

WOODFORD COUNTY ZONING BOARD OF APPEALS

Woodford County Board Room
6:00 P. M. Tuesday, October 22, 2019

Minutes

- Call to Order:

Ms. Gauger called the meeting to order at 6:00 pm

- Roll Call: Teresa Gauger, Jerry Lay, Kim Holmes, Dean Backer, and Marty Clinch were present. Ms. Gauger declared a quorum present and asked for a nomination for acting Chairman. Ms. Holmes made the nomination of Ms. Gauger, seconded by Mr. Lay. *Motion Carried.* Others present: Erik Gibson

- Approval of minutes for September 24, 2019.

Motion to approve August minutes made by Clinch, seconded by Lay. *Motion Carried.*

- Executive Session minutes for September 23, 2014, to keep confidential/make public.

Motion to approve and keep confidential the September 23, 2014 minutes made by Holmes, seconded by Lay. *Motion Carried.*

- Executive Session minutes for January 28, 2017, to keep confidential/make public.

Motion to approve and keep confidential the January 28, 2014 minutes made by Holmes, seconded by Lay. *Motion Carried.*

- Swearing in and/or affirmation- completed for each petition.

- Petitions Submitted for Review:

2019-32-V Clayton Township - filed September 16, 2019, by Tim Robertson for a Variance for a 2,016 square feet shed an increase of 216 Sq. Ft. over the lot maintenance shed size restriction on a 2.42 acre parcel in the Agricultural (AG) District, Pt. SW ¼, SW ¼, Section 16, T28N-R1E of the 3rd P.M. Woodford County, Illinois, and more commonly described as 2216 County Road 2000 N., Benson, Illinois.

- Swearing in and/or Affirmation: was completed for petition **2019-32-V**

Tim Robertson was sworn in.

Mr. Robertson presented that he would like to build a 2,016 Sq. Ft. shed on his property. He noted the property was destroyed by the tornado several years ago and only one shed remained. The future plan is to build a house on the property, this building will help maintain the lot. Mr. Clinch asked about the timeline. Mr. Robertson stated he will build the new structure and the old building will come down as soon as the new one is complete. Ms. Holmes asked about the dimensions. Mr. Robertson noted the building is 63 x 32 and the peak height is 20 -21 ft. Ms. Holmes asked about neighbors. Mr. Robertson noted he has spoken to the farmer owning the field surrounding the property and he will address the water runoff concern. Mr. Clinch asked if the utilities are still in place. Mr. Robertson noted they are not, he is working on getting a new septic and electric.

Findings by the Zoning Board of Appeals for Petition 2019-32-V:

- A. Non-conforming uses in the same district and permitted uses in other districts shall not be considered grounds for issuance of a Variance (Affirmative)**

B. The granting of the Variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands or structures in the same district. (Affirmative) No special privileges have been conveyed.

C. The ZBA has found that the reasons set forth in the application justify the granting of the Variance. (Affirmative) Reasonable justification has been presented.

D. The ZBA finds that the granting of the Variance will be in harmony with the general purpose and intent of this ordinance and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare. (Affirmative)

E. The Variance requested is the least amount of Variance required to allow the proposed structure on the existing lot, without regard to aesthetics or personal inconvenience to the property owner. (Affirmative)

Motion to approve petition 2019-32-V for a variance for a 2016 sq. ft. shed made by Holmes, seconded by Backer.

Roll call vote: Teresa Gauger – *Yes*, Dean Backer – *Yes*, Kim Holmes – *Yes*, Jerry Lay – *Yes*, Marty Clinch – *Yes*. *Motion Carried.*

2019-33-S Worth Township - filed September 19, 2019, by Nicholas Martin for a Special Use to operate a mortuary Service/crematory business on .82 acres owned by David Chinuge in the Agricultural District (AG), Pt. SW ¼, NW ¼, section 14, T27N – R3W of the 3rd P.M. Woodford County, Illinois and more commonly described as 1453 Hickory Point Road, Metamora, Illinois.

- Swearing in and/or Affirmation: was completed for petition **2019-33-S**

Nicholas Martin was sworn in.

Mr. Martin explained that he would like to open a mortuary and crematory on the property, it was formerly a tamale factory and before that a slaughterhouse. There are several large coolers on site and he believes it would provide a service to funeral homes and coroners in the area. This would not be open to the public. He noted that they would provide the embalming and cremation services. Mr. Martin noted he is licensed to operate a crematory, and has been employed by other crematories in that roll. Ms. Holmes asked if there are any other crematories in the County, Mr. Clinch noted he thought there might be one outside Germantown Hills. Ms. Holmes asked if this would be considered a lot of record. Ms. Jording noted it would, it has been in existence for years. Ms. Holmes asked about the standards Mr. Martin is required to follow. Mr. Martin discussed that this is a unique circumstance because it is a septic system, he noted that the two most common chemicals are allowed to go into the septic. He noted that hazardous materials such as clothing with blood would have to be disposed of as medical waste. Medical waste has to be disposed of in specialized containers. Mr. Lay asked about the septic systems. Mr. Martin noted that there are two septic's on site, one handles the single restroom and the other handles everything else in the building. Mr. Martin noted if holding all waste is needed, he could do that. Mr. Clinch asked what would be held. Mr. Martin noted formaldehyde and blood mixed in. He noted formaldehyde is a disinfectant, once it is diluted it is not considered hazardous. Ms. Holmes asked about the emissions from the crematory. Mr. Martin noted that the majority of what comes out of the stack is CO₂. He noted he would have procedures in place to not accept bodies that are contaminated with radiation through use of a Geiger counter. He could reject bodies as a private company. Mr. Lay asked how the crematory works. Mr. Martin noted there is a large chamber where the body is placed, the smoke then moves to the secondary chamber where additional combustion takes place and then it goes on to the flume. Mr. Gauger asked if this is only for humans. Mr. Martin noted

they would not be dealing with animals. Mr. Clinch asked if it is gas powered. Mr. Martin noted it is natural gas powered, which is already on site.

Mr. Clinch asked about the age of the septic system. Mr. Martin noted that the Health Department has checked the systems. Mr. Martin noted that one system will require an access point as it required digging to access. Mr. Lay asked if that would be done. Mr. Martin noted they would have to comply with that. Mr. Gauger noted the private septic report noted the north system needed to be pumped and lifters needed installed. Mr. Martin noted that could be done if required. Mr. Backer asked who keeps the operation on the up and up. Mr. Martin noted it's mostly on him, the health department regulates septic and OSHA regulates much of the chemicals. Mr. Martin discussed that there would be him and 1 – 3 other funeral directors in addition to crematory operators. Mr. Clinch asked about certification. Mr. Martin noted there is training for the crematory operators. Mr. Lay asked if he had spoken to the Fire Chief, Mr. Martin noted he had not.

Mr. Charles McCune and Ms. Kerry McCune were sworn in.

Mr. McCune asked how many employees? Mr. Martin noted at least 4. Mr. McCune asked about the load on the facility. Mr. Martin explained that the cremation will be the heaviest load, he noted there is minimal noise, and traffic would be confined to hearses and vans since it is a private facility. Ms. McCune asked what prevents them from becoming a public facility. Mr. Martin noted he would have to be a funeral home to have public.

Mr. McCune questioned Mr. Martin on Geiger counters and their calibration. Mr. Martin discussed that radiation is a new issue and he would have a Geiger counter to be proactive. Mr. McCune asked about the regulations. Mr. Martin noted there really aren't any. Mr. McCune asked about floor drains. Mr. Martin noted he has not been inside the building very much but he believes 4. Mr. David Chinuge was sworn in.

Mr. Chinuge noted this was a slaughter house previously, then a food production facility. Mr. Chinuge noted it has two septic systems, one for the food production and one for sanitary. There are approximately 8 floor drains. He noted there is a grease trap inside and a larger grease trap outside and then the overflow goes into the septic system.

Mr. McCune asked how much the water was used when they were in business. Mr. Chinuge noted they used the water four days a week. But it has been unused for some time. Mr. McCune asked about the water load when the septic was tested. Mr. McCune noted the septic report stated it was tested for 20 minutes so not under a full load.

Mr. McCune asked if the water and power were on at the property. Mr. Chinuge noted it is. Mr. McCune discussed that the water is not on at his house and has been off since Tuesday, he noted the well is on his property. McCune asked if it is a class 4 well. Mr. Chinuge noted he did not know the class of the well but the well pump was replaced a few years ago.

Mr. McCune asked how deep the water table is in this area. Mr. Chinuge noted he did not know but the well is 300 ft. approximately. Mr. McCune asked when the last time the well was serviced. Mr. Chinuge noted he did not know outside the well pump. He noted while he was in business he was required to have the water tested every 6 months and he never had any bad reports. Mr. Lay asked how many operations per day. Mr. Martin noted it would be 6-10 bodies per day, it depends on the size of the body.

Mr. McCune presented that through his research he learned that approximately 50% of people are cremated. During the cremation process hazardous emissions are created, he noted the most hazardous is mercury which is odorless and builds in the body. Mr. McCune discussed the death and cremation rates in the local areas. He discussed overloading the crematory which overloads the afterburner and puts out more emissions. Mr. McCune discussed the water usage, he noted his research showed that each embalming uses approximately 120 gals of water. This is more than the average home uses in a day. Mr. McCune discussed that Arizona had an issue where a body was cremated after the individual received radiation treatment, the facility tested positive for radiation.

He noted that in his experience in aviation 80% of the accidents are caused by human errors. He presented some OSHA forms and discussed the water table in the area. He discussed the water system and the check valves providing protections to the well they share.

Mr. Lay asked if there is a anti backflow on the well. Mr. Chinuge noted there is as it was required by the state for the food service.

Mr. Martin noted that in order for mercury to be emitting it would have to go into the crematorium. Mr. McCune noted fillings contain mercury. Mr. Martin noted the overloading would be difficult as the crematory is designed with a cool down period which makes it impossible to overload depending on the machine. Mr. Martin discussed that the report on the radiation issue, he noted that the amounts were miniscule.

Mr. McCune noted that he is used to seeing redundancy for safety. He noted there does not appear to be much regulation and he is concerned about the impact to the neighborhood.

Mr. Martin noted he will follow all the regulations he is required. He noted he would not be overloading the cremator as he is purchasing the machine and would maintain it. He discussed that he would not be putting hazardous chemicals down the drains. Ms. Holmes asked who would check the septic systems. Mr. Martin noted the Health department would check them. He noted he believed an annual inspection would be required.

Findings by the Zoning Board of Appeals for Petition 2019-33-S:

A. Will not be detrimental to the public health, safety, and welfare; (Affirmative)

At this time because of the safety measures in place with state regulations and information submitted it does not appear it will be detrimental through emissions or fluids or even radioactivity.

B. Will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted. The applicant need not demonstrate complete compatibility, but the applicant shall demonstrate reasonable efforts to minimize incompatibility; (Affirmative)

With the recommendation that the back flow preventers be replaced.

C. Will not be injurious to the district in which it shall be located;

The septic is of concern with the chemicals being placed into the system. (Negative)

The facility is equipped with grease traps and septic tanks that were in place when the building was a slaughter house. (Affirmative)

D. Will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the districts; (Affirmative)

E. That adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided; (Affirmative)

No customers will be on site and existing entrances and parking as well as power and utilities are in place.

F. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public roads; (Affirmative)

G. Is consistent with the Woodford County Comprehensive Land Use Plan.

(Negative) **This business is not appropriate in this location.**

(Affirmative) Based on the facts presented this is consistent with the Comprehensive land use plan.

Motion to approve petition 2019-33-S made by Lay with the stipulation that all back flow prevention devices on the fresh water well system must be replaced, seconded by Holmes

Roll call vote:, Dean Backer – *Yes*, Kim Holmes – *Yes*, Jerry Lay – *Yes*, Marty Clinch – *No*, Teresa Gauger – *Yes*. *Motion Carried*.

2019-31-A County Wide - filed, September 10, 2019, by the Conservation, Planning, and Zoning to amend the Woodford County Zoning Ordinance to add Section 32 Cannabis Business Establishments restricting cannabis businesses in Woodford County.

- Swearing in and/or Affirmation: was completed for petition **2019-31-A** Mr. Blake Parsons, Dr. Chuck Nagel, and Mr. John Krug were sworn in. Mr. Parsons called the Joint meeting of Conservation, Planning and Zoning committee to order. Mr. Parsons presented the proposed text amendment to add section 32 to the zoning ordinance. He discussed that the committee has received significant input from members of the public concerned of the state passage of legalized recreational cannabis. He noted that they have overwhelming support for a prohibition of cannabis business establishments within the county.

Mr. Parsons explained that the definitions were reviewed by Mr. Minger. The main regulatory portion of the section reads as follows:

32-1100 CANNABIS BUSINESS ESTABLISHMENTS PROHIBITED. Pursuant to the authority reserved to the County of Woodford under Section 55-25 of the Cannabis Regulation and Tax Act, the County of Woodford does hereby prohibit all cannabis business establishments within the County of Woodford. No person shall locate, operate, own, suffer, allow to be operated or aide, abet or assist in the operation within the County of Woodford any of the following:

- A. Adult-Use Cannabis Craft Grower*
- B. Adult-Use Cannabis Cultivation Center*
- C. Adult-Use Cannabis Dispensing Organization*
- D. Adult-Use Cannabis Infuser Organization or Infuser*
- E. Adult-Use Cannabis Processing Organization or Processor*
- F. Adult-Use Cannabis Transporting Organization or Transporter*

Ms. Holmes asked what the reasoning given for supporting a ban had been. Mr. Parsons explained the concerns range from underage accessibility and consumption to potential for increases in crime and driving under the influence offences. Mr. Backer asked about the municipalities. Mr. Parson noted that the Municipalities have their own governing authority to regulate cannabis. These regulations will only pertain to unincorporated areas of Woodford County. Mr. Parsons noted this does not recriminalize cannabis, it only restricts the business operations. Mr. Lay asked about the difference between cannabis and hemp. Mr. Parsons explained that Hemp is considered an industrial product and must fall under a certain level of THC to be considered industrial hemp. Mr. Lay asked if this would affect pass through products. Mr. Parsons noted it would not, this only restricts the establishing of business within the county. Mr. Parsons noted that no re-criminalization will occur even when a trucking company passes through the county. Mr. Backer asked how much revenue the county stands to lose. Mr. Parsons stated he did not feel we would lose any revenue and asked Mr. Nagel to discuss further. Mr. Nagel discussed that the county chose to pass the tax on revenue established in the municipalities. He noted that it is tough to determine lost revenue as there will be information tonight that shows Colorado has not seen revenue

increase due to the increased costs associated with enforcement. Mr. Clinch discussed that he has seen data that is contradictory to the information that cannabis increases public safety costs. Mr. Parsons discussed that the cost of testing individuals for DUI. He noted the Sheriff has discussed the need to purchase the test equipment to measure these.

Mr. Lay asked if someone would be allowed to have a smoke room type operations if they did not sell or produce. Mr. Parsons noted that he would have to look but felt that they could potentially be allowed. Mr. Krug noted that is an issue that may end up being determined by the States Attorney in the future. Mr. Parsons discussed that the State Legislature could possibly change. Mr. Parsons noted that the petition will accomplish what they wish to accomplish at this time. Mr. Clinch noted that the section states that *“prohibit all cannabis business establishments within the County of Woodford”* He asked if that needed to specify unincorporated county. Mr. Gibson noted that this is an amendment to the zoning ordinance which only applies to the unincorporated areas of Woodford County. Mr. Clinch stated his concern that it did not state that it was only for the unincorporated areas. Mr. Gibson noted it is inherent in the reading of the ordinance that it only applies to unincorporated county. Mr. Clinch expressed concern that it could be misinterpreted as applying to municipalities. Mr. Parsons and Mr. Krug explained that it is not the intent to pertain to the municipalities and does not in any way. Mr. Lay recommended that the word chapter be changed to section, Act to section and organization to organizations.

Ms. Gauger asked which of the interested parties were in favor of the petition, Mr. Gary Cline, Mr. Jonathan Boehne, Ms. Emily Barker, Ms. Mary Neubecker, and Mr. Richard Hill all indicated they were in favor of the petition.

Mr. Gary Cline, Ms. Emily Barker, Ms. Mary Neubecker, and Mr. Richard Hill were sworn in. Mr. Cline presented letters from three local ministers encouraging the prohibition. He noted that he is a local minister and he is in favor of the prohibition as it will protect our children and protect our community.

Ms. Barker presented a presentation outlining the issues and concerns relating to the legalization of recreational cannabis. She emphasized her opposition to the use of recreational cannabis (see file). Mr. Clinch asked about the age of the statistics and the availability of newer information. Ms. Barker explained that the research she presented is the most recent available as it takes several years for the data to be published.

Ms. Mary Neubecker discussed the dangers of cannabis particularly to the mental health of users. She discussed that cannabis is a gateway drug that can increase use of stronger drugs. She noted that cannabis now is significantly stronger than that available in the 1970 with much higher levels of THC. Ms. Neubecker discussed that the state has legalized cannabis for the money and revenue it will create. She noted that she stands up for the children and adolescents that will be affected by cannabis.

Mr. Richard Hill discussed that he is a father, grandfather, a church leader and a county board member. He noted that the effects of marijuana is apparent in regular uses. He noted that they exhibit a severe lack of clear thinking which often results in them being a danger to themselves and

others. He noted that he believes the state was motivated by revenue, he feels that the loss of individual productivity will negate that increase.

Mr. Parsons discussed his personal experiences with cannabis and expressed that he knows firsthand the effects it can have. He does not feel it has any place in the county.

Motion to approve petition 2019-31-A as amended made by Ms. Holmes, seconded by Mr. Lay
Roll call vote: Kim Holmes – *Yes*, Jerry Lay – *Yes*, Marty Clinch – *Yes* Teresa Gauger – *Yes*, Dean Backer – *Yes*. *Motion Carried*.

The C.P. & Z. Committee adjourned.

• Other Business to Come Before the Board:

- Update on previous months petition/s
All the petitions submitted to the County Board were approved.
- Update on next month petition/s
There will be one map amendment next month.
- IACZO Seminar discussion: None
- Public Input
 - Ms. Pamela Kovacevich discussed that she is the CEO of Girl Scouts of Central Illinois. She noted that she wished that more restrictions had been placed on the applicant of petition 2019-33-S regarding containment of the septic seepage to prevent any contamination of the water wells. She noted they serve thousands of girls and this property is the single residential property throughout 38 other counties. She would like to be able to assure the parents of those girls that this board has taken every precaution to make sure there is no runoff, no seepage into our water system. She noted that they could have petitioned to be a part of the testimony, they did not do that because they are not opposed to the business. They are primarily concerned that the proprietor was unaware and unable to answer several questions this evening, her concern was if he does not know who does. She implored the board to have other discussions where possible.
- ZBA By-Law discussion - (if necessary) None
- Executive Session – None
- Adjournment

Mr. Lay made the motion to adjourn at 9:00, 2nd by Ms. Holmes. *Motion Carried*.

Lisa Jording, Secretary

Teresa Gauger, Acting Chairman

Date