

1 AN ACT concerning land use planning.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Regional Planning Commission Act is
5 amended by changing Section 1 as follows:

6 (50 ILCS 15/1) (from Ch. 85, par. 1021)

7 Sec. 1. Governing bodies of counties, cities, or other
8 local governmental units, when authorized by the Department
9 of Commerce and Community Affairs, may cooperate with the
10 governing bodies of the counties and cities or other
11 governing bodies of any adjoining state or states in the
12 creation of a joint planning commission where such
13 cooperation has been authorized by law by the adjoining state
14 or states. Such a joint planning commission may be designated
15 to be a regional or metropolitan planning commission and
16 shall have powers, duties and functions as authorized by "An
17 Act to provide for regional planning and for the creation,
18 organization and powers of regional planning commissions",
19 approved June 25, 1929, as heretofore or hereafter amended,
20 and, as agreed among the governing bodies. Such a planning
21 commission shall be a legal entity for all purposes.

22 An intergovernmental cooperation council created in
23 accordance with Section 5-1130 of the Counties Code may serve
24 as the planning commission if so designated by the county
25 board as provided in that Section.

26 (Source: P.A. 81-1509.)

27 Section 10. The Counties Code is amended by adding
28 Section 5-1130 as follows:

29 (55 ILCS 5/5-1130 new)

1 Sec. 5-1130. Intergovernmental Cooperation Council.

2 (a) The purpose of this Section is to provide a
3 framework and incentives for intergovernmental cooperation
4 for development and implementation of coordinated land use,
5 transportation, and infrastructure plans that reduce traffic
6 congestion, conserve land, revitalize communities, provide
7 housing conveniently accessible to jobs, develop efficient
8 and economical infrastructure, and otherwise manage and
9 mitigate the effects of development and urbanization.

10 (b) A county board may, by resolution, establish an
11 Intergovernmental Cooperation Council ("Council") with its
12 membership consisting of equal numbers of county board and
13 municipal representatives from each county board district,
14 and such other members as may be determined by the county and
15 municipal members. However, if the county has more than 6
16 county board districts, the county board may by ordinance
17 divide the county into not less than 6 areas of approximately
18 equal population, to be used instead of county board
19 districts for the purpose of determining representation on
20 the Council. The county board members shall be appointed by
21 the chairman of the county board. Municipal members from each
22 county board district or other represented area shall be
23 appointed by a majority vote of the mayors of those
24 municipalities that have the greatest percentage of their
25 respective populations residing in such county board district
26 or other represented area.

27 Each municipal and county board representative shall be
28 entitled to a vote; the other members shall be nonvoting
29 members, unless authorized to vote by the unanimous consent
30 of the municipal and county board representatives.

31 A municipality that is located in more than one county
32 may choose, at the time of formation of the Council, to
33 participate in the Council program of either or both of the
34 counties.

1 Subcommittees of the Council may be established to serve
2 a portion of the county or a particular area that has similar
3 intergovernmental cooperation needs. The Council shall adopt
4 by-laws, by a majority vote of the county and municipal
5 members, to govern the functions of the Council and its
6 subcommittees.

7 Officers of the Council shall include a chair and vice
8 chair, one of whom shall be a county representative and one a
9 municipal representative.

10 Principal duties of the Council, as further described in
11 this Section, shall be (i) to develop coordinated land use,
12 transportation, and infrastructure plans, intergovernmental
13 Local Land Resource Management Plans, and other plans and
14 procedures for intergovernmental cooperation for presentation
15 to and approval by the county board and (ii) to direct
16 implementation and revision of the plans and procedures.

17 The Council may retain planning, mediation, negotiation,
18 engineering, legal, and financial advisors and administrative
19 personnel, subject to the budgetary, purchasing, and
20 personnel policies of the county.

21 The Council shall meet at least quarterly and shall hold
22 at least one public meeting during the preparation of each
23 plan prior to submission of a plan to the county board.

24 (c) The county board may, by resolution, assign the
25 Intergovernmental Cooperation Council to serve as the county
26 regional planning commission as provided in Division 5-14 and
27 in the Regional Planning Commission Act. In counties
28 exercising this option, the Council shall assume all the
29 duties and responsibilities of the county regional planning
30 commission and the Local Land Resource Management Plan shall
31 meet the requirements of and serve as the county regional
32 plan as provided in Section 5-14001.

33 (d) The Intergovernmental Cooperation Council shall have
34 the responsibility to prepare, for recommendation to the

1 county board, a Local Land Resource Management Plan for all
2 or substantial portions of the county. The Local Land
3 Resource Management Plan shall, to the greatest extent
4 practical, include coordinated land use, transportation, and
5 infrastructure plans and provide development and
6 redevelopment patterns that reduce traffic congestion,
7 support transit, conserve land, protect natural resources,
8 revitalize communities, provide housing conveniently
9 accessible to jobs, and make the most efficient use of public
10 infrastructure investments. The Local Land Resource
11 Management Plan should incorporate municipal and
12 intergovernmental plans and other countywide plans, to the
13 greatest extent practical.

14 (e) The Intergovernmental Cooperation Council may
15 prepare, for recommendation to the county board, a plan for
16 projected future municipal boundaries. The future municipal
17 boundaries plan should indicate land that is reasonably
18 compact and contiguous to the existing municipal boundaries
19 in which a particular municipality is better able and
20 prepared than other municipalities to efficiently and
21 effectively provide urban services. The plan for projected
22 future municipal boundaries should reflect each
23 municipality's willingness and responsibility to facilitate
24 appropriate development within its current and future
25 boundaries and the municipality's willingness and
26 responsibility, to the greatest extent practical, to provide
27 development and redevelopment patterns that reduce traffic
28 congestion, support transit, conserve land, protect natural
29 resources, revitalize communities, provide housing
30 conveniently accessible to jobs, and make the most efficient
31 use of public infrastructure investments, in a manner
32 consistent with the Local Land Resource Management Plan. The
33 plan for projected future municipal boundaries should reflect
34 the county's responsibility to manage growth, protect natural

1 resources, and preserve agricultural, forest, recreational,
2 and wildlife management lands in territories outside of
3 current and future municipal boundaries in a manner
4 consistent with the Local Land Resource Management Plan.

5 (f) The Intergovernmental Cooperation Council may
6 prepare, for recommendation to the county board, a procedure
7 for intergovernmental cooperation that provides for:

8 (1) an efficient and timely process for
9 intergovernmental review of public and private land use,
10 development, and transportation actions with greater than
11 local impacts; and

12 (2) a voluntary procedure for early resolution of
13 intergovernmental disputes regarding public and private
14 land use, development, transportation, and annexation
15 actions, prior to administrative or judicial hearings.

16 Public and private land use, development, and
17 transportation actions with greater than local impact shall
18 require notification to interested governments, which shall
19 include at a minimum: any local government with jurisdiction
20 over the property in question: the county; adjacent
21 municipalities; the Metropolitan Planning Organization or any
22 other regional transportation agency; any regional planning
23 agency established by State law having jurisdiction for the
24 county; and the Illinois Department of Transportation,
25 Illinois Department of Natural Resources, Illinois Department
26 of Agriculture, Illinois Environmental Protection Agency, and
27 Illinois Department of Commerce and Community Affairs. It
28 shall be the responsibility of the Intergovernmental
29 Cooperation Council to establish definitions and procedures
30 for implementation of this subsection. The notification
31 requirement shall extend to any local development project
32 that (i) receives State funding or requires State regulatory
33 approval and (ii) meets certain threshold conditions as to
34 size and probable impact as defined by the Intergovernmental

1 Cooperation Council. Within 45 days after notification,
2 notified entities must prepare and submit comments. The
3 sponsoring government may hold a meeting with interested
4 parties to discuss and seek resolution of issues raised in
5 the comments. Completion of this notification process shall
6 enhance the priority position for State funding in support of
7 the proposed project.

8 An Intergovernmental Cooperation Council may develop a
9 procedure providing for the early voluntary resolution of
10 intergovernmental disputes. These procedures shall allow
11 local governmental entities to request the Council to review
12 disputes regarding public and private land use, development,
13 transportation, and annexation actions, prior to seeking
14 administrative or judicial hearings. The Council shall
15 review actions only if each party to the dispute requests it.
16 In conducting the review, the Council shall provide each
17 party the opportunity to present its case. In making its
18 finding the Council shall determine whether the action on the
19 part of the first party does in fact have a negative impact
20 on the second party, and if so, identify an appropriate
21 mitigation or alternative course of action. In making its
22 decision, the Council shall consider the adopted Local Land
23 Resource Management Plan and any other plans prepared by the
24 Council. The Council shall forward its written findings to
25 the governing body of each party. The findings of the
26 Council shall be non-binding and shall in no case affect the
27 ability of each party to pursue other administrative or
28 judicial hearings, unless otherwise agreed in writing by each
29 party.

30 (g) In the preparation of its plans, the
31 Intergovernmental Cooperation Council shall coordinate the
32 planning process with any regional or multi-county planning
33 agency having jurisdiction for the county and shall
34 coordinate with each adjoining county to ensure that

1 recommended plans and projects have minimum adverse impacts.
2 An adopted Local Land Resource Management Plan and any other
3 plan prepared by the Council shall identify steps taken to
4 coordinate the development of plan recommendations with
5 adjoining counties and any regional or multi-county planning
6 agency having jurisdiction for the county.

7 (h) For purposes of implementing this Section, the
8 county board of any county that has (i) established an
9 Intergovernmental Cooperation Council, (ii) adopted a
10 county-wide Local Land Resource Management Plan, and (iii)
11 established procedures for intergovernmental review may
12 impose taxes and assess fees in excess of other statutory
13 limitations if such taxes or fees have been submitted to the
14 electors of that county and approved by a majority of those
15 voting on the question. The proceeds of such tax or fee
16 shall be placed in a special fund responsible for funding
17 capital improvement projects and other implementation
18 strategies identified in plans prepared by the Council and
19 adopted by the county board. Capital improvement and
20 implementation projects include, but are not limited to:
21 transportation projects; stormwater management projects;
22 water and sewer facilities; physical infrastructure
23 improvements to support community revitalization;
24 improvements that enable convenient access to jobs and
25 transit; regional recreation facilities; and acquisition of
26 natural resource land and open space.

27 (i) A unit of local government shall receive priority
28 consideration for State grants and other State programs if
29 the affected unit of local government is located in a county
30 that has: (i) established an Intergovernmental Cooperation
31 Council; (ii) adopted a Local Land Resource Management Plan
32 that has been deemed to be "joint and compatible" by
33 resolution of the affected unit of local government; and
34 (iii) established procedures for intergovernmental review.

1 (j) The powers granted under this Section are in
2 addition to any other powers granted under any other law.