

| Policy Issue... | In the Stormwater ordinance now... | Proposed policy direction... | Why change what we do now? | What are we trying to address? |
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| 1 What circumstances, or what threshold of development, will require that a stormwater permit be obtained? | A permit is required for 5000 sq. ft. of any kind of disturbance, with very few exceptions. If the property has a Special Management Area on it, the area of disturbance does not matter and a permit is required in all cases. | Instead of area of "disturbance", we will trigger permitting when new impervious area is added. A stormwater permit will be required if 500 sq ft of additional impervious area is proposed. We suggest that the existing building permit program in each community be used to monitor whether or not the proposed construction constitutes new impervious area, and how much. The County can supply a GIS data base of existing impervious area for each site. Note that what is required in projects that increase impervious area from 500-5000 sq. ft is best management practices, and not detention. | The Policy proposal attempts to target the projects most likely to create problems with stormwater, by linking requirements and thereby the need for a permit directly to the most easily measured factor known to change stormwater characteristics. Small projects, say the addition of a garage, are the most frequent cause of neighbor on neighbor drainage complaints, requirement the use of best management practices will address the changed runoff characteristics and quality. | There are a number of comments and complaints that indicate that "area of disturbance" as the permit threshold can focus permitting costs on projects which have only a very minimal effect on either flood damage potential or the health of the stream on a sunny day. |
| 2 Should we have a "tiered" permitting program, one that does not require the same level of application or review, for the more minimal permitting issues? | We only have one form of permit, and the submittal must address all aspects of the ordinance. | Create an abbreviated permit application that a homeowner can sign for simple cases of stormwater permitting. Municipal Engineers committee can help advise as to what should be on the list of "simple cases" and each full and partial waiver community can be allowed to add or subtract from the "countywide" list. | The cost of engaging professionals to develop and submit applications is high, and some types of projects can be addressed by a menu of acceptable practices the homeowner can implement on his own without the need of a professional. | Simplify the application and review of projects. |
| 3 Should we replace distinctions between projects based on "zoning" with a comparison of existing intensity of development to proposed intensity of development? | We do not consider the current development intensity, as measured by how "impervious" the site is, in any way when evaluating the proposed project. | Requirement for detention is triggered by increasing impervious area compared to the impervious area that existed on a site before proposed development. Detention and water quality control volume requirements are on a sliding scale depending on the impervious area on a site after the proposed development. | The current trend in the county is and will be toward "redevelopment". This approach incentivizes reducing impervious areas, requiring only the much smaller water quality control volume in the majority of such cases. Currently, detention would be required which very often creates very unworkable and expensive plans, particularly in "downtown redevelopments". | Aging downtown areas need to be made more attractive as redevelopment sites than undeveloped areas. The Federal EPA already recognizes and promotes watershed scale reduction of impervious area for both runoff volume reduction and pollutant reduction. |
| 4 Should we introduce the concept of regulating for more frequent events (somewhere between a one-half inch and one-inch rainfall) than the single "extreme event" (100-year approach we have now, in order to redirect some of the funds spent on stormwater infrastructure in development to mitigating stormwater volume and quality? Should this requirement apply to a project that involves only resurfacing? Should it apply to projects that involve reconstruction, but without an increase in impervious area? Should it be applied only to new and increased impervious areas, like a completely new development or a parking lot expansion? | Our regulations are directed almost exclusively towards the 100-yr event. The infrastructure built to meet rules for storms of that magnitude are not always effective in reducing runoff volumes or addressing pollutant loadings. | Exempt projects which do not include at least 5000 sq. ft of new impervious area from providing the water quality control volume. Otherwise provide a water quality control volume on a sliding scale depending on how intensely developed the site is. | | The National/Local Ordinance review shows that DuPage goes well beyond other jurisdictions in "quantity" issues but needs a different approach if it is going to comply with EPA mandates already in their MS4 permits, or to really begin to turn rivers and streams into attractive places. Stormwater infrastructure costs can be rebalanced to address both ends of the spectrum. |
| 5 Under what circumstances, if at all, should new or reconstructed garages be permitted in the floodplain fringe that are not fully compliant with the ordinance section requiring that the structure be elevated to the flood protection elevation? | The current ordinance is more stringent than the State rules or rules required to be adopted by FEMA. The current ordinance classifies a detached garage as a "structure" and requires that it be elevated to the "Flood Protection Elevation (FPE), which is the 100-yr floodplain elevation plus two feet, for any new, replacement of "substantially improved" garage. FEMA and the State consider garages an accessory structure with different rules than habitable structures. DuPage County in their current ordinance recognizes that garages are often used for storage, and stored materials can be damaged by floods. | The Steering Committee was unable to come to a consensus on a single recommended policy direction, and instead presents three choices for "policy makers" to choose from. 1) Make the DuPage Ordinance the same as State and Federal rules, meaning they are not treated as structures and do not need to comply with rules regarding their elevation. 2) Make the DuPage ordinance the same as State and Federal rules for <u>replacement</u> of an existing garage. This means that a new garage could be built below the FPE as long as it was a replacement of an existing garage. 3) Make the DuPage Ordinance the same as the state and Federal requirements for new accessory structures in the floodplain, as long as the home in the floodplain has been properly elevated to the FPE. | This change is brought forward to address some unique circumstances in a few of the "older" communities, particularly in the Village of Lisle. Lisle has more than 300 pre-ordinance homes built substantially below floodplain elevation. By some estimates 30% of these homes do not have garages because of the requirements regarding elevation. Over the years, existing garages are falling into disrepair and the issue has put a cloud over efforts to revitalize existing neighborhoods and housing stock. Note that this applies only to those structures outside of the regulatory floodway, but in the floodplain. | Compliance issues for structures built pre-ordinance where the scope and scale of compliance related improvements is large and prohibitively expensive. |
| 6 ^A Should we allow construction of accessory structures (non-residential) in the floodplain in line with what FEMA and the State of Illinois currently allow: flood vented structures, rather than open almost entirely above the base flood elevation (BFE) plus 1 foot? | The DuPage County code interprets these structures as being fully enclosed and thus are "usable space", and requires elevation to 1' above the base flood elevation, which is not practical in many floodplain areas with existing residential homes. | Allow non-residential accessory structures to be built without elevation above the base flood elevation, with flood venting (one square inch for each one foot of enclosed space; minimum of two openings; openings no higher than one foot above grade; all electric facilities to be 1' above BFE; all construction materials below 1' above BFE must be waterproof). Ordinance also may add requirements for annual inspections, signage inside the structure indicating the flood protection level (BFE + 1') as a reminder to owner, and recording against the title of the property preventing blocking of flood vents. | In some areas in DuPage County, there are many existing, pre-FIRM single family homes located in the floodplain; many are small homes and currently have no garages or sheds, which is impractical. Garages and sheds would allow for storage of things like motor oil and automotive fluids on shelves above the flood protection levels, and would secure buoyant items such as kids toys and lawn furniture that would otherwise float downstream in a flood situation | Residents in floodplain areas frequently request garages and sheds. |
| 7 ^A Water quality regulations increases the cost of compliance; look to reduce the cost of compliance in other areas within the revised code. | Some BMP requirements for water quality purposes were added to the ordinance in 2008. More stringent requirements are also being considered now. | Consider reductions in detention requirements, or give detention credits for some of the water quality items (such as detention in stone voids under permeable parking lots, or for reduction in runoff volumes due to infiltration/inflow BMPs) | The cost of development in DuPage County is becoming onerous as compared to other counties. | Hold the line on development costs due to stormwater ordinance compliance |

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| 8 ^A | Time, effort, and cost of getting a stormwater permit from DuPage County must be reasonable. | Much of this issue is administrative rather than codified in the ordinance. Review times are too long for most projects (although not unreasonable for complex projects). Make the review times appropriate for the type of project. Most projects take too many review cycles to gain approval--expedite the process when developers/property owners/professionals are cooperating. Current ordinance is not specific enough--very difficult for a developer/owner/professional to determine what DuPage County will require. Organize so permit staff is consistent throughout project--preapplication meetings through permit issuance (interpretations vary amongst staff, causing confusion). | Write ordinance revision so it is more specific and easier for developer/owner/professional to determine what will be required in order to obtain a permit; administer so that review times are more appropriate and permits can be obtained with fewer review cycles. | Survey indicated ordinance users were dissatisfied with these aspects of the existing stormwater ordinance. | Improve administration of code and transparency of what is required to comply. |
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Notes:
A - These policy issues have not yet been discussed with the Steering Committee