

IMPACT FEE ADVISORY COMMITTEE MEETING
Thursday, November 20, 2008
1:30 p.m.
421 N. County Farm Road, **Room 1500-B**

1. Roll Call

Chairman - Pamela Rion

2. Approval of Minutes

Action Requested: Approval of October 18, 2007 minutes. See Attached Packet A.

3. Updates and Status Reports

- 3.1. Annual reports - See Attached Packet B.
- 3.2. Lapsed Fees - See Attached Packet C.
- 3.3. Non-compliance
- 3.4. Agreements and Recent Business

4. Division of Transportation Studies

- 4.1. Industrial and Warehousing Studies - See Attached Packet D.
- 4.2. Veterinary Clinics (response to IFAC inquiry)
- 4.3. Initiation of Land Use and Transportation Plan Elements

5. Impact Fee Ordinance

- 5.1. Proposed revision to Ordinance §4.22 - See Attached Packet E.
- 5.2. Impact Fee Schedule

Staff recommends continuation of the present fee schedule and ordinance with no cost index adjustments at this time. Staff will present background and discuss trends.

Action Requested: Approval of staff recommendations regarding Ordinance ODT-021Q and Fee Schedule.

6. New Business

7. Adjournment

PACKET A
Minutes
Committee Meeting
Ad-Hoc Impact Fee Advisory Committee
October 18, 2007
(2:00 p.m.)

1. Roll Call:

Chairman Rion called the meeting to order at 2:05 p.m.

Members Present at Roll Call: Chairman Pamela Rion, Brent Coulter, Paul Hoss, Jeff Merrinette, Marcie Schatz and Charles Tokarski.

Member David Faganel arrived for meeting at 2:10 p.m.

Members Absent: Steve Davidson, Mike McCarthy and Daniel Wennerholm

Staff present: John Kos, Director of Transportation and Operations; John Loper, Economic Development and Planning, Susan Muszynsky, Division of Transportation and Robert Douglas, State's Attorneys Office.

2. Approval of Minutes of the June 7, 2007 Meeting

Motion to approve the minutes of June 7, 2007 by Member Hoss seconded by Member Tokarski, with all members voting aye, motion carried.

3. Updates and Status Reports

3.1 Medical Clinic Study:

Mr. Loper reported that the Medical Clinic Study was completed this summer. Mr. Loper presented a report detailing the results of trip generation and trip length surveys at ten (10) clinics throughout the DuPage County area. His report recommended an overall reduction in the trip rate of about 33% from the existing and it recommended retaining the existing trip lengths. He also recommended an immediate adjustment of the impact fee schedules for medical clinics and stated that this adjustment would not require a public hearing.

Discussion ensued regarding the clinic rates and whether these clinics included veterinary clinics. Staff and committee members resolved that veterinary clinics would be handled separately for the time being due to issues such as zoning and kenneling.

Action: Motion was made by Member Hoss to approve the staff recommendations regarding the modifications to the Medical Clinic Impact Fee Line Item in schedule ODT-021Q. Motion was seconded by Member Tokarski.

Discussion: Member Tokarski suggested that the committee approve the medical clinic impact fee rate now and direct staff to look at the veterinary clinics and bring back to the committee a report on that.

Action (cont'd): Member Hoss concurred with this recommendation. On a roll call vote all members voted aye. Motion carried.

3.2 Lapsed Fee Issue:

Mr. Loper initiated the discussion by reciting Impact Fee Law which states: All impact fees collected by a unit of local government shall be refunded to the person who paid the fee or to that person's successor in interest whenever the unit of local government fails to encumber by contract impact fees collected within 5 years of the date on which such impact fees were due to be paid. The law also states that refunds shall be made in accordance with this section provided that the person who paid the fee or that person's successor in interest files a petition with the unit of local government imposing the impact fee, seeking a refund within one year from the date that such fees were required to be encumbered by contract.

Member Merrinette inquired as to how a fee payer would know if the money had indeed been encumbered or still available for a refund at the end of the five-year period. Member Tokarski replied that a fee payer might not know whether the money had been encumbered or spent in the five year window of time unless he or she was earnestly watching the impact fee reports. But, he stated, the statutes do not require the County to inform the Impact Fee Payer.

Mr. Loper proceeded by saying that staff has resolved the issue as to whether there are lapsed fees. It was found that there were four districts (Addison Township – District 3, Winfield Township – District 4, Milton Township and Downers Grove Township) that currently have lapsed fees. Member Merrinette inquired as to if there was an accounting as to who the lapsed payers are. Mr. Loper stated that there is an accounting of the fees by month and those could be separated out. Member Faganel then asked what the procedure would be for the fee payer to find out if he has something outstanding for a refund. Mr. Loper stated that a telephone call could initiate this request. Chair Rion suggested that the fee payers should be made aware that after this length of time they have the ability to call to inquire about lapsed fees. Mr. Loper replied that the information packet for the application includes information on this and then the telephone number.

Staff Note: Staff has added an advisory to the bottom of each impact fee receipt that is printed informing the public of their right to inquire about lapsed fees.

Committee discussion ensued regarding the tabulations presented by Mr. Loper. Members sought clarification on the amounts available for refund and what projects, particularly in District 9, could be impact fee eligible. Member Merrinette and others expressed concern that some of the projects (listed in the CRIP) take so long that they are not able to use the Impact Fee due to State Law requirements. Additionally, members requested clarification regarding lapses and the “specifically and uniquely” provision of the law.

Chair Rion asked State's Attorney Douglas if the County is in violation of the State statutes regarding specifically and uniquely attributable and whether the law states that lapsed fees shall be refunded to the person who pays the fee if it is not encumbered in five years. Attorney Douglas replied that the way he interpreted it is that if you do not make application within one year from the end of the fifth year, then the money just goes back into the general fund and is no longer eligible for refund.

Member Faganel then inquired about the accounting procedure for lapsed fees. Specifically, he requested information on what happens to the funds when they have lapsed and no one has claimed the refund. Staff replied that the money remained in the district and is treated the same as non-lapsed funds. Member Faganel then stated that as a homebuilder you usually passed the fee on to the homeowner. Is the homeowner the one entitled to the refund? Mr. Loper said that this issue would make refunds difficult and would make staff's task onerous in terms of tracking, notifying and refunding. Discussion then ensued regarding the policy of notifying potential refundees considering the difficulty of the situation.

Attorney Douglas was asked to check into what the County should be required to do. In addition, Chair Rion then asked if there were any other fees collected locally that were not used and what happened to them. In addition, Mrs. Rion requested staff check with other government agencies as to what their refund policies were for impact fees that were not used.

Member Hoss discussed EDP Permitting refund procedures and the retention of administrative fees. Attorney Douglas replied that right now administrative fees cannot be charged to impact fee refunds because it is not allowed by statutes. It would be hard to find something that is comparable in fees. He further stated he would look into the refund issue and the common interpretation on the refund policies.

Committee discussion ensued regarding the five year limit and the practicality of that limit under current financing, especially if the project utilizes federal funding. The committee generally agreed that a longer term would be more satisfactory. Staff was directed to investigate placing this issue on the legislative agenda.

Members Coulter and Schatz then discussed program eligibility. Member Coulter suggested that it might be in the interest of the County to include in the CRIP a provision where 10% of the budget might be used for "unspecified" projects, or projects that qualify for impact fees that are not anticipated in the CRIP. Staff agreed in principal. Member Tokarski noted that staff is working on 14 projects. Mr. Loper then presented a spreadsheet showing Impact Fee Project Reimbursement Eligibility. Mr. Loper indicated that staff's mission was to discover whether the DOT had indeed spent impact fee resources on eligible projects.

The report presented to the Committee indicated that during the period from 2001 through 2007 the DOT had used motor fuel tax bonds and local gas tax almost exclusively for many capital projects. Mr. Loper explained the process for fairly estimating how much impact fee revenue should be "recaptured" and used to reimburse local gas tax. Committee members requested clarification of methods and Mr. Tokarski suggested that the information presented here was informational in nature. He also indicated that staff was prepared to move forward with reimbursements through accounting adjustments.

4. Impact Fee Ordinance and Schedule Continuation

Mr. Loper indicated that while cost of living and price indices had continued to inflate, staff recommends no additional increase in fees for the 2008 fiscal year. Mr. Loper indicated that this decision was difficult but that the state of the economy and development landscape was not conducive to large increases in the fees. Member Schatz dissented, arguing that engineering fees and material costs continued to escalate with fuel costs.

Action: Motion was made by Member Tokarski to approve ODT-021Q fee schedule for FY2008 and seconded by Member Merrinette. On a roll call vote six members voted aye, one voted nay. Motion carried.

5. New Business – None

6. Adjournment

Motion was made by Member Tokarski to adjourn, seconded by Member Merrinette, with all members voting aye, motion carried. The meeting adjourned at 3:45 p.m.

Respectfully submitted,

Dixie Van Vorous, Committee Secretary



PACKET B

DU PAGE COUNTY ECONOMIC DEVELOPMENT & PLANNING

Robert J. Schillerstrom, County Board Chairman

ECONOMIC DEVELOPMENT ♦ WORKFORCE DEVELOPMENT ♦ BUILDING & ZONING ♦ STORMWATER PERMITTING
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421 N. County Farm Road
Wheaton, IL 60187

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www.dupageco.org/edp

Memorandum

To: Impact Fee Advisory Committee

cc: John Kos, Director, DCDOT
Tom Cuculich, Director, Econ Development & Planning

From: John Loper

Date: November 16, 2008

Re: Impact Fee Annual Reports 2007 and 2008 to date

Please find attached our latest impact fee annual reports for FY 2007 and FY 2008 (to date). These reports are produced to satisfy the requirements set forth in the State Law concerning impact fees.

As I am sure the committee will note, impact fee receipts for FY 08 are lagging those of 2007 by about 50% through the end of September. October and November receipts have been very low and staff anticipates earning less than \$1 Million in impact fees (before interest).

It is clear that myriad economic factors in the have affected the construction industry. With DuPage industrial and retail vacancies growing, it is likely that there will be fewer new starts in FY09. DuPage office vacancies have not significantly increased, but the vacancy rate of 17% overall is not supportive of new growth. Please see attachments to this memo reflecting the recent history of vacancies in DuPage. The department continues to see small office, medical office, isolated retail and warehousing, but the number of applications has declined sharply this year.

Expenditures were up in the last two years primarily due to the decision to refund local gas tax and motor fuel tax funds for projects that were impact fee eligible. The bulk of those expenditures came in November and December of 2007.

Impact Fee credit banks continued to decrease but at a slower rate. The final attachment to this memo shows the current status of impact fee credit holdings.

Impact Fee Advisory Committee

November 20, 2008

Packet B

FY 2007 Impact Fee Report

Annual Revenues and Expenditures

Service Area	Receipts	Interest	Total	Expenditures ¹	Earnings/Expend
1	\$ 17,544.12	\$ 10,545.33	\$ 28,089.45	\$ -	\$ 28,089.45
2	\$ 228,213.59	\$ 9,579.11	\$ 237,792.70	\$ 401,530.00	\$ (163,737.30)
3	\$ 24,972.30	\$ 25,727.82	\$ 50,700.12	\$ 275,000.00	\$ (224,299.88)
4	\$ 60,824.46	\$ 39,807.32	\$ 100,631.78	\$ -	\$ 100,631.78
5	\$ 245,161.04	\$ 46,854.07	\$ 292,015.11	\$ 1,184.49	\$ 290,830.62
6	\$ 46,882.58	\$ 15,256.01	\$ 62,138.59	\$ -	\$ 62,138.59
7	\$ 139,978.85	\$ 67,193.71	\$ 207,172.56	\$ -	\$ 207,172.56
8	\$ 238,637.73	\$ 14,206.25	\$ 252,843.98	\$ 396,538.06	\$ (143,694.08)
9	\$ 383,432.61	\$ 184,460.96	\$ 567,893.57	\$ 3,197.73	\$ 564,695.84
ADMIN	\$ 42,903.45	\$ 6,373.72	\$ 49,277.17	\$ 44,228.14	\$ 5,049.03
Summary	\$ 1,428,550.73	\$ 420,004.30	\$ 1,848,555.03	\$ 1,121,678.42	\$ 726,876.61

¹ Includes contractual and capital outlay as well as fee recapture per DT

FY 2008 Year to Date Impact Fee Report

Annual Revenues and Expenditures through September 30, 2008

Service Area	Receipts	Interest	Total	Expenditures ¹	Earnings/Expend
1	\$ 18,357.27	\$ 5,289.56	\$ 23,646.83	\$ 2,000.00	\$ 21,646.83
2	\$ 51,858.92	\$ 2,365.56	\$ 54,224.48	\$ 115,983.41	\$ (61,758.93)
3	\$ 27,683.67	\$ 6,325.56	\$ 34,009.23	\$ -	\$ 34,009.23
4	\$ 2,262.92	\$ 18,947.06	\$ 21,209.98	\$ 20,000.00	\$ 1,209.98
5	\$ 140,255.22	\$ 15,431.68	\$ 155,686.90	\$ 540,423.27	\$ (384,736.37)
6	\$ 2,951.59	\$ 8,112.85	\$ 11,064.44	\$ -	\$ 11,064.44
7	\$ 95,918.17	\$ 34,391.92	\$ 130,310.09	\$ -	\$ 130,310.09
8	\$ 74,362.32	\$ 4,548.70	\$ 78,911.02	\$ 101,503.95	\$ (22,592.93)
9	\$ 306,062.46	\$ 111,603.50	\$ 417,665.96	\$ 9,001.00	\$ 408,664.96
ADMIN	\$ 22,259.30	\$ 2,806.54	\$ 25,065.84	\$ 43,510.34	\$ (18,444.50)
Summary	\$ 741,971.84	\$ 209,822.93	\$ 951,794.77	\$ 832,421.97	\$ 119,372.80

¹ Includes contractual and capital outlay

Active Impact Fee Agreements

As Of: 11/16/2008

Agreement #	Type	District	Issued To	Credits Issued	Credits Used	Credits Remain
89-01	Credit	1	Town & Country Homes	\$ 685,000.00	\$395,169.00	\$289,831.00
89-02	Credit	2	Danby Woods Associates	\$ 14,624.00	\$14,624.00	\$0.00
90-01	Credit	9	Walsh-Higgins Partnership (Glacier Park)	\$ 1,400,968.00	\$1,400,968.00	\$0.00
90-02	Credit	9	Walsh-Higgins Partnership (Glacier Park)	\$ 985,283.00	\$985,265.89	\$17.11
90-03A	Credit	6	Naperfield Development Venture	\$ 448,916.60	\$444,432.38	\$4,484.22
90-03B	Credit		Wheatonfield Venture	\$ 340,409.48	\$339,419.81	\$989.67
90-03C	Credit		Keim-Faganel Venture	\$ 6,935.70	\$6,240.00	\$695.70
90-03D	Credit		Central Life Assurance Co.(1)	\$ 201,016.93	\$23,114.88	\$177,902.05
90-03E	Credit		Danada Centers, Inc.(3)	\$ 214,051.87	\$54,909.00	\$159,142.87
91-01	Credit	6	Northern Illinois Gas (To be refunded)	\$ 166,785.56	\$155,742.40	\$11,043.16
93-01	Credit	SA 7	Warrenville Development*	\$ 9,985,290.00	\$ 6,771,987.23	\$3,213,302.77
93-01 split	Credit	SA 4	City of Warrenville	\$ 641,625.00	\$ 280,762.38	\$ 360,862.62
93-01 split	Credit	SA4/7	Duke Realty	\$ 718,643.52	\$ 266,635.31	\$ 452,008.22
93-02	Credit	SA 2	Lake-Gary Ltd Partnership	\$ 2,389,626.00	\$ 1,446,857.84	\$942,768.16
01-01	Credit	SA 1	Elmhurst-Chicago Stone Co	\$ 2,181,151.17	1,706,696.34	\$474,454.83
06-01	Credit	SA 5	Courthouse Land Development, LLC	\$ 86,537.00	\$27,043.84	\$59,493.16
06-02	Fee	SA 4	Kimball Hill Homes			

Total \$17,691,003.31 \$12,356,878.61 \$5,334,124.70

District

- 1 Wayne Township
- 2 Bloomingdale Township
- 3 Addison Township
- 4 Winfield Township
- 5 Milton Township
- 6 York Township
- 7 Naperville Township
- 8 Lisle Township
- 9 Downers Grove North/South Township



PACKET C

DU PAGE COUNTY
ECONOMIC DEVELOPMENT & PLANNING

Robert J. Schillerstrom, County Board Chairman

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www.dupageco.org/edp

Memorandum

To: Impact Fee Advisory Committee

cc: John Kos, Director, DCDOT

From: John Loper

Date: November 16, 2008

Re: Impact Fee Lapses

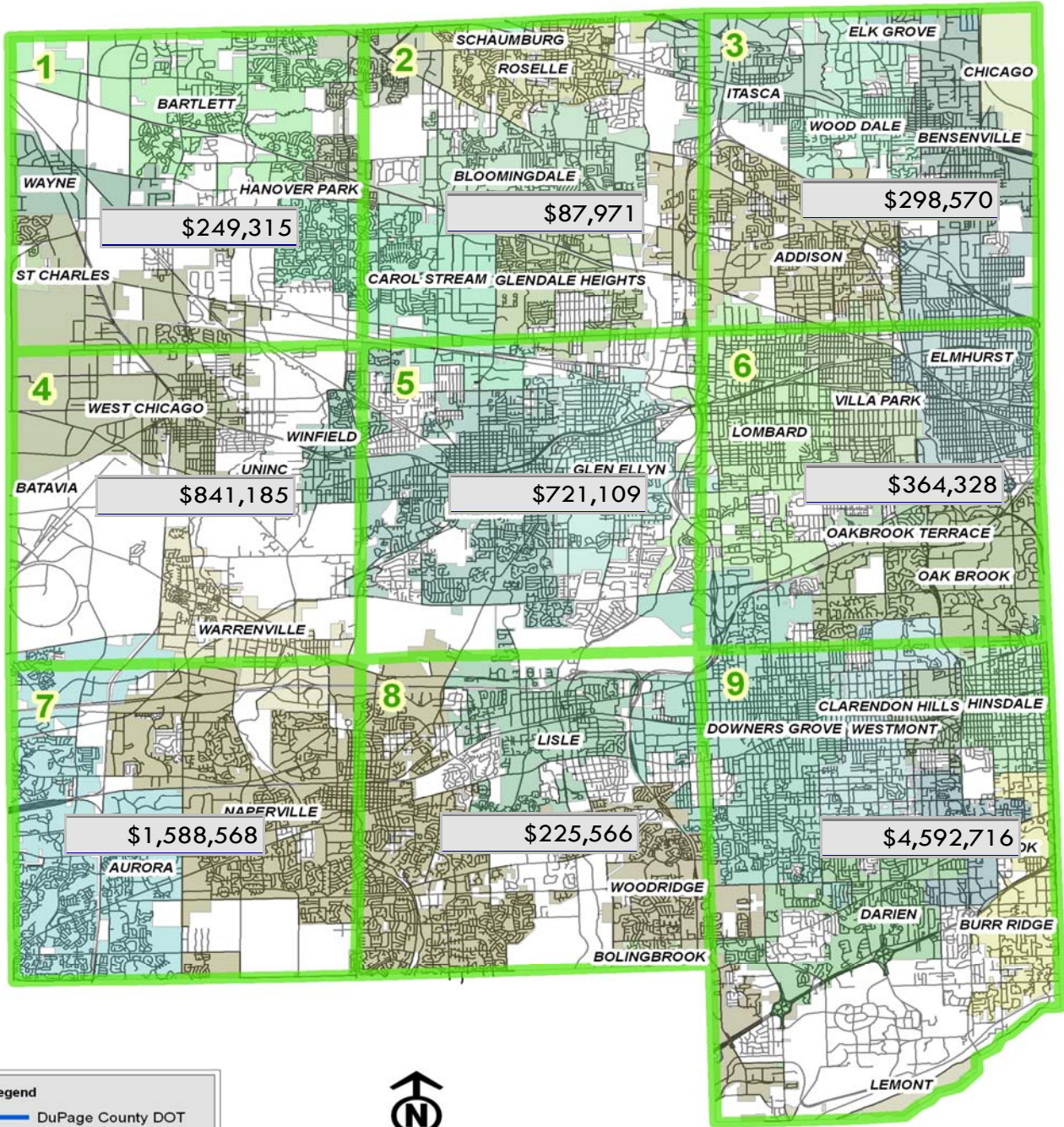
As we presented last year, DuPage County Impact Fees lapse after five years when the funds have not been spent. When this occurs, it is the opinion of the State's Attorney's Office that the applicant may petition the County for a refund of the unspent funds. The applicant only has one year in which to do this from the time he or she believes the fees to have lapsed.

The attached graphic represents the total amount of lapsed fees in each of the districts, including the administrative district considering all outstanding lapsed fees. To put a finer point on this, using the SAO definition of lapsed fees, the following table shows what is presently lapsed in FY 2008.

District	Lapsed Amount (FY08)
1	\$ 2,137
2	\$ 0
3	\$ 0
4	\$ 43,124
5	\$ 0
6	\$ 28,330
7	\$ 0
8	\$ 0
9	\$ 329,837
Admin	\$ 0

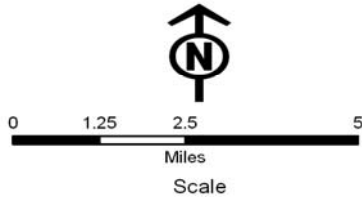
The strategy to reimburse various district funds for eligible projects last year was successful in eliminating lapses in districts 3 and 5, but not in districts 4, 6 and 9. Staff is committed to the reduction or elimination of the lapses through a combination of reimbursements and policy changes in the upcoming plan.

Impact Fee District Accounts: Current Cash Balance



Legend

- DuPage County DOT
- Illinois DOT
- Illinois Tollway Authority
- Local Roads
- + Railroads

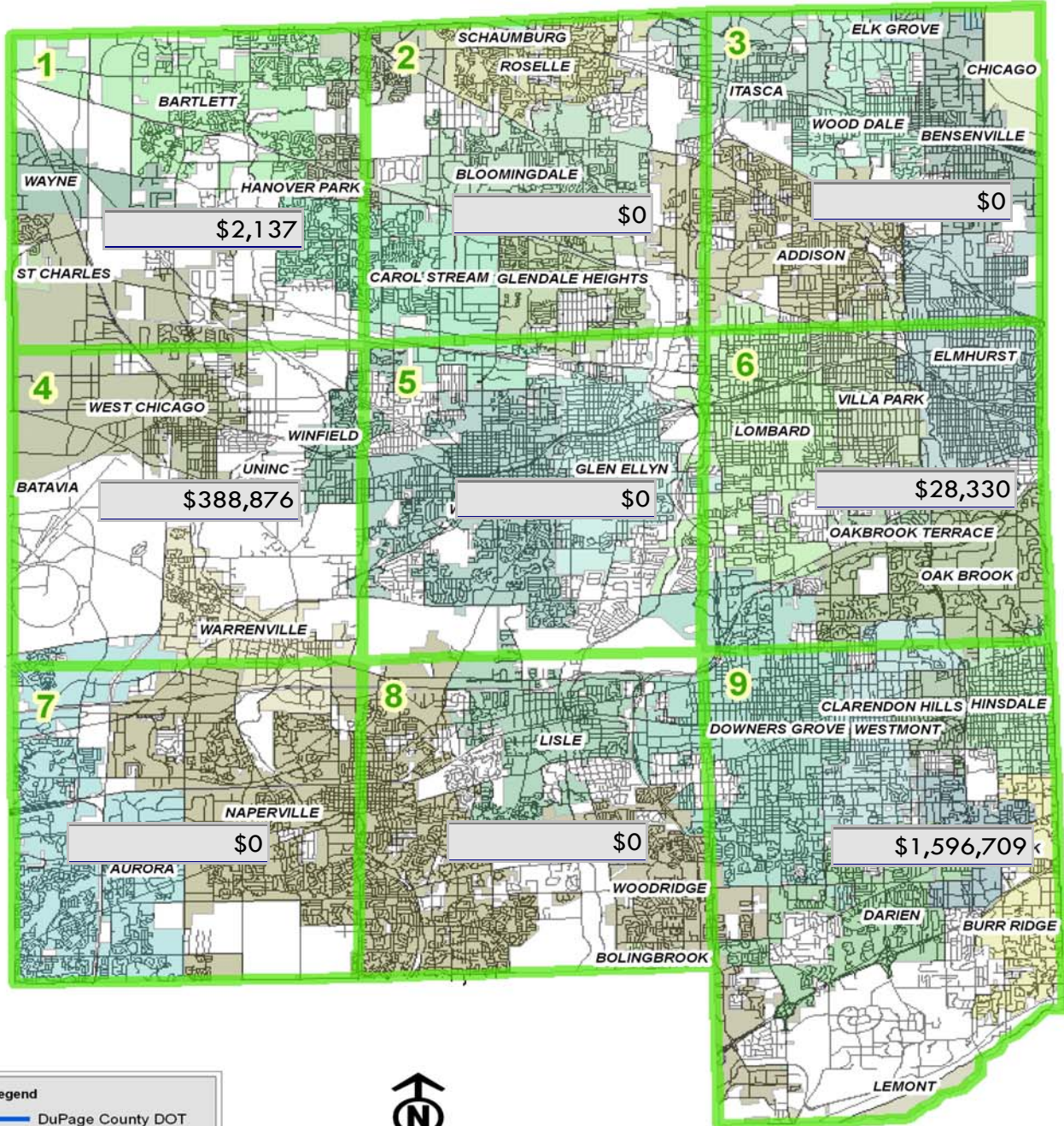


Administration Fund: \$107,692

Map Produced by DuPage County Division of Transportation

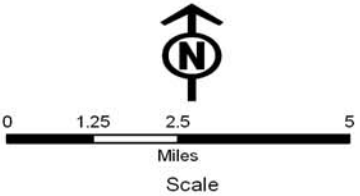
Current Cash Balance as of October 1, 2008

Impact Fee District Accounts: Lapsed Fees



Legend

- DuPage County DOT
- Illinois DOT
- Illinois Tollway Authority
- Local Roads
- Railroads



Administration Fund: \$0

Map Produced by DuPage County Division of Transportation



PACKET D

DU PAGE COUNTY ECONOMIC DEVELOPMENT & PLANNING

Robert J. Schillerstrom, County Board Chairman

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Memorandum

To: Impact Fee Advisory Committee

cc: John Kos, Director, DCDOT
Tom Cuculich, Director, Econ Development & Planning

From: John Loper

Date: November 16, 2008

Re: Warehousing Trip Generation Rates – Phase I – Information Only

One of the line items in the fee schedule that has drawn a lot of attention from impact fee practitioners in recent years is the warehousing and distribution land use. Generally speaking, it is the commercial land use with the lowest per unit rate throughout the nation. This is due mostly to the size of the developments and relatively low peak hour trip generations associated with these uses.

In recent work, it has been argued that those who establish the rates are not truly capturing the “impact” of the warehousing uses because they are not considering the mix of vehicles and the stress that tractor-trailer units place on the roadway in terms of capacity and repair. While the County cannot spend impact fee funds to repair surfaces affected by heavy truck traffic, staff should consider the issue of whether to adjust the warehousing fees to account for heavier wear and tear on the pavement and a shorter design life of pavements near industrial and warehousing zones. Included with this memo is a research memo from consultants to the City of Auburn, Washington, showing their estimates of heavy truck impact as well as the resulting impact fee schedule list of factors and rates showing the truck rate adjustments for industrial uses.

This is the first phase of research into the topic. The attached trip generation sheet shows preliminary results from surveys taken at nine locations in DuPage County. The nine locations are 100% occupied and active, and are locations of recent construction. The results were segmented by vehicle class and by two base land use units: square footage and vehicle docks or bays. Results indicate that the DuPage County rate (per 1,000 sf) is approximately 75% of the national rate for similar sites. Moreover, the results also indicate that single and multiple unit vehicles with more than two axles comprise about 12% of the pm peak traffic generation by the sites.

Packet D Continued

Staff would like the committee's opinion on the merits of this approach and whether such an approach would produce a more fair and equitable assessment of these uses. Staff would appreciate a recommendation to proceed with further research into the matter.

DuPage County DOT
Warehousing/Distribution Center
Summer 2008 Trip Generation Surveys

	A	B	C	D	E	F	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y
							PM Peak Hour of Adj Street Traffic-Auto					PM Peak Hour of Adj Street Traffic-SU					PM Peak Hour of Adj Street Traffic-MU					PM Peak Hour of Adj Street Traffic-Total				
#	Site	Site Address	City	Units	Site TSF	Bays/Docks	In	Out	Total	PM Rate/TSF	Rate/Bay	In	Out	Total	PM Rate/TSF	Rate/Bay	In	Out	Total	PM Rate/TSF	Rate/Bay	In	Out	Total	PM Rate/TSF	Rate/Bay
1	WD-1	1200 Central Ave	Hanover Park	1	320.62	8.00	1	36	37	0.115	4.625	0	0	0	0.000	0.000	2	2	4	0.012	0.500	3	38	41	0.128	5.125
2	WD-2	1625 Hunter Rd	Hanover Park	1	98.47	20.00	4	12	16	0.162	0.800	2	1	3	0.030	0.150	4	1	5	0.051	0.250	10	14	24	0.244	1.200
3	WD-5	2707 Eola Rd	Aurora	1	251.77	33.00	0	17	17	0.068	0.515	1	0	1	0.004	0.030	0	0	0	0.000	0.000	1	17	18	0.071	0.545
4	WD-6	10320 Werch Dr	Lemont	1	344.37	22.00	2	13	15	0.044	0.682	1	0	1	0.003	0.045	2	4	6	0.017	0.273	5	17	22	0.064	1.000
5	WD-8	444 Charles Ct	West Chicago	1	208.00	28.00	6	6	12	0.058	0.429	1	4	5	0.024	0.179	1	5	6	0.029	0.214	8	15	23	0.111	0.821
6	WD-10	1301-07 Schiferl Rd	Bartlett	1	277.09	40.00	2	13	15	0.054	0.375	1	0	1	0.004	0.025	0	0	0	0.000	0.000	3	13	16	0.058	0.400
7	WD-13	2235 Corporate Ln	Naperville	1	157.45	24.00	4	37	41	0.260	1.708	2	2	4	0.025	0.167	1	3	4	0.025	0.167	7	42	49	0.311	2.042
8	WD-17	376 Lies Rd	Carol Stream	1	273.54	71.00	13	57	70	0.256	0.986	1	0	1	0.004	0.014	3	3	6	0.022	0.085	17	60	77	0.281	1.085
9	WD-21	349 Longview Drive	Carol Stream	1	271.68	32.00	61	65	126	0.464	3.938	0	0	0	0.000	0.000	0	2	2	0.007	0.063	61	67	128	0.471	4.000
		DuPage Ware/Distrib Wtd Avg Rates per TSF		9	2202.99	278.00	93	256	349	0.158	1.255	9	7	16	0.007	0.058	13	20	33	0.015	0.119	115	283	398	0.181	1.432
		DuPage Ware/Distrib Directional Percentages					26.65%	73.35%				56.25%	43.75%				39.39%	60.61%				28.89%	71.11%			
		DuPage Ware/Distrib Variance					375.750	458.028	1428.944			0.700	12.700	18.800			1.700	3.800	9.200			39.300	230.300	123.700		
		DuPage Ware/Distrib Std Dev					19.384	21.402	37.801			0.837	3.564	4.336			1.304	1.949	3.033			6.269	15.176	11.122		
		ITE Rates per Unit					NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
		ITE Rates per Unit - Warehousing/Distribution																				25%	75%		0.47	
		High Cube Warehouse																				35%	65%		0.12	
		Existing DUPAGE COUNTY RATES																							0.24	



PACKET E

DU PAGE COUNTY ECONOMIC DEVELOPMENT & PLANNING

Robert J. Schillerstrom, County Board Chairman

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Memorandum

To: Impact Fee Advisory Committee

cc: John Kos, Director, DCDOT
Tom Cuculich, Director, Econ Development & Planning

From: John Loper

Date: November 16, 2008

Re: Impact Fee Ordinance Revision – Section 4.22

Staff is recommending a slight modification to the language in section 4.22 (page 5) of attached Ordinance ODT-021Q-89. Presently, the Division of Transportation allocates 3% of each impact fee receipt to the tenth impact fee fund – that which we call the Administrative fund. This fund is used to reimburse funds used for personnel who perform work on behalf of the impact fee program. It is also used for some of the following key things:

- Reimbursements
- Legal and liability
- Professional and technical studies in support of impact fees

As you may have noticed in Attachment B, it is likely that this fund will collect less than \$30,000 this year (or roughly 3% of \$1 Million). Over the past three years, Administrative expenses have run on average a little more than \$40,000 per year.

Changing this from 3 to 5 percent will have the effect of allowing the Division of Transportation to reimburse other funds for personnel expenses even in years where the receipts are light. This change makes the administrative fee equal to that in Kane County and consistent with fees throughout the United States.

Because of the language amendment, staff is recommending an amended Ordinance designated ODT-021R-89. No changes to the fee equation will be made and thus, no changes to the fee schedule are being recommended with this modification.

DRAFT ORDINANCE AMENDMENT

19. "RESIDENTIAL DEVELOPMENT" means a house, building or other structure that is suitable or capable of being used for residential purposes.

20. "ROAD CAPACITY" means the maximum number of vehicles, as defined by the Highway Capacity Manual, Special Report 209, p. 11-11, which have a reasonable expectation of passing over a given section of a lane or a roadway in one direction, or in both directions for a two-lane, three-lane, or four-lane road, street or highway, during a given time period under prevailing traffic conditions at an identified level of service.

21. "ROAD IMPROVEMENTS" means the improvement, expansion, enlargement or construction of roads, streets or highways under the jurisdiction of the County, and includes, but is not limited to bridges, rights-of-way and traffic control improvements owned and operated by the County. The term "road improvements" shall not include tollways but may include tollway ramps at county highway interchanges. The term "ROAD IMPROVEMENTS" does not include any roads, streets, or highways that are not designated for improvement in the COMPREHENSIVE ROAD IMPROVEMENT PLAN, even though they are under the jurisdiction of the County.

22. "ROAD IMPROVEMENT CAPITAL COSTS" include, but are not limited to, capital costs associated with the construction of new or expanded road improvements, the need for which is generated by new development which have a life expectancy of three (3) or more years, and the land acquisition, land improvement, planning, design, and engineering related thereto. Such costs do not include routine and periodic maintenance expenditures, resurfacing or rehabilitation of existing pavement structures, or personnel, training, or other operating costs, but do include the costs of financing such road improvements and reasonable administrative costs for administering the impact fee program, provided that such administrative costs do not exceed **three five percent (35%) of the fee paid.**

23. "ROAD IMPROVEMENT IMPACT FEE" means any charge or fee levied or imposed by the County as a condition to the issuance of a building permit or certificate of occupancy in connection with a new development, when any portion of the revenues collected is intended to be used to fund any portion of the costs of road improvements.

24. "ROADS, STREETS OR HIGHWAYS" means any road, street or highway which has been designated for improvement in the COMPREHENSIVE ROAD IMPROVEMENT PLAN, together with all necessary