

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 26.50. is hereby amended to read 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, with consideration given to those developments as noted in paragraph 7 below, 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 the cost per acre foot, as listed in Section 26-125 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 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.

SERZ

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.

7. The Administrator shall consider granting an exception to paragraph 2 above for those developments listed below, if specific requirements are met for such development as listed or required by the Administrator.

A. The development is strictly limited to the grading of pervious areas in which the following specific requirements are met:

i. The Applicant must demonstrate to the Administrator's satisfaction that for all storm events, up to and including the critical duration 100-year event, the grading activity does not:

- a. result in an increase in runoff volume; and
- b. result in an increase in peak release rate; and
- c. result in a time decrease associated with the time concentration; and
- d. contribute to adjacent flood problems; and
- e. alter the direction of run off.

B. The development is strictly limited to the reconstruction of an existing parking lot, in which the following specific requirements are met:

i. the Applicant must demonstrate that the reconstruction will remain in the same foot print as the existing parking lot; and

ii. the Applicant must demonstrate to the Administrator's satisfaction that for all storm events, up to and including the critical duration 100-year event, the development activity does not:

- a. result in an increase in runoff volume; and
- b. result in an increase in peak release rate; and
- c. result in a time decrease associated with the time concentration; and
- d. contribute to adjacent flood problems; and
- e. alter the direction of run off

C. The development is strictly a Regional Stormwater Management Project or a Flood Control project in substantial compliance with either a watershed plan or other said study as reviewed and approved by the DuPage County Stormwater Management Committee.

D. The development is strictly a Stream Bank Stabilization Project.

E. The development is strictly limited to the construction, or re-construction, of a pedestrian walkway/bike path, in which the following specific requirements are met:

- i. The pedestrian walkway/bike path shall not exceed twelve (12) feet in width; and
- ii. The pedestrian walkway/bike path must be constructed by a government agency (e.g. DuPage County regional trail system, Downers Grove sidewalk program, etc.); and
- iii. The pedestrian walkway/bike path shall not be constructed in such a manner as to violate Section 26.51 of this Ordinance

F. The development is strictly limited to the creation of a recognized wetland bank and/or wetland mitigation site.

G. The development is strictly limited to the modification of an existing stormwater management facility to incorporate best management practices.

H. The development is strictly limited to the construction of a single-family residential structure on a parcel of a land greater than three (3) acres.

I. The development is greater than one acre and the existing parcel(s) is greater than eighty percent (80%) impervious on or after March 8, 2005, in which the following specific requirements are met:

i. Where there are no known off-site flooding problems that the development is contributory to, sufficient site runoff storage shall be provided in pervious (vegetative) areas such that the probability of the post development release rate exceeding 0.04 cfs/acre of development shall be less than fifty percent (50%) per year (2-yr event), unless the applicant demonstrates to the Administrator why this criteria cannot be met and the following specific requirements are met:

SERZ

a. Where detention storage is provided in impervious areas (i.e. underground tanks, parking lots, etc.) best management practices as described in Section 26-52.11 of this Ordinance shall be required and the applicant shall demonstrate that these practices are appropriate and effective for the site conditions.

b. Where the required site runoff storage cannot be provided on-site, the shorted storage shall be provided off-site or by payment into an approved detention variance fee program as determined in Section 15-115 of the DuPage County *Countywide Stormwater and Flood Plain Ordinance*.

ii. The required storage in Section 26-50.7 is required for the total project, regardless of phasing.

iii. Site runoff storage facilities shall meet the requirements of Section 26-53 of this Ordinance.

iv. Where there are known off-site flooding problems, the Administrator may require additional site runoff storage, best management practices or other measures to reduce the flood potential.

v. The post development site runoff storage shall not be less than the existing site runoff storage.

vi. There shall be no increase in peak release rates up to and including the one percent probability of occurrence (100-yr) per year.

vii. Additions to an existing site that increase the imperviousness above the eighty percent (80%) threshold are subject to providing the full storage such that the probability of the release rate exceeding 0.1 cfs/acre of new development is less than one percent (1.0%) per year, providing the new development is greater than 25,000 square feet.

viii. Approved Stormwater plans or permits that contain more stringent criteria than Section 26-50.7 will apply.

ix. All other requirements of this Ordinance shall be met.

Section 2. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3. 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

VILLAGE OF DOWNERS GROVE
Stormwater and Flood Plain Oversight Committee Meeting
February 24, 2005, 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 6:45 p.m.

Committee Members Present: Messrs. Beckman, Bollenberg, Crilly, Gorman, Ponstein and Chairman Eckmann.

Absent: Mr. Nystrom

Staff Present: Mike Millette, P.E., Asst. Dir. of Public Works Engineering; Jonathan Hall, P.E., Development Engineer/Stormwater Administrator; and Ms. Sharon Connell, Recording Secretary.

Others Present: Mr. Tracy Kasson, Rathje & Woodward, 300 E. Roosevelt, Wheaton, Illinois 60187

Approval of January 27, 2005 Minutes

The following changes were noted: Page 1, last paragraph, 3rd line from the bottom, after the words "fees in lieu of", insert the words "individual detention facilities"; page 3, third paragraph, line 9, strike "new countywide ordinance" and insert "new amendment to the countywide ordinance"; line 10, strike the word "ordinance" and insert "ordinance amendments and, thus". Page 3, third paragraph, 4th line, after the words "larger size," delete the remainder of the sentence and insert the words, "unless the church property is more than 80% impervious, provided the countywide ordinance amendment is adopted by the Village." Line 12, strike the words "fee affordable" and insert "overly inexpensive".

Minutes were approved, with revisions, on motion by Mr. Bollenberg, seconded by Mr. Beckman. Motion carried by voice vote: 6-0

Public Comments - None

New Business

- A. **Stormwater Economic Redevelopment Zones (SERZ). Proposed revision to DuPage County and Village stormwater ordinance granting relief from certain stormwater detention requirements for previously developed areas meeting specific criteria** -. Mr. Hall reminded the topic being discussed was a proposed ordinance revision to the county's Stormwater ordinance as well as a revision to the Village's stormwater ordinance or better known as Stormwater Economic Redevelopment Zones ("SERZ"). To date, the DuPage County board has heard the proposal and is expected to have a second reading on March 8, 2005 with a vote at that time. Staff's goal is to bring its stormwater recommendation to the Village Council on March 22, 2005. Mr. Hall proceeded to explain how the revised ordinance will promote redevelopment and economic development in the Village of Downers Grove as compared to the current stormwater ordinance. A number of positive engineering discussions took place on this matter.

In addition to discussing the details of the 80% impervious requirement, Mr. Hall went on to explain that staff does have to review other criteria in evaluating a parcel's eligibility for a reduction in required detention volume. The reason for the two-year design was based on water quality treatment calculations, as discussed by various engineers.

Chairman Eckmann understood that the revision to the ordinance would reduce detention for downtown redevelopment but questioned whether consideration of same was taken into account in the recent study that was done by Christopher Burke Engineering, wherein Mr. Hall indicated the change came late in the process of the downtown area watershed plan and there was an attempt in the revision not to contradict any information. He believed the watershed plan offered more flexibility in downtown redevelopment areas because staff could administratively offer a fee in-lieu-of on any parcel.

Discussion followed that the calculations in the report given by Thomas Burke were overly conservative and that the 80% calculation figures would likely affect that report. Should the Village change the ordinance to be in line with the county's ordinance, the report would probably need revision, since fees would be based on information in that report.

From an engineer's perspective, Mr. Hall voiced thoughts regarding the ordinance in general. He discussed the benefits of the 100 year design storm for variations, as compared to the two-year design, and the fact that a fee-in-lieu of detention could be made for the 60% being waived, thereby increasing the stormwater detention funds to be used for capital projects. But by requiring the change across the board, it became the cost of doing redevelopment that was paid by the seller. By reducing the threshold, it changed the standard, making the land more valuable at a certain cost to the village. In summary, Mr. Hall believed the ordinance revision would help those businesses along such areas as Ogden Avenue.

Chairman Eckmann pointed out the fact that the 60% reduction figure could be revised and that with development, it was basically cheaper to construct one larger basin than many smaller basins; however, maintaining operations was key. Personally, Mr. Bollenberg believed a net loss did exist because variances were never reversed and a yearly net reduction in impervious areas would exist in the county due to the occasional variance that would get granted. By moving forward with the ordinance revision, the Village was accelerating the rate at which impervious areas decline in the county. Mr. Hall, however, clarified that if the impervious areas were increased in the redevelopment of a parcel above 80% then a full detention was necessary for that portion over the 80%. Due to the concerns of understanding and interpreting Section 15-111.3.i.(7) of the ordinance, the chairman suggested that Mr. Hall write to the county asking for a better explanation of the specific paragraph. Mr. Hall indicated he did recommend new language, but it was not changed.

Mr. Gorman explained his understanding of paragraph (7) as explained by Village staff, wherein Mr. Hall responded that the section may not be necessary because the ordinance already provided the information as it relates to providing full detention if volume exceeds 80%. Chairman Eckmann believed it may be better to wait if the county's ordinance was passed before this committee voted on the revised ordinance.

Mr. Hall proceeded to explain that if the committee was comfortable making a recommendation, based on the proposed ordinance, staff could proceed forward without returning it to the committee, or, if the county ordinance changed substantially, then he would return with the ordinance. Chairman Eckmann stated that he would like paragraph (7) clarified better in the Village's ordinance, wherein Mr. Hall already recommended to the

county staff to strike paragraph (7) because the intent was redundant with prior paragraph (i). He would follow up with county staff again via written correspondence. Chairman Eckmann concurred.

Dialog followed on how the ordinance traveled through the various county departments and the fact that a public hearing was held. Further discussion followed on placing the ordinance on the March 22nd workshop meeting, followed by this committee's March 24th meeting or moving this committee meeting up one week. Since the county was expected to vote on its ordinance at the March 8th meeting, Mr. Beckman believed enough time existed for the village to review any changes, and, should any substantive changes be made by the county, he suggested they be relayed back to the Village, at which time the committee could decide when it wanted to meet or concur electronically regarding the ordinance. Chairman Eckmann confirmed that two issues existed: the county's changes and the Village's changes and the fact that this committee would need an answer from the county prior to its next meeting.

Mr. Tracy Kass, Rathje & Woodward in Wheaton, Illinois commented in general that the purpose of redevelopment was to provide detention to sites, many of which did not have detention, even though it may be 50% to 60% less than would be required to redevelop. From a political standpoint, the cost of underground detention was very significant and what was being seen was the trading of dollars, for example, under a TIF or under sales tax incentives because the cost of the detention was cost-prohibitive. He believed the amendment helped the community from an economic standpoint and provided more detention overall. If a property was having flooding problems that were a contributing factor, the Village did not have to give consideration under the two-year design.

Mr. Millette confirmed he would get the above ordinance matter on the Village Council agenda and would indicate to the council that this committee did not vote on the matter and that by the time the full council meeting occurs, this committee's recommendation would be known.

Old Business

Chairman Eckmann summarized that the letter to the Village's mayor and council expressed the concerns of this committee regarding the Village's Stormwater Master Plan.

Mr. Crilly motioned to authorize the chairman to send the letter to the mayor and Village Council, seconded by Mr. Beckman. Motion passed by voice vote of 6-0.

For informational purposes, Mr. Millette discussed that certain issues may be raised by council members regarding the above letter, such as the criteria used for the evaluation to determine the qualified consultant and the fact that the fee on this particular matter was increased. Mr. Millette conveyed some of the conversations he had with regard to the scope of the project and how it was viewed upon by certain Village commissioners. Additionally, he spoke about the steps he took in reaching qualified firms who did stormwater master planning and watershed planning. Chairman Eckmann reiterated the importance of retaining excellent staff and the fact that staff must investigate the firms because they will be working with them. Because the Stormwater Master Plan was tabled at the council level, Mr. Beckman inquired whether it would be appropriate to find out why the matter was tabled. Chairman Eckmann concurred, stating that nothing was being done in the Village and it was necessary for the matter to come off the table to be voted upon.

Adjourn

**The meeting was adjourned at 7:48 p.m. on motion by Mr. Beckman, seconded by Mr. Crilly.
Motion passed unanimously by voice vote of 6-0**

Respectfully submitted,
(as transcribed by tape)

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