

Glenwood /Maxxam Petition - Potential Conditions and Guarantees – For County Board Meeting on May 9, 2017

No.	Proposed Condition	Proposed by	Staff and/or ZBA revisions	Potential Guarantee	Enforceable?	Staff and/or ZBA Recommendation
1	Maxxam Partners, LLC will agree to provide Kane County with 1,000 doses of NARCAN (Naloxone) per year for a total of 10,000 doses over a ten-year period.	Petitioner 11/9/2016 list	Staff: <u>Revise schedule to meet Health Department deployment schedule</u> ZBA: Same	Bond in the value of the NARCAN, could be reduced annually	Yes	Staff: Yes ZBA: Yes Development Committee: Yes Petitioner: Yes
2	The site plan included in the petition does not propose expansion or construction of additional buildings or infrastructure. Any future proposed construction of additional buildings and/or infrastructure, including additional access roads or access locations, would not be permitted unless the special use site plan is amended per Section 4.8 Special Uses.	Petitioner 11/9/2016 list	Staff: None ZBA: None	This is already required by the Zoning Ordinance	Yes	Staff: Yes ZBA: Yes Development Committee: Yes Petitioner: Yes
3	The petitioner has stated that there will be no outpatient treatment of methadone patients or any other program that solely administers medications on an outpatient basis. The addition of any such outpatient program will require an amendment to the Special Use and require a public hearing and full County Board approval.	Petitioner 11/9/2016 list	Staff: None ZBA: <u>Recommended wording be added to make this more enforceable. Certificate of Occupancy for the buildings could also state no outpatient treatment per the conditions of the special use.</u>	None	Maybe. Many hospitals have outpatient services, so it could be hard to defend this condition	Staff: Yes ZBA: Yes Development Committee: Yes Petitioner: Yes

5	The petition must submit a security plan, including a copy of post orders, procedures and proof of contracts prior to Kane County issuing a certificate of occupancy.	Petitioner 11/9/2016 list	Staff: <u>To be reviewed and approved by the Kane County Sheriff</u> ZBA: <u>Same plus add: A state-of-the-art campus security system, including thermal imaging virtual fence, shall be installed, maintained, and monitored by personnel trained in security measures, and security personnel will be maintained on staff 24 hours per day when clients are present on the Property.</u>	Prior to Certificate of Occupancy	Yes	Staff: Yes ZBA: Yes Development Committee: Yes Petitioner: Yes
6	The Special Use is only for Maxxam Partners, LLC and is not transferable to any other entity.	Petitioner 11/9/2016 list	Staff: None ZBA: None	None	Maybe	Staff: Yes ZBA: Yes Development Committee: Yes Petitioner: Yes
7	License approvals from the State of Illinois are required prior to Kane County issuing a certificate of occupancy.	Petitioner 11/9/2016 list	Staff: None ZBA: None	None	Yes	Staff: Yes ZBA: Yes Development Committee: Yes Petitioner: Yes

8	Maxxam Partners, LLC will use reasonable efforts to pursue accreditation for the facility by the Joint Commission on Accreditation of Health Care Organizations (JCAHO) and (CARF) Commission on Accreditation of Rehabilitation Facilities.	Petitioner 11/9/2016 list	Staff: <u>Add - Petitioner to provide staffing plans for operations and security, including staffing levels for JACHO and CARF prior to being granted a Certificate for Occupancy</u> ZBA: Same	Prior to Certificate of Occupancy	No	Staff: Yes ZBA: Yes, revised to include #11 and #13 Development Committee: Yes Petitioner: Yes
9	Maxxam Partners, LLC or its successors shall pay all cost and recovery fees for patients and any persons on the premises for Fire and EMS calls and services to the responding fire district or provider, according to the adopted fee schedule by that district or provider.	Petitioner 11/9/2016 list	Staff: <u>Petitioner will present the FRCFRD with an agreement prior to County Board vote.</u> ZBA: Same	Prior to CB vote	Yes. Agreement with the FRCFRD would be enforced by the FRCFRD	Staff: Yes ZBA: Yes Development Committee: Yes Petitioner: Yes
10	Petitioner agreed to provide information as to what drugs would be used at the facility, where they would be stored, and how safeguarded. (transcript pages 274, 276)	Petitioner stated in previous public hearings	Staff: None ZBA: None	Prior to Certificate of Occupancy	Yes	Staff: Yes ZBA: Yes Development Committee: Yes Petitioner: Yes
12	Petitioner agrees to have a medical director on site 40 hours per week. (transcript page 554)	Petitioner stated in previous hearings	Staff: None ZBA: <u>modify to state "at least 40 hours per week"</u>	None	Maybe	Staff: Yes ZBA: Yes Development Committee: Yes Petitioner: Yes

Glenwood /Maxxam Petition - Potential Conditions and Guarantees – For County Board Meeting on May 9, 2017

14	As to the Fire Protection District it was stipulated that Maxxam would pay all the expenses for ambulance calls from the facility that went unpaid. (page 1025)	Petitioner stated in previous public hearings	Staff: Similar to #9 ZBA: None	None by Kane County, petitioner could have separate agreement with the FRCFRD	Not by Kane County. Would be enforced by the FRCFRD	Staff: Recommended to be combined with #9 ZBA: Yes Development Committee: Yes Petitioner: Yes
15	Set up a Foundation and funding it through the Fox Valley Foundation for outreach to the Kane County Community in connection with drug use and addiction issues	Petitioner stated in previous public hearings	Staff: <u>To be set up and funded prior to occupancy at \$25,000 per year for 10 years</u> ZBA: Same	Required prior to occupancy	Maybe	Staff: Yes ZBA: Yes Petitioner: Yes Development Committee: Yes Petitioner: Yes

<p>17</p>	<p>No Illinois EPA studies have been conducted that address the release of Schedule II drugs (through urination and defecation) into a septic system and an area with shallow aquifers. No monitoring program has been suggested or established to ensure the ongoing safety of these releases over time.</p>	<p>Campton Township</p>	<p>Staff: <u>Petitioner to provide water test results from monitoring wells and spray irrigation discharges, both testing for pharmaceuticals on an annual basis</u> ZBA: <u>Petitioner to submit a monitoring plan including wells and areas to be sampled and what substances will be tested for. Testing to be done by a third party retained by Kane County and costs reimbursed by the petitioner. Existing monitoring wells should be inspected to determine the condition of the wells and that they are functional for sampling.</u></p>	<p>Monitoring Plan and baseline testing results to be provided prior to Certificate of Occupancy</p>	<p>Yes</p>	<p>Staff: Yes ZBA: Yes Development Committee: Yes Petitioner: Yes</p>
-----------	---	-------------------------	---	--	------------	--

23	The maximum number of patients at the Facility at any one time shall be limited to 96.	Village of Campton Hills	Staff: None, although the ZBA could select a number they feel is appropriate ZBA: <u>The maximum number of patients at the Facility at any one time shall be limited to 75.</u>	Certificate of Occupancy could limit the number of patients to 75 or whatever number adopted as a condition.	Yes, but may be difficult to enforce	Staff: No ZBA: Yes Development Committee: Yes Petitioner: No
24	Prior to occupancy, a black metal fence with a minimum of 6' in height shall be installed on or near the boundary of the entire Property.	Village of Campton Hills	Staff: <u>Color of fence does not have to be stipulate other than no chain link. Height could be 4'.</u> ZBA: Same	Required prior to occupancy, design to be approved by staff	Yes	Staff: Yes ZBA: Yes Development Committee: Yes Petitioner: Yes
26	Exterior lighting fixtures upon replacement of existing fixtures or upon installation of new fixtures shall be full cut-off and have a color temperature of less than 3,000 Kelvin, provided that such fixtures do not compromise security as determined by the security system provider.	Village of Campton Hills	Staff: None ZBA: None	Required prior to occupancy	Yes	Staff: Yes ZBA: Yes Development Committee: Yes Petitioner: Yes

<p>28</p>	<p>Wetlands on the Property shall be delineated and protected in perpetuity by conservation easements granted to Kane County and accepted by the Kane County Board.</p>	<p>Village of Campton Hills</p>	<p>Staff: None ZBA: <u>Revise to –</u> <u>Petitioner to complete a wetlands delineation and quality assessment.</u> <u>Develop a management plan which describes if the petitioner expects to manage the wetland resources on site, contract with a third party to manage the wetlands or donate the wetlands to an agency to be determined. Any of these options could include putting the wetlands into a Conservation Easement or similar instrument to protect the wetlands in perpetuity.</u></p>	<p><u>Wetlands delineation, quality assessment, and management plan required prior to occupancy</u></p>	<p>Yes</p>	<p>Staff: No ZBA: Yes Development Committee: Yes Petitioner: No</p>
-----------	---	---------------------------------	---	---	------------	--

29	The Operator shall develop a process of communication with the Campton Hills Police Department to ensure effective enforcement and intervention in the event of incidents occurring on the Property to which the Campton Hills Police Department responds.	Village of Campton Hills	Staff: <u>To be approved by the Village of Campton Hills Chief of Police ZBA: and the Kane County Sheriff</u>	Required prior to occupancy	Yes	Staff: Yes ZBA: Yes Development Committee: Yes Petitioner: Yes
31	All signage related to the proposed use shall be restricted to the Property. Further, such signage or advertising shall not be placed on the water tower located on the Property.	Village of Campton Hills	Staff: None ZBA: None	None	Yes, by Kane County only in its jurisdiction	Staff: Yes ZBA: Yes Development Committee: Yes Petitioner: Yes
46	The Subject Property shall be limited to a maximum wastewater capacity of 110 P.E. (population equivalent) as identified as the operational capacity of the property in the RHMG Engineers, Inc. Report dated October 10, 2012, entitled the "Glenwood School for Boys and Girls Water and Wastewater System Evaluation" until such time when the improvements identified in the report have been completed.	Village of Campton Hills	Staff: None ZBA: None	None	Maybe	Staff: Yes ZBA: Yes Development Committee: Yes Petitioner: Yes

Glenwood /Maxxam Petition - Potential Conditions and Guarantees – For County Board Meeting on May 9, 2017

4	The petitioner has stated that patients will be private pay only. Admission of any patients with public aid will require an amendment to the Special Use and require a public hearing and full County Board approval.	Petitioner 11/9/2016 list	Staff: None ZBA: None	None	No	Staff: No ZBA: No Development Committee:
11	Petitioner agreed to provide a staffing plan as to operations and security. before the County Board decided the matter (page 550)	Petitioner stated in previous public hearings	Staff: None ZBA: None	None	Yes	Combined into #8
13	Petitioner agreed to provide the staffing plans for the levels of additional certification (JCHO, CRF). (page 6320)	Petitioner stated in previous public hearings	Staff: Included in #8 and #11 ZBA: None	None	Maybe. Exceeds State Licensing Requirement	Combined into #8
16	They would agree to a second entranceway at the rear of the facility	Petitioner stated in previous public hearings	Staff: None ZBA: None	None	Yes, but determined not to be needed by the FRCFRD	Staff: No ZBA: No Development Committee:
18	Maxxam has still not addressed how it plans to manage the issue of dispensing controlled substances on a property which zoning specifically prohibits dispensing them	Campton Township	Staff: covered by proposed condition #10, as well as being a use similar to a hospital ZBA: None	See #10	See #10	Staff: No ZBA: No Development Committee:

Glenwood /Maxxam Petition - Potential Conditions and Guarantees – For County Board Meeting on May 9, 2017

19	That the water supply may be used by the FRCFRD: A. Without charge B. That the petitioner will pave the access within one year	FRCFRD	Staff: Similar to #9, FRCFRD could negotiate into that agreement ZBA: None	None by Kane County, could have separate agreement with the FRCFRD	Not by Kane County Would be enforced by the FRCFRD	Staff: No ZBA: No Development Committee:
20	That the petitioner will make a transition payment based on the prior tax year.	FRCFRD	Staff: Similar to #9, FRCFRD could negotiate into that agreement ZBA: None	None by Kane County, could have separate agreement with the FRCFRD	Not by Kane County Would be enforced by the FRCFRD	Staff: No ZBA: No Development Committee:
21	That the petitioner will develop a joint emergency response plan with the FRCFRD	FRCFRD	Staff: Similar to #9, FRCFRD could negotiate into that agreement ZBA: None	None by Kane County, could have separate agreement with FRCFRD	Not by Kane County Would be enforced by the FRCFRD	Staff: No ZBA: No Development Committee:
22	The petitioner will make monetary donations to the FRCFRD in stipulated amounts and schedule	FRCFRD	Staff: Similar to #9, FRCFRD could negotiate into that agreement ZBA: None	None by Kane County, could have separate agreement with the FRCFRD	Not by Kane County Would be enforced by the FRCFRD	Staff: No ZBA: No Development Committee:

Glenwood /Maxxam Petition - Potential Conditions and Guarantees – For County Board Meeting on May 9, 2017

27	The Operator shall not accept state or federal funding for, or related to, the Property, which in any way inhibits the compliance with any special use conditions.	Village of Campton Hills	Staff: None ZBA: None	None	No	Staff: No ZBA: No Development Committee:
30	The Operator agrees to maintain, at all times, the staffing levels required by the Illinois Department of Alcohol and Substance Abuse and all other applicable licensing authorities.	Village of Campton Hills	Staff: None ZBA: None	Enforced by the State	Not by Kane County	Staff: No ZBA: No Development Committee:
32	The special use permit shall run for five years and shall require a public hearing for renewal for an additional five-year term.	Village of Campton Hills	Staff None ZBA: None	None	N/A	Staff: No ZBA: No Development Committee:

Glenwood /Maxxam Petition - Potential Conditions and Guarantees – For County Board Meeting on May 9, 2017

33	<p>The parties acknowledge that because of the proximity of the facility to the Village of Campton Hills, a number of the calls for police services will be responded to by the Village's police department. Because the Village of Campton Hills does not levy a property tax, it has limited resources available to fund necessary services for Village residents. In recognition of the facility's need for police services that will, in part, be provided by the Village's police department, Maxxam agrees to pay to the Village of Campton Hills an annual police impact fee in the amount of \$100,000 annual paid quarterly to the Village in \$25,000 increments.</p>	Village of Campton Hills	Staff: None ZBA: None	None by Kane County, could have separate agreement with the Village	Not by Kane County Maybe by the Village	Staff: No ZBA: No Development Committee:
34	<p>The Operator agrees to put up a performance bond in the amount of \$100,000 and keep said bond in place while facility is in operation.</p>	Village of Campton Hills	Staff: None ZBA: None	Bond	Purpose and performance measures are not included	Staff: No ZBA: No Development Committee:
35	<p>All patients shall pay the operator directly for their treatment. The operator's staff shall work with patients to provide a "courtesy bill" in order to assist patients in obtaining any allowable reimbursement from their insurance companies, but such reimbursements shall be payable to the patient and not the Operator.</p>	Village of Campton Hills	Staff: None ZBA: None	None	No	Staff: No ZBA: No Development Committee:

Glenwood /Maxxam Petition - Potential Conditions and Guarantees – For County Board Meeting on May 9, 2017

36	Patients shall not be accepted directly from the Criminal Justice Systems.	Village of Campton Hills	Staff: None ZBA: None	None	No	Staff: No ZBA: No Development Committee:
37	Any patients found to have a primary addiction other than alcohol, or substance abuse shall be promptly referred to another facility for treatment.	Village of Campton Hills	Staff: None ZBA: None	None	No	Staff: No ZBA: No Development Committee:
38	Drug testing for both employees and patients will be performed by the Operator on a regular schedule.	Village of Campton Hills	Staff: None ZBA: None	None	No	Staff: No ZBA: No Development Committee:
39	The Operator shall seek Joint Commission accreditation. The Joint Commission is an independent, not-for-profit organization which accredits and certifies more than 19,000 health care organizations and programs in the United States.	Village of Campton Hills	Staff: see # 8 ZBA: None	See #8	See #8	Staff: No ZBA: No Development Committee:
40	Drug-sniffing dogs shall be used to check the facility on a random basis, no less frequently than monthly with reports filed semi-annually with the County.	Village of Campton Hills	Staff: None ZBA: None	None	No	Staff: No ZBA: No Development Committee:

Glenwood /Maxxam Petition - Potential Conditions and Guarantees – For County Board Meeting on May 9, 2017

41	Potential patients shall be screened, and patients who are registered sex offenders or who have been convicted of a felony involving violence (but excluding DUI or other substance abuse violation) shall not be accepted.	Village of Campton Hills	Staff: None ZBA: None	None	No	Staff: No ZBA: No Development Committee:
42	The Operator shall agree to engage in significant community activities, including educational activities related to, but not limited to, drug and alcohol abuse, such as school forum and teacher education seminars, in cooperation with local School District and annually report such activity to the County.	Village of Campton Hills	Staff: None ZBA: None	None	No	Staff: No ZBA: No Development Committee:
43	The construction of additional buildings and accessory structures shall require Operator to apply to amend its Special Use Permit with Kane County.	Village of Campton Hills	Staff: see #2 ZBA: None	See #2	See #2	See #2
44	The Operator shall locate a public pedestrian and/or bike path easement on the Subject Property provided the easement is outside of any fence to be constructed on the Subject Property.	Village of Campton Hills	Staff: None ZBA: None	None	Yes	Staff: No ZBA: No Development Committee:

Glenwood /Maxxam Petition - Potential Conditions and Guarantees – For County Board Meeting on May 9, 2017

45	All clients must be medically stable, and no acute detox shall occur on the Subject Property. Any patient who needs to undergo acute detox shall be referred to a hospital or other appropriate facility for that purpose prior to admission.	Village of Campton Hills	Staff: None ZBA: None	None	No	Staff: No ZBA: No Development Committee:
----	---	--------------------------------	--------------------------	------	----	---