

<b>Topic:</b>	State Land Use Law; Smart Growth; Natural Resource Protection & Conservation
<b>Resource Type:</b>	Regulations
<b>State:</b>	Illinois
<b>Jurisdiction Type:</b>	State
<b>Municipality:</b>	N/A
<b>Year (adopted, written, etc.):</b>	2004
<b>Community Type – applicable to:</b>	Urban; Suburban; Rural
<b>Title:</b>	State of Illinois Smart Growth – Local Land Resource Management Planning Act
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### ***Abstract***

The Local Land Resource Management Planning Act, 50 ILL. COMP. STAT. 805 *et seq.* (2004), authorizes and outlines the general principle that counties, municipalities, and townships may engage in land resource management programs. Beyond concerns associated with traditional zoning and comprehensive planning, the Act acknowledges local government interests in protecting the “land, air, water, natural resources, and environment of the State,” and encourages “socially and economically desirable” land use and planning via “Local Land Resource Management Plans.” While the Act does not mention smart growth by name, many enumerated principles embody progressive community planning tools, including: “Archaeological, Cultural, and Historic Places;” “Areas Subject to Natural Disasters and Hazards;” “Economy of the Area;” “Energy Conservation;” “Housing;” “Open Spaces;” “Recreational Spaces;” “Transportation;” and “Citizen Involvement.” Local governmental units may enter joint or compatible planning agreements, and are eligible for state planning grants after complying with enumerated implementation requirements.

### ***Resource***

#### **50 ILL. COMP. STAT. 805 *et seq.* (2004)**

##### **Sec. 1.**

This Act shall be known and may be cited as the Local Land Resource Management Planning Act.

(Source: P.A. 84-865.)

##### **Sec. 2. Findings and purpose.**

(a) It is the purpose of this Act to encourage municipalities and counties to protect the land, air, water, natural resources and environment of the State and to encourage the use of such resources in a manner which is socially and economically desirable through the adoption of joint or compatible Local Land Resource Management Plans. The powers granted in this Act are intended to supplement other lawful authority and not to repeal or limit such authority.

(b) When a municipality or a county has acted according to this Act, they are furthering the policy of the State in land resource management. It is the intent of this Act for such units of local government to be immune from liability under federal antitrust laws. (Source: P.A. 84-865.)

### **Sec. 3. Definitions.**

As used in this Act, the following words and phrases have the following meanings:

A. "Department" means the Department of Commerce and Community Affairs.

B. "Local Land Resource Management Plan" means a map of existing and generalized proposed land use and a policy statement in the form of words, numbers, illustrations, or other symbols of communication adopted by the municipal and county governing bodies. The Local Land Resource Management Plan may interrelate functional, visual and natural systems and activities relating to the use of land. It shall include but not be limited to sewer and water systems, energy distribution systems, recreational facilities, public safety facilities and their relationship to natural resources, air, water and land quality management or conservation programs within its jurisdiction. Such a plan shall be deemed to be "joint or compatible" when so declared by joint resolution of the affected municipality and county, or when separate plans have been referred to the affected municipality or county for review and suggestions, and such suggestions have been duly considered by the adopting jurisdiction and a reasonable basis for provisions of a plan that are contrary to the suggestions is stated in a resolution of the adopting jurisdiction.

C. "Land" means the earth, water and air, above, below or on the surface, and including any improvements or structures customarily regarded as land.

D. "Municipality" means any city, village or incorporated town.

E. "Unit of local government" means any county, municipality, township or special district which exercises limited governmental functions or provides services in respect to limited governmental subjects.

### **Sec. 4. Local Land Resource Management Plans.**

A municipality or county, either independently, or jointly or compatibly by intergovernmental agreement pursuant to Section 6, may adopt Local Land Resource

Management Plans. Such plans may include goals and procedures for resolving conflicts in relation to the following objectives:

(1) Agricultural Preservation - to preserve and maintain the productivity of agricultural lands;

(2) Air and Land Resources Quality - to ensure that air and land resource quality meet or exceed legally established standards;

(3) Archaeological, Cultural, and Historic Places - to identify and preserve with integrity archaeological, cultural, and historic places;

(4) Areas Subject to Natural Disasters and Hazards - to identify, document, publicize, and establish the best safe usage for land subject to natural disasters and hazards, including flooding;

(5) Economy of the Area - to create an environment for viable economic activity;

(6) Energy Conservation - to provide programs for energy conservation;

(7) Forest Lands - to conserve forest lands;

(8) Governmental Cooperation - to provide opportunity for cooperation with other units of government;

(9) Housing - to provide for the housing needs of existing and anticipated residents of the municipality;

(10) Natural Resources - to conserve natural resources;

(11) Open Spaces - to conserve open spaces;

(12) Public Facilities and Services - to provide public facilities and services in a healthful and economical manner;

(13) Recreational Needs - to provide recreational space and opportunities;

(14) Transportation - to encourage safe and efficient public transit and private automobile usage;

(15) Urban Design - to provide programs for the enhancement of the visual environment;

(16) Water - to ensure good quality and quantity of water resources;

(17) Citizen Involvement - to develop a citizen involvement program that ensures the opportunity for citizens to be involved in the preparation of the Local Land Resource Management Plan;

(18) Data Collection - to develop and maintain data on existing social, economic and physical conditions including analysis of municipal needs, and demographic projections to provide current information for decisions and action.

### **Sec. 5. Implementation Requirements.**

Municipalities or counties that have adopted Local Land Resource Management Plans and that wish to receive planning grants and to use the additional powers and authorities established under this Act shall also adopt:

(1) Implementing ordinances and zoning and subdivision ordinances as authorized by law and by this Act;

(2) A 3 year capital improvement and maintenance program for the jurisdictions considering reasonably anticipated growth and designed to accommodate contiguous development;

(3) A statement of goals which shall be compatible with the local situation of the municipality or county; and

(4) A system and timetable to review and update the plans at least once every 10 years.

In the case of municipalities and counties that have adopted joint or compatible plans, such ordinances and programs shall be parallel and coordinated between the local jurisdictions.

(Source: P.A. 84-865.)

### **Sec. 6. Intergovernmental Agreements.**

A municipality or county may enter into and enforce intergovernmental agreements for joint or compatible planning, local land resource management administration and zoning ordinance enforcement with counties, municipalities and other units of State and local government notwithstanding general statutory limitations concerning county and municipal zoning.

(Source: P.A. 84-865.)

### **Sec. 7. Implementing Ordinances.**

Municipalities and counties acting pursuant to this Act, either independently, jointly or compatibly by intergovernmental agreement pursuant to Section 6, may adopt ordinances to implement Local Land Resource Management Plans.

(Source: P.A. 84-865.)

### **Sec. 8. Planning Grants.**

(a) The Department of Commerce and Community Affairs may make annual grants to counties and municipalities to develop, update, administer and implement Local Land Resource Management Plans, as defined in this Act.

(b) A recipient local government may receive an initial grant to develop a plan after filing a resolution of intent to develop a plan. The plan shall be completed within 18 months of the receipt of the grant.

(c) The amount of the initial grant and the annual grant to be received by the recipient shall be based on the most recent updated U. S. Census at a rate of one dollar per person, but shall not be less than \$20,000 and shall not exceed \$100,000 per fiscal year.

(d) The Department of Commerce and Community Affairs may promulgate such rules and regulations establishing procedures for determining entitlement and eligible uses of such grants as it deems necessary for the purposes of this Act.

(Source: P.A. 84-865.)

### **Sec. 9. Resolution of Disputes.**

Should a dispute occur between any adversely affected persons or governmental units concerning any part of this Act, the circuit court in which the municipality is located has jurisdiction to determine the reasonableness of the action or inaction complained of. The court shall take under consideration any evidence of State, county or regional plans, the objectives of this Act, and all relevant facts presented by adversely affected persons, municipalities, State agencies, or units of local government.

(Source: P.A. 84-865.)