



Legislation Details (With Text)

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On agenda:	11/15/2016	Final action:		12/13/2016	
Title:	PROPOSED ORDINANCE AMENDMENT				

PUBLIC UTILITIES

BE IT ORDAINED, by the Cook County Board of Commissioners, that Title 5, Public Utilities, Chapter 2, Franchises, Sections 5-2A-1, 5-2A-2, 5-2A-4, 5-2A-6, 5-2A-9, 5-2B-1, 5-2B-2, 5-2B-4, 5-2B-9 and Appendix A of the Cook County Code is hereby amended as Follows:

5-2A-1: - New Licenses.

Upon receipt of a properly completed license application and a non-refundable one thousand five hundred dollars (\$1,000.00/1,500.00) application fee the Forest Preserve District of Cook County (FPD) will begin initial administrative processing of the application for consideration by appropriate FPD staff. FPD Staff shall then review the application and attached plans to determine the applicable License Review Fee and feasibility of granting the requested license to the applicant. Applications will be reviewed based on, among other things, the potential damage construction or operation of the proposed facilities could have on FPD property, location of the proposed facilities, type of facilities proposed, and number of trees to be impacted. Based on this review the FPD may reject the request outright or may request revisions to the proposed plans that would make the proposal acceptable to the FPD. Under no circumstances will licenses be issued for areas that are dedicated Illinois Nature Preserves, high quality natural areas identified by the FPD and shown on the FPD's GIS system as "license exclusion zones", or areas covered by conservation easements.

Sec. 5-2A-2. Acceptable Application and Plans.

If the submitted (or revised) application and plans are found to be acceptable by the FPD staff, the FPD will draw up a license that, if approved by the Board of Forest Preserve District Commissioners, would grant the licensee authority to locate, operate, and maintain the facilities for which the application and plans were submitted. Said license will include, among other things, the term for which the license will be issued, the fee that the FPD will charge for issuance of the license, any moneys that will be paid for tree mitigation associated with the license, and any charges for "out of pocket" expenses incurred by the FPD to determine whether the license is acceptable. Said license will be forwarded to the applicant for their review and approval before being submitted to the Board of Forest Preserve District Commissioners (Board) for final approval. If the applicant decides to withdraw its application after review of the proposed license or if the Board does not approve the proposed license, the "out of pocket" expenses will still be due and the FPD will bill the applicant for said expenses. If said fees are unpaid, the FPD will accept no further license applications from that applicant. Said applicant can regain its application privileges by paying one hundred (100) percent of the fees owed along with a penalty fee of fifty (50) percent of the original amount owed. If the license is approved by the Board then all fees will be paid to the FPD at or before the time the finalized license is delivered to the Licensee.

Sec. 5-2A-4. License Fee.

In addition to those special fees as may be recommended by District staff, the fee for licenses issued under this Article will be determined by multiplying the acres used by the cost per acre. Acres used will

be calculated by multiplying the linear footage shown on the license application (or revised application) by the width required for future maintenance of the facilities. The minimum width will be fifteen (15) feet for all licenses regardless of the facilities installed or location of said facilities. Requests for widths above fifteen (15) feet must include an explanation justifying the need for additional width. The minimum license fee will be five (5) percent of the cost per acre for the current year. Additionally, a Youth Education, Land Acquisition and Restoration (YELAR) Program Fee of five seven and one half (57.5%) percent of the cost per acre, and a License Review Fee, shall be assessed against all licenses issued. Cost per acre, minimum license fee, License Review Fee and YELAR program fee figures can be found in Appendix A at the end of this Article. All fees due will be paid as a lump-sum up-front one-time payment, unless otherwise approved by the Board.

Sec. 5-2A-6. Renewal of Existing Licenses.

Any license previously issued by the FPD that expires while this Article is in force will be renewed at a rate fifty (50) percent lower than that specified for issuance of a new license, unless otherwise approved by the Board based upon District staff recommendations for a license exceeding twenty-five (25) acres and/or when in staff opinion the license can generate additional revenue for the District. The minimum renewal license fee will be five (5) percent of the cost per acre for the current year. Additionally, a Youth Education, Land Acquisition and Restoration (YELAR) Program Fee of five seven and one half (57.5%) percent of the cost per acre and a License Review Fee shall be assessed against all licenses issued. Cost per acre, minimum license fee, License Review Fee and YELAR program fee figures can be found in Appendix A at the end of this Article. The Licensee must submit a non-refundable license renewal application fee of five hundred dollars (\$500.00) to the FPD at least six (6) months prior to the expiration date of said license to confirm its interest in continued operation and maintenance of the facilities for which the license was originally issued. If the applicable license renewal application fee and prior notice of the Licensee's intent to renew is not received by the FPD at least six (6) months prior to the expiration of the existing license, the FPD will mail the Licensee a "Removal Notice" at their last known address notifying the licensee to remove their facilities from FPD property the license will be considered expired and Licensee may be required to remove their facilities from FPD property per the terms of the license. If the Licensee wishes to renew a license for which it has already received a "Removal Notice" expired, the FPD will may allow the renewal, but the fee for the renewal will be based on the formula used to determine the fee for issuance of a new license. All fees due for license renewals will be paid as a lump-sum upfront one-time payment, unless otherwise approved by the Board.

Sec. 5-2A-9. Youth Education, Land Acquisition and Restoration Program Fee (YELAR).

A YELAR Program Fee of five seven and one half (57.5%) percent of the cost per acre shall be assessed for all new and renewal licenses issued. The fee will help support youth education programs including, but not limited to, the Mighty Acorns, and High School Programs, Land Acquisition and Restoration activities. Cost per acre and YELAR program fee figures can be found in Appendix A at the end of this Article.

Sec. 5-2B-1. New Licenses.

Upon receipt of a properly completed license application and a nonrefundable five hundred dollar (\$500.00) application fee the Forest Preserve District of Cook County (FPD) will begin initial administrative processing of the application for consideration by appropriate FPD staff. FPD Staff shall then review the application and attached plans to determine the applicable License Review Fee and feasibility of granting the requested license to the applicant. Applications will be reviewed based on, among other things, the potential damage construction or operation of the proposed facilities could have on FPD property, location of the proposed facilities, type of facilities proposed, and number of trees to be impacted. Based on this review the FPD may reject the request outright or may request revisions to the proposed plans that would make the proposal more acceptable to the FPD. Under no circumstances will licenses be issued for areas that are dedicated Illinois Nature Preserves, high quality natural areas identified by the FPD and shown on the FPD's GIS system as "license exclusion zones", or areas covered by conservation easements.

Sec. 5-2B-2. Acceptable Application and Plans.

If the submitted (or revised) application and plans are found to be acceptable by the FPD staff, the FPD will draw up a license that, if approved by the Board of Forest Preserve District Commissioners, would grant the licensee authority to locate, operate, and maintain the facilities for which the application and plans were submitted. Said license will include, among other things, the term for which the license will be issued, the fee that the FPD will charge for issuance of the license, any moneys that will be paid for tree mitigation associated with the license, and any charges for "out of pocket" expenses incurred by the FPD to determine whether the license is acceptable. Said license will be forwarded to the applicant for their review and approval before being submitted to the Board of Forest Preserve District Commissioners (Board) for final approval. If the applicant decides to withdraw its application after review of the proposed license or if the Board does not approve the proposed license, the "out of pocket" expenses will still be due and the FPD will bill the applicant for said expenses. If said fees are unpaid, the FPD will accept no further license applications from that applicant. Said applicant can regain its application privileges by paying one hundred (100) percent of the fees owed along with a penalty fee of fifty (50) percent of the original amount owed. If the license is approved by the Board then all fees will be paid to the FPD at or before the time the finalized license is delivered to the Licensee.

Sec. 5-2B-4. License Fee.

In addition to those special fees as may be recommended by District staff, the fee for licenses issued under this Article will be determined by multiplying the acres used by the cost per acre. Acres used will be calculated by multiplying the linear footage shown on the license application (or revised application) by the width required for future maintenance of the facilities. The minimum width will be fifteen (15) feet for all licenses regardless of the facilities installed or location of said facilities. Requests for widths above fifteen (15) feet must include an explanation justifying the need for additional width. The minimum license fee will be five (5) percent of the cost per acre for the current year. Additionally, a Youth Education, Land Acquisition and Restoration (YELAR) Program Fee of five seven and one half (57.5%) percent of the cost per acre, and a License Review Fee, shall be assessed against all licenses issued. Cost per acre, minimum license fee, License Review Fee and YELAR program fee figures can be found in Appendix A at the end of this Article. All fees due will be paid as a lump-sum up-front one-time payment, unless otherwise approved by the Board.

Sec. 5-2B-9. Youth Education, Land Acquisition and Restoration Program Fee (YELAR).

A YELAR Program Fee of five seven and one half (57.5%) percent of the cost per acre shall be assessed for all new and renewal licenses issued. The fee will help support youth education programs including, but not limited to, the Mighty Acorns, and High School Programs, Land Acquisition and Restoration activities. Cost per acre and YELAR program fee figures can be found in Appendix A at the end of this Article.

APPENDIX A. - COST PER ACRE BY YEAR

Year	Cost Per Acre	Minimum License Fee (New and Renewal)	YELAR Program Fee
2005	\$50,000.00	\$2,500.00	\$2,500.00
2006	\$52,000.00	\$2,600.00	\$2,600.00
2007	\$54,000.00	\$2,700.00	\$2,700.00
2008	\$56,000.00	\$2,800.00	\$2,800.00
2009	\$58,000.00	\$2,900.00	\$2,900.00
2010	\$60,000.00	\$3,000.00	\$3,000.00
2011	\$62,000.00	\$3,100.00	\$3,100.00
2012	\$64,000.00	\$3,200.00	\$3,200.00
2013	\$66,000.00	\$3,300.00	\$3,300.00
2014	\$68,000.00	\$3,400.00	\$3,400.00

Year	Cost Per Acre Administration Fee	Minimum License Fee	(New and Renewal) YELAR Program Fee
2017	\$82,000.00	\$4,100.00	\$6,150.00
2018	\$84,000.00	\$4,200.00	\$6,300.00
2019	\$86,000.00	\$4,300.00	\$6,450.00

2020	\$88,000.00	\$4,400.00	\$6,600.00	\$3,000.00
2021	\$90,000.00	\$4,500.00	\$6,750.00	\$3,000.00
2022	\$92,000.00	\$4,600.00	\$6,900.00	\$3,000.00
2023	\$94,000.00	\$4,700.00	\$7,050.00	\$3,000.00
2024	\$96,000.00	\$4,800.00	\$7,200.00	\$3,000.00
2025	\$98,000.00	\$4,900.00	\$7,350.00	\$3,000.00
2026	\$100,000.00	\$5,000.00	\$7,500.00	\$3,000.00

LICENSE APPLICATION REVIEW FEES

Level One Review \$3,000.00

Includes staff review, legal and administrative review, Real Estate Committee and Board consideration, document preparation and execution

Level Two Review Additional Fees

License requests that involve the following review factors subject to additional review fees as shown

Outside of existing right of way or utility corridor \$1,000.00

Involves Tree Mitigation \$1,000.00

Width greater than 15 feet or area over 0.25 acre \$1,000.00

Significant modifications to standard license agreement \$1,000.00

Significant impact on character or future use of land \$1,000.00

Impact on water resources or storm water discharge \$1,000.00

Impact on dedicated Nature Preserve or designated Mitigation Area \$1,000.00

Additional impacted area over 0.5 acre (per 0.25 acre) \$1,000.00

Effective date: This ordinance shall be in effect immediately upon adoption.

Sponsors: TONI PRECKWINKLE (President)

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
12/13/2016	1	Finance Committee		
12/13/2016	1	FPD Board of Commissioners	approve	Pass
11/15/2016	1	FPD Board of Commissioners	refer	Pass

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PUBLIC UTILITIES

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may reject the request outright or may request revisions to the proposed plans that would make the proposal acceptable to the FPD. Under no circumstances will licenses be issued for areas that are dedicated Illinois Nature Preserves, high quality natural areas identified by the FPD and shown on the FPD's GIS system as "license exclusion zones", or areas covered by conservation easements.

Sec. 5-2A-2. Acceptable Application and Plans.

If the submitted (or revised) application and plans are found to be acceptable by the FPD staff, the FPD will draw up a license that, if approved by the Board of Forest Preserve District Commissioners, would grant the licensee authority to locate, operate, and maintain the facilities for which the application and plans were submitted. Said license will include, among other things, the term for which the license will be issued, the fee that the FPD will charge for issuance of the license, any moneys that will be paid for tree mitigation associated with the license, and any charges for "out of pocket" expenses incurred by the FPD to determine whether the license is acceptable. Said license will be forwarded to the applicant for their review and approval before being submitted to the Board of Forest Preserve District Commissioners (Board) for final approval. If the applicant decides to withdraw its application after review of the proposed license or if the Board does not approve the proposed license, the "out of pocket" expenses will still be due and the FPD will bill the applicant for said expenses. If said fees are unpaid, the FPD will accept no further license applications from that applicant. Said applicant can regain its application privileges by paying one hundred (100) percent of the fees owed along with a penalty fee of fifty (50) percent of the original amount owed. If the license is approved by the Board then all fees will be paid to the FPD at or before the time the finalized license is delivered to the Licensee.

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Licensee may be required to remove their facilities from FPD property per the terms of the license. If the Licensee wishes to renew a license for which it has already received a "Removal Notice" expired, the FPD will may allow the renewal, but the fee for the renewal will be based on the formula used to determine the fee for issuance of a new license. All fees due for license renewals will be paid as a lump-sum upfront one-time payment, unless otherwise approved by the Board.

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Sec. 5-2B-9. Youth Education, Land Acquisition and Restoration Program Fee (YELAR).

A YELAR Program Fee of five seven and one half (57.5%) percent of the cost per acre shall be assessed for all new and renewal licenses issued. The fee will help support youth education programs including, but not limited to, the Mighty Acorns, and High School Programs, Land Acquisition and Restoration activities. Cost per acre and YELAR program fee figures can be found in Appendix A at the end of this Article.

APPENDIX A. - COST PER ACRE BY YEAR

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2008	\$56,000.00	\$2,800.00	\$2,800.00
2009	\$58,000.00	\$2,900.00	\$2,900.00
2010	\$60,000.00	\$3,000.00	\$3,000.00
2011	\$62,000.00	\$3,100.00	\$3,100.00
2012	\$64,000.00	\$3,200.00	\$3,200.00
2013	\$66,000.00	\$3,300.00	\$3,300.00
2014	\$68,000.00	\$3,400.00	\$3,400.00

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2018	\$84,000.00	\$4,200.00	\$6,300.00	\$3,000.00
2019	\$86,000.00	\$4,300.00	\$6,450.00	\$3,000.00
2020	\$88,000.00	\$4,400.00	\$6,600.00	\$3,000.00
2021	\$90,000.00	\$4,500.00	\$6,750.00	\$3,000.00
2022	\$92,000.00	\$4,600.00	\$6,900.00	\$3,000.00
2023	\$94,000.00	\$4,700.00	\$7,050.00	\$3,000.00
2024	\$96,000.00	\$4,800.00	\$7,200.00	\$3,000.00
2025	\$98,000.00	\$4,900.00	\$7,350.00	\$3,000.00
2026	\$100,000.00	\$5,000.00	\$7,500.00	\$3,000.00

LICENSE APPLICATION REVIEW FEES

Level One Review	\$3,000.00
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<u>Includes staff review, legal and administrative review, Real Estate Committee and Board consideration, document preparation and execution</u>	
<u>Level Two Review</u>	<u>Additional Fees</u>
<u>License requests that involve the following review factors subject to additional review fees as shown</u>	
<u>Outside of existing right of way or utility corridor</u>	<u>\$1,000.00</u>
<u>Involves Tree Mitigation</u>	<u>\$1,000.00</u>
<u>Width greater than 15 feet or area over 0.25 acre</u>	<u>\$1,000.00</u>
<u>Significant modifications to standard license agreement</u>	<u>\$1,000.00</u>
<u>Significant impact on character or future use of land</u>	<u>\$1,000.00</u>
<u>Impact on water resources or storm water discharge</u>	<u>\$1,000.00</u>
<u>Impact on dedicated Nature Preserve or designated Mitigation Area</u>	<u>\$1,000.00</u>
<u>Additional impacted area over 0.5 acre (per 0.25 acre)</u>	<u>\$1,000.00</u>

Effective date: This ordinance shall be in effect immediately upon adoption.