



# **Staying Ahead of the Storm: Maximizing Local Stormwater Management Efforts**

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# Overview

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- Using Ordinances to Maximize Efficiency
- Intergovernmental Agreements
- Stormwater Utilities

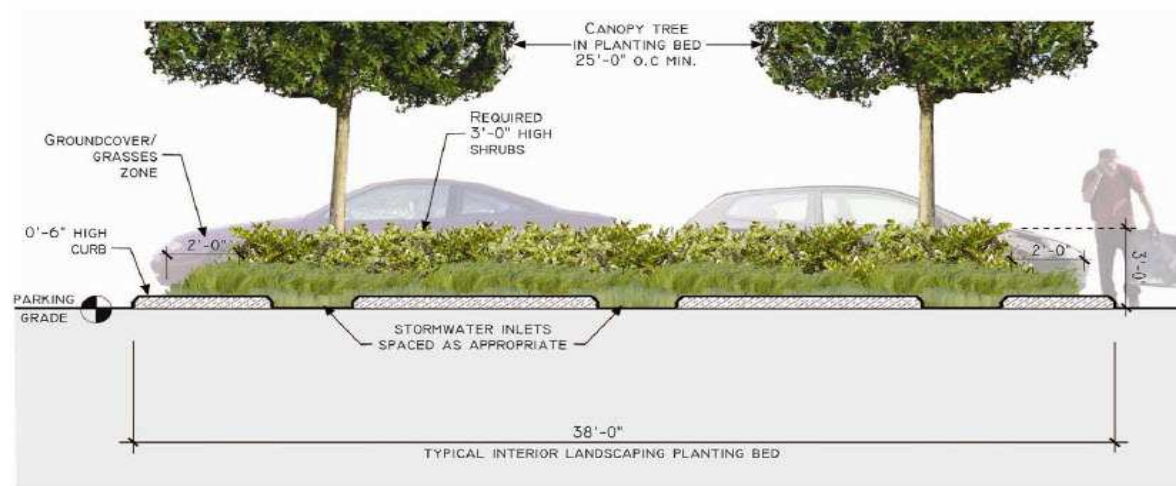


# Strategic Zoning Ordinances: Maximize Efficiency



## STORMWATER RETENTION CELL

Interior landscaping



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# De-Centralized Management

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- Typical Centralized Pollution Prevention :
  - Street Sweeping
  - Curb and Gutter
  
- Alternative De-Centralized Pollution Prevention BMP:
  - On-Site Stormwater Infiltration



# Street Sweeping . . .

## City of Naperville FY08-09: \$210,000

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## .....or On-Site Retention Cost Shifts to Developer

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## IEPA *Prefers* On-Site Retention

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- June 2010: IEPA report urging local governments to focus MS4 permit compliance on green infrastructure practices—such as on-site retention
- August 2010: USEPA report urging on-site retention as an MS4 practice





## Legal Authority: 65 ILCS 5/11-13-1

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- Authority to “regulate and determine the area of open spaces, within and surrounding such buildings,” and “set standards to which . . . structures shall conform.”
- Expressly authorized to use authority to address “the hazards to persons and damage to property resulting from the accumulation or runoff of storm or flood waters.”





## Simple Tactic: Adjust Landscaping Requirements

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### **Tactic:**

Shift Landscaping Requirements in Zoning Code to Focus on Stormwater Retention

### **Benefits:**

- Landscaping Requirements Provide Perfect Mechanism for Increasing On-Site Retention (i.e. Rain Gardens, Bio-Swales)
- Developer already required to set aside areas for landscaping



## Examples: From New York . . .

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NYC Department of City Planning

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## STORMWATER RETENTION CELLS (Bioswales)

Precedent images



### Advantages

- Natural irrigation better ensures planting remains lush and green
- Lower plant material replacement costs
- Most stormwater absorbed on site, less taxation on city sewers
- Natural filter for oil, heavy metals and other pollutants
- Lushness of planting island discourages pedestrian crossing

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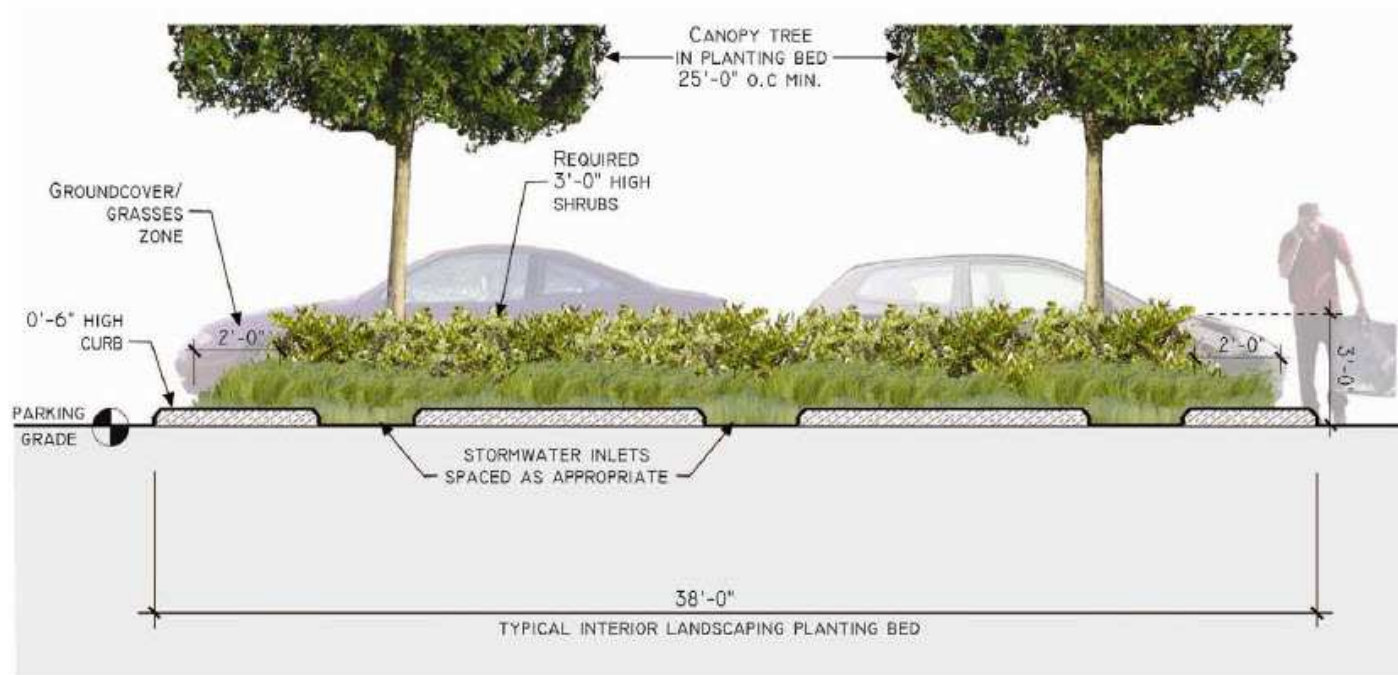
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## STORMWATER RETENTION CELL

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## . . . to Glenview, Illinois



Parking Lot Landscaping Ordinance & Design Guidelines



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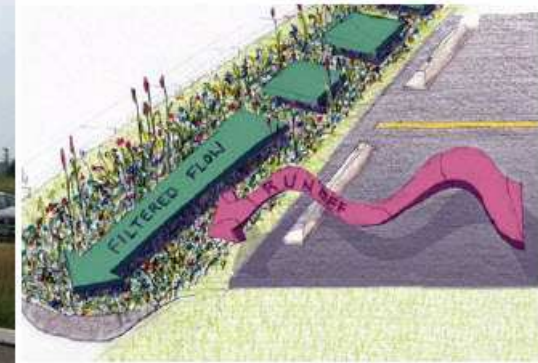
## Design Guidelines

### Bioswale and Rain Garden Design

1. Bioswales convey stormwater from surface parking lots and the surface runoff is filtered and cleaned through native wetland plantings. Bioswales improve water quality by cooling runoff, slowing down runoff and cleaning runoff. Bioswales are encouraged to be designed with approval from the Engineering Division. The vegetation should be a mix of plantings appropriate for the location.
2. Flood-tolerant plants should be used which will remain healthy when used in bioswales.
3. Porous parking lot materials are encouraged to be used as part of the overall parking lot plan.
4. Rain gardens are depressed areas that absorb excess water and slow down the water's flow with native vegetation to release stormwater gradually. Rain gardens are encouraged to be designed with approval from the Engineering Division. Rain gardens provide benefits such as:
  - a. Filtering sediment from storm events at an on-site location close to the source of the run-off
  - b. Reducing flow of pollutants from run-off
  - c. Improving natural aesthetics of impervious areas
  - d. Encourage biodiversity



Bioswales incorporate native wetland plantings for stormwater drainage(1, 3)



Courtesy of Main Street Portage Inc.



Porous parking lot materials incorporated as part of the overall parking lot plan allow storm water to be absorbed gradually (4)







## A Lasting Model for Eliminating Waste

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- Require *Developer* to Control Stormwater
- Build Requirement into Code; Eliminate Conflicts
- Reduce Municipal Services







# Intergovernmental Agreements: A Sum Greater Than Its Parts

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Local governments are expressly authorized to “exercise, combine, transfer, and enjoy jointly” their mutual resources and powers.

Intergovernmental Cooperation Act, 5 ILCS 200/1 *et. seq.*





# Starting Point: Comparative Advantage

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- What do you bring to the table?
- How can partner governments benefit from the other's comparative advantage?

**Examples:** East Urbana; Naperville





# Break Out of the Box:

## Use IGAs to Form a Collective Approach

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- Collective approach to a collective problem
- IGAs are a natural fit for stormwater management
  - Both have no regard for jurisdiction
  - A sum greater than its parts





## Stormwater Utilities: Build a Fund for Proactive Management

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- Like water or electricity, landowners pay a fee for use of the municipality's storm sewer system
- Fee based on the amount of runoff the landowner creates (i.e. amount of impervious surface)
- **Benefits:**
  - Connects cost to source
  - Encourages efficient development
  - Provides a fund for proactive management





# Overview:

## Stormwater Utility Approach

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- Fees are dedicated solely to stormwater management program
  - Create separate fund
- Fees designed to cover annual budget
- Fees based on amount of stormwater runoff.
- “Opt-out” option if stormwater runoff is reduced or eliminated





## Legal Background

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- *Church of Peace v. City of Rock Island*, 357 Ill.App.3d 471 (2005)
  - Distinguishes Fee from Tax
- 65 ILCS 5/11-139-8
  - “The corporate authorities of any municipality. . . may charge the inhabitants thereof a reasonable compensation for the use and service of the . . . sewerage system and to establish rates for that purpose.”





## Why a Stormwater Utility?

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- Stormwater is a major, non-discretionary expense
- Use of tax revenue is unfair and inefficient
- Utility structure promotes efficient management
  - Encourages on-site retention
  - Allows for proactive projects, Green Infrastructure





# Typical Rates

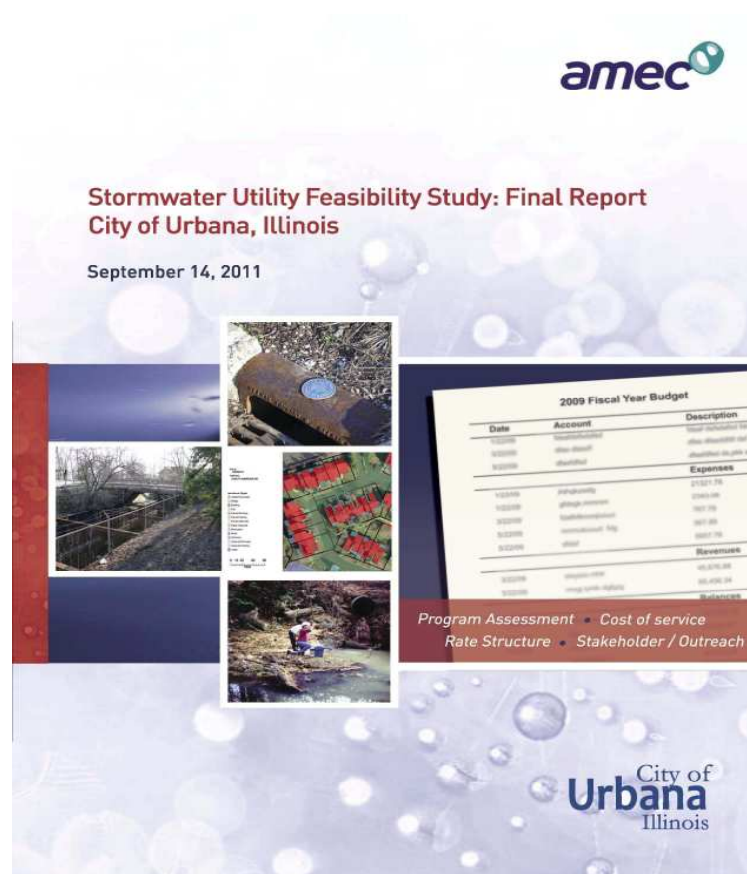
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## Single Family Residential Rates In Illinois City Monthly Rate

Aurora	\$ 3.45
Bloomington	\$ 4.35
Highland Park	\$ 4.00
Moline	\$ 3.75
Morton	\$ 4.74
Normal	\$ 4.60
Richton Park	\$ 5.63
Rock Island	\$ 3.72
Rolling Meadows	\$ 2.76
Champaign	\$ 5.24



# Stormwater Utility Feasibility Study



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# Set Utility Rates

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- Equivalent Residential Unit (ERU)
  - Roughly 3,000 square feet of impervious surface.
  - E.g. ERU rate: \$5.15/month (Urbana, IL)
- Flat Fee for Residential Units
- Use ERU as Unit for Commercial and Industrial Parcels





# Key to Success: Public Involvement

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- **Numerous Public Meetings**
- **On-line information and explanation**
- **Village of Downers Grove Example**
  - Videos
  - Copies of Feasibility Study



# Conclusion

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## Contact us...

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