MANAGER'S MEMO ITEM

ITEM:	Building Flood Protection Elevation Reduction - Ordinance Amendment		
WORKSHOP DATE:	December 14, 2004		
PREPARED BY:	David H. Barber, P.E., Director of Public Works Jonathan C. Hall, P.E., Stormwater Administrator		
BID AMOUNT:	$ N/A	**ACCOUNT:**	N/A
BUDGET AMOUNT:	$ N/A		

PURPOSE: To transmit a recommendation from the Stormwater and Flood Plain Oversight Committee relative to a proposed revision to the Village of Downers Grove Stormwater and Flood Plain Ordinance (Code Chapter 26) reducing the building flood protection elevation from three (3) feet to one (1) foot above the base flood elevation.

BACKGROUND:

The Stormwater and Flood Plain Oversight Committee (Committee) met November 18, 2004, to consider a revision to Chapter 26 of the Municipal Code. The proposed revision would reduce the required floor elevation requirement above the *base flood elevation* (BFE) from three (3) feet to one (1) foot. All seven members of the Committee voted against the revision. Following is a summary of reasons generated from the Committee discussion why the flood protection elevation should not be reduced:

- The revision would only benefit a few residents and builders. In the past two years, only six properties were constructed at the 3-foot above BFE level (within flood plain / LPDA).
- The net effect of the revision would not benefit the Village collectively.
- The 53 property owners within the Village who currently own federal flood insurance policies would each pay 5% more in annual premiums, unless staff can reasonably add new flood-prevention activities to offset the loss in FEMA Community Rating System points.
- Development would be encouraged in flood plain areas, which can lead to flooding, structural foundation concerns, and stream quality degradation.

Refer to the attached Staff memo to the Committee for additional information.

ATTACHMENTS:

1) Staff Memo to Committee
2) Draft Chapter 26 ordinance revision
3) Committee Meeting Minutes (11/18/04)

REQUESTED COURSE OF ACTION:

The Stormwater and Flood Plain Oversight Committee recommends no change to the existing ordinance.

INTEROFFICE CORRESPONDENCE
DEPARTMENT OF PUBLIC WORKS

To: Stormwater and Flood Plain Oversight Committee

From: Jonathan Hall, P.E., Development Engineer / Stormwater Administrator

Date: November 4, 2004

Re: Stormwater and Flood Plain Oversight Committee
November 18, 2004 Meeting
Agenda Item V - A
Revision to Village Stormwater and Flood Plain Ordinance
Reduction of building flood protection elevation

Item Summary:

The Village Council has requested that formal consideration be given to amendment of code requirements pertaining to elevation of building floors above the flood plain. Currently, new or substantially improved buildings must be designed and constructed with floors that are a minimum of three (3) feet above the base flood elevation (BFE) if located wholly or partially within the flood plain. The Council desires consideration of reduction of this flood protection elevation to one (1) foot above the BFE.

Requested Committee Action:

- Recommend to the Village Council adoption of revisions as presented; OR
- Recommend to the Village Council adoption of revisions with modifications; OR
- Recommend to the Village Council against adoption of revisions.

Attachments:

- Draft ordinance amending Chapter 26

Staff Analysis:

Over the past few years, there have been a number of inquiries as to why the Village of Downers Grove flood plain elevation standards are more restrictive than that of DuPage County. Specifically, the Village Code requires that all buildings constructed within a flood plain (includes *LPDAs*) must have all *useable space* elevated at least **three (3) feet** above the *base flood elevation (BFE).* The DuPage County Stormwater and Flood Plain Ordinance requires that all *useable space* be elevated only **one (1) foot** above the BFE within the flood plain.

We have not recently heard significant concern on this issue from the development community. This may be due to the fact that this rule affects only a very small percentage of developments. In most cases where a structure is to be built adjacent to a flood plain, the house is either built just outside the existing flood plain boundary, or the building site is removed from the flood plain by grading (LOMR-F sometimes required). Therefore, reducing this standard is not likely to benefit many developments. One of the motivating factors for the trend of relocating the house or the flood boundary upon redevelopment is the overwhelming desire to have a basement in each house.

Another section of both the Village and County stormwater ordinances generally requires that the ground adjacent to the foundation be elevated to at least one (1) foot above the BFE for the typical house with a basement. This often results in main floors that are 1.5 feet to 2 feet above the BFE under current regulations. Please take into consideration the following pros and cons of reducing the flood protection elevation for structures within the flood plain:

Reduction of the Building Flood Protection Elevation from 3 Feet to 1 Foot

Pros	Cons
Whether the elevation requirement is one (1) foot or three (3) feet does not generally matter when a basement is to be constructed. The house location would have to be moved or the flood plain boundary shifted.	Whether the elevation requirement is one (1) foot or three (3) feet does not generally matter when a basement is to be constructed. The house location would have to be moved or the flood plain boundary shifted.
New requirement would be consistent with the current DuPage County standard.	The Village would lose 200 points of credit toward our preferred insurance rating in the NFIP CRS program because by reducing this additional *freeboard* requirement by two (2) feet. This would result in a 5% insurance cost increasee for 53 households within the Village.
The initial cost for development of certain properties could be reduced.	Flood insurance rates are generally lower within the flood plain if the structure is elevated 3 feet rather than 1 foot above the BFE.
	Flood damage risks for certain properties would increase. Base flood elevations may be exceeded in storms that are larger than the 100-year storm, and methods utilized to establish BFEs are not always highly precise.

	This revision would inconsistent with the general goal of discouraging flood plain development.
	The Village's standard would be placed below other surrounding counties: Cook County: 2 feet above BFE Kane County: 2 to 3 feet above BFE Lake County: 2 feet above BFE. McHenry County: 2 feet above BFE Will County: 1 foot above BFE

As an alternative, it would be easier to justify reduction of the 3-foot requirement to 1 foot within certain LPDAs than in federally-regulated flood plains. For example, if an LPDA elevation is established with an accurate survey of the overland overflow point, taking into account the water surface elevation within the overflow, then it may be quite reasonable to reduce the elevation requirement to one (1) foot above the BFE.

ORDINANCE NO. _____

AN ORDINANCE AMENDING STORMWATER AND FLOOD PLAIN PROVISIONS

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

Section 1. That Section 26.51. is hereby amended to read as follows:

26.51. General Stormwater and Flood Plain Requirements.

The following general stormwater and flood plain requirements shall apply to all development.

1. Development shall not:

a. Result in any new or additional expense to any person other than the developer for flood protection or for lost environmental stream uses and functions; nor

b. Increase flood elevations or decrease flood conveyance capacity upstream or downstream of the area under the ownership or control of the developer; nor

c. Pose any new or additional increase in flood velocity or impairment of the hydrologic and hydraulic functions of streams and flood plains unless a watershed benefit is realized; nor

d. Violate any provision of this Ordinance either during or after construction; nor

e. Unreasonably or unnecessarily degrade surface or ground water quality.

2. Analysis and design of all stormwater and flood plain facilities required for development shall:

a. Meet the standards and criteria established in the Plan and, if available, in Watershed Plans or in Interim Watershed Plans; and

b. Consider the Performance Criteria and Technical Guidance Manual for the Plan; and

c. Be consistent with techniques specified in the Watershed Plans or the Interim Watershed Plans; and

d. Consider existing and ultimate watershed and land use conditions, with and without the proposed development.

3. Stormwater facilities shall be functional before building permits are issued for residential and non-residential subdivision.

4. Stormwater facilities shall be functional where practicable for single parcel developments before general construction begins.

5. In areas within the regulatory flood plain, all usable space in new buildings, added to existing buildings, or in existing buildings undergoing substantial improvement shall be elevated to at least ~~three feet~~one foot above the base flood elevation.

6. In areas outside the boundary of the regulatory flood plain all usable space in new buildings, or added to existing buildings, shall be elevated, floodproofed, or otherwise protected to at least one foot above the adjacent base flood elevation to prevent the entry of surface stormwater. Floodproofing devices shall be operational without human intervention. If electricity is required for protection against flood damage, there shall be a backup power source which will activate without human intervention. Floodproofing measures shall be certified by a professional engineer.

7. All usable space in new buildings or added to existing buildings adjacent to a major stormwater system, site runoff storage facility overflow path or site runoff storage facility, shall be elevated, floodproofed, or otherwise protected to at least one foot above the design elevation to prevent the entry of surface stormwater. The design elevation is the elevation associated with the design rate as determined in Section 26-53.8(f).

Section 2. That Section 26.62. is hereby amended to read as follows:

26.62. Requirements for Development within the Regulatory Flood Plain.

1. Development shall preserve effective floodway conveyance such that there will be no increases in flood elevations or flows, unless any such increases are contained in a public flood easement and a watershed benefit is provided.

2. Temporary or permanent storage of the following are prohibited unless elevated or floodproofed to one foot above the base flood elevation:

a. Items susceptible to flood damage; or

b. Unsecured buoyant materials or materials that may cause off-site damage including bulky materials, flammable liquids, chemicals, explosives, pollutants, or other hazardous materials; or

c. Landscape wastes.

3. All usable space in new buildings, added to existing buildings, or in existing buildings in the flood plain undergoing substantial improvement shall be elevated to at least ~~three feet~~one foot above the base flood elevation.

4. In areas outside the regulatory floodway but within the flood plain, maximum flow depths on new parking lots shall not exceed one foot during the base flood condition and shall be designed for protection against physical flood damages. Flood hazard in parking areas below the base flood elevation shall be clearly posted.

5. New structures other than buildings shall either be elevated to at least one foot above the base flood elevation or designed for protection against physical flood damages. Floodproofing devices shall be operational without human intervention. If electricity is required for protection against flood damage, then there must be a backup power source that will activate without human intervention. The floodproofing shall be certified by a professional engineer.

6. New or expansion of existing manufactured home parks or subdivisions and placement of manufactured homes not in existing manufactured home parks or subdivisions shall require that:

a. All stands or pads shall be elevated to or above the base flood elevation; and

b. Adequate access and drainage shall be provided; and

c. If pilings are used for elevation, applicable design and construction standards for pilings shall be met; and

d. Anchoring shall be accomplished in accordance with the rules and regulations for the Illinois Mobile Home Tie-Down Act issued pursuant to 77 Ill. Adm. Code @ 870 to resist flotation, collapse, and lateral movement.

7. Existing structures shall not be enlarged, replaced, or structurally altered unless the changes meet the requirements for development. If the changes constitute substantial improvement to a building in the flood plain, then the entire building must meet the requirements for development.

8. Existing structures may be floodproofed. Floodproofing devices shall meet the requirements for development in the flood plain and be operational without human intervention. If electricity is required, then there must be a backup power source that will activate without human intervention. The floodproofing shall be certified by a professional engineer. Compensatory storage is not required for floodproofing of existing buildings for flood plain volume displaced by the building and within the area of ten feet adjacent to the building.

9. Any placement of fill, structures, or other materials above grade in the flood plain shall require compensatory storage equal to at least 1.5 times the volume of flood plain storage displaced and shall be provided at the same incremental flood frequency elevation as the flood storage displaced. Compensatory storage shall be operational prior to placement of fill, structures, or other materials in the regulatory flood plain. Grading in special management areas shall be done in such a manner that the existing flood plain storage is maintained at all times.

10. A copy of an application for a CLOMR, CLOMA, LOMA, or LOMR including all the required information, calculations, and documents shall be submitted to the Department concurrent with the application to FEMA or OWR or its designee.

11. No filling, grading, dredging, or excavating which changes the base flood elevation, base flood flow rate or the floodway boundary shall take place until a CLOMR is issued by FEMA.

12. If a LOMR is required by FEMA, no building shall take place until the LOMR is received.

13. Any fill required to elevate a building must extend at least ten feet beyond the foundation before the grade slopes below the highest base flood elevation.

14. When a structure is elevated by some means other than filling in the regulatory flood plain:

a. All electrical, heating, ventilating, plumbing, and air conditioning equipment shall be located at least one foot above the highest base flood elevation; and

b. Elevation can be accomplished using stilts, piles, walls, or other foundations. Areas below the lowest floor that are subject to flooding shall be designed so that hydrostatic forces on exterior walls are automatically equalized by allowing for the entry and exit of floodwater and shall be anchored and aligned in relation to flood flows and adjoining structures so as to minimize exposure to known hydrodynamic forces such as currents, waves, ice, and floating debris. Designs for meeting this requirement shall be prepared, signed, and sealed by a structural engineer or architect and meet or exceed the following minimum criteria:

(1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and

(2) The bottom of all openings shall be no higher than one foot above grade; and

(3) Openings may be equipped with screens, louvers, valves, or other coverings or devices, provided that such coverings and devices do not impede the automatic entry and exit of floodwater; and

c. All materials and structures less than one foot above the base flood elevation shall be resistant to flood damage.

15. Existing flood storage that is lost due to channel modification shall require compensatory storage.

16. Any removal, replacement, or modification of stormwater facilities that has an existing hydraulic impact shall provide a watershed benefit. Compensatory storage shall be required to mitigate for any potential increases in flow or flood elevations. All structures and their associated low entry elevations within the created backwater of the existing stormwater facility shall be identified.

17. The release rate from new or modified storm sewer outfalls shall meet the requirements of Section 26-53.2 of this Ordinance or demonstrate compliance with Section 26-51.

18. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

19. New and replacement water supply systems, wells, sanitary sewer lines and on-site waste disposal systems may be permitted providing all manholes or other above ground openings located below the flood protection elevation are watertight.

20. Hydrologic and hydraulic impacts of developments located in the regulatory floodway shall be evaluated using the applicable regulatory model and confirmed using Watershed Plan models, if available, or models meeting the Plan standards for watershed planning. The hydrologic and hydraulic impacts of development shall be evaluated using events representing the frequency range from fifty percent (2-year) to one percent (100-year) probability of being equalled or exceeded in a given year. The results of any such evaluation shall be submitted to the Village.

21. Any proposed development in the regulatory floodway shall evaluate the hydrologic and hydraulic impacts for existing and any future planned watershed conditions.

22. In the regulatory floodway portion of the regulatory flood plain, all of the requirements of this Section 26-62 shall apply to any proposed development, and only the following appropriate uses shall be considered for permits:

a. Bridges, culverts, roadways, sidewalks, trail systems, railways, runways and taxiways and any modification thereto; and

b. Aircraft parking aprons built at or below ground elevation and any modification thereto;

and

c. Regulatory floodway regrading, without fill, to create a positive slope toward a watercourse; and

d. Floodproofing activities to protect existing structures; and

e. Stormwater facilities relating to the control of drainage or flooding; and

f. Above- and below-ground utilities and sanitary and storm sewer outfalls; and

g. The storage and conveyance of floodwater; and

h. Erosion control structures and water quality and habitat structures; and

i. Recreational boating and commercial shipping facilities.

23. Transition sections within the regulatory floodway are required for the calculation of effective conveyance including the modification and the replacement of existing bridge and culvert structures, or to compensate for lost conveyance for other appropriate uses. The following ratios shall be used to calculate transition sections:

a. Water will expand no faster than one foot horizontal for every four feet of flooded stream length.

b. Water will contract no faster than one foot horizontal for every one foot of flooded stream length.

c. Water will not expand or contract faster than one foot vertical for every ten feet of flooded stream length.

Section #3. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section #4. 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

DRAFT

VILLAGE OF DOWNERS GROVE
Stormwater and Flood Plain Oversight Committee Meeting

November 18, 2004
6:45 p.m.

Downers Grove Public Works Facility
5101 Walnut Avenue, Downers Grove, Illinois

Call to Order

Chairman Eckmann called the meeting to order at 6:48 p.m.

Committee Members Present:	Messrs. Beckman, Bollenberg, Crilly, Gorman, Nystrom, Ponstein and Chairman Eckmann
Staff Present:	Mr. Jonathan Hall, P.E. Stormwater Administrator; Mr. Michael Millette, P.E., Asst. Dir. of Public Works Engineering; and Ms. Sharon Connell, Recording Secretary.

Approval of October 28, 2004 Minutes

Minutes were approved, with noted change, on motion by Chairman Eckmann, seconded by Mr. Beckman. A changed was noted on page 2, 8th paragraph, first sentence, delete the second "was".

Motion carried by voice vote: 7-0

Public Comments - None

New Business

A. Ordinance Revision - Change floor elevation requirement for new or substantially improved buildings from three (3) feet to one (1) foot above the base flood elevation.

Mr. Hall summarized the pros and cons as described in the staff memo to committee (Item V-A).

A motion was made by Mr. Beckman to approve the Ordinance Revision as written. Seconded by Mr. Eckmann. Roll call:

Ayes: None
Nays: Beckman, Bollenberg, Crilly, Gorman, Nystrom, Ponstein, Chairman Eckmann

Motion failed. 0-7.

A motion was made by Mr. Bollenberg that the committee consider a change to the ordinance be recommended to the Village Council revising the elevation from three feet to two feet. Seconded by Mr. Ponstein. Concern was raised that more information was needed. Mr. Hall explained that under the CRS program requiring floors at one foot above the base elevation received 100 points; 2 feet above received 200 points; 3 feet above received 300 points.

Mr. Hall informed the Board that the current Ordinance requires a structure's floor be three feet above the base flood elevation if in flood plain. It affects a small percentage of permits - six in two years. If a structure is re-designed just outside the flood plain, the one-foot rule applies rather than three foot. DuPage County requires one-foot.

Naperville experienced the 800-year flood (100 year flood) in 1996. Do we want extra protection for such events? The Village's standards would be below some area counties if changed. This change also affects building permits in LPDA's. Flood insurance is not required in LPDA's.

Mr. Beckman asked why are we considering this change when the current ordinance has served us well?

Mr. Millette responded that Council asked that we look into complaints of new houses going in higher than their neighbors. It is possible that the three-foot BFE rule is wrongly blamed. In some instances, when a home is rebuilt, even nowhere near a flood plain, the builder will raise the foundation of the new house to ensure that it is higher than the road. If the neighboring house is lower than the road to start with, then you can have a great difference, say six feet between them. Jon advised six houses were constructed per the 3-foot rule in past two years.

Mr. Beckman advised regarding Con #2 that adoption means the loss of 200 CRS points.

Mr. Hall said we have not yet determined effort to replace lost points. Currently, no significant money is being spent on CRS (paper, postage).

Mr. Beckman asked what benefit would the community sustain if recommended?

Mr. Hall said only some of those building or purchasing in flood plain/LPDA would benefit.

Mr. Nystrom questioned how the rule applies to additions?

Mr. Hall responded if the value of the home is increased by 50% or more, then whole house must be brought into compliance.

Mr. Nystrom: 53 houses apply to?
Prove, no penalty

JH – FEMA Methods, elevation survey benchmarks – 15% not necessarily

WH – Not contacted

JH – 2 different numbers, flood insurance rate, risk, final # take 15% off thinks

Mr. Gorman said he has worked with flood insurance, assume flood plain, 3-foot additional protection, three feet above what is needed, one foot is adequate – 100 year event – 1% each year – two-foot is a better target and we should discuss if we want a change.

Mr. Ponstein recommends two-foot, one-foot is not enough in a flood plain. What would be more fair relative to adjacent houses at one-foot?

Mr. Bollenberg said there is a legislative history; solving a problem that doesn't exist – no complaints – no one motivated – not planning commission – height restriction. He could not change to 9-foot ceilings when building his house. How many resident's change plans?

Mr. Hall said he doesn't know. Many tweak plan to get out of the flood plain like Community Bank for example. They moved the building to minimize flood plain encroachment; filled and excavated to remove from flood plain. The one-foot rule applied rather than three feet.

Mr.Bollenberg: 53 properties – if change 1 or 2-foot.

Mr. Hall said in boundaries determine not shifting boundaries. Three-foot makes insurance more costly. With no mortgage flood insurance is not required.

Mr. Bollenberg said most variance requests would be eliminated if FPE lowers to one-foot.

Mr. Crilly said three-foot requirement that difficult since it is not anymore restrictive; if lowered requirement not best idea.

Mr. Bollenberg asked if lowering from three to one foot make some parcels buildable that are not?

Mr. Hall advised that is possible but rare. For example, a garage at three-feet rather than one would require more driveway fill. In rare cases, this could prohibit building without a variance.

Mr. Eckmann voiced his observations, vote against motion history. 3-4 engineers developed the ordinance. He questioned why DuPage County didn't follow the Metropolitan Water Reclamation district. Experience under evidence from 1993, how did three-foot came about? Homes built now – 100 year flood – will be here for the next 100 years? Causes flood, Illinois statistics bulletin 70 data, more rain today than bulletin 40. With more impervious areas in the Village today, future floods of similar magnitude will cause more runoff and flooding.

Mr. Bollenberg recommended the committee consider the change. Mr. Ponstein seconded it. Mr. Bollenberg asked for further information.

Mr. Gorman supports the motion and advised he is comfortable with changing it to two-foot.

BB – likes pros and cons – reflect on alternative

Mr. Hall said about the CRS Program, if one-foot above BFE 100 points, If 2-feet 200 points, if 3-feet 300 points toward rating.

Mr. Nystrom said remodel project not _____. LPDA enter flood plain

Mr. Hall said the rule applies equally to flood plain & LPDA's. The three-foot has value; if council wants relief, there are other types of revisions to consider.

DE – technical more comf maintain 3' – council lower wouldn't object

BB – arbitrary manner with change pros/cons

Mr. Millette discussed how lowering the FPE would increase flood insurance premiums by 5% 5% based on moving from 7 to 8. As to the final analysis, the chair believed it was important for this committee to support what was technically correct and forward it to the Village Council. The Village Council could then choose something different. **Roll call:**

Ayes: Gorman, Ponstein
Nays: Beckman, Bollenberg, Crilly, Nystrom, Chairman Eckmann

Motion failed. 2-5.

Old Business

A. Stormwater Master Plan

1. Current Status - Mr. Millette stated the Master Plan was for informational purposes. To date, 8 responses were received from 18 solicited. Steps followed as to how the proposals were rated and negotiated. Clark Dietz was chosen with their fee rate of $214,000. Five areas of scope were focused upon and a workshop meeting was scheduled for December 14, 2004 to discussed the matters. Mr. Millette asked members to contact him with substantive questions before the Thanksgiving holiday.

2. Review of Contract Scope - See paragraph above.

B. 2004 and 2005 Meeting Schedule

Members were asked to review the 2005 meeting schedule to identify any conflicts. Members agreed to hold the November 2005 meeting on Wednesday, November 16, 2004.

Mr. Bollenberg moved to adopt the 2005 meeting schedule as revised, seconded by Mr. Crilly. Motion passed by voice vote of 7- 0.

C. Elimination of Localized Poor Drainage Areas (LPDAs) - Potential Ordinance Revision.

Mr. Hall indicated staff was considering elimination of the map and was starting the process of considering the LPDA map and what revisions should be made to make it more accurate. Mr. Hall summarized a recent meeting he attended discussing the LPDAs, noting a number of LPDAs that were established were very conservative and others existed that were very accurate. If certain obvious LPDAs stood out, they would be removed.

Issues raised from the Village Council, staff and developers included:

- that some LPDAs were accurate by being overly conservative in some areas but there were no other comparisons to refer to. Therefore, LPDAs could negatively affect property values. Hydrogeological studies were sometimes required. If the elevation cannot be substantiated by surveying the over-land overflow point or the elevation is not acceptable to the developer, then it is required of the developer to provide a study based on modeling, which can be costly.

- LPDAs can add to the complexity of the development approval process. LPDAs are not specifically recognized in the DuPage County Stormwater Floodplain Ordinance.

- When the village was on probation with the county, the county reaffirmed that the village staff treat LPDAs as flood plains.

- The current LPDA map has the connotation of being "super secret" and not available to the public unless asked.

- Some residents are shocked after doing their due diligence only to find an LPDA on their property and cannot move forward with their own improvements.

Staff, in addition to mapping the LPDAs, would like to bring about an awareness of LPDAs in the community and while it may protect the future, it has a temporary negative impact on those residents it affects. Therefore, staff offered six options to deal with LPDAs:

1) recommend elimination of all LPDAs from the Drainage Control Map ("DCM") and all LPDAs per FEMA Code;
2) recommend complete elimination of all LPDAs from the DCM and all LPDA references from the Code contingent upon Village Council commitment to study all LPDAs and add significant local flood areas back to the DCM within one year;
3) recommend that the recently initiated LPDA Map Revision process be followed as discussed at the committee's October 28, 2004 meeting. Under the plan, the LPDAs would maintain the same status on the map and in the Code until eliminated by approved study criteria;
4) recommend a combination of one of the above with additional ordinance revisions that would provide some relief for permit applications;
5) continue committee discussion at a future meeting; and
6) continue committee discussion with additional input or testimony from staff, county officials, IDNR officials, and/or engineering consultants.

Mr. Hall reviewed four issues that this committee should address before enacting any revisions:

1) Flood regulations prevent residents from building in areas where building would cause economic problems for the owner, neighbors, or governmental entities;
2) Removing the LPDAs from the official DCM and from any Code reference does not change the physical reality of floods in these areas. (Some areas will continue to flood)
3) Because the high water elevation determines the actual extent of the LPDA, removing the LPDA boundaries from the map does not change the actual boundary of the flooding

areas. These areas will still need to be analyzed during permit review so as not to negatively impact neighbors.

4) Removing the LPDAs from the official DCM and from any Code reference does not contribute to a better understanding of flood magnitudes in these areas.
5) Removing the LPDAs from the official DCM will inhibit the Village from making flooding information more accessible to residents and developers.
6) LPDA designations area a valuable tool to help prevent development from negatively impacting neighbors, as required by Section 26-51.1 of the Village's Code.
7) LPDA designations are a valuable tool to help prevent new houses from flooding, specifically basements.
8) LPDA designations can alert a builder to the need for soil borings and special foundation requirements.
9) LPDA designations are often indicators of a current or former wetland on the site. Improving access to the LPDA map would likely prevent individuals from buying wetland property at an unfair price. Also, discouraging development adjacent to wetlands can benefit the environment, including groundwater and stream quality.
10) Some LPDAs exist as areas of significant groundwater recharge and they may warrant protection.

Mr. Nystrom inquired as to whether the Village Council had considered legally of removing all references to the map from the Code, to which Mr. Hall indicated that there has only been discussion and no official resolution from council. But there have been some comments from some officials wanting the change.

Mr. Hall said the council is looking for direction of where to go.

WH – 1 & 2 concerned – disturbing

MM – We have asked legal what is a better way to notify property owners of LPDA's – should we receive something against the title. There have been some recent high profile cases that have brought this to the forefront. The County told us when we met with them last month that they wished that they wished other communities would have what we do. Tony Carlton, DuPage DEC told the Council that the map could be disposed of, but that wouldn't change that these areas still exist.

BB - map still exists

Mr. Gorman asked what case do they have note guaranteed to do anything "want on lot" – SOP Standard Operating Procedures – and to make the map available to the public.

BB – LPDA experience – no _____garage – should be public knowledge.

Mr. Eckmann said arbitrary to areas if good study with good technician – comfortable with elevations, suggested that the board consider recommendation to council – retain outside consultant for study to develop LPDA map.

Mr. Millette discussed some high profile cases within the Village and council's focus on the map.

Chairman Eckmann suggested that the committee recommend to the Village Council to retain an outside consultant for purposes of Downers Grove.

Mr. Eckmann suggested an aerial photographer be used to develop a digitized map giving a good level of confidence.

Mr. Beckman advised other communities have them.

Mr. Hall said snapshot of other communities – partial results – 2 or 3 other communities have similar regulation west of here - stormwater detention ponds, older parts town between 59th and 39th Street, railroad tracks. These areas acts as a detention basin. The issue is addressed by regulation, run off before and after further retricts flow. Downers Grove has kettles and a different type of topography.

DE – Commission looking at study

Mr. Ponstein noted that the worse thing to do is get rid of it.

RC – Will serve no purpose

Mr. Eckmann asked if the committee should do this? Staff should look at coming up with a motion. Item 3 to be suggested next time, study to take a year or so…ref map…Consultant map will be a reference to give individual answers – will be most fair – prepare draft to council.

Yes (nods from group)

JH/DE – Think about it, how it would work.

DE – council recommend study for new map

Mr. Gorman said the end result could use the GIS system on the internet and how it could be made more public?

Mr. Ponstein asked why is there a different set of rules for a flood plain and Mr. Hall resonded that there are different LPDA magnitudes for houses.

Mr. Bollenberg said an LPDA should be treated the same as flood plain.

The next meeting December 23, 2004 – 5 or 6 people will be able to attend.

Adjourn

**The meeting adjourned at 8:56 p.m. on motion by Mr. ____, seconded by Mr. ____.
Motion passed unanimously: 7- 0.**

Respectfully submitted,
(as transcribed by tape)

/s/ Celeste K. Weilandt
Celeste K. Weilandt, Recording Secretary