

# Kane County Road Improvement Impact Fee Advisory Committee

May 24, 2006

# Exempt or Discounted Development Types

## ■ Current Ordinance (all exempt)

- Internal alteration of non-residential bldgs
- Expansion of a dwelling unit
- In-kind replacement
- Public schools
- Government buildings
- Accessory buildings

## ■ Possible Additions (exempt or discounted)

- Temporary structures
- Affordable housing
- Senior housing
- Religious institutions
- Private schools
- Charitable organizations
- Nonprofit organizations
- Hospitals
- Government Housing

# Exemptions – Illinois Impact Fee Ordinances

Exempt Use	DuPage County	Hoffman Estates	Kane County	Naperville	Schaumburg*
Internal Building Alterations	X	X	X	X	X
Additions to Residences	X	X	X	X	
Replacement due to fire, etc.	X	X	X	X	X
Government Buildings	X	X	X	X	
Public Educational Facilities	X	X	X	X	
Accessory Buildings	X	X	X	X	
Temporary Structures				X	
Affordable Housing					
Senior Housing					
Religious Institutions				X	
Private Schools					
Charitable Organizations					
Hospitals					
Nonprofit Organizations					
Government Housing					

\* Ordinance covers commercial districts only



# Temporary Structures

## ■ Possible Definition

- TEMPORARY STRUCTURE: A structure not designed or intended for permanent human occupancy nor for the permanent protection of animals, chattels or property of any kind. For the purposes of this section, permanent is considered to mean a period of greater than two years.

## ■ Examples

- Construction Trailers
- Tents, Awnings, Stages and other facilities for special events
- Portable Restrooms

## ■ Issues

- Enforcement
- Manufactured Homes

# Affordable Housing

## ■ Possible Definition

- AFFORDABLE HOUSING: Decent, safe, sanitary, and appropriate housing units that low and moderate-income households can own or rent without having to devote more than approximately 30 percent of their gross income for monthly housing expenses that shall be (1) rent and utilities for rental housing; and (2) debt service (principal and interest), property taxes, and home insurance for home ownership. The maximum purchase price of owner-occupied units shall not exceed that specified in the “Owner Occupied Affordability Chart for Chicago Metro Area” published annually by the Illinois Housing Development Authority. For rental housing, the monthly rent may not exceed that specified in “Affordable Rental Units for Chicago Metro Area” published annually by the Illinois Housing Development Authority. The County Engineer shall establish procedures to ensure that developments qualifying for this exemption continue to meet the minimum affordability requirements for a period of five years. If a development fails to meet the affordability requirement in any year, the impact fee that would otherwise have been due shall be paid in full.

## ■ Issues

- Administration requires monitoring purchase or rental cost
- Possibly limit to housing receiving government subsidies

# Senior Housing

## ■ Possible Definition

- SENIOR HOUSING: Residential developments restricted by zoning or other enforceable government regulation such that (1) each unit is occupied solely by individuals 62 years of age or older, or (2) at least 80 percent of the units in a development are occupied by at least one individual who is 55 years of age or older and the development adheres to a published policy that demonstrates intent to house persons who are 55 or older.

## ■ Issues

- Little evidence that 55+ housing actually has lower trip generation rates
- Probably better to encourage this type of development through zoning regulations

# Religious Institutions

## ■ Possible Definition

- RELIGIOUS INSTITUTION: A building or structure which is occupied by a religious nonprofit corporation or organization and which is operated for public or semi-public use including, but not limited to churches, synagogues, mosques, rectories and convents.

## ■ Issues

- Many religious institutions now utilize their facilities seven days a week and generate significant traffic
- Difficult to monitor internal uses such as day care, which are unrelated to religious worship



# Private Schools

## ■ Possible Definition

- PRIVATE SCHOOL: A private, nonprofit educational facility serving one or more of grades K-12 and recognized by the Illinois State Board of Education.

## ■ Issues

- Recognition requirement may eliminate specialty schools such as sports, tutoring, etc.
- Provides equity with existing public school exemption
- Should colleges and trade schools also qualify, and if so, how should they be defined?

# Charitable Organizations

## ■ Possible Definition

- CHARITABLE ORGANIZATION: Facilities owned and occupied by organizations certified by the Internal Revenue Service as meeting the requirements of Article 501(c)(3) of the Internal Revenue Code.

## ■ Issues

- Development may be purchased in future by a for-profit entity
- Possible fairness issue if charitable organizations lease space instead of purchasing

# Nonprofit Organizations

## ■ Possible Definition

- NONPROFIT ORGANIZATION: Facilities owned and occupied by organizations certified by the Internal Revenue Service as being tax-exempt under Section 501(c) of the Internal Revenue Code

## ■ Examples

- Fraternal Societies [501(c)8 and 501(c)10]
- Veterans Organizations [501(c)19 and 501(c)23]

## ■ Issues

- Ownership changes
- Leased space
- Some non-profits, such as political organizations, are covered elsewhere in the IRC
- Must draw the line in a rational manner

# Hospitals

## ■ Possible Definition

- HOSPITAL: Health care facilities authorized by the Illinois Health Facilities Planning Board

## ■ Issues

- Facilities can have major traffic impacts

# Government Housing

## ■ Possible Definition

- GOVERNMENT HOUSING: Housing units owned by a unit of government or government agency.

## ■ Issues

- Consistent with existing exemption for buildings owned, operated and occupied by a unit of government

# Discussion / Recommendations

- Temporary structures
- Affordable housing
- Senior housing
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- Private schools
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Temporary Structures			X	X	
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X – Denotes Staff Suggested Additions



# Service Area Development Process

## ■ Relevant legal criteria

- Fees must be “specifically and uniquely attributable”
- Fee payer must receive a “direct and material benefit”
- Decision in Northern Ill. Homebuilders vs. DuPage County

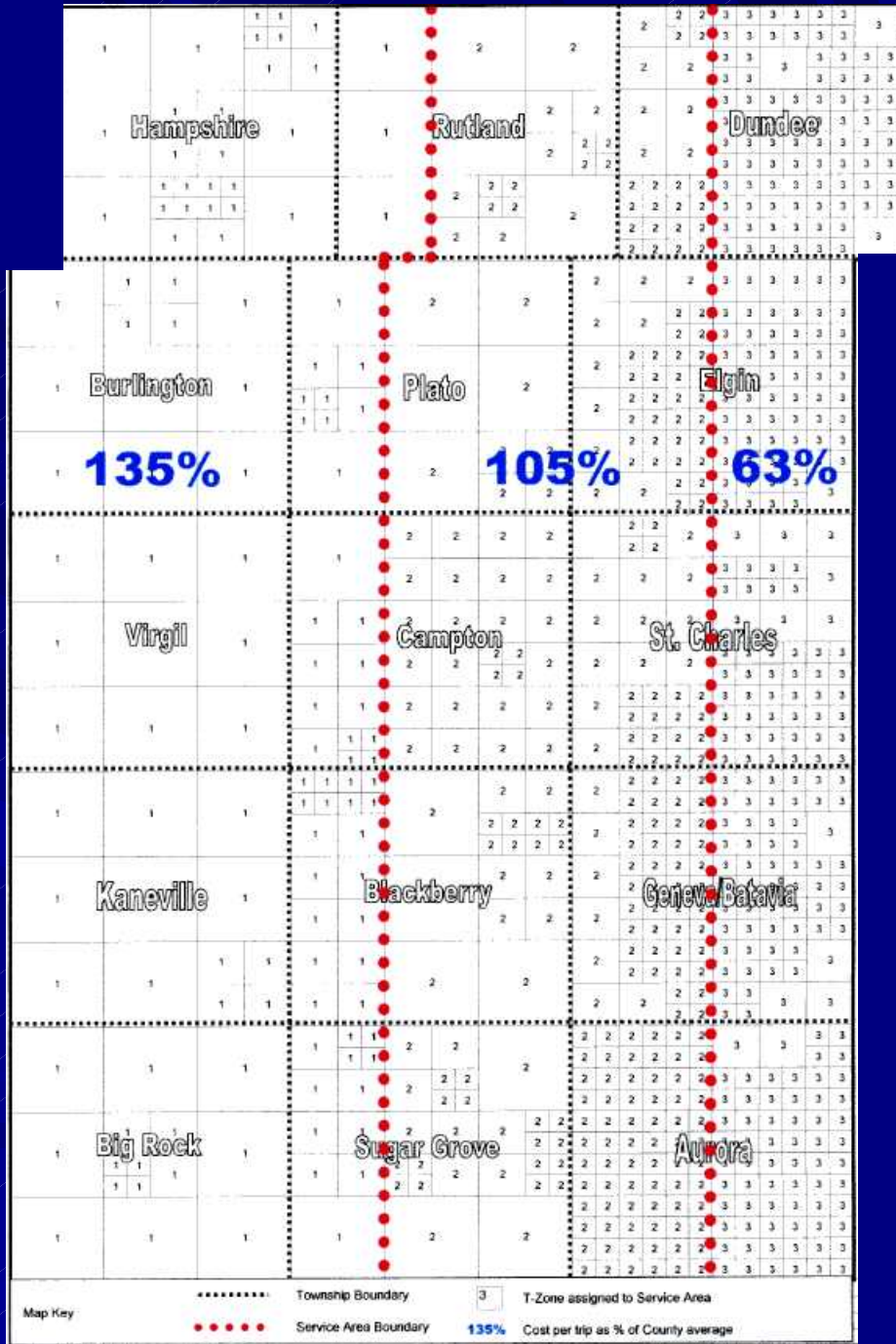
## ■ Issues / Objectives

- Uniformity of fees / balance between project costs and amount of development
- Multiple projects needed in each service area
- Consistency with 2030 Plans

# Service Area Development Process

## Conceptual North-South Orientation with Existing CRIP projects

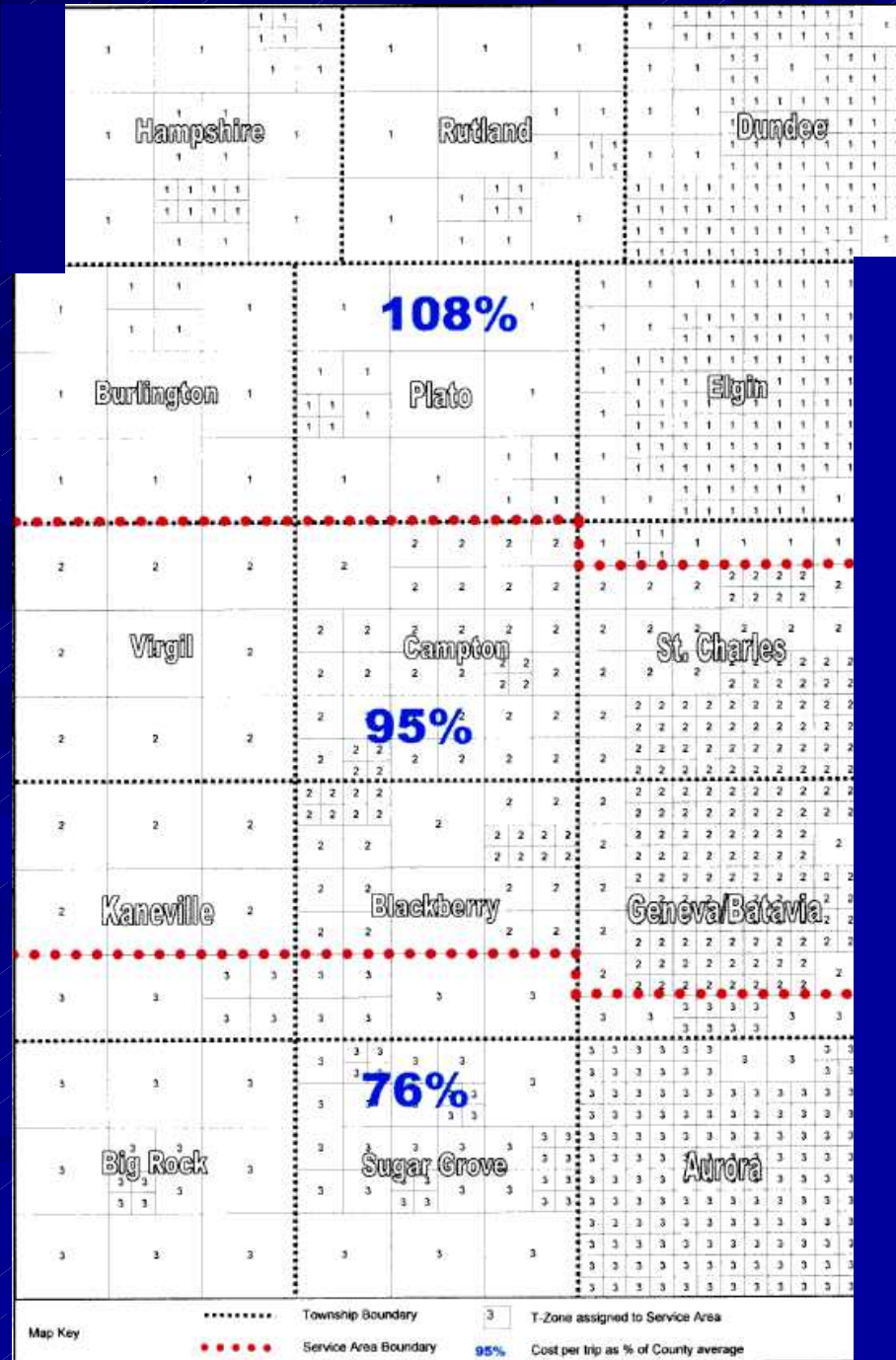
- Variance in fees
- Consistent with travel demand lines
- Compact service areas



# Service Area Development Process

## Conceptual East-West Orientation with Existing CRIP Projects

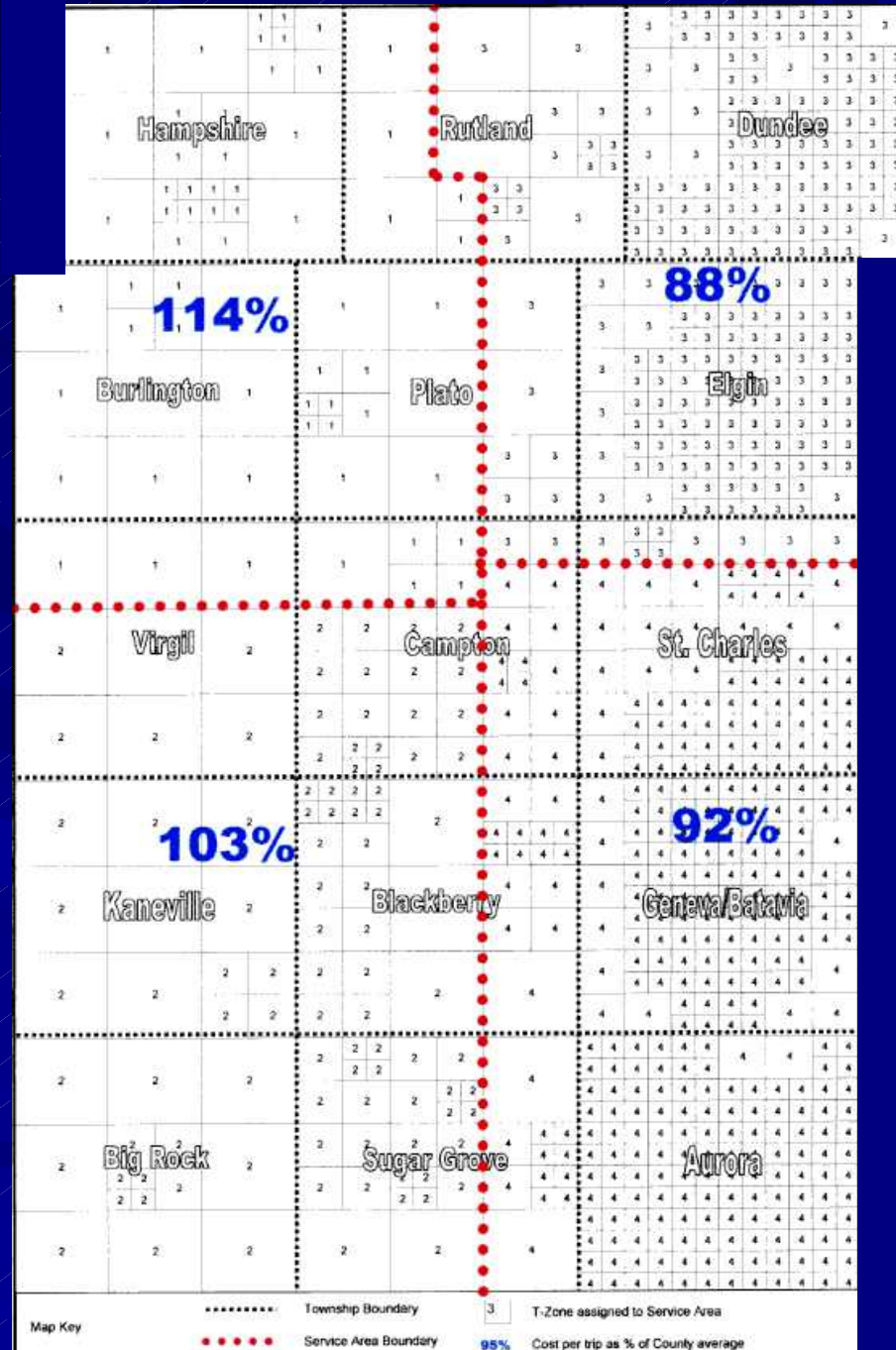
- Variance in fees
- Consistent with goals of 2030 Plan
- Long, narrow service areas may not meet legal requirement for “Direct and Material Benefit”



# Service Area Development Process

## Conceptual Four Service Area Scenario with Existing CRIP Projects

- Very small variance in fees
- Compact areas consistent with legal requirements
- Municipalities split by boundaries



# Discounts for 2030 Land Resource Management Plan Criteria

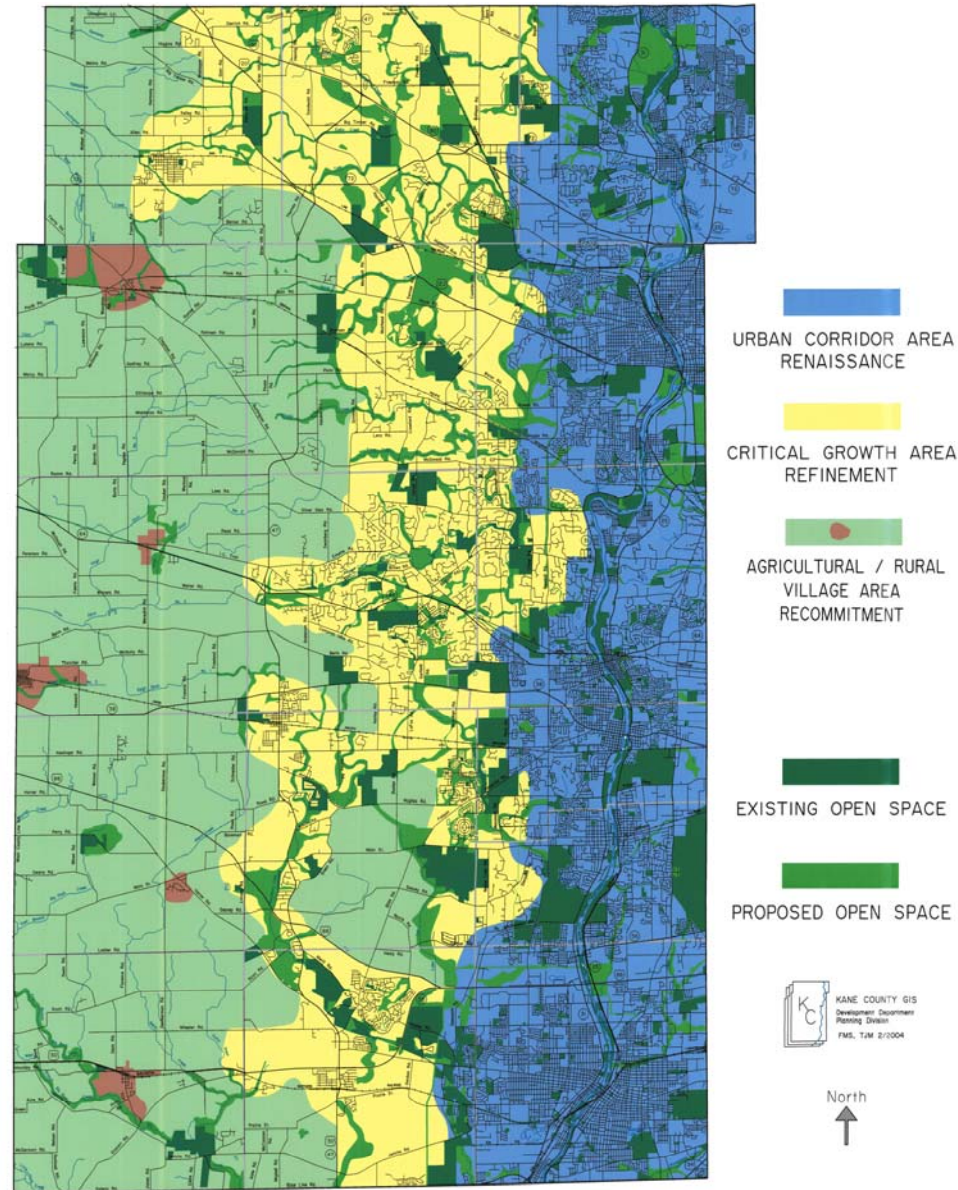
## Part A – Basic Discount

1. Location
2. Mixed Land Uses
3. Compact Development
4. Housing Diversity
5. Walkability

## Part B- Additional Discounts

1. Transportation Efficiency & Choice
2. Increased Housing Diversity
3. Increased Density
4. Additional Density

## 2030 CONCEPTUAL LAND USE STRATEGY MAP



The actual boundaries may be adjusted during the public review process of the 2030 Comprehensive Plan.

# CRIP and Impact Fee Ordinance Update



**Traffic Modeling**



**Advisory Committee discussion and recommendations regarding exempt uses, eligible projects, service area boundaries & goals of 2030 Plan**

Co. Board sets Date for Public Hearing for CRIP and Impact Fees



Public Hearing on CRIP and Ordinance Amendments



Advisory Committee Recommendation on CRIP and Ordinance Amendments



County Board Adopts CRIP and Ordinance Amendments

