
Kane County, Illinois
Division of Transportation

**Procedures Guide for Road
Impact Fees**

March 24, 2004

KANE COUNTY

DIVISION of TRANSPORTATION

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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 #04-22, 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, appearing to read 'Carl Schoedel', is written over a horizontal line.

Carl Schoedel, PE
County Engineer

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Section 1: Procedure for Assessment and Payment of Road Impact Fee

This section of the document describes the steps developers must follow to comply with the Kane County Road Impact Fee Ordinance (04-22). For details regarding the imposition of impact fees refer to the Kane County Road Impact Fee Ordinance.

All road impact fee assessments and payments are made at the Kane County Division of Transportation offices located at 41W011 Burlington Rd, St. Charles, IL.

1.1 Assessment and Payment Procedure

The following steps should be followed for assessment and payment of road impact fees for both residential and non-residential development prior to issuance of a building permit.

Step 1 – Obtain and complete the Kane County Road Impact Fee Application. Application forms may be obtained at the Kane County Division of Transportation offices and web site (<http://www.co.kane.il.us/dot/roadimpact/roadimpact.htm/>). The application is also included in this document.

Residential developments must include the following as part of the application:

- Permanent Parcel Index Number of the property (Tax ID Number)
- Plat of Survey (returned to applicant upon fee payment)

Non-Residential developments must include the following as part of the application:

- Permanent Parcel Index Number of the property (Tax ID Number)
- Plat of Survey (returned to applicant upon fee payment)
- Full-sized blueprints (architectural sheets only – returned to applicant upon fee payment)
- Signed and sealed letter from architect verifying square footage of structure to be built (gross leasable area for retail, gross floor area for all others).

If the building for which the application is being submitted is a replacement, then the Kane County Division of Transportation also requires demolition information. This information is used to determine demolition credits as described in Section 13 of the Road Impact Fee Ordinance.

To apply for improvement credits, a written request to enter into an improvement credit agreement must be submitted. See section 1.2 below for more on information required to initiate process of improvement credits determination.

Traffic impact studies are not required but may be requested for certain developments.

Step 2 – Upon receipt of the road impact fee application, Division of Transportation staff will determine if all pertinent information has been provided within 10 working days. If additional documentation is required, a written statement specifying the deficiencies will be mailed to the applicant to the address entered on the application. The County will not retain partial applications, incomplete applications will be

returned to the applicant. Until deficiencies are corrected, the County will not take any further action on the application.

Once the application has been completed and all accompanying documentation has been received, the Kane County Division of Transportation staff will calculate the appropriate fee based on land use and fee district.

If the development's land use category is not one included in the road impact fee schedule, the applicant may accept the fee calculation performed by the Kane County Division of Transportation staff or may choose to provide an individual assessment of impact fees. See Section 1.3 below for more information on individual assessments. Additionally, even if an applicant asks the County to calculate the fee, the Ordinance defines an appeals process that may be initiated by the applicant. See Section 1.4 below for more information on the appeals process.

Step 3 - The Kane County Division of Transportation staff will notify the applicant once the application has been processed. Once the application is processed, the impact fee can be paid. Fee payment must be in the form of personal, business, or certified check.

Under certain circumstances, and at the discretion of Kane County, the fee payer may enter into an impact fee agreement, which may provide for the fee to be paid in installments. Exhibit D is a sample road impact fee agreement. Applications are normally processed within ten (10) working days of receipt of all required documents.

At the time of pickup and acceptance of the impact fee agreement (if applicable), the applicant is required to pay the appropriate fee. Receipts are issued upon payment. Receipt of road impact fee payment are then used by the developer to show the municipal or county building departments that fees have been paid in full.
Municipal building departments may not issue a building permit without proof of payment.

1.2 Improvement Credits Procedure

Developers must initiate the improvement credits application process to enter into an improvement credit agreement with the County, as described in Section 12 of the Road Impact Fee Ordinance.

Step 1 - Submit a written request to the Kane County Division of Transportation to enter into an improvement credit agreement. The request must be accompanied by the following:

A proposed plan of specific road improvements prepared and certified by a duly qualified and licensed Illinois engineer.

The projected costs for the suggested roadway improvements.

Step 2 - Upon receipt of the request for an improvement credit agreement, the Kane County Division of Transportation staff will determine if all pertinent information has been

provided within 10 working days. If additional documentation is required, a written statement specifying the deficiencies will be mailed to the applicant to the address entered on the application. Until deficiencies are corrected, the County will not take any further action on the application.

If the County Engineer determines that either the suggested improvement is not an eligible system improvement or that the proposed costs are not acceptable, staff will notify the developer. Once both parties are in agreement, an improvement credit agreement will be drafted specifically outlining the capital roadway improvements that will be constructed by the developer and the dollar credit applied to the developer's impact fee for construction of the improvements.

Step 3 - Upon acceptance of the improvement credit agreement by all parties, and approval by the Transportation Committee, the agreement will be executed. Agreements for dollar credit values over \$100,000 must first be reviewed and ratified the County Board prior to execution.

1.3 Individual Assessment Procedure

Any person who initiates development may choose to provide an individual assessment of the impacts of the proposed development on roads in the County.

Step 1 - Submit to the Kane County Division of Transportation, a written statement of intent to perform an individual assessment.

Step 2 - Submit individual assessment of fees calculated according to the formula shown in Section 11 of the Road Impact Fee Ordinance. The individual assessment must include the following information.

Proposed trip generation rates for the proposed development on an average daily and peak design hour basis.

Proposed average trip length for trips generated by the proposed development, and, if available, empirical data that specify the percentage of travel made on County Highways by users of the proposed development.

An assessment of the costs of providing a lane-mile with intersection improvements and right-of-way.

Step 3 - Upon receipt of the individual assessment submission, the Kane County Division of Transportation staff will determine if all pertinent information has been provided within 10 working days. If additional documentation is required, a written statement specifying the deficiencies will be mailed to the applicant to the address entered on the application. Until deficiencies are corrected, the County will not take any further action on the application.

Once all required the Kane County Division of Transportation has received information for the individual assessment, the assessment will be reviewed within 15 working days. The Division of Transportation will notify the applicant of the decision to approve or deny the individual assessment application. If the individual assessment is denied, the applicant may appeal the decision.

1.4 Impact Fee Appeals Process

The County Engineer of Kane County may interpret provisions of the Ordinance, the fee schedule, and individual assessments whenever necessary. Any decision by the County Engineer with respect to the Road Impact Fee Program Ordinance may be appealed to the County Board through the Transportation Committee.

Step 1 – Submit a written petition of appeal within 14 calendar days of notice of a decision by the County Engineer. This petition should be submitted to the Chairman of the Kane County Transportation Committee.

Step 2 – The Transportation Committee will schedule consideration of the appeal and notify the fee payer by regular mail of the meeting date. The Transportation Committee will consider written or oral testimony. The Transportation Committee may affirm, reverse, or modify the County Engineer’s decision during the scheduled meeting.

Step 3 – The fee payer may appeal the Transportation Committee decision to the County Board with 14 calendar days of the Committee’s decision by written request for appeal. The County Board will schedule a consideration of the appeal at the next regularly scheduled meeting and render a decision. Failure by the County Board to render a decision within 60 days of the County Board meeting constitutes a denial of the appeal.

Section 2: General Information

Information in this section will help answer common questions about the road impact fee program.

2.1 What is a Road Impact Fee?

All new development in Kane County generates vehicular traffic and will, directly or indirectly, require access to County highways regardless of the location of the new development.

Kane County has determined that it does not have sufficient revenues to ensure that adequate facilities will be in place when needed by new development. Accordingly, on January 13, 2004, The Kane County Board issued the **Kane County Road Impact Fee Ordinance (04-22)**, effective April 1, 2004. The purpose of this ordinance is to ensure that new development that is approved in the county pays a fair share of the road improvements needed to serve new development.

2.2 How are impact fees determined?

Kane County has established eight (8) transportation impact fee service areas (see Exhibit A) and an impact fee schedule (see Exhibit B) for each service area. The transportation impact fee for a specific development is assessed from the schedule using the following land use categories:

<p><u>Residential</u></p> <p>Single Family Detached Single Family Attached Multi-Family Attached</p>	<p><u>Non-residential - Retail</u></p> <p>Retail Stores Supermarkets/Convenience Marts Service Stations</p>
<p><u>Non-residential - Office</u></p> <p>General Office (all sizes) Medical-Dental Office Office Park Business Park</p>	<p><u>Non-residential - Service</u></p> <p>Day Care Hospital Nursing Home Hotel/Motel</p>
<p><u>Non-residential - Industrial</u></p> <p>Light Industrial/Industrial Park Warehousing/Distribution Terminal</p>	<p><u>Non-residential - Restaurant</u></p> <p>Fast Food Other Restaurant</p>

The fees in each service area will differ for some of the following reasons:

Traffic Generation Characteristics of the Land Use

Each of the land use categories listed above has a different traffic generation “profile.” Impact fee rates per thousand square feet or per dwelling unit tend to increase as the traffic generation rates increase. Exceptions do occur for restaurants, day care centers, retail centers and service stations. These uses typically have discounted impact fees because a

high percentage of traffic generated by these uses can be classified as “passby” traffic – traffic that is on its way to other destinations and is already using the existing road system.

Average Trip Length Associated with the Land Use

Average trip length varies by type of land use and service area. Commercial retail, restaurant and service trip lengths are shorter on average than home to work trips. Shorter trip lengths tend to lower the Impact fee rates. Average land use also varies by service area depending on the area’s location and development density within a service area.

Percentage of travel on Kane County highways in the Service Areas

Each Impact fee services area has a different percentage of travel that occurs on roads under Kane County jurisdiction. Areas with higher portion of travel on roads under Kane County jurisdiction compared to all roads in the service area will have higher fees. Areas of the county with a lower portion of travel on County highways will have lower fees.

2.3 How are impact fees determined for a development that does not match a land use category?

In all cases, the land use classification is determined by the County Engineer. He is charged with the authority to determine fair share road impact fees for developments not specifically addressed by the Ordinance.

2.4 Which development types do not pay a road improvement impact fee?

All developers wishing to build a new structure in Kane County must fill out an impact fee application. Some new structures, however, are exempt from impact fees. Structures, such as the following, are exempt from road impact fees:

- Public Schools
- Governmental Buildings
- Post Offices
- Utility Towers
- Switching Stations
- Lift Stations
- Residential Garages
- Tool and Storage Sheds
- Residential Room Additions
- All Parking
- Rail Stations
- Decks/Patios

2.5 Are there ways of reducing my road impact fee payment?

Impact fees may be mitigated or offset through a number of different methods. The most common method would be to enter into an impact fee credit agreement with the DOT. This is typically done when developer enhances the County highway system through right of way dedication or roadway system improvements. Please refer to the Road Impact Fee Ordinance for more information regarding credit agreements.

The second method would be to enter into an impact fee agreement with the DOT. This typically involves having the developer contract with a professional engineering firm registered in the State of Illinois to perform an “Individual Assessment.” This method is usually encouraged when the developer believes that his/her developments is unique in its traffic impact and does not fall into any of the categories on the fee schedule. Procedures for completion of the Individual Assessment are discussed at length in the Road Impact Fee Ordinance.

Finally, as mentioned earlier, impact fees can be offset through demolition credits. Demolition credits only pertain when all or a portion of an existing building is being undertaken as part of the building project for which the impact fee is being paid. Applicants are not eligible for demolition credits without demolition permits from the local building or zoning agency.

2.6 How are my road impact fees used?

Impact Fees are used within the applicant's impact fee service area for add capacity projects. These projects may include lane additions, turning lanes at intersections, acquisition of land or real property for the expansion of the roadway, relocation of existing utilities or drainage in anticipation of new capacity. Impact fees are also used for the design of new roadways, traffic flow enhancement strategies such as traffic signal interconnection and for widening bridges to accommodate new roadway capacity. Impact fees cannot be spent on reconstruction projects, pavement rehabilitation or purely drainage projects. Also, impact fees cannot be used for site related or site access work. All impact fee revenues must be encumbered for use within 5 years of payment.

2.7 If I do not build, how do I get a road impact fee refund?

If the applicant pays an impact fee and then, for any reason, does not build development for which an impact fee application has been filed out, that applicant may request a refund of the impact fee paid. The applicant is required to submit a copy of the impact fee application as well as a letter from the municipal building or zoning department stating that the building permit was withdrawn. The applicant is then required by the County to fill out a payment voucher for his/her refund.

2.8 Are any developments "grandfathered" in and exempt from impact fees?

Projects for which Site Specific Development Approval was granted by a unit of local government between August 19, 2001 and February 19, 2003 are exempt from payment of impact fees, provided a building permit for the development is issued prior to August 19, 2004 [Article 3.13]. If the building permit for the development is not issued on or before August 19, 2004, the development is subject to payment of impact fees. For developments constructed in phases, issuance of an initial building permit does not exempt remaining phases of the development from payment of impact fees. Permits for grading only are not sufficient to exempt a development under this clause.

2.9 What constitutes "Site Specific Development Approval"?

Examples of "Site Specific Development Approval" include a Final Plat of Subdivision, Final PUD Plat, Rezoning, or granting of a Conditional Use, provided that the proposed development conforms to the approval granted. Developers seeking an exemption under this clause must provide evidence (such as official meeting minutes or copies of a recorded plat) that the unit of local government's official governing body (City Council, Village Board, etc.) took final action on the development approval within the above-specified timeframe.

Section 3: Land Use Category Definitions

- 1) "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.
- 2) "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.
- 3) "Day Care Centers" 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
- 4) "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.
- 5) "Gasoline Stations" or "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.
- 6) "Gross Floor Area" 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. Used to determine Commercial Office and Industrial fees. See Institute of Transportation Engineers Trip Generation, 6th.
- 7) "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. Used to determine Commercial Retail fees. See Institute of Transportation Engineers Trip Generation, 6th, User's Guide.
- 8) "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).

- 9) "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."
- 10) "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.
- 11) "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.
- 12) "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.
- 13) "Multi-Family Attached" typically refers to apartments, dwelling units that are located within the same building with units positioned either partially or entirely above or below other units. This includes both low-rise or "walk-up" dwellings and high-rise, multifamily dwellings.
- 14) "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.
- 15) "Office" or "General Office Building" is a building that houses one or more tenants where affairs of businesses, commercial or industrial organization, or professional persona or firms are conducted. If medical services exceed 50% of the gross floor area, then see Medical-Dental Office.
- 16) "Restaurants" means an establishment whose principal business is the dispensing of edible, prepared food and/or beverages for consumption on and off the premises.
- 17) "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.
- 18) "Restaurant - Other" are all other restaurant land uses that do not qualify as fast food restaurant.
- 19) "Retail Commercial" means a single commercial retail outlet or series of retail outlets organized into a center or mall for the distribution of perishable and non-perishable goods. Shopping centers may include, but not be limited to, non-merchandising facilities, post offices, movie theaters, restaurants, banks, health clubs, recreational facilities and the like.
- 20) "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.
- 21) "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).
- 22) "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, and video rental areas.
- 23) "Vehicle fueling position" is defined by the number of vehicles that can be fueled simultaneously at a service station.
- 24) "Warehouses and Distribution Terminals" means uses that are primarily devoted to the storage of materials. They may include office and maintenance area. Distribution terminals are used for the storage of manufactured goods prior to their distribution to retail outlets or service industries.

Exhibit A: Kane County Impact Fee Service Areas

Exhibit B: Schedule of Fees

Exhibit C: Road Impact Fee Application

Exhibit D: Sample Impact Fee Agreement