

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 change 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 a 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 the whole house must be brought into compliance.

Mr. Nystrom questioned if it applies to 53 houses, prove, no penalty.

Mr. Hall discussed FEMA methods, elevation survey benchmarks, said 15% not necessarily. There are two different numbers, flood insurance rate, risk, final number take 15% off he 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 it, 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. Three or four engineers developed the ordinance. He questioned why DuPage County didn't follow Downers Grove. 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.

Mr. Beckman likes the pros and cons, reflect on alternative.

Mr. Hall discussed 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.

Mr. Eckmann said technically, it is more comfortable to maintain 3-foot, council lower wouldn't object.

Mr. Beckman said arbitrary manner with change pros/cons.

Mr. Millette discussed how lowering the FPE would increase flood insurance premiums by 5% based on moving our CRS rating 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 discussion was for informational purposes. To date, 8 responses were received from 18 consultants solicited. Steps followed as to how the proposals were rated and negotiated. Clark Dietz was chosen with their fee of \$214,000. Five areas of scope were focused upon and a workshop meeting was scheduled for December 14, 2004 to discuss 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 unnecessary LPDAs stood out, they would be removed from the map.

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

- Some LPDAs were established by being overly conservative in some areas. LPDAs could negatively affect property values. Hydrological 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 explicitly 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 references in the Village 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 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 are 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, especially 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.

Mr. Millette said 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 address LPDAs similarly to Downers Grove. Tony Carlton of the DuPage DEC told the Council that the map could be disposed of, but that wouldn't change that these areas still exist.

Mr. Beckman said the 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.

Mr. Beckman says he has 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. LPDAs act as detention basins. The issue is addressed by regulation, run off before and after further restricts flow. Downers Grove has kettles and a unique topography.

Mr. Eckmann said the Commission is looking at the study.

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

Mr. Crilly said it 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...reference map.. consultant map will be a reference to give individual answers, that will be most fair. Prepare a draft to council.

Yes (approval nods from group)

Mr. Hall said he would consider how it would work.

Mr. Eckmann said 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 responded 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. Ponstein, seconded by Mr. Crilly.
Motion passed unanimously: 7- 0.**

Respectfully submitted,
(as transcribed by tape)

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