

Agenda Item # 39

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COUNTY BOARD, LAKE COUNTY, ILLINOIS

APRIL 8, 2008

MADAM CHAIRMAN AND MEMBERS OF THE COUNTY BOARD:

Your Planning, Building and Zoning Committee herewith presents a Resolution approving the revision to the "Lake County Regional Framework Plan Future Land use Map Amendment Policy" and requests its adoption.

Respectfully submitted,

Pamela D. Neel Aye Nay
CHAIRPERSON ✓

Judy Martini ✓
VICE-CHAIRPERSON

Susan L. Brevenhast ✓

Robert Sabom ✓

[Signature] ✓

[Signature] ✓

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Planning, Building & Zoning Committee

RESOLUTION

WHEREAS, on January 11, 2005, the Lake County Board adopted a policy establishing a process for the periodical amendment of the Lake County Regional Framework Plan; and

WHEREAS, the policy requires that the Planning, Building, and Development Director conduct an annual review of the Future Land Use Map to ensure continued consistency with the policy objectives of the County and that the Planning, Building and Zoning Committee may initiate the map amendment process to eliminate any identified inconsistencies; and

WHEREAS, the policy establishes a procedural notification requirement for all map amendments that does not readily apply to administrative "house-keeping" type amendments that are necessary to keep the map consistent with previous county board actions;

NOW, THEREFORE, BE IT RESOLVED by this County Board of Lake County Illinois that it adopts the following revised "Lake County Regional Framework Plan Future Land use Map Amendment Policy."

DATED AT WAUKEGAN, LAKE COUNTY, ILLINOIS ON THIS 8TH DAY OF APRIL A.D., 2008.

**LAKE COUNTY REGIONAL FRAMEWORK PLAN
FUTURE LAND USE MAP
AMENDMENT POLICY**

Section 1 – General Purpose

The purpose of this policy is to establish procedures, requirements, and fees for amendment of the Future Land Use Map component of the Lake County Regional Framework Plan. This policy provides for two types of amendments – amendments initiated by property owners and other authorized applicants, typically to accommodate specific development requests; and amendments based on an annual review conducted by the Department of Planning, Building, and Development.

Section 2 – Type of Amendments

Property owners and other authorized applicants (see Section 4) proposing development projects that are inconsistent with the Future Land Use Map, are encouraged to seek Future Land Use Map amendments, particularly if the proposed project will:

1. Include 40 or more acres of land area;
2. Have the potential to allow development of 100 or more dwelling units or 100,000 or more square feet of nonresidential floor area; or
3. In the opinion of the Planning, Building and Development Director, have the potential to generate significant regional impacts.

The Planning, Building and Development Director shall conduct an annual review of the Land Use Map to ensure continued consistency with the policy objectives of the County. The Planning, Building and Development Director shall forward any recommended revisions to the Future Land Use Map to the Planning, Building and Zoning Committee, which may initiate the Future Land Use Map amendment process.

Section 3 – Concurrent Applications

An authorized applicant may initiate a Framework Plan Map amendment simultaneous with application for a Zoning Map amendment, Conditional Use Permit, Planned Unit Development, or other development reviews. When simultaneous applications are submitted for developments that require action by the Regional Planning Commission, the Regional Planning Commission may conduct a concurrent review of both the Future Land Use Map amendment and the development proposal.

Concurrent reviews by Decision-Making Bodies (see Section 9) may result in reduced processing time and costs for applicants. The applicant assumes all risk that the Future Land Use Map amendment may be denied. If the applicant therefore opts to withdraw other pending Zoning Map amendment, Conditional Use Permit, or Planned Unit Development applications, fees will not be refunded for processes that have already been completed.

Section 4 – Authority to Initiate

The following individuals and entities may initiate a Future Land Use Map amendment:

1. The fee owner(s) of the subject property(ies) or their authorized agent (see Section 17).
2. A Municipality, for property(ies) within its corporate boundaries and for properties subject to signed annexation agreements, through a directive approved by *majority* action at a duly adjourned municipal board meeting.
3. The Planning, Building and Zoning Committee through a directive approved by the *majority* action of the Committee at a duly adjourned Committee meeting.
4. The Regional Planning Commission through a directive approved by *majority* action at a duly adjourned Regional Planning Commission meeting.
5. An intergovernmental planning consortium, in which Lake County has been an active participant contributing to development of the proposed amendment, through a directive approved by the *unanimous* action of the planning consortium's members including Lake County's representative(s). (Commentary: because intergovernmental planning consortiums represent the voluntary cooperation of local governments and the County, Future Land Use Map amendments should only be considered if all of the participating members agree with the proposed request.)

Individuals and entities not authorized to initiate a Future Land Use Map amendment, may request that the Planning, Building, and Zoning Committee initiate the Future Land Use Map amendment process on their behalf. A decision by the Planning, Building, and Zoning Committee or the Regional Planning Commission to initiate a Future Land Use Map amendment process shall not be construed as support for approving the amendment. Individuals and entities authorized to initiate a Future Land Use Map amendment, shall *not* request that the Planning, Building, and Zoning Committee initiate the Future Land Use Map amendment process on their behalf.

Section 5 – Determination of Study Area

In reviewing an application for a Future Land Use Map amendment, the Planning, Building, and Development Director may determine that the amendment area is of such a nature based on its size, location, or other factors, that it cannot be analyzed without consideration for amending the Future Land Use Map for a larger area.

In the event that the Planning, Building, and Development Director directs the review of a larger study area, all decision-making bodies shall also be informed of the geographic extent of the initial application area and the Director's reasoning for directing review of a larger study area. Decision-making bodies may recommend approval (or denial) of the Future Land Use Map amendment for all or parts of the initial application area as well as the larger study area.

Section 6 – Application Forms and Filing Fees

Applications required under this document shall be submitted in a format and in such numbers as required by the Planning, Building and Development Director. Application submittal requirements and format information shall be available to the public in the Department of Planning, Building and Development. When the Planning, Building, and Zoning Committee or the Regional Planning Commission initiates a Future Land Use Map amendment, an official copy of the minutes recording the Committee or Commissions action, shall be considered an application. When an intergovernmental planning consortium in which the County is a full participant initiates a Future Land Use Map amendment, a signed memorandum of understanding or intergovernmental resolution shall be considered an application.

Applications shall be accompanied by the fee amount that has been established by the County Board for the Future Land Use Map amendment application, based on the size of the requested amendment area. Fees shall not be required for applications initiated by the Planning, Building and Zoning Committee, the Regional Planning Commission, or intergovernmental planning consortiums in which the County is a full participant. In the event that the Planning, Building, and Development Director initiates review of a larger study area, the applicant shall only be responsible for fees based on the size of the initial application area. (See attached fee schedule.)

Section 7 – Application Completeness

An application shall be considered complete if it is submitted in the required format, includes all mandatory information and is accompanied by the established fee. The required application shall be submitted during a “check-in meeting.” The applicant shall be responsible for scheduling and attending such meetings with Department of Planning, Building and Development staff. An application shall not be accepted until a check-in has been conducted and the applicant has addressed any errors or omissions noted at the check-in meeting.

Upon further review by staff, any application that is determined to be incomplete shall, within 3 days of its submittal, be returned to the applicant along with an explanation of the application’s deficiencies. No further processing of the application shall occur until the deficiencies are corrected. Once the deficiencies are completed, the application may be resubmitted without the payment of additional fees.

Section 8 – Notices

All notices required under this document shall: (1) indicate the date, time and place of the meeting or date of action that is the subject of the notice; (2) describe the property involved in the application by street address and, if required, by legal description; (3) describe the nature, scope and purpose of the application or proposal; and (4) indicate where additional information on the matter can be obtained.

The Planning, Building and Development Department Director shall ensure notice is mailed to all property owners of record and neighbor(s) within the Future Land Use Map amendment area and within 350 feet beyond the Future Land Use Map amendment area.

The Planning, Building and Development Director shall also provide written notice to the following reviewing agencies and individuals, as deemed appropriate by the Planning, Building and Development Director in light of the subject matter:

1. County Board District Member(s)
2. Fire Department/Protection District
3. Illinois Department of Natural Resources
4. Illinois Department of Transportation
5. Lake County Forest Preserve
6. Mayor/President of all municipalities within a 1.5-mile radius of the subject property
7. METRA and PACE
8. Planning, Building and Zoning Committee
9. Regional Planning Commission
10. Sanitary District
11. Stormwater Management Commission
12. Superintendent, grade school district
13. Superintendent, high school district
14. Township Highway Commissioner
15. Township Supervisor
16. Water District
17. Other applicable councils of governments
18. Other counties within 1.5-mile radius of the subject property
19. Lake County Partners for Economic Development
20. Neighboring property owners who may be impacted by the amendment

The Planning, Building, and Development Director shall send a press release to the local newspaper(s) serving the area of the land use map amendment containing all required meeting notice content.

The property owner(s) and neighbors shall be mailed notice of the meeting at least 10 days before the meeting, or date of action that is the subject of the notice. Press release(s) shall be sent to the local area newspaper(s) at least 14 days before the meeting, or date of action that is the subject of the press release.

Minor defects in a notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. If questions arise regarding the adequacy of notice, the body conducting the meeting shall make a formal finding regarding whether there was substantial compliance with the notice requirements of this policy.

Section 9 – Action by Staff, Review and Decision-Making Bodies

1. Planning, Building and Development Department staff will review and recommend with reasons approval or denial of the requested Future Land Use Map amendment based on analysis of the Land Use Map Amendment Criteria. The staff analysis and recommendations shall be presented to the Regional Planning Commission.

2. The Regional Planning Commission will review and consider all application materials provided by the petitioner, comments and recommendations provided by the staff of the Planning, Building, and Development Department, and information and comments provided by review agencies and other interested parties. The Regional Planning Commission may recommend approval of the Future Land Use Map amendment for all or part of the proposed amendment area or may recommend approval for a lesser change than requested. Such a recommendation for approval shall be based on a majority vote of the members present. The Regional Planning Commission shall provide its recommendation to the Planning, Building, and Zoning Committee.
3. The Planning, Building, and Zoning Committee may recommend approval of the Future Land Use Map amendment for all or part of the proposed amendment area or a lesser change than requested. Such a recommendation for approval shall be based on a majority vote of the members present. The Planning, Building, and Zoning Committee shall provide the Regional Planning Commission's and the Planning, Building, and Zoning Committee's recommendation to the County Board with a resolution.
4. The County Board may approve the Future Land Use Map amendment for all or part of the proposed amendment area or a lesser change than requested. Such approval shall be based on approval of a County Board resolution by a majority vote of the members present.
5. All decision-making bodies shall have the authority to refer an application back to a previous decision-making body or to defer action in order to obtain additional information.

Section 10 – Inaction by Staff and Review Bodies

Planning, Building, and Development staff shall review a Future Land Use Map amendment application and forward its analysis and recommendations to the Regional Planning Commission, within 45 days of receipt of a complete application. Each Review Body shall recommend approval or denial of a Future Land Use Map amendment within 45 days from receipt of the application by the Review Body. When Staff or a Review Body fails to act on an application within the required time, that application shall be forwarded to the next Review or Decision Making Body without a recommendation, unless the applicant requests a greater time.

Section 11 – Approval Criteria; Burden of Persuasion

In all cases, the petitioner shall have the burden of establishing that an application complies with applicable approval criteria.

Section 12 – Public Review Meetings

The Regional Planning Commission shall conduct a public review meeting at such time and location as determined by the Commission. The time and location of the meeting shall be provided to the petitioner at the time the application is accepted and shall be included on all required notices provided under this policy.

A public review meeting for which proper notice was given may be continued to a later date without again complying with the notice requirements of this document, provided that the

continuance is set for a date and time certain and the date and time is announced at the public review meeting.

Section 13 – Land Use Map Amendment Approval Criteria

A proposed Future Land Use Map amendment may be considered based on the following criteria, amongst other factors:

1. The proposed amendment is consistent with the visions, goals, and policies of the Lake County Regional Framework Plan, including, but not limited to the following general objectives:
 - a. encourage commercial development that meets the shopping, service, and employment needs of local residents; and
 - b. protect prime agricultural lands from premature development; and protect priority open space, natural and cultural resources; and
 - c. direct growth to locations where infrastructure capacity is available or committed to be available in the near future; and
 - d. support the revitalization of residential, commercial, and industrial areas; and
 - e. support the integration of mixed land uses and transportation systems to provide more choices in housing, shopping, communities, and transportation; and
 - f. encourage an appropriate range of housing types.
2. The proposed amendment corrects an error or inconsistency in the Plan or responds to changing conditions in the area or to changing planning assumptions including population and employment projections and land consumption rates.
3. The proposed amendment is consistent with the adopted plans of relevant local governments to the extent that they affect state, regional, or extra-jurisdictional interests.

A proposed amendment need not meet all criteria to be recommended for approval.

Section 14 – Maintenance of Future Land Use Map

The Planning, Building, and Development Director shall maintain a record of all approved Future Land Use Map amendments. The date of the last approved Future Land Use Map amendment shall be clearly printed on each Future Land Use Map.

Section 15 – Fee Schedule

The Future Land Use Map Amendment application fee is based on the size of the proposed amendment area. The fee does not apply to amendments initiated by the Planning, Building, and Zoning Committee, Regional Planning Commission, or an intergovernmental planning consortium in which Lake County is a full participant.

Size of Proposed Amendment Area	Fee
Less than 40 acres of land area	\$ 250
40 to 100 acres of land area	\$ 900
Greater than 100 acres of land area; or has the potential to allow development of 100 or more dwelling units or 100,000 or more square feet of nonresidential floor area, regardless of the land area	\$1,200

In addition to the Future Land Use Map Amendment application fee, applicants will also be billed for the postage cost for mailing the property owner and neighbor(s) notices as provided for in this policy.

Section 16 – Appeal Process

Any determination made by the Planning Department relating to the completeness of the application, requirements for submittal materials, or application fees may be appealed to the Planning, Building and Zoning Committee. The appeal period to appeal a decision of the Planning, Building, and Development Department is twenty (20) calendar days from the date the written determination was made.

Section 17 – Owner Disclosure Requirements

For the purpose of a fee owner initiating a Future Land Use Map Amendment, the following ownership disclosure requirements shall apply.

1. If the fee owner has entered into a contract for the sale of the subject property, the contract purchaser shall be a co-petitioner for the map amendment application.
2. If the subject property is governed by a land trust agreement, the trustee of the land trust shall be a petitioner or co-petitioner. When the petitioner or co-petitioner is a land trust or trustee of the land trust, the application shall identify each beneficiary of such land trust by name and address and define each beneficiary's interest therein. The applicant, petitioner, or co-petitioner shall verify all applications in his or her capacity as trustee.
3. When the petitioner or co-petitioner is a corporation, the application shall include the correct names and addresses of all stockholders or shareholders owning any interest in excess of 20 percent of all outstanding stock of such corporation.
4. When the petitioner or co-petitioner is a business entity doing business under an assumed name, the petition or application shall include the names and addresses of all true and actual owners of such business or entity.
5. When the petitioner or co-petitioner is a partnership, joint venture, syndicate, or an unincorporated voluntary association, the application shall include the names and addresses of all partners, joint venturers, syndicate members, or members of the unincorporated voluntary association.