

KANE COUNTY
DIVISION of TRANSPORTATION

Carl Schoedel, P.E.
Director of Transportation
County Engineer



41W011 Burlington Road
St. Charles, IL 60175
Phone: (630) 845-3799
Fax: (630) 587-2474
www.co.kane.il.us

June 1, 2009

Dear Reader,

The following document, *Procedures Guide for Road Impact Fees*, is hereby established in compliance with Section 4, Article 1 of Kane County Ordinance #07-232, the Kane County Road Improvement Impact Fee Ordinance.

This Guide is intended for use by developers and members of the public as an aid to assist in compliance with the requirements of the Kane County Road Improvement Impact Fee Ordinance. We hope you find it helpful. Any suggestions you may have for improvements to this document will be seriously considered and sincerely appreciated.

In case of a conflict between this Guide and the Ordinance, the provisions of the Ordinance shall prevail.

Sincerely,

A handwritten signature in blue ink that reads "Carl Schoedel". The signature is fluid and cursive.

Carl Schoedel, PE
County Engineer

Kane County

Division of Transportation



Procedures Guide for Road Improvement Impact Fees

June 1, 2009

Table of Contents

Section 1:	Impact Fee Ordinance	1
1.1	General Information.....	1
1.2	Activities Requiring Impact Fee Payment	1
1.2.1	Residential New Development.....	1
1.2.2	Non-residential New Development	1-2
Section 2:	Impact Fee Application	3
2.1	Applicant Information.....	3
2.2	Property Information.....	3
2.3	Principal Building Use	4
2.4	Optional Assessment Data	4
2.4.1	Exempt Uses	4
2.4.2	Fee Previously Paid Under a Fee Payment Agreement	5
2.4.3	Fee Paid through Application of Improvement Credits.....	5
2.4.4	Charitable Organizations	5
2.4.5	Demolition Credits	5
2.4.6	Impact Fee Discount Program	5
2.5	Application Submittal.....	6
2.6	Review and Notification	6
Section 3:	Impact Fee Assessment	7
3.1	Exempt Land Uses	7
3.2	Applicable Ordinance – Site Specific Development Approval.....	7
3.3	Impact Fee Schedules.....	7
3.3.1	Impact Fee Schedules – Ordinance 04-22	8
3.3.2	Impact Fee Schedules – Ordinance 07-232	8
3.4	Assessment of Unlisted Land Uses.....	9
3.4.1	Unlisted Use Calculation – Ordinance 04-22	9
3.4.2	Unlisted Use Calculation – Ordinance 07-232	10

Table of Contents (cont.)

3.5	Charitable Organization Discount.....	12
3.5.1	Total Site Traffic Less Than or Equal to 50 Trips.....	12
3.5.2	Existing Site Traffic Less Than or Equal to 50 Trips – Total Site Traffic Greater Than 50 Trips	12
3.5.3	Existing Site Traffic Greater Than 50 Trips.....	13
3.6	Change in Use.....	13
3.7	Individual Assessments	13
3.8	Appeals	14
3.9	Enforcement.....	15
Section 4:	Discounts and Credits	17
4.1	Impact Fee Discount Program.....	17
4.1.1	Transit Availability.....	17
4.1.2	Mixed Land Uses.....	18
4.1.3	Density.....	18
4.1.4	Walkability	19
4.1.5	Infill and Redevelopment Sites	19
4.2	Improvement Credits	20
4.2.1	Improvement Credits Applications.....	20
4.2.2	Approval Procedures	20
4.2.3	Improvement Credits Use	21
4.3	Demolition Credits	22
Section 5:	Impact Fee Payments	23
5.1	Regular Payments.....	23
5.2	Impact Fee Pre-payment.....	23
5.3	Fee Payment Agreements.....	23
5.4	Refunds.....	24

Table of Contents (cont.).....**

Appendices

A-1 Forms

- A. Impact Fee Application Form
- B. Discount Program Checklist
- C. Unlisted Use Calculation Form – Ordinance 04-22
- D. Unlisted Use Calculation Form – Ordinance 07-232

A-2 Definitions

- A. Definitions

A-3 Maps

- A. Service Area Map – Ordinance 04-22
- B. Service Area Map – Ordinance 07-232

A-4 Tables

- A. Impact Fee Schedule – Ordinance 04-22
- B. Impact Fee Schedules – Ordinance 07-232

A-5 Standard Agreements

- A. Impact Fee Payment Agreement
- B. Impact Fee Prepayment Agreement
- C. Charitable Organization Discount Agreement
- D. Impact Fee Credit Agreement
- E. Affordable Housing Covenant (Under Construction)

Section 1: Impact Fee Ordinance

1.1 General Information

This Procedures Manual has been prepared by the County of Kane (hereinafter the “County”) pursuant to Article 4.1 of the Kane County Road Improvement Impact Fee Ordinance. The original version of the Ordinance is Kane County Ordinance No, 04-22 (hereinafter referred to as “Ordinance No. 04-22”). The amended version of the Ordinance is Kane County Ordinance No. 07-232 (hereinafter referred to as “Ordinance No. 07-232”). Ordinance No. 04-22 and Ordinance No. 07-232 are hereinafter collectively referred to as the “Ordinance”. The Ordinance requires that the Kane County Engineer (hereinafter referred to as the “County Engineer”) establish a Procedures Manual identifying the procedures the Kane County Division of Transportation (hereinafter “KDOT) will utilize in administering the Ordinance. This Procedures Manual does not amend or otherwise supersede any of the requirements of the Ordinance or any other applicable Law. Applicants are encouraged to familiarize themselves with the Ordinance and the Road Improvement Impact Fee Law (605 ILCS 5/5-900).

1.2 Activities Requiring Payment of an Impact Fee

In accordance with the Ordinance, all persons, corporations, organizations, or other legal entities undertaking New Development, as defined by the Ordinance, within the boundaries of Kane County are required to pay an Impact Fee. New Development is generally defined as “any residential, commercial, industrial or other project which is being constructed, reconstructed, redeveloped, structurally altered, relocated, or enlarged, and which generates additional traffic within the service area or areas of the County. Conversely, if the construction, expansion or change in use of any building(s) or structure(s) will not generate additional traffic, the development shall not constitute ‘New Development’ and the Applicant shall be exempt from the provisions of this Ordinance.” A detailed definition of “New Development” can be found in Section Three of the Ordinance.

1.2.1 Residential New Development

Residential New Development typically involves structures designed for human habitation. Each dwelling unit within a structure shall be assessed an impact fee. Additions to or modifications of existing dwelling units that do not generate additional traffic are not required to pay an impact fee, but are nonetheless required to submit a completed impact fee application. Construction of accessory buildings to residences (garages, storage sheds, fences, gazebos, decks, pool houses, and the like) are not required to pay an impact fee, as long as no additional dwelling units are constructed.

1.2.2 Non-Residential New Development

Impact fees are required for construction of and additions to nearly all non-residential buildings. Exceptions are based on whether the resulting building space could be expected to generate additional vehicular traffic, whether immediately or at some point in the future. Non-residential buildings that do not generate additional traffic include unattended parking garages and utility

facilities that are not staffed on a regular basis (electrical substations, cellular towers and the like) but are nonetheless required to submit a completed Impact Fee Application. Non-residential building additions will be assessed a fee based on square footage, even though the developer may claim that he does not plan to add more employees, or that the addition is to be used only for storage.

Section 2: Impact Fee Application

To ensure that all necessary information is provided to the County for the proper assessment and payment of impact fees, the County has developed an Impact Fee Application form (hereinafter the “Application”). The Application can be obtained from KDOT, located at 41W011 Burlington Road, St. Charles, and may be downloaded at www.co.kane.il.us/dot/roadimpact. Instructions for completing the Application are on page 2 of the Application. A copy of the Application is also included in Appendix A-1A of this Procedures Manual. A separate Application shall be submitted for each building/unit in the New Development.

2.1 Application Information

Applicant information is collected to enable the County to work with the applicant or the applicant’s contact person (hereinafter collectively referred to as the “Applicant”) if there are any questions regarding the Application and to provide notification of the Impact Fee Assessment. Applicants should complete all fields of the Application. The Applicant shall identify a person who can answer questions regarding the Application and the proposed New Development. Applicants are requested to provide an e-mail address and a fax number to facilitate communication regarding the Application. Applications that do not include an e-mail address or fax number may be delayed. The information collected is strictly for the purpose of administering the Impact Fee Program. The County will not release contact information to any private party.

2.2 Property Information

Property information is collected to identify the location of the New Development, determine the version of the Ordinance under which the New Development will be assessed an impact fee, and provide other data required by the Ordinance. Applicants shall provide site address, lot number, Parcel Identification Number (PIN) and subdivision name as applicable for recorded subdivisions or planned unit developments (PUD’s). Section, township and range information can be found on the New Development’s plat of survey. All Applications shall include a copy of a current plat of survey. The name of building permit issuing authority is required.

New Development that received “Site Specific Development Approval” prior to January 1, 2008 will be assessed an impact fee pursuant to Ordinance #04-22, which may result in a lower impact fee. Site specific development approval refers to a final approval of a preliminary plat of subdivision, preliminary PUD plat, or other preliminary development plan by a unit of local government, provided the final plat or plan is consistent with the approved preliminary plat or plan. Applicants shall provide the date of the board or council meeting at which the plat or plan was approved, an official certified copy of the approval documentation and a copy of the approved plat or plan.

If an approved preliminary plat or plan is used to determine that a New Development will be assessed under Ordinance 04-22, the Applicant shall also submit a copy of the final approved plat or plan, so that the County can verify that the final plat or plan is consistent with the preliminary plat or plan. In making this determination, the County will focus on whether the land

use, density and trip generation characteristics of the New Development depicted on the final plat or plan are consistent with those characteristics of the preliminary plat or plan. If the preliminary plat or plan has insufficient detail to enable the County to make that determination, then the preliminary plat or plan does not constitute “Site Specific Development Approval” and the date of approval of the final plat or plan will govern in making the determination of which version of the Ordinance will apply.

2.3 Principal Building Use

Principal building use information is collected to enable the County to properly assess the impact fee on the New Development. Unless a building has both residential and non-residential areas, only one box should be checked in this section of the Application. Only the principal use of the building should be identified. For example, an industrial building with a nominal amount of office space would be considered industrial, and the office portion should be included in the gross square footage of the building. A multi-tenant retail building that could include a restaurant would be considered general retail. Buildings located on out lots in a retail center should be identified by the principal use of the building. Land use definitions can be found in Appendix 2. For non-residential buildings, Applicants shall provide a copy of the site plan, the building floor plan for each floor, and a signed and sealed letter from the architect certifying the gross square footage of the building.

2.4 Optional Data for Assessment

For most New Development, the information set forth in this section (2.4) and its subsections will not be required. Applicants unfamiliar with the Impact Fee Program should at least review this section to determine if they qualify for any of these special programs.

2.4.1 Exempt Uses

In accordance with Ordinance #07-232, the following uses are exempt from payment of an impact fee: (1) Alteration of an existing dwelling unit where no additional dwelling units are created and the use of the unit is not changed; (2) The internal alteration of a non-residential unit of less than 25,000 square feet where (a) no additional useable square feet of space are added, (b) where the construction or expansion of square footage does not require a zoning change, or (c) where the alteration is required by the County's or a Municipality's building code; (3) The construction of accessory buildings which are not dwelling units and which do not constitute an increase in intensity of use; (4) The replacement of a destroyed or partially destroyed building with a new building of the same size and use; (5) Publicly owned and operated school buildings; (6) Public buildings owned, operated and occupied by government agencies; (7) Temporary structures; (8) Affordable housing; and (9) Privately owned and operated school buildings. Even though these uses may be exempt, an Application packet must still be submitted.

In order for a New Development to qualify for an exemption, the Applicant must submit documentation that demonstrates, to the satisfaction of the County, that the New Development qualifies as an exempt use under the Ordinance. In order to receive the exemption for affordable housing, Applicants will be required to enter into a Fee Payment Agreement with the County

(Exhibit A-5E). In order to receive the exemption for a private school, the New Development must be a private, non-profit educational facility serving one or more of grades; kindergarten through grade 12 and the owner of the private school must be formally recognized and accredited as a school by the Illinois State Board of Education. Provide a copy of the issued **Region-County-District-Type-School** code (or **RCDTS** code).

2.4.2 Impact Fee Previously Paid Under a Fee Payment Agreement

If an Applicant has previously entered into an Impact Fee Payment Agreement with the County, prior to filing an Application, and desires to apply previous impact fee payments against an Application, the Applicant shall so indicate on the Application and identify the Impact Fee Payment Agreement number.

2.4.3 Impact Fee Paid Through Application of Improvement Credits

If the Applicant has previously entered into an Improvement Credit Agreement with the County, and desires to apply impact fee credits against an Application, the Applicant shall so note on the Application and identify the Improvement Credit Agreement number.

2.4.4 Charitable Organizations

Buildings solely owned and solely occupied by a 501(c)(3) designated charitable organization may be eligible for up to a 100% reduction in the impact fee that would otherwise be assessed. If the subject building qualifies, the Applicant should check the appropriate box on the Application and attach a copy of the charitable organization's most recent IRS determination letter, and a letter from the organization's chief executive officer stating that the New Development will be solely owned and solely occupied by the charitable organization. The County will determine the amount of the impact fee discount in accordance with Section 3..5.1 of this Procedures Manual.

2.4.5 Demolition Credits

If there are existing buildings on the New Development site that are to be demolished in conjunction with the New Development, the development may be eligible for a demolition credit. In order to receive the demolition credit, Applicants should check the appropriate box on the Application and attach a copy of the demolition permit and documentation of the previous use and gross square footage or the number of residential units of the building to be demolished. The County will calculate the demolition credit in accordance with Section 4.3 of this Procedures Manual. Demolition of an accessory building is not eligible for a demolition credit.

2.4.6 Impact Fee Discount Program

If the New Development is a relatively high density mixed-use development and meets other stringent traffic management requirements, it may qualify for the impact fee discount program. This program provides up to a 70% discount from the impact fee that otherwise would have been assessed on the New Development. Applicants should check the appropriate box on the Application and enclose a completed Discount Program Checklist (Appendix 3) with all required

Application attachments. Further information regarding requirements for this program can be found in Section 4.1 of this Procedures Manual.

2.5 Submittal of Application

All Applicants must submit an original, signed Application together with all required Application attachments as noted above. The County is developing procedures for electronic submittal of Applications. For the latest information on electronic Application submittal, visit the County's Website: <http://www.co.kane.il.us/dot/roadimpact>.

2.6 Review and Notification

When an Application is received, whether electronically, by mail or by personal delivery, it is initially reviewed by the County for completeness. The County will attempt to determine whether an Application is complete within one to three working day of receipt of the Application. Applications that are incomplete, inconsistent or do not include all required attachments will be entered into the Impact Fee Database and an Application Deficiency Notice will be faxed to the Applicant. If the Application is not completed within two weeks of the date of the Application Deficiency Notice, all materials related to the Application will be discarded and the Application will be rejected.

When an Application is determined by the County to be complete, the County will calculate and assess the impact fee and transmit notification of the impact fee assessment to the Applicant within ten (10) working days of submittal of a completed Application to the County. If a fax number is provided by the Applicant, notification will be provided by fax transmission. Otherwise, notification of the impact fee assessment will be made in writing through the US Mail.

Section 3: Impact Fee Assessment

The process of calculating the appropriate impact fee for a New Development is referred to as the “assessment”. It is not necessary for the Applicant to make the calculation; however, the following information regarding the assessment process is provided for the information and use of Applicants and the public generally.

3.1 Exempt Land Uses

Once an Application has been completed and received, the County will first determine, using the documentation provided by the Applicant, whether the New Development qualifies as one of the exempt uses identified in Section 2.4.1. The County may also, at its discretion, use independent means to verify whether a New Development qualifies as an exempt use. If the New Development meets the requirements of the Ordinance, the Applicant will be notified that the New Development is exempt from payment of impact fees. A receipt marked EXEMPT will be issued to the Applicant.

3.2 Applicable Ordinance – Site Specific Development Approval

The County adopted its first Impact Fee Ordinance in 2004 (hereinafter referred to as “Ordinance 04-22”). After a lengthy process, significant amendments to the Ordinance were adopted in 2007 (hereinafter referred to as “Ordinance 07-232”). Because the amendment resulted in an increase in impact fees over much of Kane County, the County included a grandfather clause in Ordinance 07-232. That clause provides that any New Development that received “Site Specific Development Approval” prior to January 1, 2008 will be assessed an impact fee under Ordinance 04-22, provided that a building permit for the New Development is issued prior to January 1, 2010. All other New Development will be assessed an impact fee under Ordinance 07-232. The County will include the basis of the impact fee assessment with its Impact Fee Assessment Notification.

3.3 Impact Fee Schedules

In most cases, New Development will be assessed an impact fee based upon the County’s published Impact Fee Schedules. Two different impact fee assessment procedures are used, depending on the version of the Ordinance under which the New Development will be assessed. A copy of the Fee Schedules are also included in Appendix A-4A and A-4B of this Procedures Manual. Below are scenarios that apply to the applicability of the fee schedules:

1. If the new development has final plat approval prior to January 1, 2008, the roadway impact fee will be assessed according to Ordinance 04-22.
2. If the new development has site-specific development approval prior to January 1, 2008, the roadway impact fee will be assessed according to Ordinance 04-22, *provided* the final plat is approved prior to January 1, 2010.

3. If the new development has final plat approval on or after January 1, 2008 and prior to January 1, 2010, the roadway impact fee will be assessed according to ordinance 04-22, *provided* site specific development approval is prior to January 1, 2008.
4. If the new development has final plat approval on or after January 1, 2008, and prior to January 1, 2010, the roadway impact fee will be assessed according to Ordinance 07-232, *provided* site specific development approval was received on or after January 1, 2008.
5. If the new development has final plat approval on or after January 1, 2010, the roadway impact fee will be assessed according to Ordinance 07-232.

3.3.1 Impact Fee Schedules – Ordinance 04-22

For New Development pursuing assessment under Ordinance 04-22, the County will first verify under which Ordinance the New Development is applicable. Second, the County will ascertain the service area in which the New Development is located. The service area together with the New Development's land use shall be used to determine the impact fee per impact unit from the Impact Fee Schedule. The Service Area Map is provided in Appendix A-3A. To determine the impact fee, the impact fee per impact unit is multiplied by the number of impact units contained in the New Development. For Residential New Developments, the impact unit is the number of dwelling units. For most Non-residential New Developments, the impact unit is the number of 1,000 gross square feet of building area. For example, a 24,000 square foot office building would contain 24 impact units ($24,000 \div 1,000 = 24$). The following non-residential land uses require use of an impact unit other than 1,000 square feet.

Land Use	Impact Unit
Service Station	Fueling Positions
Hospital	Beds
Nursing Home	Beds
Hotel/Motel	Beds

3.3.2 Impact Fee Schedules – Ordinance 07-232

Ordinance 07-232 provides a revised Service Area Map and a scheduled phase-in of the amended impact fees over the life of the Ordinance 07-232. Each year, on July 1st, a new Impact Fee Schedule will go into effect. The basis for determination of which schedule applies will be the date the Application is complete. The revised Service Area Map is provided in Appendix A-3B.

For New Development assessed under Ordinance 07-232, the County will determine which impact fee schedule to utilize. The service area in which the New Development is located will be determined. The impact fee schedule, together with the New Development's land use, is then used to ascertain the impact fee per impact unit from the applicable Impact Fee Schedule. To determine the impact fee, the impact fee per impact unit is multiplied by the number of impact units contained in the New Development. For Residential New Developments, the impact unit is the number of dwelling units. For most Non-residential New Developments, the impact unit is

the number of 1,000 square gross square feet of building area. For example, a 24,000 square foot office building would contain 24 impact units ($24,000 \div 1,000 = 24$). The following non-residential land uses require use of an impact unit other than 1,000 square feet.

Land Use	Development Unit
Service Station	Fueling Positions
Hospital	Beds
Nursing Home	Beds
Hotel/Motel	Beds

3.4 Assessment of Unlisted Land Uses

Occasionally, a New Development will consist of a land use that is not listed in the Impact Fee Schedule. In such cases, the County has two options. First, the County Engineer may determine which land use in the Impact Fee Schedule most closely represents the traffic characteristics of the New Development and apply the corresponding impact fee per impact unit. In the alternative, the County Engineer may utilize published traffic generation data together with the formulas adopted in the Ordinance and calculate an appropriate impact fee. Because the 2004 and 2007 versions of the Ordinance utilize different formulas, examples of this procedure using both formulas follow in subsections 3.4.1 and 3.4.2.

3.4.1 Unlisted Use Example Calculation – Ordinance 04-22

To calculate an impact fee for an unlisted use, the County follows the procedures outlined in the Technical Specifications Manual for Impact Fees, dated January 13, 2004 (available at http://www.co.kane.il.us/dot/roadimpact/TSM_011304.pdf). The following is an example calculation for a drive-in bank in St. Charles, Illinois. Individuals unfamiliar with traffic engineering publications and terminology are encouraged to refer to the Technical Specifications Manual for further information.

1. Check the Impact Fee Database to determine if any similar land uses have previously paid an impact fee. If so, note the latest Institute of Traffic Engineers (ITE) Land Use Code and trip origin activity weightings that were used for the previous similar land use. Use these same factors in determining the impact fee. If no similar land uses have previously paid an impact fee, request the County Engineer select an ITE land use and develop a weighting scheme to establish a trip length for the selected ITE land use. Record the data in Sections 1 and 3 of the Unlisted Use Calculation Form (Appendix 6). In this example, we are assuming there have been no precedents and the Land Use Code is 912 – Drive In Bank.
2. Verify the location of the New Development by matching the PIN provided on the application with the County Map Database. Confirm that the example property is in the Tri-Cities Service Area. Record in Section 1 of the Unlisted Use Calculation Form.

3. Locate the following information in the Trip Generation Manual under Section 912 – Drive-in Bank and record the data in Section 2 of the Unlisted Use Calculation Form.
 - a. Average Vehicle Trip Ends in terms of trips per 1,000 square feet gross floor area on a weekday. In this case, 246.49 trips per 1,000 sq. ft.
 - b. Average Vehicle Trip Ends in terms of trips per 1,000 square feet gross floor area on a weekday, peak hour of adjacent street traffic, one hour between 4 and 6 PM. In this case, 45.74 trips per 1,000 sq. ft.
 - c. Average Vehicle Trip Ends in terms of trips per 1,000 square feet gross floor area on a Saturday. In this case, 71.21 trips per 1,000 gross square feet on a Saturday.
 - d. Average Vehicle Trip Ends in terms of trips per 1,000 square feet gross floor area on a Sunday. In this case, 22.15 trips per 1,000 gross square feet on a Sunday.
4. Determine Pass-by or Diverted link reduction factors. This figure generally applies only for retail land uses. This information is found in the ITE Trip Generation Handbook. If there is a figure provided, it should be used. In this example, the average primary trip percentage for drive-in banks is 27% (Trip Generation Handbook, 2nd Ed., ITE, 2004, Table 5.20). The combined pass-by and diverted-linked trip reduction factor would therefore be 73% ($100\% - 27\% = 73\%$). Extreme care should be used in estimating a reduction factor for land uses without published data.
5. Copy the trip lengths for each trip origin activity for the service area from the Technical Specifications to Section 3 of the Form.
6. Using the formulas on the Unlisted Use Calculation Form, perform the remaining calculations to determine the fee for the project.
7. Record in the Impact Fee Database.
8. Proceed with notifying the Applicant regarding the impact fee assessment.
9. A copy of the Unlisted Use Calculation Form is also included in Appendix A-1C of this Procedures Manual.

3.4.2 Unlisted Use Example Calculation – Ordinance 07-232

To calculate an impact fee for an unlisted use, the County follows the procedures outlined in the Technical Specifications Manual for Road Improvement Impact Fees under Ordinance 07-232 (available at <http://www.co.kane.il.us/dot/roadimpact/crip/techmanual.pdf>). New Developments qualifying for the Impact Fee Discount Program are too complex for this form and must be assessed individually. The following is an example calculation for a drive-in bank in St. Charles, Illinois. Individuals unfamiliar with traffic engineering publications and terminology are encouraged to refer to the Technical Specifications Manual for further information.

1. Note the New Development approval date. If this date is prior to January 1, 2008, and the application date is prior to January 1, 2010, the New Development should be assessed under Ordinance 04-22. Otherwise, check the Impact Fee Database to determine if any

similar land uses have previously paid an impact fee. If so, note the ITE Land Use Code that was used for the previous use in Section 1 of the Unlisted Use Calculation Form (Appendix 1) and use the same gross trip rate (Section 2 of the form) in determining the impact fee. If no similar land uses have previously paid an impact fee, request that the County Engineer select an ITE land use to develop the PM peak hour trip generation rate for the proposed land use. Record the data in Section 1 of the Unlisted Use Calculation Form (Appendix 1). In this example, assume there have been no precedents and the Land Use Code is 912 – Drive In Bank.

2. Verify the location of the New Development by matching the PIN provided on the Application with the County Map Database. Confirm that the example property is in the Central Service Area. Record in Section 1 of the Unlisted Use Calculation Form.
3. Locate the following information in the Trip Generation Manual under Section 912 – Drive-in Bank and record the data in Section 2 of the Unlisted Use Calculation Form. Average Vehicle Trip Ends in terms of trips per 1,000 square feet gross floor area on a weekday during the peak hour of adjacent street traffic, one hour between 4:00 and 6:00 PM. In this case, 45.74 trips per 1,000 sq. ft. This is the Gross Trip Rate. Generally, the average trip rate should be used. Occasionally, ITE provides a fitted curve equation. This equation should be used only when the floor area of the New Development is well within the range of floor areas of developments reported by ITE for that land use. Use of an independent variable other than square footage should be done only in cases where a better correlation can be demonstrated between a different independent variable and peak hour trip generation, and where the other variable are not dependent on policies of the property owner, such as utilization of employees.
4. Determine Pass-by and Diverted link reduction factors. This figure generally applies only for retail and service land uses. This information is found in the ITE Trip Generation Handbook. If there is a figure provided, it should be used. (Trip Generation Handbook, 2nd Ed., ITE, 2004, Table 5.20). The combined pass-by and diverted-linked trip reduction factor would therefore be 73% ($100\% - 27\% = 73\%$). If individual rates are provided, they should be input in the appropriate locations in Section 2 of the Unlisted Use Calculation Form. If only a combined rate is available, it can be put in the PB box in Section 2 of the Unlisted Use Calculation Form. Extreme care should be used in estimating a reduction factor for land uses without published data.
5. Based on the Service Area and Application Date, select the appropriate Impact Fee Multiplier and Impact Fee per Trip in Section 3 of the Unlisted Use Calculation Form.
6. Using the formula in Section 4 of the Unlisted Use Calculation Form, perform the remaining calculations to determine the gross impact fee for the New Development.
7. If the New Development qualifies for any demolition credits or improvement credits, note those in section 5 of the form. Then, using the formula in section 6 of the Unlisted Use Calculation Form, calculate the final net impact fee.

8. Record in the Impact Fee Database.
9. Proceed with notifying the Applicant regarding the impact fee assessment.
10. A copy of the Unlisted Use Calculation Form is also included in Appendix A-1D of this Procedures Manual.

3.5 Charitable Organization Discount

New Development that is solely owned and solely occupied by a charitable organization certified by the Internal Revenue Service as tax-exempt under Section 501(c)(3) of the Internal Revenue Code may receive a discount of up to 100% of the impact fee that would otherwise be assessed under the Ordinance. The discount is applied only on the traffic impact of the first 50 weekday PM peak hour trips generated on a site. For the purposes of this discount, a site is a contiguous area of land owned by one or more closely related charitable organizations on which a building or buildings may be constructed. The impact fee under this Charitable Organization Discount is calculated using one of the three scenarios set forth in subsections 3.5.1, 3.5.2 and 3.5.3:

3.5.1 Total site traffic less than or equal to 50 trips

If the total traffic generated on previously developed portions of the charitable organization's contiguous property, including traffic generated by any existing buildings thereon and traffic generated by the new development, is less than or equal to 50 weekday PM peak hour trips, the charitable organization's new development shall receive an impact fee discount equal to 100% of the gross impact fee.

For purposes of Section 3.5 of this Procedures Manual and the subsections thereunder, "contiguous property" means a parcel of real estate owned by the charitable organization that a part of, or is adjoining, touching and contiguous to the parcel of real property that constitutes the site of the charitable organization's new development.

3.5.2 Existing site traffic less than or equal to 50 trips – total site traffic greater than 50 trips

If the traffic generated on previously developed portions of the charitable organization's contiguous property is less than or equal to 50 weekday PM peak hour trips, but the total traffic generated on the contiguous property and by the new development is greater than 50 weekday PM peak hour trips, the charitable organization's new development shall receive an impact fee discount in an amount determined by the following formula:

$$DISCOUNT = (50 - EST) \times IFT \times IFM$$

Where:

EST = Existing Site Traffic in TRIPS

IFT = Applicable Impact Fee per Trip from Table A-2 in the Ordinance

IFM = Applicable Impact Fee Multiplier from Table A-3 in the Ordinance

If the New Development also qualifies for the Impact Fee Discount Program, the charitable organization discount shall be applied following application of the discount percentage from the Impact Fee Discount Program. If the charitable organization qualifies for the discount, an agreement is executed with the County. A copy of the agreement is also included in Appendix A-5C of this Procedures Manual.

3.5.3 Existing site traffic greater than 50 trips

If the traffic generated on the New Development site prior to construction of the New Development is greater than 50 weekday PM peak hour trips, no impact fee discount shall be applied.

3.6 Change in Use

In cases where a New Development is a change in use, the impact fee shall be based on the net impact of the New Development, as follows:

1. Calculate the gross impact fee as if the building is constructed on a vacant site.
2. Calculate the gross impact fee for the building under the previous use
3. Subtract the result under step 2 from the result under step 1. If positive, the difference is the gross impact fee. If zero or negative, the project will not be required to pay an impact fee.
4. Calculations should be entered in the “Remarks” section of the Impact Fee Assessment Notice.
5. In no case shall the County pay as a result of a change in use.

In addition, changes in use meeting the following criteria are exempt from paying an impact fee.

1. The New Development consists of the internal alteration of a building of less than 25,000 square feet.
2. No additional square feet of space are added
3. The construction does not require a zoning change, or
4. The alteration was required by a municipality’s or the County’s building code

3.7 Individual Assessments

For certain projects, e.g. Large multi-use developments, industrial parks adjacent to interstate highways, and the like, it may be advantageous for the Applicant to perform a detailed analysis of the traffic patterns expected to be generated by the New Development and calculate an alternative fee. The following procedures should be followed:

1. The Applicant may elect to conduct an individual assessment at any time up to the date an impact fee is due.

2. The individual assessment must be prepared by professionals qualified by the County in the field of transportation planning, transportation engineering and traffic impact analysis.
3. The individual assessment may take into consideration any or all of the factors which make up an impact fee calculation, but must utilize the Impact Fee Formula as published in the applicable version of the Ordinance (Section 3.2).
4. The individual assessment submittal may include any or all of the following:
 - a. Proposed trip generation rates for the proposed New Development, on an average daily and on a peak design hour basis. The trip generation rates shall be based on local empirical surveys for the same or similar land use types.
 - b. Pass-by and diverted link trip percentages for the proposed New Development.
 - c. For New Developments to be assessed pursuant to Ordinance 04-22, the proposed average trip length generated from the proposed New Development onto the County's road system. Trip length information shall be based upon local empirical surveys of similar land use types and may include, if available, empirical data which specify the percentage of travel made on County Highways by users of the proposed New Development.
 - d. For New Developments to be assessed pursuant to Ordinance 04-22, an assessment of the costs of providing a lane-mile with intersection improvements and right of way. The cost figures shall be based on recently assembled empirical information of the costs in Kane County for the cost of a lane-mile of major arterial highway.
 - e. Any other information relevant to the determination of the impact of the New Development on the County Highway system.
5. Upon receipt of an individual assessment application, the County will date-stamp the application with the date of receipt and review the individual assessment application for completeness. If the individual assessment submittal is incomplete, the Applicant will be notified by letter or e-mail as to the deficiencies of the individual assessment application.
6. Once the individual assessment application is complete, it will be reviewed by the County Engineer. The individual assessment review must be completed within 15 working days. Upon completion of the review, the Applicant will be notified in writing as to the County Engineer's decision. If the County Engineer decides the individual assessment is unreasonable or otherwise flawed, the County will prepare a Notice of Fee Assessment using the appropriate land use and forward Notice of Fee Assessment to the Applicant along with an explanation of why the individual assessment was unacceptable.

3.8 Appeals

Any decision by the County Engineer (or his designee) with respect to the Ordinance may be appealed to the County Board through its Transportation Committee. As noted on the Notice of Fee Assessment, the appeal must be submitted in writing within 14 calendar days of the date of

the Notice of Fee Assessment. Upon receipt of an appeal, the following procedure shall be followed.

1. The County will verify that the appeal was filed within 14 calendar days of the date of the Notice of Assessment. If not filed within said 14 calendar days, the County will prepare a letter advising the Applicant that the County has denied the appeal due to its not being submitted within the timeframe allowed by statute.
2. If the appeal was timely filed, the County Engineer will place the appeal on the agenda for the next regularly scheduled Transportation Committee meeting with an open agenda. The County will advise the Applicant by telephone and in writing as to the date and time of the appeal hearing.
3. At the Transportation Committee meeting, the Applicant shall present his case for appeal. Following the Applicant's presentation, the County Engineer shall respond with the County's position. The Committee shall take action at the same meeting to affirm, reverse or modify the County Engineer's original decision.
4. The County will prepare a written summary of the Transportation Committee's action. A copy of this summary will be sent to the Applicant, along with a notice that the Applicant has fourteen (14) calendar days from the date of the Transportation Committee's action to appeal the Transportation Committee's decision to the County Board.
5. For appeals to the County Board, the same procedure as appeals to the Transportation Committee will be followed.
6. Decisions by the County Board are final, but are subject to judicial review.

3.9 Enforcement

All municipalities are required by law to submit copies of all building permits to the office of the Kane County Supervisor of Assessments within 15 days of issuance (65 ILCS 5/11-39-1). The building permit is required to include the Permanent Parcel Index Number (PIN). On at least a monthly basis, the County through its Division of Transportation will request copies of all building permits submitted by the municipalities to the office of the Kane County Supervisor of Assessments' Office. Utilizing the P.I.N., KDOT may cross-reference building permits issued against any impact fees paid.

Division of Transportation staff will keep in mind that most building permits are issued for work that is exempt from payment of impact fees. Work such as fences, driveways, decks, interior remodeling, and the like do not generate traffic and therefore need not pay a fee. The building permit will generally have enough information to determine whether an impact fee should be paid.

If the cross reference identifies a possible violation of the Ordinance, the person to whom the building permit was issued (hereinafter the “permittee”) should be contacted by letter from the County through the US Mail requesting the reason(s) why an impact fee was not paid and an explanation as to why there was not compliance with the Ordinance. If the County Engineer finds the explanation satisfactory, it should be documented through an application form entered into the impact fee database and a duly issued receipt. If the permittee’s explanation is unsatisfactory, the County should prepare an impact fee assessment notice and send it to the permittee by fax or mail. If payment is not received within 30 calendar days, a second notice should be sent, advising that further non-payment will result in legal action. This letter will be sent by certified mail. If payment is not received within 30 days of the second notice, the matter will be referred to the State’s Attorney’s office for enforcement. The County may periodically spot check residential and/or non-residential buildings for compliance with the stated land use and square footages as certified by the architect of record. If an inconsistency is discovered, the current owner of the building shall complete the Application process and shall be liable for any impact fees and interest due under the applicable fee schedule.

Section 4: Discounts and Credits

4.1 Impact Fee Discount Program

As a means of encouraging New Development that meets specific goals of the Kane County 2030 Transportation Plan and Land Resource Management Plan, Applicants, with New Development that includes specific trip reduction measures may be eligible for an impact fee discount of up to 70% based on provisions of Section Eighteen of Ordinance. Factors considered in determining eligibility and the amount of the discount include (a) availability of public transit, (b) proximity of mixed land uses, (c) density, and (d) walkability. Specific requirements provided in the Ordinance for each of these discounts are provided below and shown in italics. Qualifications for the discount program are complex and will be strictly enforced. Applicants wishing to apply for the impact fee discount program are strongly encouraged to express their interest to the County Engineer at an early stage in the planning and design of their New Development to ensure that all discount requirements are met. Applicants should follow the instructions in subsections 4.1.1, 4.1.2, 4.1.3, 4.1.4, and 4.1.5 below and utilize the Impact Fee Discount Checklist provided in Appendix A-1B. Applicants qualifying for the impact fee discount will be required to enter into a Fee Payment Agreement with the County to ensure that the New Development is constructed in accordance with the documents provided with the Application.

4.1.1 Availability of Transit

All building entrances in the New Development are (i) within ½ mile walking distance of an existing or committed PACE fixed route bus service; or (ii) within 1 mile walking distance of an existing or committed METRA commuter rail station (for the purposes of this subsection (a), “committed” shall mean that the METRA station or PACE fixed route bus service is included in either agency’s published five year capital plan or has otherwise been actually budgeted by either agency); or (iii) within ½ mile walking distance of other transit service. In order to meet the requirements of this subsection, “other transit service” shall meet all of the following requirements:

i.) The transit service shall be scheduled along a fixed route with at least one terminus at an existing METRA commuter rail station or existing PACE fixed bus service. At a minimum, hourly round trip service shall be provided on weekdays from 6:00 a.m. to 9:00 a.m. and from 4:00 p.m. to 7:00 p.m.; and,

ii.) The transit service shall be available for use by the general public, although occupants of the New Development may be charged a preferred rate; and,

iii.) The transit service shall be committed to for a period of at least ten years with a guaranteed funding source; and,

iv.) The transit service shall have a minimum passenger capacity sufficient to serve 5% of the units of the Residential New Development receiving the discount or 5% of the employees of the Non-residential New Development receiving the discount. If a New Development proposes to utilize an existing “other transit service”, that transit service shall have sufficient available capacity to meet the minimum passenger capacity requirement as set forth in this subsection; and,

v.) *The transit service shall be provided by an entity licensed and insured to carry passengers for hire.*

The Applicant may meet the requirements of this subsection 4.1.1 in any of three ways. To meet the requirements using existing or committed Metra or PACE service [subsections a(i) and a(ii)], the applicant shall submit a copy of the Metra or PACE route map, and an additional scaled map or plan showing an accessible walking route from a building entrance in the proposed New Development to the Metra transit station or PACE fixed route bus service. The route shall be dimensioned. If the Metra station or PACE bus service is non-existent, the Applicant shall provide documentation demonstrating that the transit agency is committed to providing the service.

To meet this requirement using “other transit service” the Applicant shall submit documents showing the proposed route, schedule and passenger capacity, and will be required to enter into a fee payment agreement with the County to ensure that the service is maintained in accordance with the ordinance requirements for a period of at least ten years.

4.1.2 Mixed Land Uses

The New Development includes a residential component and also includes at least four of the land uses or trip generators listed in paragraph (a) below, or all building entrances are: (i) within ¼ mile walking distance of a residential zoning district and at least four of the land uses or trip generators listed in paragraph (a) below; or (ii) within ½ mile walking distance of a residential zoning district and at least six of the land uses or trip generators listed in paragraph a below

a. Land uses and trip generators referenced in this subsection 4.1.2 are: parks, forest preserves, community or civic centers, schools or daycare centers, libraries, places of worship, post offices, convenience stores, laundry/dry cleaners, neighborhood retail centers, restaurants, pharmacies, grocery stores, banks, medical/dental offices or hospitals, and general offices. A single use may not be counted in more than one category. Accessory uses within a principal use may not be counted as a separate use; for example, a school within a church shall be considered one (1) use.

In order to meet the requirements of this subsection 4.1.2, the Applicant shall submit a plan identifying each of the land uses in the proposed New Development, and, if uses outside the boundaries of the development are to be utilized to qualify under this subsection, a scaled, dimensioned plan showing all building entrances in the New Development and walking routes and distances to the other land uses.

4.1.3 Density

The New Development has (i) an average residential density of at least seven units per acre; or (ii) an average non-residential or mixed use floor area ratio of at least 0.5.

a. *New Development meeting the requirements of paragraph 1 of this subsection 4.1.3 shall be given an additional 10% discount from the impact fee assessed in accordance with Section Ten of the Ordinance, provided the new development (i) has an average residential density of at least 14 units per acre; or (ii) has an average non-residential or mixed use floor area ratio of at least 1.0.*

b. *New Development meeting the requirements of paragraph 1 of this subsection 4.1.3 shall be given an additional 10% discount from the impact fee assessed in accordance with Section Ten of the Ordinance, provided the New Development (i) has an average residential density of at least 28 units per acre; or (ii) has an average non-residential or mixed use floor area ratio of at least 1.5.*

c. *“Density” is calculated for Residential New Development by dividing the total number of residential units by the total buildable land area in acres of the New Development. Buildable land excludes land occupied by nonresidential structures, and land excluded from residential development by law (e.g. wetlands, floodplains and rights of way for arterial and major collector roads), but includes areas devoted to public rights of way for local and minor collector streets internal to the development, storm water management for the New Development, parking areas, and common open space. For detached residential units on individual lots, the average density for the entire new development shall be used.*

In order to meet the requirements of this subsection 4.1.3, Applicants shall submit an approved plat showing the total land area encompassed by the New Development, any areas that are unbuildable, and the number of residential units and square footage of Non-residential New Development to be constructed.

4.1.4 Walkability

The maximum block perimeter within the New Development is less than or equal to 2,200 feet and the main or a public entrance to the building is directly accessible on a paved pathway from the public sidewalk along a street, with no parking allowed between the building and the public sidewalk along the street.

In order to meet the requirements of this subsection 4.1.4, Applicants shall submit a scaled, dimensioned plan showing the perimeter of each block in the New Development, and locations of building entrances, sidewalks, other paved pathways, parking areas, and public streets.

4.1.5 Infill and Redevelopment Sites

New Development meeting all of the requirements of this Section 4 shall be given an additional 10% discount from the impact fee assessed in accordance with Section Ten of this Ordinance, provided the New Development is located on an infill or redevelopment site.

a. *“Infill” means undeveloped land having at least 75% of its perimeter bordering land that has been developed. Developed land includes land either having or that has had pre-existing structures thereon. Land that is currently in agricultural use or forestry use is not considered developed. Park and Forest Preserve properties that border an infill site shall not be counted as part of the perimeter of undeveloped land.*

b. *“Redevelopment” means New Development sites in which at least 75% of the land area thereof has been previously developed.*

In order to meet the requirements of this subsection 4.1.5 as an infill site, the Applicant shall submit a scaled, dimensioned plat or plan depicting the entire New Development site and the land uses on all of the immediately surrounding properties. To meet the requirements of this section as a redevelopment site, the Applicant shall submit a plat, plan or aerial photograph showing the previous development, and calculations verifying that 75% of the property (based on typical land coverage for the previous non-agricultural zoning) was previously developed.

4.2 Improvement Credits

If the Applicant with New Development is constructing improvements in conjunction with the New Development that are included within the Kane County Comprehensive Road Improvement Plan for Impact Fees (hereinafter referred to as the “CRIP”), the County may provide an impact fee credit for the cost of those improvements as provided for in the CRIP.

4.2.1 Applications for Improvement Credits

All applications for Improvement Credit Agreements must include the following information:

1. A proposed plan of specific road improvements prepared and certified by a duly qualified and Illinois licensed Engineer.
2. The projected costs for the suggested roadway improvements, which shall be based on local information for similar roadway improvements, along with the construction timetable for the completion of such improvements. Such estimated costs shall include the cost of all labor and materials, the appraised value or cost of all lands, property, rights, easements and franchises acquired, financing charges, interest prior to and during construction and for one (1) year after completion of construction, cost of plans and specifications, surveys of estimated costs and of revenues, costs of engineering and legal services and all other expenses necessary or incidental to determining the feasibility or practicability of such construction or reconstruction of the specific road improvements.

4.2.2 Approval Procedures

When a request for an improvement credit is received, the County will take the following steps:

1. Within ten days of receipt, review the improvement credit application information provided by the Applicant for completeness. If not complete, advise the Applicant in writing as to the deficiencies of the improvement credit application.
2. Once the application for an improvement credit is complete, the County Engineer shall evaluate the proposed improvements to determine if they qualify as “System Improvements” pursuant to the CRIP. Only projects that are included in the CRIP may qualify as system improvements. Furthermore, road improvements that are required to provide safe and efficient access to a New Development shall not qualify as “System Improvement,” even though they may be within the limits of a project that is included in

the CRIP. For this reason, some projects may receive only a partial impact fee credit against impact fees due. The County Engineer will utilize the project descriptions in Table 4-2 of the CRIP (available at: <http://www.co.kane.il.us/dot/roadimpact/crip/CRIP2007.pdf>).

3. Once the County Engineer is satisfied that proposed improvements (or portions thereof) qualify as “System Improvements,” he will prepare an Improvement Credit Agreement. This will take the basic form of a Fee Payment Agreement, with additional language to cover the improvements to be constructed, the impact fee credit provided, and the method of applying the impact fee credits. A copy of the agreement is also included in Appendix A-5D of this Procedures Manual.
4. Once the Improvement Credit Agreement has been prepared, it shall be forwarded to the Applicant for review and approval. Note that the Improvement Credit Agreement must be ultimately approved by the Transportation Committee. After the Applicant has approved the Improvement Credit Agreement, the County Engineer will place the Improvement Credit Agreement on the agenda for the next regularly scheduled Transportation Committee meeting and advise the Applicant by telephone and in writing as to the date and time of said Transportation Committee meeting.
5. At the Transportation Committee meeting, the Applicant may make a brief presentation requesting approval of the Improvement Credit Agreement. Following the Applicant’s presentation, the County Engineer may respond with the County’s position. The Transportation Committee may take action at the same meeting to approve, disapprove, or modify the Improvement Credit Agreement or may defer action to another meeting.
6. If the Transportation Committee approves the Improvement Credit Agreement, the County Engineer may execute the agreement on behalf of the County. Improvement Credit Agreements with a value greater than \$100,000 must also be approved by the County Board.

4.2.3 Use of Improvement Credits

KDOT will maintain records of the use of impact fee improvement credits toward payment of impact fees due and shall provide a quarterly statement to the beneficiary of each Improvement Credit Agreement indicating use of any improvement credits during the reporting period and the balance of improvement credits remaining. Upon execution of an Improvement Credit Agreement, the beginning balance shall be equal to the total dollar value of the improvement credits as specified in the Improvement Credit Agreement. Improvement credits will be applied against New Development in the following manner:

- a. The beneficiary of the Improvement Credit Agreement shall indicate on the Application that impact fees assessed will be paid by utilizing improvement credits and shall indicate the Improvement Credit Agreement number.

b. For each portion of the New Development to be applied against an improvement credit, KDOT shall calculate the gross impact fee in accordance with Exhibit B of the Ordinance or in accordance with Section Eleven of the Ordinance. The remaining improvement credit balance shall be reduced by the gross impact fee for that portion of the New Development. The impact fee receipt shall note that the impact fees were paid through application of improvement credits and the amount of improvement credit expended.

c. If the improvement credits remaining are insufficient to cover the gross impact fee for the New Development, the remaining gross impact fee shall be multiplied by the impact fee multiplier then in effect and the applicant notified of the impact fee assessment.

4.3 Demolition Credits

If a building is demolished as part of a New Development, the impact fee for the New Development shall be reduced by the amount of impact fee that would be assessed on the building to be demolished. In order to qualify for demolition credit, the building being demolished must be located on the same parcel as the New Development and must have been in existence as of April 1, 2004, or constructed after April 1, 2004 and had been previously assessed and had paid an impact fee.

In order to receive a demolition credit, the Applicant must submit to the County a copy of the demolition permit and such other information as necessary to allow the County to calculate the amount of the demolition credit to be awarded, such as a building survey or final engineering or “as built” plans. For the demolition of major buildings, the County may independently verify the size of the building for the purpose of calculating the demolition credit.

Section 5: Impact Fee Payments

5.1 Regular Payments

Impact fee payments may be made in person or by mail at the Kane County Division of Transportation Impact Fee Office, 41W011 Burlington Road, St. Charles, Illinois 60175. Payments may be in the form of personal, corporate, certified or cashier's checks or U.S. Postal Money Orders. Payments should be accompanied by a copy of the Impact Fee Assessment Notice. Payments must identify the Impact Fee Application Number. Fees received will be processed by the County as follows:

1. Payment logged into the Impact Fee Database.
2. Payment Check copied and attach to KDOT copy of the application and receipt.
3. Copies of the check, receipt and Application and other documents filed at KDOT.
4. Architectural plans to be returned to the Applicant, (if paying in person).
5. Checks turned into the KDOT Accounting Office as received during the day.
6. At the end of each business day, a running total and a daily total along with service area tallies for the day, including copies of all checks received that day turned into the KDOT Accounting Office.
7. A copy of the balance sheets will be kept in the Impact Fee Office files.

5.2 Pre-payment of Impact Fees

Applicants wishing to pre-pay impact fees for a New Development may do so by entering into an Impact Fee Prepayment Agreement with the County (Appendix A-5B). Applicants are eligible for pre-payment only after site specific development approval for the New Development is received as provided for in the Ordinance.

5.3 Fee Payment Agreements

Applicants developing multi-family residential and non-residential properties may enter into an agreement with the County whereby they pay at least 50% of the calculated impact fee prior to issuance of a building permit and the remaining 50% to be paid within 365 days. Approval of Fee Payment Agreements is at the discretion of the Transportation Committee. A standard form for the Fee Payment Agreement can be found in Appendix A-5A. Fee Payment Agreements will be processed as follows:

1. The request for a Fee Payment Agreement should be submitted with the fee application.
2. Fee Payment Agreement request is date-stamped on the date of receipt by the Division of Transportation.

3. Within ten days of receipt of the request for a Fee Payment Agreement, review the information provided for completeness. If not complete, advise the Applicant in writing as to the deficiencies of the Fee Payment Agreement application.
4. Once the fee payment application is complete, prepare a Fee Payment Agreement using the form provided in the Appendix. The interest rate to be used is 3% over the Prime Commercial Rate, which may be found at <http://www.primerate.net/>. As an example; if the prime rate is 4.00%, the interest rate for the Fee Payment Agreement would therefore be 7.00%. The date of completion of the fee payment application is the date of calculation of the Fee Payment Agreement interest rate.
5. Most Fee Payment Agreements will provide for payment of 50% of the fee up front, with the remainder paid within 365 days. The interest rate on the remainder will be 3% over the Prime Commercial Rate as set forth in the paragraph above.
6. Once the Fee Payment Agreement has been prepared, it shall be forwarded to the Applicant for review and approval. Note that the Fee Payment Agreement must be approved by the Transportation Committee. After the Applicant has approved the Fee Payment Agreement, notify the County Engineer and place the Fee Payment Agreement on the agenda for the next regularly scheduled Transportation Committee meeting with an open agenda. Advise the Applicant by telephone and in writing as to the date and time of the Committee meeting.
7. At the Transportation Committee meeting, the Applicant may make a brief presentation requesting approval of the Fee Payment Agreement. Following the Applicant's presentation, the County Engineer may respond with the County's position. The Committee shall take action at the scheduled meeting to approve or disapprove of the Fee Payment Agreement.
8. If the Transportation Committee approves the Fee Payment Agreement, the County Engineer may execute the agreement on behalf of the County.
9. Enter the Fee Payment Agreement data into the Impact Fee Database.
10. If the security provided for the Fee Payment Agreement is a lien or mortgage, record the Fee Payment agreement against the underlying parcel of real estate at the office of the Kane County Recorder.

5.4 Refunds

Paid impact fees may be refunded to the fee payer in three possible situations. If the County or a fee payer made an inadvertent error in calculation of the impact fee, the County Engineer may direct the County Treasurer to refund a portion of the impact fee paid. The other situations are (1) non-commencement of construction of the New Development and (2) failure by the County to encumber the impact fees paid within five [5] years of receipt from the impact fee payer (hereinafter referred to as the "5 year rule"). All situations require that the fee payer submit a written refund affidavit. The affidavit shall include the following:

1. A notarized sworn statement that the applicant is the owner of record of the New Development for which the impact fee was paid and that the applicant is entitled to a refund under the terms of the Ordinance;
2. A certified copy of the latest recorded deed for the property that comprises the New Development (or part thereof) for which the impact fee was paid; and
3. A copy of the most recent ad valorem property tax bill for the property that comprises the New Development (or part thereof) for which the impact fee was paid;

When a request for an impact fee refund is received, the County will proceed as follows:

1. Within ten days of receipt of the application for an impact fee refund, the County shall review the information provided for completeness. If not complete, advise the applicant in writing as to the deficiencies of the application.
2. Once the application has been determined by the County to be complete, note the date in the Impact Fee Database. Evaluate the application to determine if the impact fee payer is entitled to a refund. In the case of non-commencement, a refund may not be paid if the funds have already been encumbered by the County for expenditure. Confirm encumbrance with the County's finance department.
3. In cases where the refund is due to the "5-year rule," the application must be made within one (1) year after the expiration of the five year period.
4. If the County Engineer determines that the applicant is entitled to an impact fee refund, he may direct the County Treasurer to issue the refund.

Refunds due to the "5 year rule" will include interest compounded monthly and paid at the rate of 70% of the prime commercial rate in effect at the time the fee was originally imposed, less 5% to defray the cost of administration. This rate may be found at <http://www.primerate.net/>.

Appendix 1 – Forms

Kane County Division of Transportation
 41W011 Burlington Road
 St. Charles, IL 60175
 Phone: (630) 845-3799 Fax: (630) 587-2474
 dicksonjerry@co.kane.il.us

philipsmary@co.kane.il.us

(FOR OFFICE USE ONLY)

DATE RECEIVED:

APPLICATION #:

Road Impact Fee Application – Please read instructions on back before completing

Applicant Information (please type or print clearly)

Name:			
Address:			
City, State, Zip:			
Contact:		E-mail:	
Phone:		FAX:	

Property Information (please answer all):

Attach a copy of the plat of survey to the Application

Lot:	Block:	Subdivision:		
Quarter/Half Sec:	Section #:	Township #:	Range #:	
Tax Parcel Index Number(s) (e.g., 09-01-100-014):				
Site Address:				
Building Permit Issuing Agency:			Development Approval Date:	

Principal Building Use (please check one per Application)

Residential	Number of Dwelling Units:	Non-residential	Gross Sq. Ft. of Bldg.:	
Single Family Detached		General Retail		
Single Family Attached		Supermarket		
Multi-Family Attached		Convenience Market		
Age-restricted Housing		Service Station	Number of fueling positions:	
General Office		Medical-Dental Office		
Office Park		Business Park		
Warehousing/Distribution Terminal		Light Industrial/Industrial Park		
Fast Food Restaurant		Other Restaurant		
Day Care Center		Hospital	Number of beds:	
Nursing Home	Number of beds:	Hotel/Motel	Number of rooms:	
Religious Institution		Other (specify): ex: Interior Commercial Remodel		

Optional Data for Assessment (attachments required)

New development is an exempt use (identify):		Advance payment under Impact Fee Agreement	FA#:
New development will be solely owned and solely occupied by a charitable organization - 501(c)(3)		Existing building(s) on site to be demolished – applying for impact fee credit	
Apply to credits under Credit Agreement	CA#:	Applying for Impact Fee Discount Program	

Remarks:

Signature:

Date:

Road Impact Fee Application – Instructions – Please read carefully before completing

General:

In accordance with Kane County Ordinance #07-232, all developers of new development in the County shall pay an impact fee to the County.

This form is available as a fillable .pdf form on the County's website at www.co.kane.il.us/dot/roadimpact. You may download this form and use the free Adobe Acrobat Reader software to fill out and print the form. After printing, sign, date and either mail or fax the form to the Kane County Division of Transportation. If you have the full version of Adobe Acrobat or another pdf editor, you can save the completed form with a digitized signature and e-mail it to the Division of Transportation. **DO NOT SEND PAYMENT.** Upon receipt of the completed application, the County will assess the impact fee and respond to the contact identified on the impact fee application. Additional information can be found in the Impact Fee Procedures Guide, which can be found on the County's website.

I. Applicant Information

- Please complete all fields
- The contact should be a person who can answer questions regarding the application
- Please provide an e-mail address to facilitate communications regarding the application

II. Property Information

- Provide lot#, block# and subdivision name as applicable for recorded subdivisions or PUD's
- Section, township and range information can be found on your plat of survey. You must include a copy of the plat of survey with your completed impact fee application
- New development that received "Site Specific Development Approval" prior to January 1, 2008 will be assessed an impact fee under Kane County Ordinance #04-22, which generally results in a lower fee. Site specific development approval generally refers to the approval of a preliminary plat of subdivision, preliminary PUD plat, or preliminary development plan by a unit of local government, provided the final plat or plan is consistent with the preliminary plat or plan. Please provide the date of the board or council meeting at which the document was approved, and a copy of the document.

III. Principal Building Use

- Unless a building has both residential and non-residential areas, please check only one box
- The principal use of the building should be identified. For example, an industrial building with a nominal amount of office space would be considered industrial, and the office portion should be included in the gross square footage of the building. A multi-unit retail building that could include a restaurant would be considered general retail. Buildings located on outlots in a retail center should be identified by the principal use of the building
- Land use definitions can be found in the Procedures Guide, which is available on the County's website.
- For non-residential buildings, provide a copy of the site plan, the building floor plan for each floor, and a letter from the architect certifying the square footage of the building.

IV. Optional Data for Assessment

- In accordance with Kane County Ordinance #07-232, the following uses are exempt from payment of an impact fee: (1) Alteration of an existing dwelling unit where no additional dwelling units are created and the use of the unit is not changed; (2) The internal alteration of a non-residential unit of less than 25,000 square feet where (a) no additional useable square feet of space are added, (b) where the construction or expansion of square footage does not require a zoning change, or (c) where the alteration is required by the County's or a Municipality's building code; (3) The construction of accessory buildings which are not dwelling units and which do not constitute an increase in intensity of use; (4) The replacement of a destroyed or partially destroyed building with a new building of the same size and use; (5) Publicly owned and operated school buildings; (6) Public buildings owned, operated and occupied by government agencies; (7) Temporary structures; (8) Affordable housing; and (9) Private schools. Even though these uses are exempt, an impact fee application must still be submitted (for specific requirements, see the Procedures Guide).
- If the applicant has previously entered into an Impact Fee Payment Agreement or Improvement Credit Agreement with the County, and desires to apply credits against this application, please so note and identify the agreement number.
- Buildings solely owned and solely occupied by a 501(c)(3) charitable organization may be eligible for a reduction in impact fee, if the subject building qualifies. See the Procedures Guide for documentation requirements.
- If there are existing buildings on the development site that are to be demolished, the development may be eligible for demolition credits. See the Procedures Guide for documentation requirements.
- If the development is a mixed-use development and meets other stringent traffic management requirements, it may qualify for the impact fee discount program. See the Procedures Guide for program requirements.

Road Improvement Impact Fee Program Discounts

December 1, 2008

This checklist and your Impact Fee Application packet shall be submitted along with any additional documents required below to determine eligibility for the discount program.

A new development shall be eligible for a 40% basic discount from the impact fee assessed in accordance with Section Ten of the Ordinance, provided that all of the following four criteria (1 through 4) are met. Developments using these discounts may not receive additional discounts through an Individual Assessment of Impact, as defined in the Ordinance.

Part A: Basic Discount

In order for a new development to be eligible for any discounts it must meet *all* of the following criteria. A 40% discount is provided if all four criteria of Part A are met.

1. **Transit Choice Prerequisite:** (Indicate with X in box if applicable)

All building entrances in the new development are:

- within ½ mile walking distance of existing or committed PACE fixed route bus service:

OR

- within 1 mile walking distance of existing; or committed METRA commuter rail station (as defined in the Ordinance);

OR

- within ½ mile walking distance of other transit service (as defined in the Ordinance).

Submittals: Applicant must provide the following (In PDF format and hard copy):

- 1) A vicinity map showing the new development site clearly outlined relative to the existing or committed PACE fixed-route public bus service or METRA commuter rail station.
- 2) Documentation should add a submittal requirement to verify service or station is within the published 5 year capital plan.

2. **Trip Generators Prerequisite:** (Indicate with X in box, if applicable)

- New development includes a residential component and at least 4 of the following uses or trip generators:

OR All building entrances are: within ¼ mile walking distance of a residential component and at least 4 of the following uses or trip generators:**OR** within ½ mile walking distance of at least 6 of the following uses or trip generators:

- | | |
|---|--|
| <input type="checkbox"/> Park or forest preserve | <input type="checkbox"/> community or civic center |
| <input type="checkbox"/> school or daycare | <input type="checkbox"/> library |
| <input type="checkbox"/> place of worship | <input type="checkbox"/> post office |
| <input type="checkbox"/> convenience store | <input type="checkbox"/> laundry/dry cleaner |
| <input type="checkbox"/> neighborhood retail center | <input type="checkbox"/> restaurant |
| <input type="checkbox"/> pharmacy | <input type="checkbox"/> grocery store |
| <input type="checkbox"/> bank | <input type="checkbox"/> medical/dental office or hospital |
| <input type="checkbox"/> general offices | |

Note: Uses may not be counted in 2 categories. Accessory uses within a principal use are not counted as separate uses, e.g. a school within a church.

Submittals: Applicant must provide the following (In PDF format and hard copy):

- 1) A scaleable site plan indicating the size and location of all trip generators included in the new development, and a scaleable vicinity map indicating neighboring development and the walking routes, including distances, to the specific trip generators falling within the given walking distance; and
- 2) A list of all the trip generators indicated on the plan and map, including name of the facility or business, and address.

3. **Density Prerequisite:** (Indicate with X in box, if applicable)

 Average residential density of at least 7 units per acre;**OR** Average non-residential or mixed use Floor Area Ratio (FAR) of at least 0.5

Submittals: Applicant must provide the following (In PDF format and hard copy):

- 1) A site plan indicating number of residential units, gross floor area of non-residential or mixed use buildings, land area of the new development, and densities. In addition, a plat showing the total area encompassed by the New Development and any areas that are unbuildable.

4. Walkability Prerequisite: (Indicate with X in box, if applicable)

- Average block perimeter limited to maximum 2200 ft.;

AND

- A main or public entrance to the building must be directly accessible on
 a paved path from the public sidewalk, with no parking allowed between the building and the public sidewalk along the street

Submittals: Applicant must provide the following (In PDF format and hard copy):

- 3) A scaled, dimensioned site plan showing the perimeters of each block and locations of building entrances, sidewalks, other paved pathways, parking areas and public streets; and
- 4) A calculation of the average block perimeters within the new development.

Part B:
Additional Discounts

In addition to the Basic Discount for meeting the criteria in Part A, a new development is eligible for additional discounts if it meets any of the following criteria. Each of the following is worth a 10% discount in addition to the 40% discount provided for in the Part A criteria, which are still required to be met.

1. Location Efficiency (10% additional discount): (Indicate with X in box, if applicable)

- New development to be located on an infill site as defined;

OR

- New development to be located on a redevelopment site as defined.

Submittals: Applicant must provide the following (In PDF format and hard copy):

- 1) A site plan indicating all existing and planned relevant transit routes, stops, and schedules or a brief narrative indicating frequency, type, and direction. Where planned transit is relevant, provide Pace or Metra documents or letter indicating the scheduled institution of service within 5 years and the source of funding.

2. Density X 2 (10% additional discount): (Indicate with X in box, if applicable)

- Average residential density of at least 14 units per acre;

OR

- Average non-residential or mixed use FAR of at least 1.0

Submittals: Applicant must provide the following (In PDF format and hard copy):

- 1) A site plan indicating number of residential units, gross floor area of non-residential or mixed use buildings, land area of the new development, and densities.

3. **Density X 4 (10% additional discount):** (Indicate with X in box, if applicable)

Average residential density of at least 28 units per acre;

OR

Average non-residential or mixed use FAR of at least 1.5

Submittals: Applicant must provide the following:

- 1) A site plan indicating number of residential units, gross floor area of non-residential or mixed use buildings, land area of the new development, and densities.

Maximum discount is 70%; a minimum of 30% of the Road Impact Fee must be paid.

Road Improvement Impact Fee Program Discounts

DEFINITIONS

Block perimeter

The linear measurement taken along the public right-of-way line adjacent to and around an area of land entirely bounded by streets or publicly-owned paved bicycle or pedestrian paths.

Committed

Committed means that the PACE fixed route bus service or METRA station is included in either agency's published five year capital plan or has otherwise been actually budgeted by either agency.

Density

Residential density is calculated by dividing the total number of residential units by the total buildable land area in acres of the new development. Buildable land excludes land occupied by nonresidential structures, and land excluded from residential development by law (e.g. wetlands, floodplains and rights of way for arterial and major collector roads, but includes areas devoted to public rights of way for local and minor collector streets internal to the development in addition to areas devoted to public rights of way for storm water management, parking areas and common open space). For detached units on individual lots, use the average density for the entire new development.

Floor Area Ratio (FAR)

The floor area of the building or buildings on a zoning lot divided by the area of such zoning lot, or, in the case of planned unit developments, by the Net Site Area.

Infill site

A previously undeveloped site having at least 75% of its perimeter bordering land that has been *previously developed*. *Previously developed land* means having or had pre-existing, occupied structures. Land that is currently in agricultural use or forestry use is not considered previously developed. Parks and Forest Preserve properties that border an infill site will not be counted as part of the perimeter.

New development

Any residential, commercial, industrial or other project which is being newly constructed, reconstructed, redeveloped, structurally altered, relocated, or enlarged, and which generates additional traffic within the service area or areas of the County. Conversely, if the construction, expansion or change in use of any building(s) or structure(s) will not generate additional traffic, the development shall not constitute "new development" and will be exempt from the provisions of the ordinance. Please reference Section 3 of the Ordinance for additional clarification.

For the purpose of calculating the discount, new development shall constitute a building or group of buildings that require submittal of plans for development approval by a unit of local government, including a final planned development plan, a final subdivision plat, a conditional or special use permit or a building permit.

Net site area

Includes all land that is not excluded from development by law, (e.g. wetlands, floodplains).

Other transit service

Shall meet all of the following requirements:

- i.) The transit service shall be scheduled along a fixed route with at least one terminus at an existing METRA commuter rail station or existing PACE fixed bus service. At a minimum, hourly round trip service shall be provided on weekdays from 6:00 a.m. to 9:00 a.m. and from 4:00 p.m. to 7:00 p.m.; and,
- ii.) The transit service shall be available for use by the general public, although occupants of the new development may be charged a preferred rate; and,
- iii.) The transit service shall be committed to for a period of at least ten years with a guaranteed funding source; and,
- iv.) The transit service shall have a minimum passenger capacity sufficient to serve 5% of the units of the residential new development receiving the discount or 5% of the employees of the non-residential new development receiving the discount. If a new development proposes to utilize an existing "other transit service", that transit service shall have sufficient available capacity to meet the minimum passenger capacity requirement as set forth in this subsection; and,
- v.) The transit service shall be provided by an entity licensed and insured to carry passengers for hire.

Redevelopment site

Infill sites which have at least 75% land which has been previously developed.

Trip generator

One of the 15 Trip Generator uses as listed in Part A, Basic Discount for Trip Generators Prerequisite criteria. Uses may not be counted in 2 categories. Accessory uses within a principal use are not counted as separate uses, e.g. a school within a church is considered one (1) use.

Walking distance

The distance that a pedestrian must travel between destinations without obstruction, in a safe and comfortable environment. Distance is measured in linear feet along such paths, sidewalks or ways with 1320 feet representing 1/4 mile and 2640 feet representing 1/2 mile.

Kane County Division of Transportation
 41W011 Burlington Road
 St. Charles, IL 60175

Application #:

**Road Improvement Impact Fee
 Unlisted Use Calculation Form**

1. Development Information

Type of Use		ITE Use Code	
Gross Square Footage	per 1000sf	Service Area	Aurora

2. Trip Generation Rates (from Trip Generation, 6th Edition, Institute of Transportation Engineers) and other data

Average Vehicle Trip Ends vs: 1000 Sq. Ft. Gross Floor Area on a Weekday	ADT	
Average Vehicle Trip Ends vs: 1000 Sq. Ft. Gross Floor Area on a Weekday, Peak Hour of Adjacent Street Traffic, One Hour between 4 and 6 PM	TRIPS	
Average Vehicle Trip Ends vs. 1000 Sq. Ft. Gross Floor Area on a Saturday	SAT	0
Average Vehicle Trip Ends vs. 1000 Sq. Ft. Gross Floor Area on a Sunday	SUN	0
Pass-By Trips (Expressed as a Decimal) - Will be 0.0 except retail uses	PB	0.0
Diverted-Linked Trips (Expressed as a Decimal) - Will be 0.0 except retail uses	DL	0.0
New Trips (Calculated)	$1-(PB+DL)=NT$	1.0
Percentage of Vehicle Miles of Travel on Kane County Highway System (from Technical Specifications)	%VMT	

3. Trip Length Determination

Trip Origin Activity	Service Area ___ Trip Length (from Technical Specifications)	Weight %	Extension
Other			
Work			
Work Related			
School			
Shopping			
Eat Meal			
Banking			
Recreational			
Pick up / drop off passengers			
Change type of transportation			
Return Home			
TOTAL TRIP LENGTH		100	

**Road Improvement Impact Fee
Unlisted Use Calculation Form - page 2**

4. Gross Fee Calculation

$$\text{TRIPS} \times \text{NT} \times \text{TRIP LENGTH} \times \% \text{VMT} / 200 \times 1,400,000 / 850 = \text{GROSS FEE}$$

$$(\quad) \times (\quad) \times (\quad) \times (\quad) / 200 \times 1,400,000 / 850 = \text{GROSS FEE} = \boxed{0}$$

5. Calculation of Tax Credit Factors

ADT Days of Travel (Calculated on next line)

$$[(261 \times \text{ADT}) + (52 \times \text{SAT}) + (52 \times \text{SUN})] / \text{ADT} = \text{ADTDAYS}$$

$$[(261 \times \quad) + (52 \times \quad) + (52 \times \quad)] / (\quad) = \text{ADTDAYS} = \boxed{\quad}$$

Gallons of Fuel (Calculated on next line)

$$\text{ADT} \times \text{TRIP LENGTH} \times \text{ADTDAYS} / (\text{MPG} \times 2) = \text{GALLONS/YR}$$

$$[(\quad) \times (\quad) \times (\quad)] / 42.14 = \text{GALLONS/YR} = \boxed{0}$$

Motor Fuel Tax Credit (Calculated on next line)

$$\text{GALLONS/YR} \times \text{FAIR SHARE TAX / GALLON} \times \text{PRESENT VALUE FACTOR} = \text{MFTCREDIT}$$

$$\boxed{\quad} \times 0.01080 \times 12.46 = \text{MFTCREDIT} = \boxed{0}$$

6. Calculation of Demolition and Improvement Credits (if Applicable)

$$= \text{DEMOLITION} = \boxed{\quad}$$

$$= \text{IMPROVEMENT} = \boxed{\quad}$$

7. Net Fee Calculation

$$(\text{GROSS FEE} - \text{MFTCREDIT}) \times 1000 \text{ Sq. Ft.} - \text{DEMOLITION} - \text{IMPROVEMENT} = \text{NET FEE}$$

$$(\quad - \quad) \times (\quad) - (\quad) - (\quad) = \text{NET FEE} = \boxed{0}$$

Calculated By:

Date:

Application #:

Road Improvement Impact Fee
 Unlisted Use Calculation Form -- Ordinance 07-232

1. Development Information

Development Approval Date	<input style="width: 90%;" type="text"/>	Application Date	<input style="width: 90%;" type="text"/>
Type of Use	<input style="width: 90%;" type="text"/>	ITE Use Code	<input style="width: 90%;" type="text"/>
Gross Floor Area (KSF)	<input style="width: 90%;" type="text"/>	Service Area	<input style="width: 90%;" type="text"/>

2. Trip Generation Rates (from Trip Generation, 6th Edition, Institute of Transportation Engineers) and other data

Average Vehicle Trip Ends vs: 1000 SF on a Weekday, Peak Hour of Adjacent Street Traffic, One Hour between 4 and 6 PM	GROSS TRIP RATE	
Pass-By Trips (Expressed as a Decimal) - Will be 0.0 except retail uses	PB	0.0
Diverted-Linked Trips (Expressed as a Decimal) - Will be 0.0 except retail uses	DL	0.0
Primary Trip Rate = GROSS TRIP RATE x [1 - (PB + DL) =	PTR	0.0

3. Fee Calculation Factors from Impact Fee Ordinance

Impact Fee Multiplier	<input checked="" type="checkbox"/>	Impact Fee Per Trip	<input checked="" type="checkbox"/>	
Through 6/30/08	<input type="checkbox"/>	32%	North Service Area	<input type="checkbox"/> \$ 4,877
7/1/08 - 6/30/09	<input type="checkbox"/>	40%	Central Service Area	<input type="checkbox"/> \$ 4,821
7/1/09 - 6/30/10	<input type="checkbox"/>	48%	South Service Area	<input type="checkbox"/> \$ 4,745
7/1/10 - 6/30/11	<input type="checkbox"/>	56%		
7/1/11 -	<input type="checkbox"/>	64%		
IMPACT FEE MULTIPLIER				<input style="width: 100%;" type="text"/>
IMPACT FEE PER TRIP				<input style="width: 100%;" type="text"/>

4. Gross Impact Fee Calculation

PTR x Gross Floor Area (KSF) x IMPACT FEE PER TRIP = GROSS IMPACT FEE
 () x () x () =

6. Calculation of Demolition and Improvement Credits (if Applicable)

= DEMOLITION =

= IMPROVEMENT =

7. Net Impact Fee Calculation

(GROSS IMPACT FEE - DEMOLITION - IMPROVEMENT) x IMPACT FEE MULTIPLIER = NET FEE
 [() - () - ()] x () =

Calculated By: _____ Date: _____

Appendix 2 – LAND USE DEFINITIONS

Appendix 2 – Definitions

“Age-Restricted Housing” means single-family detached or single family attached housing units that are restricted by covenant or deed so that at least one resident must be 55 years old or older and no person under age 19 may reside in the unit more than 90 days in any consecutive 12 months.

“Business Park” is a group of flex-type or incubator one or two-story building served by a common roadway system. The tenant space is flexible and lends itself to a variety of uses. The space may include offices; retail and wholesale stores; restaurants; recreational areas; warehousing and light industrial; or scientific research functions. A typical mix is 20-30% office/commercial and 70-80% industrial/warehousing.

“Convenience Market” means a small commercial retail outlet for convenience foods, newspapers, magazines, and, often, beer and wine. These facilities may be open 24 hours per day and do not have gasoline pumps.

“Day Care” means a facility where care for pre-school age children is provided, normally during the daytime hours. Day care facilities generally include classrooms, offices, eating areas, and playgrounds

“Dwelling Unit” means a group of rooms constituting all or part of a dwelling, which are arranged, designed, used or intended for use exclusively as living quarters for one (1) family and not more than an aggregate of two (2) roomers or boarders, and which shall include complete kitchen and bath facilities permanently installed.

“Gross Floor Area” (GFA) of a building is the sum of the area of each floor level, including cellars, basements, mezzanines, penthouses, corridors, lobbies, stores and offices, that are within the principal outside faces of exterior walls, not including architectural setbacks or projections. Included are all areas that have floor surfaces with clear standing head room (6 feet, 6 inches minimum) regardless of their use. If a ground-level area, or part thereof, within the principal outside faces of the exterior walls is not enclosed, the GFA is considered part of the overall square footage of the building. However, unroofed areas and unenclosed roofed-over spaces, except those that are contained within the principal outside faces of exterior walls, shall be excluded from the area calculations. The floor area of any parking garages within the building should not be included in this figure.

“Gross Leasable Floor Area” is the total floor area designed for tenant occupancy and exclusive use, including any basements, mezzanines, or upper floors, expressed in square feet and measured from outside wall faces. The floor area of any parking garages within the building should not be included in this figure.

“Hospital” is any institution where medical or surgical care and overnight accommodations are provided to non-ambulatory and ambulatory patients. The term “hospital” does not refer to medical clinics (facilities that provide diagnoses and outpatient care only) or to nursing homes (facilities devoted to the care of persons unable to care for themselves).

“Hotel” is a place of lodging that provides sleeping accommodations and may also provide restaurants, cocktail lounges, meeting and banquet rooms or convention facilities and other retail and service shops. This definition also encompasses that of “Motel.”

“Industrial Park” is an area that contains a number of industrial or related facilities. They are characterized by a mix of manufacturing, service, light industrial and warehousing facilities with a wide variation in the proportion of each type of use.

“Light Industrial” means a general light industrial use that typically employs fewer than 500 persons and is primarily involved in activities other than manufacturing. Typical activities include printing plants, material testing laboratories, assemblers or data processing equipment, and contractors or construction offices and shops. These facilities are free-standing (not part of an industrial or business park) and may include one or more tenants.

“Medical – Dental Office” means a facility that provides diagnoses and outpatient care on a routine basis but is unable to provide prolonged in-house medical and surgical care. This type of facility is generally operated by one or more private physicians or dentists.

“Multi-Family Attached” typically refers to apartments and or dwelling units that are located within the same building with units positioned either partially or entirely above or below other units. This includes low-rise or “walk-up” dwellings and high-rise, multifamily dwellings.

“Nursing Home” means any facility which is required to be licensed by the Illinois Dept. of Public Health other than sheltered care homes. This type of use includes private homes, institutions, buildings, structures, or other places, private or not, operated for profit or not, whose primary function is to care for persons who are unable to care for themselves. This type of facility is occupied by residents who do little or no driving. Traffic is generated primarily by employees, visitors and deliveries.

“General Office” is a building that houses one or more tenants where affairs of businesses of commercial or industrial organizations, or professional persons or firms are conducted. If medical services exceed 50% of the gross floor area, then see Medical-Dental Office.

“Religious Institution” means a building or structure which is owned and occupied by a religious non-profit corporation or organization and which is operated for public or semi-public use including, but not limited to churches, synagogues, mosques, rectories and convents.

“Restaurants” means an establishment whose principal business is the dispensing of edible, prepared food and/or beverages for consumption on and off the premises.

“Restaurant – Fast Food” are characterized by a large carry-out clientele; long hours of service (some are open for breakfast, all are open for lunch and dinner, some are open late at night or 24 hours); and high turn-over rates for eat-in customers. A restaurant that exhibits any four (4) or more of the following characteristics would be considered a Fast Food Restaurant:

- a) Sells prepackaged food ready to carryout;
- b) Could have little or no on-premises seating for patrons;
- c) Franchised or chain owned business;
- d) Has no meeting or banquet facilities;
- e) Has no County liquor license;
- f) Does not accept dining reservations;
- g) Does little or no advertising on an individual establishment basis;
- h) Has a drive-through window.

“Restaurant – Other” are all other restaurant land uses that do not qualify as fast food restaurant.

“Retail” means a single commercial retail outlet or a series of retail outlets organized into a center or mall for the sale and distribution of perishable and non-perishable goods to the general public. Retail centers may include, but not be limited to, non-merchandising facilities, post offices, movie theaters, restaurants, banks, health clubs, recreational facilities and the like.

“Service Stations” are uses where the primary business is the fueling of motor vehicles, although they may have facilities for servicing and repairing motor vehicles, but do not contain convenience markets. Assessments are based on the trip generation rate per pumping station.

“Single Family Attached” refers to a residential structure consisting of single-family units that have at least one other single-family owned unit within the same building structure. Units are positioned side-by-side and not above or below other units. Townhouses are typical examples of this land use.

“Single Family Detached” refers to a building for residential use containing a single dwelling unit, which is separated from all other dwellings by open space (on an individual lot).

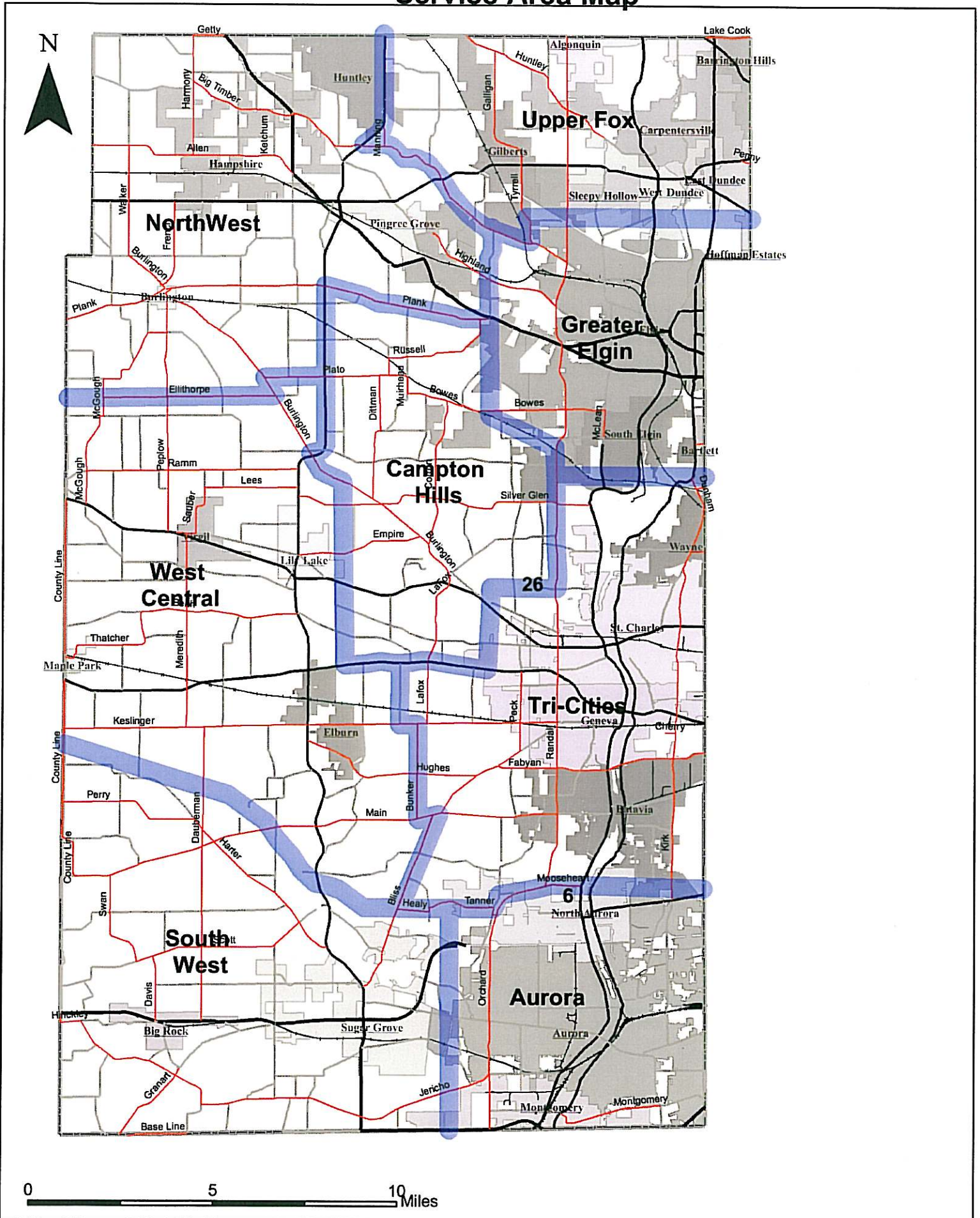
“Supermarket” means retail stores selling a complete assortment of food, food preparation and wrapping materials, and household cleaning and servicing items. Supermarkets may also contain facilities such as money machines, photo centers, pharmacies, branch banks and video rental areas.

“Vehicle fueling position” is defined by the number of vehicles that can be fueled simultaneously at a service station.

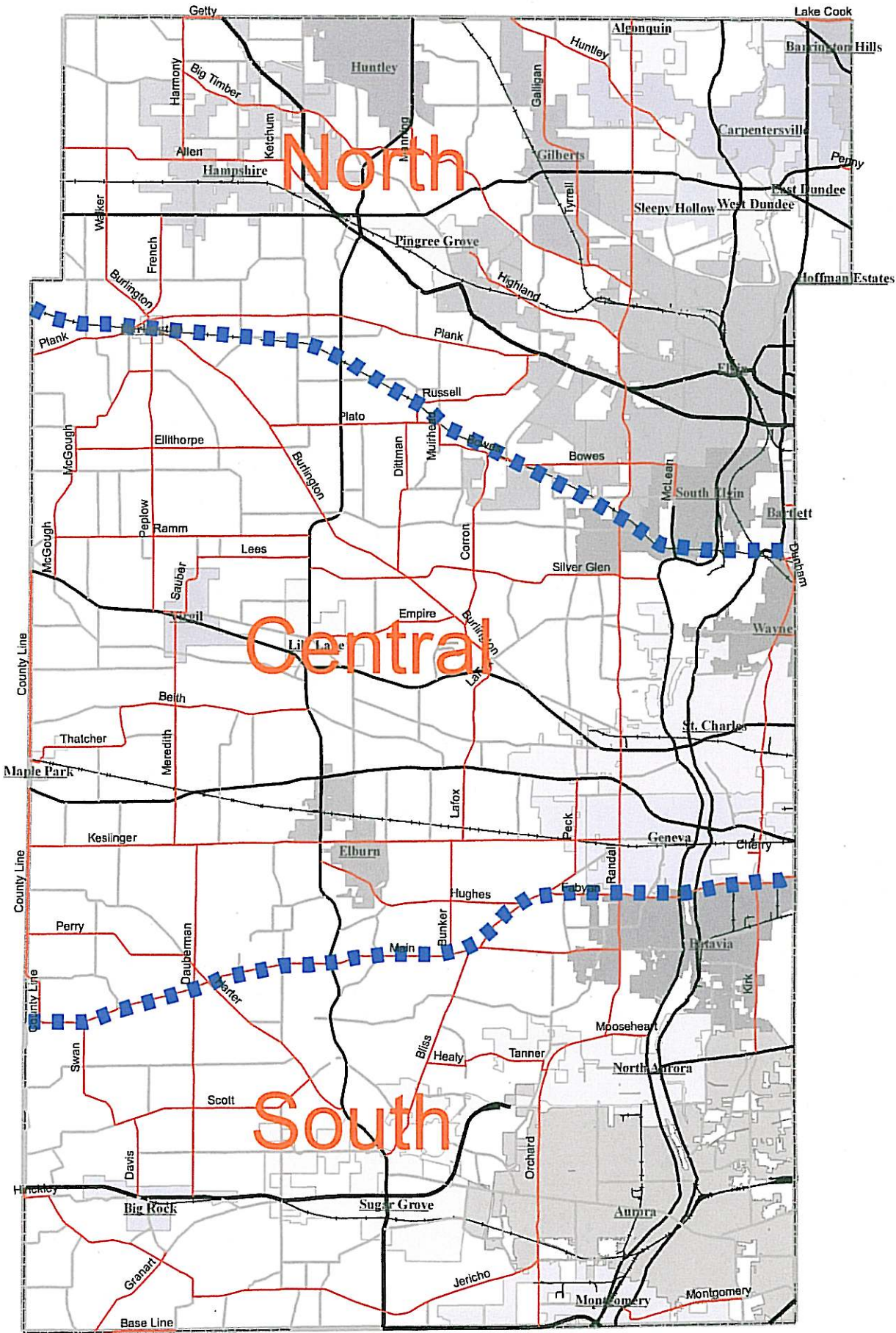
“Warehouses and Distribution Terminals” means uses that are primarily devoted to the storage of material. They may include office and maintenance area(s). Distribution terminals are used for the storage of manufactured goods prior to their distribution to retail outlets or service industries.

Appendix 3 – Maps

Ordinance 04-22 Service Area Map



Ordinance 07-232 Service Area Map



Appendix 4 – Fee Schedules

Kane County Road Impact Fees
Schedule of Fees (2004)

Land Use Category	Fee Per	Net Fee* (2004)							
		Aurora Area	Campton Hills	Greater Elgin	Northwest	Southwest	Tri-Cities	Upper Fox	West Central
Residential									
Single Family Detached	Dwelling Unit	\$156	\$1,780	\$297	\$424	\$965	\$1,249	\$356	\$297
Single Family Attached	Dwelling Unit	\$73	\$938	\$148	\$214	\$503	\$656	\$179	\$144
Multi-family Attached	Dwelling Unit	\$94	\$1,087	\$180	\$256	\$587	\$764	\$216	\$176
Commercial Retail									
1-50,000 sf	1,000 sf (1)	\$307	\$919	\$598	\$173	\$1,208	\$1,952	\$568	\$301
50,001-300,000 sf	1,000 sf (1)	\$412	\$1,200	\$796	\$225	\$1,614	\$2,668	\$756	\$409
300,001-1,000,000 sf	1,000 sf (1)	\$436	\$1,275	\$851	\$235	\$1,718	\$2,828	\$792	\$437
more than 1,000,000 sf	1,000 sf (1)	\$483	\$1,411	\$922	\$262	\$1,865	\$3,058	\$860	\$474
Supermarket	1,000 sf (1)	\$552	\$1,625	\$1,072	\$302	\$2,180	\$3,618	\$1,018	\$544
Convenience Market	1,000 sf (1)	\$1,661	\$5,226	\$3,326	\$946	\$6,790	\$11,145	\$3,152	\$1,571
Service Station	Veh Fuel Pos	\$473	\$1,433	\$927	\$268	\$1,878	\$3,046	\$880	\$459
Commercial Office									
General Office (all sizes)	1,000 sf (2)	\$444	\$2,492	\$928	\$639	\$1,604	\$3,037	\$834	\$483
Medical-Dental Office	1,000 sf (2)	\$1,058	\$6,072	\$2,238	\$1,528	\$3,888	\$7,416	\$2,009	\$1,134
Office Park	1,000 sf (2)	\$447	\$2,508	\$934	\$643	\$1,614	\$3,057	\$839	\$486
Business Park	1,000 sf (2)	\$373	\$2,140	\$788	\$538	\$1,370	\$2,614	\$708	\$399
Commercial Industrial									
Warehousing/Distribution Terminal	1,000 sf (2)	\$147	\$846	\$312	\$213	\$542	\$1,033	\$280	\$158
Light Industrial/Ind Park	1,000 sf (2)	\$293	\$1,640	\$612	\$422	\$1,057	\$1,999	\$550	\$320
Commercial Restaurant									
Fast Food	1,000 sf (2)	\$1,064	\$3,157	\$1,799	\$1,150	\$4,846	\$6,119	\$1,303	\$182
Other Restaurant	1,000 sf (2)	\$653	\$1,871	\$1,128	\$697	\$2,915	\$3,608	\$765	\$121
Commercial Service									
Day Care	1,000 sf (2)	\$210	\$719	\$259	\$94	\$301	\$1,133	\$361	\$231
Hospital	Bed	\$296	\$1,882	\$639	\$241	\$925	\$2,060	\$568	\$312
Nursing Home	Bed	\$46	\$304	\$101	\$37	\$148	\$334	\$90	\$47
Hotel/Motel	Room	\$132	\$904	\$297	\$109	\$437	\$996	\$263	\$132

(1) Gross Leasable Floor Area
 (2) Gross Floor Area

* Does not include improvement credits
 NOTE: Not all land uses included in fee schedule. For more information on how fees are determined for development of a land use category not appearing in this fee schedule see the Kane County Road Impact Fee Ordinance or the Kane County Procedures Guide for Road Impact Fees.

Exhibit B: Impact Fee Schedule in Effect July 1, 2008 through June 30, 2010

Land Use	Impact Unit	Gross Impact Fee (\$) per Impact Unit			Reduced Impact Fee (\$) per Impact Unit*		
		North	Central	South	North	Central	South
Single Family Detached	Dwelling Unit	4,926	4,869	4,792	1,970	1,948	1,917
Single Family Attached	Dwelling Unit	3,804	3,760	3,701	1,522	1,504	1,480
Multi Family Attached	Dwelling Unit	3,024	2,989	2,942	1,210	1,196	1,177
Age Restricted Housing	Dwelling Unit	1,609	1,591	1,566	644	636	626
Retail 1-50,000 s.f.	1,000 s.f.	7,827	7,737	7,615	3,131	3,095	3,046
Retail 50,000-300,000 s.f.	1,000 s.f.	11,368	11,238	11,061	4,547	4,495	4,424
Retail 300,000-1,000,000 s.f.	1,000 s.f.	8,233	8,138	8,010	3,293	3,255	3,204
Retail over 1,000,000 s.f.	1,000 s.f.	6,867	6,788	6,681	2,747	2,715	2,672
Supermarket	1,000 s.f.	15,289	15,114	14,876	6,116	6,046	5,950
Convenience Market	1,000 s.f.	38,341	37,900	37,303	15,336	15,160	14,921
Service Station	Fueling Position	10,139	10,023	9,865	4,056	4,009	3,946
General Office	1,000 s.f.	7,267	7,183	7,070	2,907	2,873	2,828
Medical-Dental Office	1,000 s.f.	18,142	17,934	17,651	7,257	7,174	7,060
Office Park	1,000 s.f.	7,316	7,232	7,118	2,926	2,893	2,847
Business Park	1,000 s.f.	6,291	6,219	6,121	2,516	2,488	2,448
Warehousing/Distribution Terminal	1,000 s.f.	2,877	2,844	2,800	1,151	1,138	1,120
Light Industrial/Industrial Park	1,000 s.f.	4,487	4,435	4,365	1,795	1,774	1,746
Fast Food Restaurant	1,000 s.f.	16,894	16,700	16,437	6,758	6,680	6,575
Other Restaurant	1,000 s.f.	9,132	9,027	8,885	3,653	3,611	3,554
Day Care	1,000 s.f.	6,428	6,354	6,254	2,571	2,542	2,502
Hospital	Bed	6,340	6,267	6,169	2,536	2,507	2,468
Nursing Home	Bed	1,073	1,061	1,044	429	424	418
Hotel/Motel	Room	2,292	2,266	2,230	917	906	892
Religious Institution	1,000 s.f.	3,219	3,182	3,132	1,288	1,273	1,253

Appendix 5 – Standard Agreements

KANE COUNTY

DIVISION of TRANSPORTATION

Carl Schoedel, P.E.
 Director of Transportation
 County Engineer



41W011 Burlington Road
 St. Charles, IL 60175
 Phone: (630) 845-3799
 Fax: (630) 587-2474
www.co.kane.il.us

DATE, 2009

DEVELOPER
 ADDRESS

RE: Kane County Impact Fee – DEVELOPMENT NAME
 SITE ADDRESS P.I.N. #XX-XX-XXX-XXX
 Contingency Fee Payment Agreement
 Tri-Cities Service Area

Dear Mr. DEVELOPER:

Pursuant to the terms and provisions of Kane County Ordinance # 07-232 approved by the Kane County Board on June 14, 2007, the following Contingency Fee Agreement is made between DEVELOPER (“Company”) and the Kane County Division of Transportation (“County”):

- A. The Contingency Fee Payment Agreement executed by the Company for its proposed (LAND USE) building(s) located at SITE ADDRESS, in the CITY/VILLAGE of _____, Kane County, Illinois will be in effect from DATE, 2008 until an initial certificate of occupancy has been issued for each said unit in the building in question.
- B. The Company acknowledges that until such time as the occupancy permits for each (Land Use) unit is issued by the CITY/VILLAGE of _____, land-use for the subject property is zoned _____ under the CITY/VILLAGE of _____’s zoning ordinance and is anticipated to be (Land Use) under the Kane County Road Impact Fee Ordinance schedule of fees which is appended hereto at Exhibit “B” and referred to as “Fee Schedule”.
- C. The roadway impact fees are being paid in accordance with the following land uses for this development and may increase or decrease based on the actual build out of the various units :

Land Use	No. of Units	Fee Per Unit	Total Fee Due
Single Family Detached	()		
Single Family Attached	()		
Multi-Family	()		
Land Use	Square Footage	Fee Per 1,000 s.f.	Total Fee Due

Retail ()

NEED A LIST OF ALL LAND USES

PROPOSED

D. When the developer applies for a building permit he shall also submit the necessary forms to the County for issuance of an impact fee receipt to enable the CITY/VILLAGE of _____ to issue building permits for the subject property and indemnifies and holds it harmless as to any actions, claims or lawsuits commenced relating to the issuance of the building permit for the building shell.

F. The County acknowledges receipt of \$X, XXX.XX, (check # _____) from the Company as and for fees calculated under land-use categories as referred to in paragraph C and in accordance with the current Fee Schedule. In the event the land-use classification for an individual unit changes from (Land Use) to a higher use category under the Fee Schedule prior to or at the time that the first certificate of occupancy is issued by the CITY/VILLAGE of _____, the Company shall pay the incremental increase in fee above the (LAND USE) Land Use rate according to the fee schedule in effect at that time. The security for this agreement shall be in the form of a PROMISSORY NOTE to be filed with the County Recorder, effective _____ and expiration date as provided in subparagraph A. Except for units owned and leased by the Company, the Company shall have no obligation or responsibility to the County for any change in use of an individual unit from and after the issuance of said certificate of occupancy.

Agreed to on this date, _____, 2009.

Jerry Dickson
Kane County Impact Fee Coordinator

Signature
Company Name

Witness

Witness

Return Document To:

County of Kane
Division of Transportation
41W011 Burlington Road
St. Charles, Illinois 60175

Impact Fee Prepayment Agreement

-- --

This Agreement is entered into this ___ *date* ___ day of ___ *month* ___, 20___*year*___, by and between the County of Kane, a body corporate and politic of the State of Illinois, of 719 South Batavia, Avenue, Geneva, Illinois 60134 (hereinafter referred to as the "County"), and ___*name of applicant*___, a(n) ___*type of entity and state where registered*___ located at ___*no. street, city, state, zip*___, (hereinafter referred to as the "Applicant"). The Applicant and the County are hereinafter collectively referred to as the "Parties".

WHEREAS, the Applicant has submitted an Impact Fee Application, (Application No. ___), (hereinafter the "Application") for the assessment of Road Improvement Impact Fees assessed pursuant to the Application (hereinafter referred to as the "Impact Fees") in accordance with the requirements of the Kane County Road Improvement Impact Fee Ordinance No. 07-232 as may be from time to time amended, (hereinafter the "Ordinance"). The Application is incorporated into and made a part of this Agreement by reference thereto; and

WHEREAS, the Applicant and the County desire to enter into this Impact Fee Prepayment Agreement (hereinafter referred to as the "Agreement") to allow for the prepayment, by the Applicant, of Impact Fees pursuant to the Application and to define the rights and obligations of the Parties pursuant to the Ordinance.

Therefore, in consideration of the above stated preambles and for good and valuable consideration, the sufficiency of which is agreed to by the Parties, the County and the Applicant covenant, agree and bind themselves as follows, to wit:

1. The Parties acknowledge and agree that the preambles set forth hereinabove are incorporated into and made a part of this Agreement.
2. This Agreement covers the new development commonly known as ___*name of new development*___ (hereinafter the "Development") for which the Applicant received site specific development approval (as defined in the Ordinance) from ___*city/village zoning authority*___ on ___*approval date*___. The document which granted Site Specific Development Approval for the Development (hereinafter referred to as the "Development Plan"), is attached hereto as Exhibit 1 and is hereby made a part of this Agreement. Unless a portion of the Development is specifically excluded, this Agreement applies to the entire area covered by the Development Plan.
3. In accordance with the Development Plan and the Ordinance, the Impact Fees to be paid on the Development covered by this Agreement shall be as follows:

Residential Land Uses	No. of Units	Impact Fee Per Unit	Impact Fee Assessed
Single Family Detached			
Single Family Attached			
Multi-Family Attached			
Age-Restricted Housing			

Subtotal			
----------	--	--	--

Non-Residential Land Uses	Gross Square Ft.	Impact Fee Per Square Ft.	Impact Fee Assessed
Subtotal			
Total Impact Fees Assessed			

4. The County acknowledges receipt of ___ *prepaid Impact Fees amount* ___ (Check No. ___) from the Applicant as and for payment in full of the Impact Fees assessed against the Development depicted on the Development Plan pursuant to the Application. Prior to the Applicant applying for a building permit for each of the buildings covered under this Agreement and as set forth in the Development Plan, the Applicant shall also submit an Impact Fee Application to the County for issuance of an Impact Fee Receipt to enable the Applicant to obtain a building permit for each said building. The Impact Fee Application shall reference the Impact Fee Prepayment Agreement Number assigned to this Agreement. This Agreement shall have no force or affect unless or until the prepayment to the County of the Total Impact Fees Assessed as set forth in Paragraph No. 3.

5. Upon receipt of an Impact Fee Application referencing this Agreement from the Applicant for a building in the Development, the County will verify that the Development described in the Impact Fee Application is covered under this Agreement and that the total number of residential units and square feet of various non-residential land uses for which Impact Fee Applications have been previously received do not exceed the amounts in Paragraph No. 3 of this Agreement to determine if the Impact Fees for the Development described in the Impact Fee Application has already been paid pursuant to this Agreement. If the County determines that the Impact Fees have been previously paid pursuant to this Agreement, a receipt will be issued to the Applicant for said building indicating the payment of the Impact Fee.

6. The Applicant agrees to indemnify and hold harmless the County relative to any causes of action, claims or lawsuits in any way relating to or arising from the issuance or the failure of issuance of a building permit for any building in the Development.

7. The County and the Applicant acknowledge and agree that the Development may, at some time in the future, be modified from that depicted on the Development Plan. If the Development Plan is modified to reduce the number of residential units of any type, or to reduce the number of square feet of non-residential new development of any type, the County will upon request by the Applicant, issue a prorated refund of the Impact Fee previously paid for residential units or non-residential square feet eliminated from the Development Plan. If the Development Plan is modified at any time (including after a modification resulting in an Impact Fee refund), to increase the number of residential units of any type, or to increase the number of square feet of non-residential new development of any type, this Impact Fee Prepayment Agreement shall not apply to said future additional residential units or non-residential square feet of building, which shall be assessed an Impact Fee pursuant to the Ordinance in effect at the time that the amendment to

the Development Plan is approved by the city/village zoning authority.

8. The County shall provide to the Applicant an annual accounting of the Application covered under this Agreement and the Applicant shall promptly and in writing advise the County of any disagreement with the annual accounting.
9. This Agreement embodies the whole understanding of the Parties. There are no promises, terms, conditions, or obligations other than those contained herein. This Agreement supersedes all previous communications, representations, and agreements, either verbal or written, between the Parties concerning the Development described herein.
10. This Agreement shall inure to the benefit of and be binding upon the Applicant and the County and their respective successors, assignees and grantees.

IN WITNESS WHEREOF, the undersigned Applicant and the County, have caused this Agreement to be duly executed.

KANE COUNTY:

The County of Kane

APPLICANT:

name of applicant

By: _____
Carl R. Schoedel, PE
County Engineer/Director of
Transportation

By: _____
name
title

Charitable Organization Impact Fee Discount Agreement

No. - ____

This Agreement is entered into this ___(date)___ day of ___(month)___, 20___(year)___, by and between the County of Kane, a body corporate and politic of the State of Illinois, 719 South Batavia Avenue, Geneva, Illinois 60134, (hereinafter referred to as the "County"), and ___applicant's name as appearing on 501(c)(3) designation___, a ___indicate the type of entity and the state where it's registered___, located at ___address___, (hereinafter referred to as the "Applicant"). The County and the Applicant are sometimes collectively referred to as the "Parties"; and

WHEREAS, The Applicant has submitted an Impact Fee Application [Application No. ___] for the assessment of Road Improvement Impact Fees in accordance with the requirements of the Kane County Road Improvement Impact Fee Ordinance No. 07-232, (hereinafter the "Ordinance"); and

WHEREAS, The Applicant has provided to the County evidence that the Applicant has been certified by the United States Internal Revenue Service as a 501(c)(3) charitable organization and is otherwise qualified for the charitable organization discount in the Ordinance; and

WHEREAS, The Applicant and the County desire to enter into this Agreement to define the rights and obligations of the Parties pursuant to the Ordinance.

Now Therefore, for good and valuable consideration, the sufficiency of which is agreed to by the Parties, the County and the Applicant covenant, agree and bind themselves as follows, to wit:

1. The Parties acknowledge and agree that the above stated preambles and the Ordinance are incorporated into and made a part of this Agreement
2. This Charitable Organization Impact Fee Discount Agreement covers the new development commonly known as ___new development name___ (hereinafter the "Development") for which the Applicant or Applicant's predecessor in title/interest received site specific development approval (as defined in the Ordinance) from ___zoning authority - city - village___ on ___date of approval of the Development's plan___ . The document which granted Site Specific Development Approval for the Development (hereinafter referred to as the "(Development Plan)"), is attached hereto as Exhibit 1 and is incorporated into and hereby made a part of this Agreement. Unless a portion of the Development is otherwise specifically excluded, this Agreement covers the entire area covered by the Development Plan.
3. [Optional] The Applicant has previously received a charitable organization discount for new development on the same site as the Development, which generated an estimated ___number of peak hour trips___ or ___PM peak hour trips___.
4. In accordance with the Development Plan and the Technical Specifications provided in the Ordinance, the estimated number of new trips to be generated by the Development covered by this Agreement is as follows:

Residential Land Uses	No. of Units	New Trips per Unit	New Trips
Single Family Detached			
Single Family Attached			
Multi-Family Attached			
Age-Restricted Housing			
Subtotal			

Non-Residential Land Uses	Gross Square Ft.	New Trips Per Square Ft.	New Trips
Subtotal			
Total New Trips			

5. The impact fee assessed on the Development shall be as follows:

Trips previously generated on site		
Total new trips	+	
Total trips on site		
Total allowable trip discount	-	50.0
Remaining new trips for impact fee		
Impact fee per trip (Ordinance Exhibit D)	x	
Discounted gross impact fee		
Impact fee multiplier (Ordinance Exhibit C)	x	
Impact fee due		

6. The Applicant agrees that the Development that is the subject to this Agreement will be solely owned and solely occupied by the Applicant for a period of at least ten (10) years from the date of this Agreement. The Applicant shall annually submit to the County a copy of appropriate documentation including a copy of the Applicant's United States Internal Revenue Service as a 501(c)(3) charitable organization, certifying the Applicant's continued eligibility to receive this charitable organization discount in accordance with the Ordinance.

7. The Applicant agrees that if the Development that is the subject to this Agreement ceases to be solely owned and solely occupied by the Applicant at any time during the ten year period following execution of this Agreement, the Applicant shall immediately notify the County and the Applicant or the Applicant's successor in title or interest to the Development, shall immediately pay to the County an impact fee to be determined as follows:

Total new trips (from paragraph 4)		
Impact fee per trip (Ordinance Exhibit D)	x	
Discounted gross impact fee (from paragraph 4)	-	
Impact fee multiplier (Ordinance Exhibit C)	x	
Impact fee due		

The impact fee per trip and impact fee multiplier used in this calculation shall be those in effect as of the date the Development that is the subject of this Agreement ceases to be solely owned and solely occupied by the Applicant.

The Parties acknowledge and agree that any sums owed to the County pursuant to this Paragraph No. 7 shall be a lien on the Development and the real estate comprising the Development.

- 8. This Agreement embodies the entire understanding of the Parties. There are no promises, terms, conditions, or obligations other than those contained herein. This Agreement supersedes all previous communications, representations, and agreements, either verbal or written, between the Parties concerning the new development described herein.
- 9. This Agreement shall inure to the benefit of and be binding upon the Applicant and the County and their respective successors, assignees and grantees. The Parties acknowledge and agree that either this Agreement or a memorandum of this Agreement shall be recorded by the County in the Office of the Kane County.

IN WITNESS WHEREOF, the undersigned Applicant and the County have caused this Agreement to

KANE COUNTY:

APPLICANT:

The County of Kane

____ name of applicant ____

By: _____
Carl R. Schoedel, PE
County Engineer/Director of Transportation

By: _____
Name
Title

State of Illinois)
) ss
County of Kane)

I, the undersigned, a Notary Public in and for aforesaid County and State, do hereby certify that _____ signatory_____ the _____ signatory's title_____ of _____ organization's name_____ personally known to me to be same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he/she signed, sealed and delivered the said instrument as their free and voluntary act for the uses and purposes therein set forth.

Given under my hand and official seal this _____ day of _____, 2009.

Seal

Notary Public

Impact Fee Improvement Credit Agreement

_____ - _____

This Agreement is entered into this ___date___ day of ___month___ 20 ___year___, by and between the County of Kane, a body corporate and politic of the State of Illinois, of 719 South Batavia Avenue, Geneva, Illinois 60134 (hereinafter referred to as the "County") and ___name of applicant___, a(n) ___type of entity and state where registered___ located at ___no., street, city, state, zip___, (hereinafter referred to as the "Applicant"). The Applicant and the County are hereinafter collectively referred to as the "Parties".

WHEREAS, the Applicant plans to initiate "New Development" as defined in the Kane County Road Improvement Impact Fee Ordinance No. 07-232 as may be from time to time amended, (hereinafter referred to as the "Ordinance"); and

WHEREAS, this Agreement covers the New Development commonly known as ___name of new development___ (hereinafter the "Development") for which the Applicant received site specific development approval (as defined in the Ordinance) from ___city/village zoning authority___ on ___approval date___.

WHEREAS, the Applicant desires to make a contribution (the construction of improvements or a conveyance of land) to be accepted by the County for highway improvements; and

WHEREAS, the Kane County Engineer (hereinafter the "County Engineer") has determined that the Applicant's proposed contribution or a portion thereof, is a "System Improvement" as defined by the Ordinance; and

WHEREAS, the Applicant has requested that the County grant to the Applicant "Improvement Credits" as defined by the Ordinance for the contribution of said System Improvement; and

WHEREAS, the County Engineer has approved the plans for and/or has determined the value of the contribution or part thereof determined to be a System Improvement; and

WHEREAS, the Applicant and the County desire to enter into this Impact Fee Improvement Credit Agreement (hereinafter referred to as the "Agreement") to determine the amount of the Improvement Credits to be granted to the Applicant by the County for that part of the Development constituting a System Improvement and to define the rights and obligations of the Parties pursuant to the Ordinance.

Therefore, in consideration of the above stated preambles and for good and valuable consideration, the sufficiency of which is agreed to by the Parties, the County and the Applicant covenant, agree and bind themselves as follows, to wit:

1. The Parties acknowledge and agree that the preambles as set forth hereinabove are incorporated into and made a part of this Agreement.
2. The contribution or the part thereof that constitutes a System Improvement pursuant to the Agreement is described in Exhibit A, which exhibit is attached hereto and incorporated herein by reference.
3. The value of the contribution or the portion thereof that qualifies as a System Improvement is provided in Exhibit B (hereinafter the "cost estimate"), which exhibit is attached hereto and incorporated herein by reference.
4. The Applicant shall complete the contribution to the satisfaction of the County Engineer.
5. Upon completion of the contribution as specified in Exhibit A to the satisfaction of the County Engineer, the County shall accept in writing the completed contribution, The County's acceptance of the contribution shall not be unreasonably withheld.
6. Upon acceptance by the County of the contribution, the County shall grant an Improvement Credit in the amount of the cost estimate against future Kane County Road Improvement Impact Fees (hereinafter referred to as the "Impact Fees") assessed against the Development as more particularly described in Exhibit C, which exhibit is attached hereto and incorporated herein by reference. Impact Fees previously paid to the County for the Development may be refunded to the Applicant subject and limited to the value of the Improvement Credits granted for the Development.
7. The Kane County Division of Transportation (hereinafter referred to as "KDOT") shall maintain an accounting of Improvement Credits granted to the Applicant and applied against Impact Fee assessments on the Development pursuant to this Agreement, and shall provide a copy of the accounting to the Applicant on an annual basis.
8. Improvement Credits will be applied against Impact Fees due from the Applicant on other New Development in the following manner.
 - a. The Applicant shall indicate on the Impact Fee Application that Impact Fees assessed will be paid by utilizing previously granted Improvement Credits and shall indicate the Impact Fee Improvement Credit Agreement number.
 - b. For each portion of an Improvement Credit to be applied against an Impact Fee due on New Development, KDOT shall calculate the gross Impact Fee in accordance with either Exhibit B of the Ordinance or in accordance with Section Eleven of the Ordinance. The remaining Improvement Credit

balance shall be reduced by the gross Impact Fee for the New Development. The Impact Fee Receipt shall note that the Impact Fees were paid through application of Improvement Credits and the amount of Improvement Credit expended.

- c. If the Improvement Credits are insufficient to cover the gross Impact Fee for the New Development, the remaining gross Impact Fee shall be multiplied by the Impact Fee multiplier then in effect and the Applicant notified of the Impact Fee due.
9. The Applicant may assign the Improvement Credits granted under this Agreement, or a portion thereof, to another person or entity by providing written notice to KDOT. Such notice shall identify the amount of the Impact Fee Credits to be assigned and the New Development to which the Impact fee Credits are to be applied. Improvement Credits shall not be assigned to New Development that is located outside the ___*North/Central/South*___ Service Area. Any Improvement Credits assigned by the Applicant shall be utilized in accordance with the requirements of this Agreement.
 10. Improvement Credits granted pursuant to this Agreement shall only be used to offset Impact Fees assessed by the County for New Development in the ___*North/Central/South*___ Service Area.
 11. Unused Improvement Credits granted to the Applicant pursuant to this Agreement shall expire five (5) years from the date of acceptance thereof .by the County.
 12. This Agreement does not relieve the Applicant of the permit regulations or other right of way requirements of KDOT.
 13. This Agreement embodies the entire understanding of the Parties. There are no other promises, terms, conditions or obligations other than those contained herein. This Agreement supersedes all previous communications, representations, and agreements, either verbal or written, between the Parties.
 14. The Improvement Credits granted pursuant to this Agreement shall not exceed the amount of ___*amount of Improvement Credit*___ dollars in Improvement Credits.

IN WITNESS WHEREOF, the undersigned Applicant and the County of Kane, have caused this Agreement to be duly executed.

KANE COUNTY:

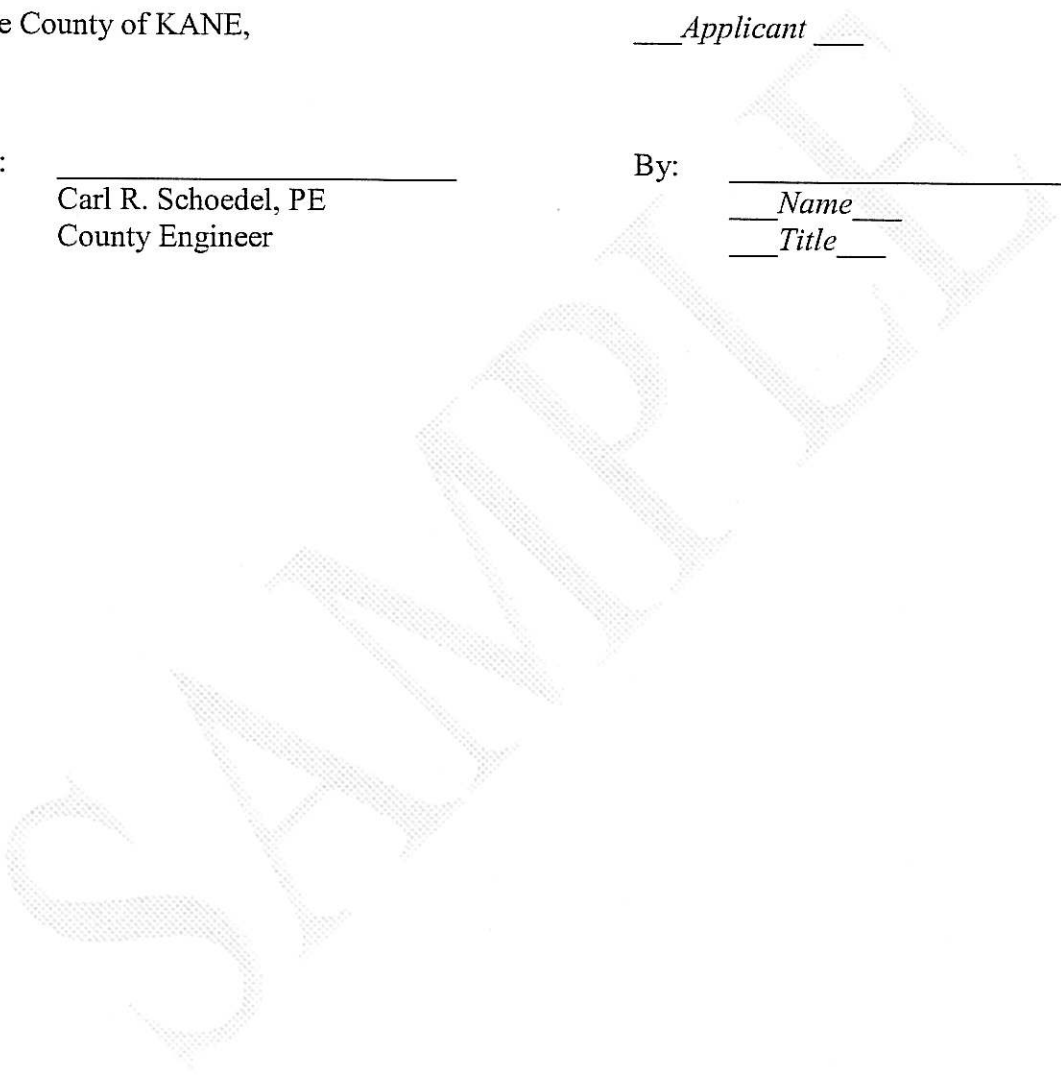
APPLICANT:

The County of KANE,

Applicant

By: _____
Carl R. Schoedel, PE
County Engineer

By: _____
Name
Title



AFFORDABLE HOUSING COVENANT

UNDER CONSTRUCTION