

**MINUTES  
LAND USE COMMITTEE  
JUNE 23, 2020  
4:00 P.M.**

**MEMBERS PRESENT:** James Dillon – Chairman; Brian Elsasser, Kate Pastucha (via teleconference)

**MEMBERS ABSENT:** Matt Windish, Sharon Williams

**OTHERS PRESENT:** Jennie Cordis Boswell - State's Attorney's Office; Scott Sorrel, Shauna Musselman, Gretchen Pearsall - County Administration; Kathi Urban, Andrew Braun - Planning & Zoning;

**Call to Order:**

Mr. Dillon called the meeting to order at 4:03 p.m.

Mr. Elsasser made a motion to allow Ms. Pastucha to attend via teleconference and was seconded by Mr. Dillon. A vote was taken and the motion passed; (2-0) (Mr. Windish & Ms. Williams were absent.)

Mr. Elsasser made a motion to suspend the rules and was seconded by Ms. Pastucha. A roll call vote was taken and the motion was approved: (3-0) (Mr. Windish & Ms. Williams were absent.)

**Approval of Minutes:**

A motion to approve the Land Use Committee minutes from April 7, 2020 was made by Ms. Pastucha and seconded by Mr. Elsasser. A roll call vote was taken on the motion and carried. (3-0) (Mr. Windish & Ms. Williams were absent.)

**Reports/ Other Minutes/Updates:**

Tri-County Regional Planning Commission Minutes: No questions or comments.

Unsafe Structures: No questions or comments.

Development Summary: No questions or comments.

Mr. Dillon made a motion to receive and file the reports.

**Zoning Cases:**

022-20-S, Petition of Peoria County:

Mr. Elsasser made a motion to approve the text amendment and was seconded by Ms. Pastucha.

Ms. Urban summarized the case. A Text Amendment to amend Chapter 20, Article 2, Section 2.6 Hearing Procedures, Article 3, Section 3.5 Special Use Permits, Article 7, Section 7.18 Cannabis Business Establishments, and Article 11, Section 11.1 Definitions of the Peoria County Code.

Amendment to Section 2.6 “Hearing Procedures” will remove the requirement that the hearing schedule for the Zoning Board of Appeals needs to be published annually. This will allow the Zoning Board to determine their schedule based on workload and also allow them flexibility to meet more or less frequently as needed. Additionally, this allows for less frequent meetings in response to budget cuts, if necessary.

Amendment to Section 3.5 “Special Use Permits” will add a prepared statement to Special Use applications that applicants will sign that states they will be responsible for all costs associated with their applications. These fees include, but are not limited to: attorney’s fees, costs for additional hearings, and costs for appeals. This will eliminate any financial burden to the county for these types of cases. Staff anticipates that this will be especially helpful for cases that are controversial or large scale, such as wind energy or solar farm cases.

Amendment to Section 7.18 “Cannabis Business Establishments” reflects some small changes made at the state level for the cannabis regulations passed late last year. The Peoria County Board adopted cannabis regulations in December 2019. At that time, the state was working on some clean up language to be added to those regulations in the future. This amendment addresses those changes. One addition is that applicants to the state must notify Peoria County Planning and Zoning within 10 days of their application if the property is located within unincorporated Peoria County. This will give staff time to review the property for ordinance requirements. Additionally, there would be an amendment adding retail tobacco stores to the list of prohibited places for on-site use. Furthermore, there were three definitions regarding cannabis that have been slightly modified to reflect the state’s changes.

Mr. Elsasser asked if staff had problems with people not paying for their Special Use applications, and Ms. Urban responded that fees for these applications are always collected at the time of filing. Ms. Urban further explained that these other fees the applicant would be responsible for would be for having special Zoning Board hearings on a case, costs for attorneys, court costs, costs for expert witnesses, etc. Ms. Urban added that staff anticipated that this would likely be for large scale or controversial cases, typically. Mr. Dillon pointed out this particular amendment was brought forward by a Zoning Board member. Ms. Urban explained that she had learned of this recommendation at a seminar she attended in which a Zoning Board member who is an attorney at Heyl-Royster was the speaker. The Zoning Board member made this recommendation to those in attendance at the seminar.

A roll call vote was taken on the motion and carried. (3-0) (Mr. Windish & Ms. Williams were absent.)

018-20-U, Petition of Debra Silzer:

Mr. Elsasser made a motion to approve the special use request with restriction and was seconded by Ms. Pastucha.

Ms. Urban summarized the case. A Special Use as required in Section 20.5.2.2.1.a.1 of the Unified Development Ordinance. This section allows for a special use when a proposed land split does not meet the 25 acre minimum lot size nor the 1 dwelling unit per 25 contiguous acres density requirement in the A-2 Agricultural District. The petitioner proposes to divide an existing 23.06 parcel into 3 parcels of approximately 13.6 acres, 8.7 acres, and 1.08 acre. This parcel is located on Southport Road in Rosefield Township. There are 0 consents and 0 objections on file.

Ms. Silzer, her sister, and their parents own the three houses currently located on this property. Ms. Silzer's parents have since passed away, so she and her sister would like to divide the property into three separate pieces and sell their parents' home on the newly created 1.08 acre piece. The remaining two pieces would contain the existing houses that each sister owns. This parcel and all surrounding parcels, with the exception of one parcel to the south, is zoned A-2. The parcel to the south is zoned A-1. All of the surrounding properties are a combination of residential and agriculture uses, so this request is consistent with the area. All parcels will be accessed off of Eden Road. No cropland will be taken out of production with this request, although the parcel does have a medium rating for agricultural protection. Each of the homes are served by their own well and septic systems. The Health Department did not comment on the case. The request is consistent with the Peoria County Comprehensive Land Use Plan and the Peoria County Rural Growth Strategy. This request will also bring this parcel into compliance as the zoning ordinance requires only one dwelling per parcel. Staff has recommended approval with restriction and the Zoning Board concurred unanimously.

A roll call vote was taken on the motion and carried. (3-0) (Mr. Windish & Ms. Williams were absent.)

**Subdivision Waivers:**

**W04-20, Petition of Debra Silzer:**

Mr. Elsasser made a motion to approve the subdivision waiver and was seconded by Ms. Pastucha.

Ms. Urban summarized the case. A waiver from Section 20-8.3.4.1.b.2.a of the Unified Development Ordinance. This section requires a new minor subdivision to have public water supply. This was filed concurrently with the previous zoning case 018-20-U since the parcels to be subdivided will all continue to be served by private wells. Well reports submitted for each well indicated recovery rates of 4.3 gallons per minute, 12.3 gallons per minute and 7.9 gallons per minute. The nearest public water supply is approximately 7 miles to the west (City of Elmwood). The Health Department did not comment on the case; however, all of the wells exceeded the 3 gallon per minute requirement. Staff is recommending approval.

A roll call vote was taken on the motion and carried. (3-0) (Mr. Windish & Ms. Williams were absent.)

**Committee Action:**

**Review of Executive Session Minutes:**

Ms. Cordis Boswell recommended that all previously held minutes continue to be held as the need for confidentiality still exists, and to destroy all audio recordings of executive session minutes more than 2 years old except for those that are related to pending litigation. A motion was made by Mr. Elsasser and seconded by Ms. Pastucha to accept the recommendation of the State's Attorney's Office. A roll call vote was taken, and the motion carried; (3-0) (Mr. Windish & Ms. Williams were absent.)

**Miscellaneous:**

Mr. Elsasser briefly discussed a wind energy company from Texas that had been in contact with staff about interest in putting a wind farm in the Princeville area. Ms. Urban stated that she had recently been in contact with staff from the wind energy company who had stated that they

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hoped to get in touch with landowners soon to see if there was interest in the project. Ms. Urban added that the wind energy company did not want to come to the county board to discuss the possibility of the project until they had spoken with landowners. Mr. Elsasser stated that he would like to have an informational meeting about it in the Princeville area, but with restrictions due to COVID-19, he was unsure of how to hold a large meeting. Mr. Dillon added that these types of projects take years to organize, so he doubted anything would be formally coming before the board any time soon.

No further questions or comments were made.

**Adjournment:** Mr. Dillon adjourned the meeting at 4:24 p.m.

*Recorded by: Ellen Hanks, ZBA Administrative Assistant*