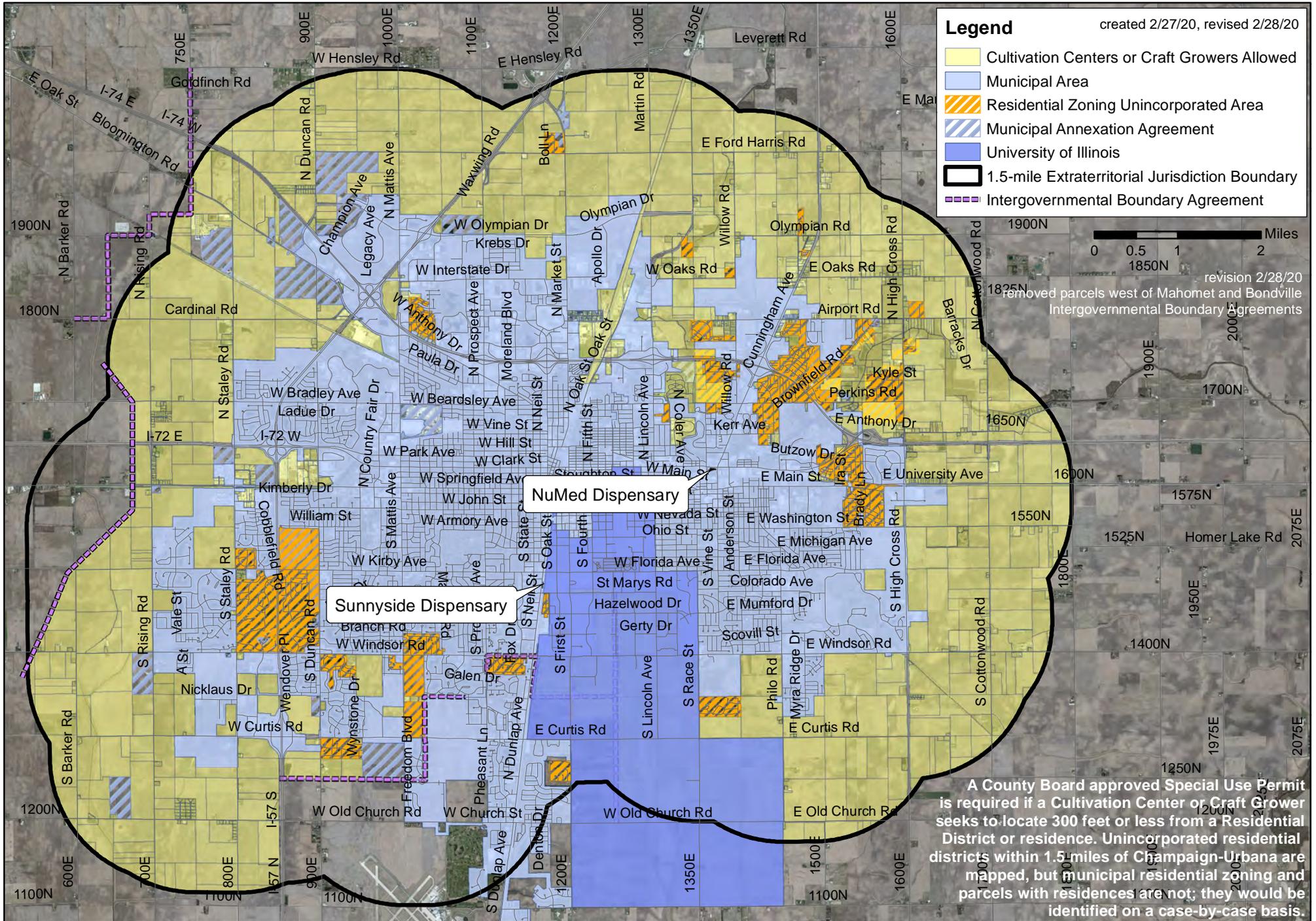
972-AT-20: Infuser and Processing Organizations

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



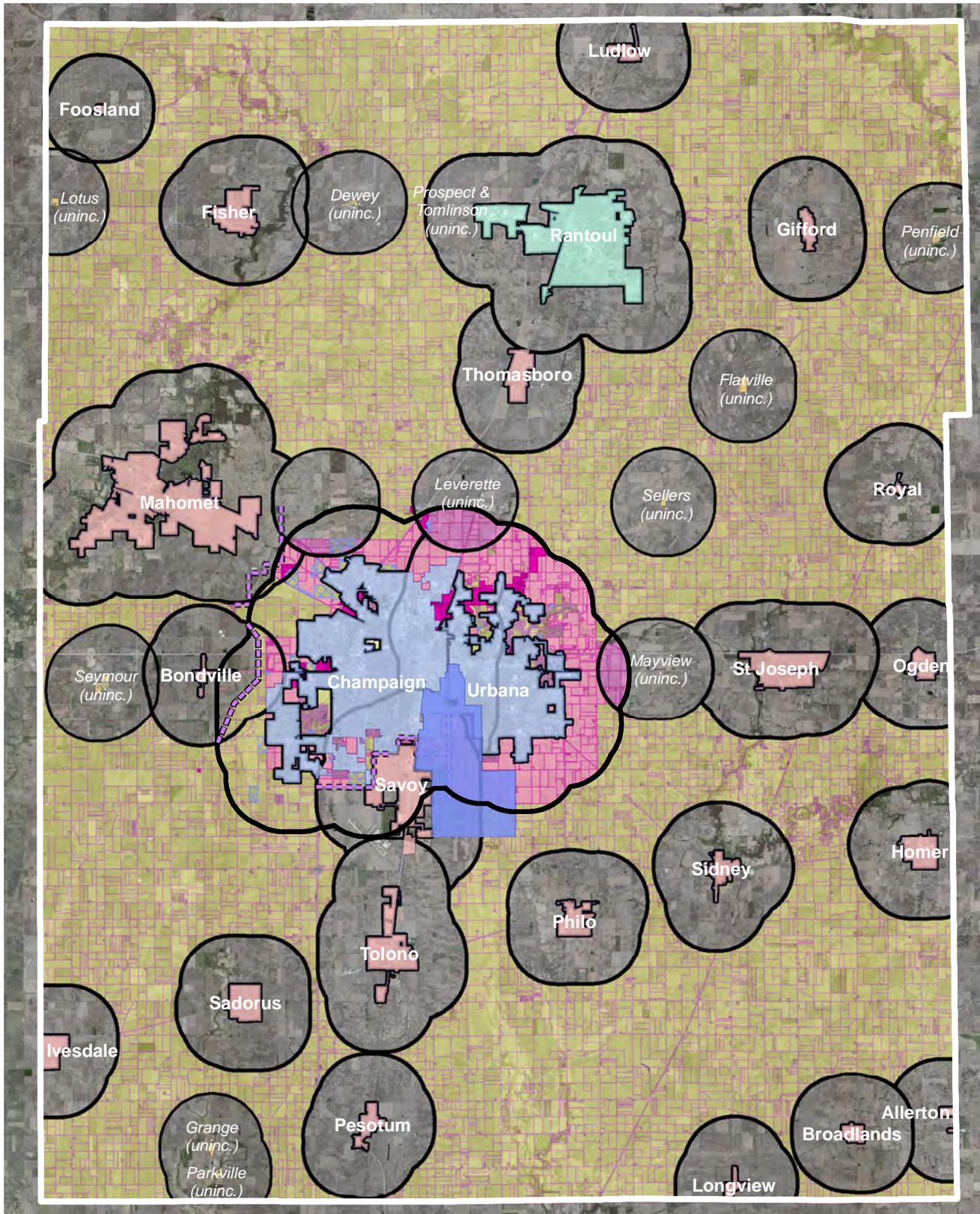
972-AT-20: Cultivation Center or Craft Grower

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



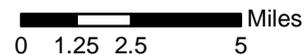
973-AT-20: Transporting Organization

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



Legend

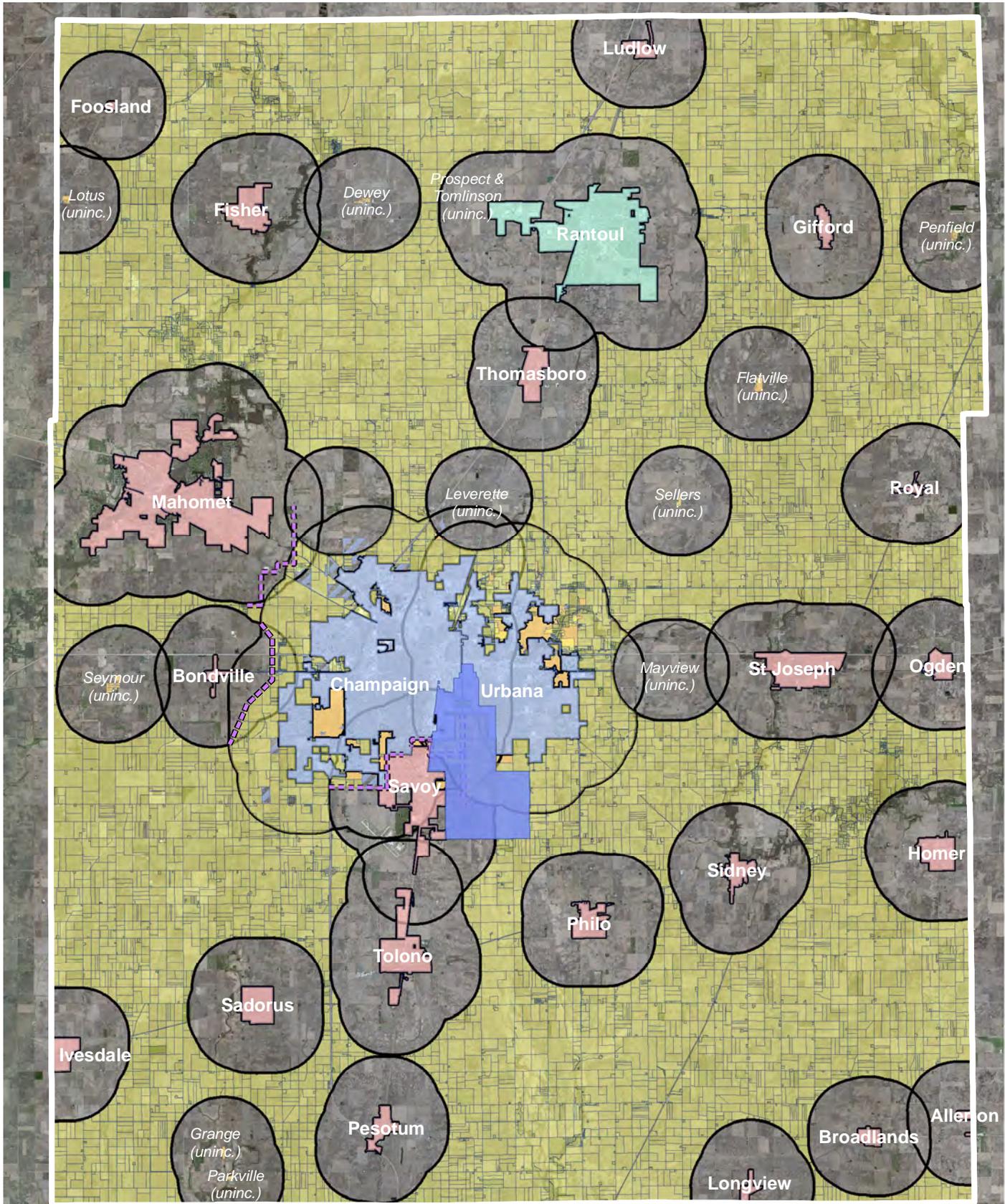
- | | |
|--|---|
| Transporting Org. allowed by-right | Home Rule Muni. Area with >20,000 Population |
| Transporting Org. allowed with SUP | Home Rule Muni. Area with 20,000 or less Population |
| Transporting Org. allowed as Home Occupation | Non-Home Rule Muni. Area |
| Unincorporated residential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



created 2/27/20, revised 4/28/20

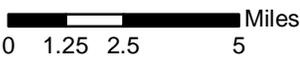
973-AT-20: Cultivation Center or Craft Grower

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
- 



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.

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS²⁹⁹

NOTICE OF REGULAR MEETING

Date: **March 12, 2020**
Time: **6:30 P.M.**
Place: **Lyle Shields Meeting Room**
Brookens Administrative Center
1776 E. Washington Street
Urbana, IL 61802

**Note: NO ENTRANCE TO BUILDING FROM
WASHINGTON STREET PARKING LOT
AFTER 4:30 PM.**

**Use Northeast parking lot via Lierman Avenue
and enter building through Northeast door.**

If you require special accommodations, please notify the Department of Planning & Zoning at (217) 384-3708

EVERYONE MUST SIGN THE ATTENDANCE SHEET - ANYONE GIVING TESTIMONY MUST SIGN THE WITNESS FORM

AGENDA

1. Call to Order
2. Roll Call and Declaration of Quorum
3. Correspondence
4. Approval of Minutes
5. Continued Public Hearings

**Note: The full ZBA packet is now available
online at: www.co.champaign.il.us.**

Case 972-AT-20 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:**
 - 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 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.**

6. New Public Hearings

***Case 969-S-19** Petitioner: **Juan Cruz**

Request: **Authorize a Contractor's Facility with Outdoor Storage and outdoor Operations, in addition to an existing single-family dwelling, as a Special Use in the AG-2 Agriculture Zoning District.**

Location: **A 0.84-acre tract in the Southeast Quarter of the Southwest Quarter of Section 29, Township 20 North, Range 9 East of the Third Principal Meridian in Somer Township with an address of 510 Centennial Farm Road, Champaign.**

7. Staff Report

8. Other Business

A. Review of Docket

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

10. Adjournment

*** Administrative Hearing. Cross Examination allowed.**

Agenda – This meeting was conducted remotely	Action
I. Call to Order	6:30 p.m.
II. Roll Call	7 members present
III. Approval of Agenda/Addendum	Approved
IV. Approval of Minutes	
A. February 6, 2020	Approved
V. Public Participation	None
Accepted remotely through Zoom	
VI. Communications	Mr. Thorsland thanked Andy for all his work setting up the Zoom meetings
VII. <u>New Business: For Information Only</u>	
A. Notice of Public Review Period for the Champaign County Multi-Jurisdictional Hazard Mitigation Plan Preliminary Draft.	Information Only
B. Update on Prosecution of Enforcement for Dangerous Structures	Information Only
VIII. <u>New Business: Items to be Approved by ELUC</u>	
A. Authorization to proceed with an Invitation to Bid for demolition and removal of garbage and debris for property located at 202 Third Street, Foosland pursuant to Enforcement Case ZN-20-30/01, subject to County Board acceptance of the Property Deed and a Budget Amendment on the COW Agenda for May 12, 2020.	Approved as amended with the following conditions: 1)there be no demolition if the Abandoned Properties Program (APP) Grant is not extended and 2)subject to staff verification that there is no leaking or problematic heating oil tank on the property.

IX. New Business: Items to Receive and Place on File by ELUC Committee to Allow a Review Period Until June 4, 2020

A. **Zoning 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.

Approved and placed on file until June 4, 2020

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.

B. **Zoning 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.

Approved and placed on file until June 4, 2020

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.

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.

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

A. Annual Facility Inspection Report for the period 4/1/19 – 3/31/20 for Champaign County's National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Storm Water Discharge Permit with the Illinois Environmental Protection Agency (IEPA).

****Recommend County Board Approval***

B. Adjustment of Financial Assurance for the California Ridge Wind Farm (Champaign County Special Use Permit 696-S-11)

****Recommend County Board Approval***

C. Acceptance of a Deed for Property with a Dangerous Structure at 202 Third Street, Foosland (Note: related to

Recommend County Board Approval

Budget Amendment on COW Agenda)

- | | |
|--|--|
| <p>D. Zoning Case 947-AT-19. Amend the Champaign County Zoning Ordinance by amending the requirements for PV solar farms by deleting Section 6.1.5 B.(2)b. that requires a 0.5 mile separation between a proposed PV solar farm and the CR Conservation Recreation Zoning District.</p> | <p>Recommend County Board Approval</p> |
| <p>E. Zoning Case 971-AT-19. Amend the Champaign County Zoning Ordinance by amending the requirements for PV solar farms by amending the requirements for a letter of credit in Section 6.1.5 Q.(4)e. to change the minimum acceptable long term corporate debt (credit) rating of the proposed financial institution to a rating of "A-" by Standard & Poor's, or a rating of "A3" by Moody's or a rating of "A-" by Kroll Bond Rating Agency.</p> | <p>*Recommend County Board Approval</p> |
| <p>XI. Other Business</p> <p>A. Monthly Report</p> <p style="padding-left: 20px;">i. November 2019</p> <p style="padding-left: 20px;">ii. December 2019</p> | <p>Received and placed on file.
Received and placed on file.</p> |
| <p>XII. Chair's Report</p> | <p>None</p> |
| <p>XIII. Designation of Items to be Placed on the Consent Agenda</p> | <p>X. A., B. and E.</p> |
| <p>XIV. Adjournment</p> | <p>7:29 p.m.</p> |

****Denotes inclusion on Consent Agenda***