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Planners Legislative Action Day 2017 - Legislative Priorities

HB2407 – Annexation

Sponsors: Rep. Stephanie A. Kifowit (D-84th Dist.), Rep. Mike Fortner (R-95th Dist.)

Status: Referred to Cities & Villages Committee to consider House Floor Amendment 1 (March 9, 2017)

What it does: Amendment to Section 7-1-1 of the Illinois Municipal Code, 65 ILCS 5/7-1-1, that authorizes municipalities to annex territory separated from the corporate limits by bodies of water. A House Amendment sponsored by Rep. Mike Fortner attempts to clarify that the annexing municipality also annexes waters under the jurisdiction of another unit of local government (which seems to not include other municipalities), the state and federal government, to the extent allowed under federal law. Rep. Fortner's amendment is not well drafted, but it appears he is attempting to clarify that other jurisdictional control over a body of water, other than by another municipality, will not block the annexing municipality's action. There remains a legal question as to whether the annexing municipality really gains jurisdiction over bodies of water that are subject to Illinois' public trust doctrine.

APA-IL Position: Support

- Supports municipal planning and development efforts by removing obstacles to growth through annexation across bodies of water;
- Promotes local recreational development by facilitating jurisdiction over natural amenities; and
- Enhances protection over natural amenities through local control.

HB3418 – Urban Agricultural Zones

Sponsor: Rep. Sonya M. Harper (D-6th Dist.)

Status: Assigned to Business Incentives for Local Communities Committee (February 22, 2017)

What it does: Amends the State Finance Act, 30 ILCS 105/5 *et seq.*, and adds several new sections to the Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.*, and Illinois Counties Code, 55 ILCS 5/1-1001 establishing authority for municipalities and counties to create Urban Agriculture Zones ("UAZ") composed of organizations and persons who grow, cultivate, and raise agricultural products and livestock, or that sell a minimum of 75% locally grown food in "blighted areas". The bill authorizes the creation of a UAZ board to advise corporate authorities on UAZs, provides for application and public hearing requirements; provisions for food stamp recipients; up to 25 year freeze on property taxes for properties in a UAZ, sales tax revenues from products sold in a UAZ will be deposited in a Urban Agriculture Zone Fund, with formula distributions to county, municipal, and school districts; and provisions to allow for wholesale water rates and 50% reduction in water tap on fees.

APA-IL Position: Conditionally Oppose

- Offers a good starting point to promote urban agricultural activities and development;
- Prescribed composition and powers of UAZ board take important authority from municipal and county corporate authorities;
- Public notice requirements are inconsistent with zoning public hearing requirements that will likely also be required when creating a UAZ;
- Property tax provisions need to be clarified to better explain combination of abatement and property tax freeze and; and
- Use of property and sales tax money in the Urban Agricultural Fund need to be expanded to promote urban agricultural business, activities, and education by businesses and schools.

Planners Legislative Action Day 2017 - Legislative Priorities

HB2756 & SB1507 – Regional Storm Water Management

Sponsors: Rep. Mike Fortner (R-95th Dist.), Rep. Kelly M. Cassidy (D-14th Dist.), Sen. Heather A. Steans (D-7th Dist.)

Status: Assigned to Counties & Townships Committee (February 22, 2017); Assigned to Local Government Committee (February 22, 2017)

What it does: Amends Counties Code by changing application of the provisions from NIPC to CMAP and authorizes all counties to adopt storm water management plans. Establishes that minimum floodplain standards and storm water management emphasize cost effectiveness and nature based solutions. The bill requires that storm water management plans evaluate water quality and flooding problems in urbanized areas. A storm water planning committee may make storm water management grants to local governments participating in FEMA's NFIP and that have adopted ordinances consistent with the county storm water management plan, and landowners for purposes of on site storm water management.

APA-IL Position: Support

- Requirements on ensuring cost effectiveness of storm water management programs and reliance on nature based solutions are common sense approaches to an increasing problem;
- Evaluating water quality and flooding problems in urbanized areas where risks are greatest creates an important check to ensure storm water management plans are effective; and
- Providing storm water management grants to local governments participating in FEMA NFIP with ordinances consistent with the county's storm water management plan is an important inducement for local units to address growing issues of storm water with overall county objectives.

SB0606 –Rehabilitation and Revitalization Tax Credits

Sponsors: Sen. Pamela Althoff (R-32nd Dist.)

Status: Referred to Subcommittee on Income Taxes (February 22, 2017)

What it does: Creates a credit against income taxes in an aggregate amount equal to 20% of qualified expenditures incurred by a taxpayer under a qualified rehabilitation plan on a qualified structure. The total amount of qualified expenditures exceeds the greater of \$5,000 or the adjusted basis of the property. A qualified structure is any building certified as an historic structure under Section 47(c)(3) of the federal Internal Revenue Code.

APA-IL Position: Support

- Establishes a long overdue program to promote historic preservation of Illinois' extensive architectural heritage;
- Promotes community stability and redevelopment by providing resources to preserve recognized landmark structures; and
- Furthers local planning and economic development initiatives, as well as overall state vitality, through a low cost revenue side program.

Planners Legislative Action Day 2017 - Legislative Priorities

SB1451 – Small Wireless Facilities Deployment Act

Sponsors: Sen. Terry Link (D-30th Dist.)

Status: Assigned to Telecommunications and Information Technology (February 22, 2017)

What it does: Creates a comprehensive regulatory system to enable wireless service providers to locate in public rights-of-way and property not exclusively zoned for single family residential. The bill also significantly limits local government to require applications, permits, processes, or require in kind contributions. Local governments cannot establish standards concerning poles and collocation standards, nor establish minimum distance requirements between small wireless facilities or maximum height requirements, except that they can limit the height to not more than ten feet above a utility pole. The bill also establishes time lines for the local government to act on an application. There are significant limits on the power of local government to regulate the location of small wireless facilities on its own utility poles and facilities, including prohibitions on exclusive lease rights and how rents and other fees are established. The bill will also prohibit the local government from requiring the small wireless facility operator from indemnifying it. There is also a home rule preemption.

APA-IL Position: Oppose

- Addresses an important matter of statewide concern through extreme overreach by severely curtailing local regulatory and enterprise powers; and
- Adjustments to the bill that balances local authority while promoting the spread of small wireless facilities across the state to improve accessibility should be made.

Future Legislative Initiatives

Plan Commissioner and ZBA Member Training

Purpose: Plan Commissioners and ZBA members are essential to community planning and development. Unfortunately, few have practical experience in the profession or training for their responsibilities. Eight states have adopted mandatory plan commissioner training requirements (including New York, New Jersey and Tennessee) to help create communities of lasting value - Illinois should do the same. ILAPA has conducted over 50 successful and well received training sessions for commissioners throughout the state, and based on that experience believes that all Illinois communities would benefit from such training being required of those entrusted with future land use and development actions.

Goal: APA-IL wants to work with interested legislators to draft and pass a bill that will establish a uniform system of plan commissioner and ZBA member training across Illinois to promote better community planning and land use decision making processes.