

## COUNCIL WORKSHOP ITEM

**ITEM:** Stormwater Permit Fee Adjustments  
**DATE:** February 19, 2003  
**PREPARED BY:** John J. Bajor, Jr., Director of Public Works  
Jonathan Hall, Development Engineering Manager  
**PURPOSE:** Place Fee Adjustment Ordinance on 3/04/03 Active Agenda

### DISCUSSION:

Village Staff has performed an analysis of stormwater fees, including a survey of nearby community fees and an estimation of Village costs expended to review and inspect various projects. Through this process, current amounts were found to be inadequate for the following fee types:

1. Single-family house - Review and inspection fee (in-house review)
2. Single-family house addition - Review and inspection fee (in-house review)
3. Runoff storage fee – This fee is currently charged to all developments and redevelopments, which do not have dedicated detention for the parcel or subdivision.

The recommended fee increases are significant, but Staff believes that they will be much more in line with expenses of the required permitting program. The “runoff storage fee” increase in particular will facilitate much better response to many neighborhood drainage concerns.

### ATTACHMENT:

1. Fee calculations
2. Community fee comparison
3. Proposed revisions to Chapter 26 of Municipal Code

### RECOMMENDATION:

The following fee adjustments are recommended by Staff to bring revenues more in line with the expenses of the stormwater permit program.

1. Single-family house - Review and inspection fee (in-house review only):
  - **Increase fee from \$250 to \$465**
2. Single-family house addition, garage, shed, patio with no Special Management Area - Review and inspection fee:
  - **500 to 5,000 square feet w/ internal review - Increase fee from \$125 to \$220**
  - **500 to 5,000 square feet w/ consultant review - Decrease fee from \$125 to \$110**
  - **500 square feet or less - Hold fee at current amount of \$50**

3. Runoff storage fee – This fee is currently charged to all developments and redevelopments, which do not have dedicated detention for the parcel or subdivision. Fees are held in six segregated accounts by watershed, and Municipal Code requires that they be expended within the same watershed where the permitted development occurs.

- **Recommend increasing fee from \$0.134 per square foot of new impervious surface to the following amounts depending on the watershed:**
  - **East Branch DuPage River - \$0.565 per square foot of new impervious surface (includes St. Joseph, Lacey, Prentiss, and Oak Creek watersheds)**
  - **Salt Creek - \$0.710 per square foot of new impervious surface (includes Ginger Creek watershed)**
  - **Sawmill Creek - \$0.464 per square foot of new impervious surface (includes Ward's Creek watershed)**

**The above proposed rates are based on unit costs of providing stormwater detention already listed in Code Section 26-125, which are based on a cost analysis by the DuPage County Department of Development and Environmental Concerns.**

Example of fee impact: When a runoff storage fee was assessed for construction of a new house, the average amount for 2002 was approximately \$411. With the proposed increase in the East Branch DuPage River watershed, which encompasses the vast majority of Downers Grove, the corresponding average would be approximately \$1,743.

Residential Addition, Garage, Shed, or Other Development on a Single Parcel - 0 to 500 Square Ft. Disturbed Area  
 (No Special Management Area)  
 Review and Inspection Costs (not including runoff storage fee)

Review In-house

	Staff Time (hr)	Vehicle Time (hr)	Estimated Staff Cost	Estimated Vehicle Cost	Cost to Village	Current Fee	Proposed Fee	Proposed Total Cost to Applicant**
Permit Review	1	0	\$ 50	\$ -	\$ 50			
Pre-permit Inspection	1	1	\$ 50	\$ 10	\$ 60			
Final Survey Review	0	0	\$ -	\$ -	\$ -			
Inspections	1	1	\$ 50	\$ 10	\$ 60			
TOTAL			\$ 150	\$ 20	\$ 170	\$ 50	\$ 50	\$ 50

Review by Outside Consultant

	Staff Time (hr)	Vehicle Time (hr)	Estimated Staff Cost	Estimated Vehicle Cost	Consultant Time (hr)	Current Fee	Proposed Fee	Consultant Fees	Cost to Village	Proposed Total Cost to Applicant**
Permit Review	1	0	\$ 50	\$ -	1			\$ 88	\$ 50	
Pre-permit Inspection	0	0	\$ -	\$ -	1			\$ 88	\$ -	
Final Survey Review	0	0	\$ -	\$ -	0			\$ -	\$ -	
Inspections	1	1	\$ 50	\$ 10	0			\$ -	\$ 60	
TOTAL			\$ 100	\$ 10		\$ 50	\$ 50	\$ 176	\$ 110	\$ 226

+ consultant fees + consultant fees

\* Assumes staff cost of \$50 per hour and vehicle cost of \$10 per hour.  
 \*\* Does not include runoff storage fee.

**Residential Addition, Garage, Shed, or Other Development on a Single Parcel - 500 to 5,000 Square Ft. Disturbed Area  
(No Special Management Area)  
Review and Inspection Costs (not including runoff storage fee)**

**Review In-house**

	Staff Time (hr)	Vehicle Time (hr)	Estimated Staff Cost	Estimated Vehicle Cost	Cost to Village	Current Fee	Proposed Fee	Proposed Total Cost to Applicant**
Permit Review	2	0	\$ 100	\$ -	\$ 100			
Pre-permit Inspection	1	1	\$ 50	\$ 10	\$ 60			
Final Survey Review	0	0	\$ -	\$ -	\$ -			
Inspections	1	1	\$ 50	\$ 10	\$ 60			
<b>TOTAL</b>			<b>\$ 200</b>	<b>\$ 20</b>	<b>\$ 220</b>	<b>\$ 125</b>	<b>\$ 220</b>	<b>\$ 220</b>

**Review by Outside Consultant**

	Staff Time (hr)	Vehicle Time (hr)	Estimated Staff Cost	Estimated Vehicle Cost	Consultant Time (hr)	Current Fee	Proposed Fee	Consultant Fees	Cost to Village	Proposed Total Cost to Applicant**
Permit Review	1	0	\$ 50	\$ -	2			\$ 176	\$ 50	
Pre-permit Inspection	0	0	\$ -	\$ -	1			\$ 88	\$ -	
Final Survey Review	0	0	\$ -	\$ -	0			\$ -	\$ -	
Inspections	1	1	\$ 50	\$ 10	0			\$ -	\$ 60	
<b>TOTAL</b>			<b>\$ 100</b>	<b>\$ 10</b>		<b>\$ 125</b>	<b>\$ 110</b>	<b>\$ 264</b>	<b>\$ 110</b>	<b>\$ 374</b>

+ consultant fees + consultant fees

\* Assumes staff cost of \$50 per hour and vehicle cost of \$10 per hour.  
 \*\* Does not include runoff storage fee.

**Construction of a New Residence on a Single Parcel  
(and smaller projects affecting a Special Management Area)  
Review and Inspection Costs (not including runoff storage or SMA fees)**

**Review In-house**

	Staff Time (hr)	Vehicle Time (hr)	Estimated Staff Cost	Estimated Vehicle Cost	Cost to Village	Current Fee	Proposed Fee	Proposed Total Cost to Applicant**
Permit Review	4	0	\$ 200	\$ -	\$ 200			
Pre-permit Inspection	1	1	\$ 50	\$ 10	\$ 60			
Final Survey Review	0.5	0	\$ 25	\$ -	\$ 25			
Inspections	3	3	\$ 150	\$ 30	\$ 180			
<b>TOTAL</b>			<b>\$ 425</b>	<b>\$ 40</b>	<b>\$ 465</b>	<b>\$ 250</b>	<b>\$ 465</b>	<b>\$ 465</b>

**Review by Outside Consultant**

	Staff Time (hr)	Vehicle Time (hr)	Estimated Staff Cost	Estimated Vehicle Cost	Consultant Time (hr)	Current Fee	Proposed Fee	Consultant Fees	Cost to Village	Proposed Total Cost to Applicant**
Permit Review	1	0	\$ 50	\$ -	4			\$ 352	\$ 50	
Pre-permit Inspection	0	0	\$ -	\$ -	1			\$ 88	\$ -	
Final Survey Review	0.5	0	\$ 25	\$ -	0			\$ -	\$ 25	
Inspections	3	3	\$ 150	\$ 30	0			\$ -	\$ 180	
<b>TOTAL</b>			<b>\$ 225</b>	<b>\$ 30</b>		<b>\$ 250</b>	<b>\$ 255</b>	<b>\$ 440</b>	<b>\$ 255</b>	<b>\$ 695</b>

+ consultant fees + consultant fees

\* Assumes staff cost of \$50 per hour and vehicle cost of \$10 per hour.

\*\* Does not include runoff storage fee.

Stormwater Fee Comparison

Community	Stormwater Review / Inspection Fee						Other Stormwater Permit Fees						Comments
	Single-family Residence	Single-family Addition	Patio / Sheds	Commercial/ Industrial Sites	Subdivisions	Special Management Area Fee	Runoff storage fee	1st Pre-application Meeting Fee	Additional Pre-application Meeting Fee	Variance	Appeal		
Downers Grove	\$250	\$50 to \$125	\$50 to \$125	3.25% to 6% of stormwater construction costs	3.25% to 6% of stormwater construction costs	\$200 + consultant costs	\$0.134 / sq ft	\$0	\$0	\$350	\$0 or \$350		
Carol Stream	*	*	*	3% of land development construction costs (includes paving, on-site utilities)	development construction costs (includes paving, on-site utilities)	\$100 + consultant costs	0	\$0	\$0	**	**		**
DuPage County	\$365 + 10%, 20%, 60% for each resubmission	**	**			\$120 to \$2,820 + 10%, 20%, 60% more for each resubmission	**	\$0	\$100	**	**		County also receives stormwater tax.
Glen Ellyn	\$350	*	*	All consultant review / inspection fees	All consultant review / inspection fees		**	**	**	**	**		(1) Applicant must establish excrow of \$2,000 to \$5,000 for subdivision/special use/etc (2) Evaluating increase of fees
Hinsdale	\$440	\$440	*	4% of land development construction costs + \$500	4% of land development construction costs + \$500		**	**	**	**	**		**
Lombard	\$100 - \$150	*	*				**	**	**	**	**		Thinking of increasing fee

\* Fee included in general building permit fees.

\*\* Information not available.

Sump pump connection to storm sewer  
Flood plain determinations  
Map copies

Current Fee	\$	-
Amt to Cover Village Costs	\$500	
Proposed Fee	\$300	
	\$25	

**AN ORDINANCE AMENDING STORMWATER PROVISIONS AND FEES**

BE IT ORDAINED by the Council of the Village of Downers Grove, in DuPage County, Illinois, as follows: (Additions are indicated by **shading**; deletions by ~~strikeout~~.)

SECTION 1. That Section 26-50 of the Downers Grove Municipal Code is hereby amended as follows:

**26-50. General Information.**

1. All developments shall meet the requirements specified for general stormwater and flood plain development (Section 26-51), site runoff (Section 26-52), sediment and erosion control (Section 26-55), and performance security (Article 9).

2. All developments shall comply with the site runoff storage requirements provided in Section 26-53 of this Ordinance if:

a. The parcels being developed total three acres or greater for single or two family residential land uses; or

b. The parcels being developed total one acre or greater for multiple family or non-residential subdivision land uses; or

c. The parcels being developed total one acre or greater for multiple family or non-residential developments and the new development totals either individually or in the aggregate after February 15, 1992, to more than 25,000 square feet; or

d. The area being developed totals one acre or greater for road developments in rights-of-way under the ownership or control of a unit of government.

All other developments not subject to the above requirements shall comply with the site runoff storage requirements provided in Section 26-53 if the Administrator determines that the development will create a rate of stormwater runoff from such land in excess of that which lawfully existed prior to the proposed development. Provided, upon determination of the Administrator that such increase in stormwater runoff will not adversely impact downstream properties, the developer may, in lieu of compliance with Section 26-53, pay to the Village an amount equal to the estimated costs of providing stormwater storage which, as determined by the Administrator, is substantially equal to the increased stormwater runoff created by such development. Calculations of such increased amount of stormwater runoff shall be made on the basis of and expressed in terms of an acre foot of volume, or fraction thereof. The fee in lieu of Section 26-53 compliance shall be based on ~~\$25,000~~ **the cost** per acre foot ~~which has been determined by the Village Council,~~ **as listed in Section 25-125 for each watershed,** to be the amount reasonably equivalent to costs incurred by the Village to provide one acre foot of stormwater storage, including but not limited to land acquisition costs, engineering expenses, legal fees and other related expenses. Any fees collected by the Village pursuant to this subsection shall be segregated, held and expended within the same watershed as the subject development ~~to provide or enhance stormwater storage~~ **to enhance existing site runoff storage facilities and related components, construct off-site stormwater facilities and related components or undertake other development that provides a watershed benefit.** Provided, however, that a portion of said funds may be budgeted annually for a cost-share program to assist residents with existing drainage concerns. Cost-share funds may be distributed throughout the year per Village policy.

3. Developments shall also meet the more specific requirements of applicable adopted Watershed Plans or adopted Interim Watershed Plans, as set forth in Sections 26-57 through 26-59.

4. All development within special management areas, and substantial improvements within a flood plain, shall also satisfy the requirements specified in Article 6 of this Ordinance.

5. All developers shall submit the documents specified in Article 7 of this Ordinance to verify compliance with these requirements.

6. Facilities constructed under the provisions of this Ordinance shall be maintained according to the criteria and guidelines established in the Plan. Maintenance is the responsibility of the owner of the land on which the stormwater facilities are constructed unless the responsibility is assigned, pursuant to Section 26-94 of this Ordinance, to an entity acceptable to the governmental unit that has jurisdiction over such land.

SECTION 2. That Section 26-77 of the Downers Grove Municipal Code is hereby amended as follows:

**26-77. Fees.**

Pursuant to the general requirements of this Article, all applicants for a Stormwater Management Permit shall pay review and inspection fees per the following schedule **in addition to any and all consultant fees charged to the Village:**

1. Accessory structures, additions to principal structures and new impervious surfaces such as a driveway or patio:

- (a) disturbed area less than 500 square feet: ~~\$50.00~~
  - (i) \$50.00 plus actual consultant fees, if review is performed by consultant;
  - (ii) \$50.00 if review is performed internally by Village staff
- (b) disturbed area 500 to 5,000 square feet: ~~\$125.00~~
  - (i) \$110.00 plus actual consultant fees, if review is performed by consultant;
  - (ii) \$220.00 if review is performed internally by Village staff
- (c) disturbed area over 5,000 square feet: ~~\$250.00~~
  - (i) \$255.00 plus actual consultant fees, if review is performed by consultant;
  - (ii) \$465.00 if review is performed internally by Village staff

2. New single-family residential construction:

- (a) ~~That~~ substantially conforms with a previously approved site plan: ~~\$200.00~~
  - (i) \$255.00 plus actual consultant fees, if review is performed by consultant;
  - (ii) \$315.00 if review is performed internally by Village staff
- (b) ~~n~~Not in conformance with a previously approved site plan: ~~\$250.00~~
  - (i) \$255.00 plus actual consultant fees, if review is performed by consultant;
  - (ii) \$465.00 if review is performed internally by Village staff.

3. New construction (other than single-family residential); Subdivisions or Planned Developments processed pursuant to the Village of Downers Grove Municipal Code: ~~a fee determined pursuant to Section 26-77.4, based upon the estimated probable cost to construct the stormwater facilities, which estimate shall be approved by the Administrator.~~

~~4. Plan review and inspection fee schedule for stormwater facilities:~~

Estimated probable cost  
to construct  
the stormwater facility

Review and Inspection fee

\$ 2,499 or less

6% of estimated cost

\$ 2,500 to \$ 9,999	5% of estimated cost, but not less than \$150
\$ 10,000 to \$ 24,999	4.5% of estimated cost, but not less than \$500
\$ 25,000 to \$ 49,999	4% of estimated cost, but not less than \$1,125
\$ 50,000 to \$ 99,999	3.75% of estimated cost, but not less than \$2,000
\$100,000 to \$199,999	3.5% of estimated cost, but not less than \$3,750
\$200,000 or more	3.25% of estimated cost, but not less than \$7,000

54. For all developments requiring Special Management Area (Floodplains, Wetlands and Riparian environment) submittals, an **additional** fee of \$200.00 shall be paid per submittal.

~~6. Variances: \$350.00~~

~~7. Appeals: \$350.00. If an appeal is successfully taken pursuant to Section 26-110, the appeal fee shall be refunded.~~

~~85. Re-inspections: \$50.00. Inspections that must be repeated will not be provided until the applicant has paid the reinspection fee.~~ **A \$50.00 re-inspection fee will be assessed each time a project must be re-inspected. No re-inspection will occur until said reinspection fee is paid.**

**6. In addition to the fees listed in this Section, an applicant may also be responsible for runoff storage fees as provided for in Section 26-50.**

97. For all developments ~~that~~**where** the Village determines that an outside consultant is to be used, the applicant shall, at the time of application, deposit with the Village the sum of \$200.00 **cash or other deposit acceptable to the Administrator and Village Treasurer** to pay for such consultant fees. Any surplus shall be returned to the applicant at the time of permit issuance. Any deficiency must be paid by the applicant prior to issuance of the permit.

SECTION 3. That Section 26-110 of the Downers Grove Municipal Code is hereby amended as follows:

**26-110. Right to Appeal.**

1. Any person directly aggrieved by any decision, order, requirement, or determination of the Administrator made pursuant to an interpretation of this Ordinance shall have the right to appeal such action directly to the Oversight Committee; provided, however, that all decisions made by the Administrator pursuant to Article 10 of this Ordinance shall be deemed final and not appealable, except as otherwise specifically provided in Subsection 26-100.2 of Article 10.

2. Every applicant for an appeal shall notify the Oversight Committee in writing of the decision being appealed, which notice shall include a short, plain statement containing the reasons why the decision is being appealed and how the applicant has been directly aggrieved by the action taken. Concurrently with the filing of an appeal, the applicant shall furnish the Village with a list of the names and addresses of the owners of record of property which is the subject of such application; and, ~~all~~ **a list of all** persons to whom the latest

general real estate tax bills were sent for all property situated within two hundred fifty feet of the subject property; and a \$350.00 filing fee.

3. Upon receipt of such a notice of appeal, the Oversight Committee shall set a date for a public hearing before the Oversight Committee. Such public hearing shall commence not fewer than fourteen days nor more than thirty days after the date on which a properly prepared notice of appeal was received. The applicant shall be promptly notified of the public hearing date.

4. A public hearing shall be set, noticed, and conducted by the Oversight Committee in accordance with the provisions of Section 26-130 of this Ordinance.

5. The Oversight Committee shall decide the appeal within sixty days after the conclusion of the public hearing. All decisions on appeals shall be in writing and shall include a statement of the reasons for the decision. The failure of the Oversight Committee to act within sixty days shall be deemed to be a decision denying the appeal.

6. The applicant may appeal the decision of the Oversight Committee to the Village Council by filing a notice thereof in the form required by Subsection 26-110.2 of this Ordinance with the Village Council within 14 days after the date of decision by the Oversight Committee. Failure to properly file such notice shall render final the decision of the Oversight Committee.

7. Within thirty-five days after receipt of a properly prepared and filed notice of appeal, the Village Council shall, without hearing, affirm, reverse, or modify the decision of the Oversight Committee. The failure of the Village Council to act within thirty-five days shall be deemed to be a final decision of the Village Council denying the appeal.

8. The decision of the Village Council shall in all instances be considered a final decision.

SECTION 4. That Section 26-120 of the Downers Grove Municipal Code is hereby amended as follows:

**26-120. Authority; Applications; Standards.**

1. The Village Council shall have the sole authority to grant variances from the requirements of this Ordinance, but only in compliance with the procedures set forth in this Section 26-120.

2. The variance procedure is intended to provide a narrowly circumscribed means by which relief may be granted to allow development when the requirements of this Ordinance place an undue and particular hardship on a specific developer.

3. Variance petitions shall be filed either by the owner or by the developer of land specified in the application.

4. The petition for a variance shall accompany or follow an application for a Stormwater Management Permit including all necessary submittals. Concurrently with the filing of a variation, the applicant shall furnish the Village with a list of the names and addresses of the owners of record of property which is the subject of such application; and, all persons to whom the latest general real estate tax bills were sent for all property situated within two hundred fifty feet of the subject property.

5. All variance petitions filed pursuant to this Section 26-120 shall be filed with the Administrator and shall include a \$350.000 filing fee.

6. All variance petitions filed pursuant to this Section 26-120 shall be on forms supplied by the Administrator and shall be filed in such number of duplicate copies as the Administrator may designate by administrative order.

7. Every variance petition filed pursuant to this Section 26- 120 shall provide the following information:

- a. The owner's or developer's signed consent to the filing of the petition; and

b. The names and addresses of all professional consultants, if any, advising the petitioner with respect to the petition; and

c. The name and address and the nature and extent of any economic or family interest of any officer or employee of the Village as to the owner, the petitioner, or the subject property or development; and

d. The addresses and legal description of the subject property or development; and

e. The specific feature or features of the proposed construction or development that require a variance; and

f. The specific provision of this Ordinance from which a variance is sought and the precise variation therefrom being sought; and

g. A statement of the characteristics of the subject property or development that prevent compliance with the provisions of this Ordinance; and

h. A statement of the minimum variance of the provisions of this Ordinance that would be necessary to permit the proposed construction or development; and

i. A statement of how the variance sought satisfies the standards set forth in Subsection 26-120.10 of this Ordinance.

8. No public hearing will be scheduled on a variance petition unless the petition is filed in proper form and number and contains all required information.

9. Whenever supplemental data in connection with a previously filed variance petition is required or offered by the applicant, it shall be submitted at least five days prior to the date on which it is to be considered at a hearing or acted upon in connection with such petition. The filing of such data shall, in the discretion of the body hearing the petition, be cause to delay a requested or scheduled hearing date.

10. The Oversight Committee shall consider, and the Village Council may grant, such petition for a variance only when it is consistent with the general purpose and intent of this Ordinance and when the development meets the requirements specified in Section 26-51 of this Ordinance as well as the following conditions:

a. Granting the variance shall not alter the essential character of the area involved, including existing stream uses; and

b. Carrying out the strict letter of the provisions of this Ordinance would create an undue or particular hardship or difficulty on a specific developer or owner; and

c. The relief requested is the minimum necessary and there are no means other than the requested variance by which the alleged hardship can be avoided or remedied to a degree sufficient to permit the reasonable continuation of the development; and

d. The applicant's circumstances are unique and do not represent a general condition or problem; and

e. The subject development is exceptional as compared to other developments subject to the same provision; and

f. A development proposed for a special management area could not be constructed if it were limited to areas outside the special management area.

11. No variance shall be granted for any development in the regulatory floodway, regulatory wetlands, and critical wetlands from any provision of this Ordinance the effect of which variance would be to create regulation less restrictive or stringent than federal and/or state required minimum standards for development in such areas. Subject to this standard, a variance may be granted in accordance with this Section 26-120 from provisions of this Ordinance more restrictive or stringent than the federal and/or state required minimum standards for development in such areas.

12. When a variance from the requirements of this Ordinance would lessen the degree of protection to a structure, the Administrator shall notify the applicant that the variance, if granted, may result in increased rates for flood insurance.

13. The Administrator shall give written notice of any variance petition, including the date and time of the public hearing, to the Committee, the Director, and all watershed planning area Community Administrators. Such notice shall be sent no less than twenty-one days in advance of the date of the public hearing by regular U.S. mail or its equivalent. In addition, the permit application and variance petition including all permit submittals and support documentation shall be sent to the Director.

SECTION 5. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 6. That this ordinance shall be in full force and effect from and after its passage and publication in the manner provided by law.

\_\_\_\_\_  
Mayor

Passed:

Published:

Attest: \_\_\_\_\_  
Village Clerk

[StmH2O]