

## Minutes of the Land Use and Development Committee Meeting

The Land Use and Development Committee of the McLean County Board met on Thursday, December 5, 2019 at 3:30 p.m. in Room 400, Government Center, 115 E. Washington Street, Bloomington, Illinois.

Members Present: Chairman Chuck Erickson (3:46), Members Laurie Wollrab, George Wendt, Jacob Beard, Sharon Chung and Shayna Watchinski

Members Absent: Member Lyndsay Bloomfield

Other Board Members Present: Members Catherine Metsker, Gerald Thompson

Staff Present: Ms. Camille Rodriguez, County Administrator, Mr. Eric Schmitt, Assistant County Administrator, Ms. Cassy Taylor, Assistant County Administrator, Mr. Trevor Sierra, Assistant State's Attorney Civil Division

Department Heads/  
Elected Officials Present: Mr. Phil Dick, Director of Building and Zoning

Others Present:

Vice Chair Wollrab called the meeting to order at 3:43 p.m., declared a quorum and presented the minutes from the November 7, 2019 regular meeting for approval.

Motion by Wendt/Chung to approve the minutes from the November 7, 2019 regular meeting.  
Motion Carried.

Vice Chair Wollrab confirmed there were no requests to appear by members of the public.

Vice Chair Wollrab presented bills that had been reviewed and recommended by the County Auditor with a prepaid and fund total of \$329.15.

### MCLEAN COUNTY BOARD COMMITTEE REPORT

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AS OF 11/21/2019

#### EXPENDITURE SUMMARY BY FUND

##### Land Use Committee

FUND	FUND TITLE	PENDING TOTAL	PREPAID TOTAL	FUND TOTAL
0001	GENERAL FUND		\$329.15	\$329.15
			\$329.15	\$329.15

  
COMMITTEE CHAIRMAN

Motion by Beard/Watchinski to recommend approval of the Land Use and Development Committee bills prepaid total and fund total of \$329.15.  
Motion carried.

Vice Chair Wollrab asked if there were any appearances by the members of the public. Ms. Rodriguez indicated Ms. Barbara Ulbrich had requested to speak according to Board rules and been told she had 5 minutes to speak. Ms. Ulbrich spoke in favor of opting out on recreational marijuana growth and sale in the County. Chairman Erickson thanked her and thanked the Committee for their patients.

(7:56) Chairman Erickson indicated there were no action items on the agenda and the next item on the agenda under information was to request that staff propose a cannabis zoning text amendment to the McLean County Zoning Board of Appeals. Mr. Erickson provided some back ground and his request of staff to provide options. Mr. Erickson asked Mr. Phil Dick to go through the process. Mr. Phil Dick said they would propose a Text Amendment to the Zoning Board of Appeals and then it would come back to the County Board for review. Mr. Dick provided some background on size allowances and zoning suggestions. He also mentioned a blank in the amendment for them to determine suggested distance from school grounds, playgrounds, public parks or public libraries. Mr. Erickson asked staff to confirm Zoning Board actions. Mr. Dick indicated they would publish notice of a public hearing in the newspaper, hold the public hearing the first Tuesday in January, the Zoning Board of Appeals would take comments into consideration and then sent recommendation to the County Board for consideration the third Tuesday in January.

(11:51) Mr. Wendt asked if they could restrict distance from a residence. Mr. Dick indicated State law does not allow facilities in a residential district, and they could add a restriction. Mr. Wendt indicated he wanted restriction for homes in the County. Mr. Dick provided examples of other ordinances that have those restrictions. Mr. Erickson said he had asked Staff to bring suggestions to the Committee so they could look over before proposal went before the Zoning Board. Mr. Dick indicated public would be able to address the Zoning Board of Appeals, would take public opinion into consideration and then would make recommendation to the County Board and then County Board could review to pass or make changes. Mr. Wendt asked staff to confirm that if County opts out this would not matter. Mr. Sierra confirmed. Ms. Wollrab asked if we are looking at special use permits. Mr. Dick confirmed. Ms. Wollrab asked them to confirm that when a special use permit goes before the Zoning Board of Appeals, they could approve each application with modification or further requirements. Mr. Dick confirmed. (17:15) Ms. Wollrab said there may be situations where there was public opinion against it or the ZBA decides it should not be allowed or allowed with restrictions. Mr. Dick confirmed that could be the case. Mr. Wendt asked them to confirm that even if Zoning Board approved the County Board could vote against. Mr. Dick confirmed.

Mr. Erickson stated he would like to allow each member the chance to speak on the matter. Ms. Chung stated that if someone has a farm with a residence on the farm and they want to grow then they should be allowed to do so. Ms. Watchinski asked if we would be proposing something similar to Bloomington with regard to distance. Mr. Dick indicated that was up to the Committee. Mr. Beard agreed should come to a consensus today before it goes to the Zoning Board. He asked if no action taken then how does that affect opting in and opting out as he thought cannabis businesses might try to apply under current rules and policies. Mr. Dick said it would help to have this ordinance in place in case someone does come to apply for a special use as ag processing. (24:14) Mr. Beard asked about number of licenses

allowed for the different types of businesses. Mr. Dick indicated that there will be very few allowed by the State. Mr. Sierra went over the number of licenses that will be allowed in each category. (26:30) Mr. Beard stated he is supportive of having a setback distance. Mr. Wendt said he would want more than 250 feet for residences in the County. Ms. Wollrab said she is good with some distance for non-participatory land owners and said special use is good place to start but felt would want to look at permitted use in the future.

(30:12) Mr. Erickson asked if for clarification on the chart in the ordinance as some do not have an "S" next to them. Mr. Dick went over chart stating some uses would be allowed in agriculture district, none allowed in residential areas per state statute, and that there could be some in Commercial or M-1 or M-2 districts. Mr. Erickson asked which type of business could cause a smell. Mr. Dick said there could be some smell with the cultivation center. Mr. Erickson asked about not allowing transporter in commercial district. Mr. Dick said we could add an S there. Mr. Erickson asked about dispensary not being allowed under M-2. Mr. Dick indicated this is a retail type of facility and M-2 is heavy industrial zone. Mr. Erickson asked if definitions were out of the State statute. Mr. Dick confirmed they are State statute language. Ms. Wollrab asked why we don't have S next to cannabis craft grower under the Agriculture district. Mr. Dick said we could put it there but explained a craft grower is a smaller type of business and does not need to be in Ag district. Ms. Wollrab asked him to clarify size of business. Mr. Dick confirmed size. Ms. Wollrab said she would be supportive of adding an S next to cannabis craft grower.

(36:11) Mr. Erickson stated the Committee still needed to decide language on distance under Use Standards section. Discussion among members about distances used in language by Bloomington and Normal and restrictions regarding places of worship, schools, and non-participating residents. Mr. Dick asked about whether distance would be from the property line. Mr. Wendt stated he wanted it from property line like with the schools. Mr. Beard indicated he felt that might create an impossible situation and asked if it could be from structure. Ms. Wollrab asked about current restrictions regarding residences on agriculture land. Mr. Dick confirmed there are restrictions for number of residences on agriculture property. Mr. Dick stated 1,500 feet is a long distance and asked he would be ok with 1,000. Ms. Wollrab asked if could say from occupied dwelling. Mr. Wendt stated he did not feel it would apply when the principal use of the land is agriculture but when the principal use is residence. Mr. Dick indicated that 1,500 for schools has not been decided yet and only 1,500 feet is distance from other cannabis businesses. Mr. Wendt agreed with 1,000 feet from primary residence. (43:45) Mr. Beard stated that he would agree with 1,000 feet but asked for addition of places of worship. Mr. Erickson asked him if he wanted to add places of worships and primary residences. Mr. Beard confirmed.

(46:19) Mr. Sierra asked about removing or changing language regarding businesses no closer than 1,500 feet unless they do not want two business within that same area. Discussion resulted in decision to go with the state statute language and removing language from this ordinance. Mr. Dick asked for confirmation that they would have 1,000 added in there and add places of worship and primary residences. Mr. Beard asked if there were other rural uses they were not thinking about. Ms. Wollrab said Normal took a map and plotted out zoning districts and various types of uses as there were some areas where you get to point that there is no area left to have business based on restrictions. She said she looked at map

and felt limiting agriculture areas with ordinance. Mr. Erickson asked if Zoning Board would review that. Mr. Dick indicated the Committee could direct staff to look at what a 1,000 set back would do to any of these uses. Ms. Wollrab said she would like to do that. Mr. Erickson said he would like to leave it at 1,000 and then have Zoning come back and tell us we can't do it at that distance. Mr. Beard concurred and asked about process to rezone agriculture property. Mr. Dick indicated difficult process to rezone from Agriculture to M-1, M-2 or Commercial unless it is adjacent to M-1, M-2 or Commercial property.

Mr. Wendt indicated he needed to leave the meeting and restated points he wanted to see in ordinance. Mr. Dick confirmed, and Mr. Erickson said he felt we have a consensus. Mr. Sierra stated that in the past there has been suggestion of adding Land Use Committee as one of the entities that can propose a text amendment to the zoning ordinance instead of just Zoning Board of Appeals, County Board, or Land Owner, and asked if they wanted that addressed at this time as well. Mr. Erickson said he agreed that would be a good addition. Mr. Erickson asked if staff had what they needed. Mr. Dick confirmed.

Chairman Erickson stated Member Metsker had asked for a moment to speak to the Committee and invited her forward. Ms. Metsker stated that part of a commercial building collapsed in Cropsey which had caused a dangerous situation. She asked for them to consider directing Building and Zoning, Staff and the State's Attorney to begin process to proceed with demolition and clean-up of the property. She said the tax payers of McLean County would probably need to cover the costs. Mr. Erickson asked if Staff had anything to add. Ms. Rodriguez indicated they had been out at the site and trying to come up with solutions but have not come up with any at this time. Mr. Beard asked if fund for unsafe buildings was for residence buildings only. Mr. Dick confirmed residential only but stated fund is longer available to us, so would need to apply for new grant funding. Ms. Wollrab asked if there are zoning rules that would apply so we could sue the land owner. Mr. Dick indicated he spoke with land owner and he has no funding to complete the clean-up. He said he would continue to talk to owner, but we do not have funds to take this building down and if we do pay to take it down then there is a question of whether we are responsible for maintaining it. He said there are many other buildings in similar condition in the County and this might start a precedent. Mr. Sierra indicated we can file an ordinance violation in the Circuit Court but generally you are trying to get compliance and the court does not issue fines. He stated if land owner does not have funds for demolition and clean up, then no funds to pay fine and if no employment then we cannot garnish wages. Mr. Sierra stated we could put a lien but would not cover cost of cleanup. Mr. Erickson asked Staff to come up with proposals and bring to Committee. Ms. Metsker said she felt it needed to be taken care of and that while Mr. Dick indicated there were other buildings like this in the County, she felt this was a unique situation. Ms. Wollrab said she appreciated Ms. Metsker's concern and statements as she too felt it should be taken care of but cautioned that people buy commercial property as investments and this could be a moral hazard to solve this as they should plan before their purchase to make sure they had funding to maintain building.

Mr. Dick provided an update regarding the Bright Stalk wind farm. He said they provided a pre-construction inventory of aquatic species and IDNR did not think post construction inventory was necessary so proposed to have a vibration methodology report submitted instead before windfarm would be turned on. He stated report has been submitted and IDNR

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has accepted so will likely be turned on next week. Ms. Wollrab asked about decision to change study. Mr. Dick indicated that they did not have information on vibrations in waterways and so they felt that information would be more beneficial.

Chairman Erickson indicated there were no positions filed under the purview of the Committee. He stated that the next meeting would be on Thursday, January 2, 2020 at 3:30 p.m.

Mr. Erickson asked if there was anything else to come before the Committee; hearing nothing he adjourned the meeting at 4:51 p.m.

Respectfully Submitted,

*Julie A. Morlock*

Julie Morlock  
Recording Secretary