Agenda Item # 17

Distribution

County Board
County Administrator
Department of Planning, Building and Development

STATE OF ILLINOIS)
)SS
COUNTY OF LAKE)

COUNTY BOARD, LAKE COUNTY, ILLINOIS

ADJOURNED REGULAR SEPTEMBER, A.D., 2006 SESSION

FEBRUARY 13, 2007

MADAM CHAIRMAN AND MEMBERS OF THE COUNTY BOARD:

Your Planning, Building and Zoning and Financial and Administrative Committees present herewith a Resolution adopting revisions to the Policy and Procedure relating to Fee Refunds and Reductions for the Planning, Building and Development Department, and request its adoption.

Respectfully submitted,

	Aye	Nay
Chairman	✓	
Vice-Chairman	✓	
	✓	
	✓	
	X	

Planning, Building and Zoning Committee

	Aye	Nay
Chairman	X	
Vice-Chairman	✓	
	✓	
	✓	
	✓	
	X	
	X	

Financial and Administrative Committee

Resolution

WHEREAS, the Lake County Board adopted a Resolution on February 8, 2005 establishing a "Policy and Procedure for Fee Refund and Reductions for the Planning, Building and Development Department"; and

WHEREAS, the purpose of this policy is to have consistent standards and a streamlined process for the Planning, Building and Development Department for considering fee refunds and reductions; and

WHEREAS, after implementing the policy for two years the staff is of the opinion that the policy should be revised to further streamline the fee refund/reduction process; and

WHEREAS, the Planning, Building and Zoning Committee concurs with staff and recommends that the policy be revised in accordance with attached "Exhibit A".

NOW, THEREFORE, BE IT RESOLVED by this County Board of Lake County, Illinois that:

SECTION 1. The revisions to the "Policy and Procedure for Fee Refunds and Reductions for the Planning, Building and Development Department" attached as "Exhibit A" are hereby adopted.

SECTION 2. The Planning, Building and Development Department shall use the attached Policy and Procedure for Fee Refunds and Reductions in considering fee refund and reduction requests received by the Department.

SECTION 3. This Resolution shall be in full force and effect upon adoption.

DATED, at Waukegan, Lake County, Illinois, on this 13th day of February, A. D., 2007

February 6, 2007

Exhibit A

Proposed Revisions

Department Policy and Procedure Relating to Fee Refunds and Reductions

The following standards and process shall be used in determining requests for fee refunds and reductions. ~~Such requests shall be presented to the Fee Review Committee. Decisions made by this Committee are final.~~

Fee Review Committee Composition

The Fee Review Committee shall be comprised of the Planning, Building and Development Director, a representative from the County Administrator's Office and the Permit Coordinator or their respective designees.

Fee Refunds

A. General Standards

1) All requests for fee refund shall be made in writing by the owner of the property in question ~~applicant~~ and shall state the reason(s) why the ~~applicant~~ property owner believes the refund is justified under the standards of this Policy. The request may also contain copies of all relevant documentation or other evidence necessary to substantiate the claim(s) of the ~~applicant~~ property owner.

2) A request for refund shall be considered only after the application has been officially withdrawn in writing by the property owner ~~applicant or his/her designated agent~~.

3) A full refund shall be made when it is determined that the requested action for which the fee was received is determined to have been unnecessary at the time the application was accepted.

4) All refunds shall be mailed to the property owner.

B. Standards for ZBA Applications

1) If the ~~Applicant~~ property owner withdraws the application at least 5 working days prior to the ZBA public hearing:

   a. In the case of a Variation request, the County shall retain 50% of the fees plus the publication cost; and
   b. In the case of a Rezoning / Conditional Use Permit request the County shall retain 50% but not less than $900.00 plus the publication cost.

2) No refund shall be made if a request is received within fewer than 5 working days of a scheduled public hearing or if a public hearing has already been conducted.

C. Standards for Framework Plan Land Use Map Amendment Applications

1) If the ~~Applicant~~ property owner withdraws the application at least 5 working days prior to the Regional Planning Commission meeting, the County shall retain 50% of the fees. The ~~Applicant~~ property owner shall also be responsible for the publication cost.

2) No refund shall be made if a request is received within fewer than 5 working days of a scheduled public meeting or if public meeting has already been conducted.

D. Standards for Building and Site Development Permit Applications:

1) ~~Applicants~~ Property owner shall be eligible for a refund only if it is determined that no construction or site disturbance has begun on the property for which the permit was applied for or issued.

2) All permit applications shall be subject to a minimum processing charge of 10% of the application fee.

3) If a request for a permit fee refund is received prior to permit issuance, the property owner ~~applicant~~ may be charged for all work completed to date including the following: plan review fee, watershed review fee, special inspection(s), zoning review fee and the minimum processing charge in accordance with item 2)~~B~~ above; the remainder of the fee shall be refunded to the ~~applicant~~ property owner.

4) If a request for a permit fee refund is received within 90 days following the date of permit application or issuance , the property owner ~~applicant~~ shall be charged for the following: plan review fee, watershed review fee, special inspection(s), zoning review fee and the minimum processing charge in accordance with item 2)~~B~~ above; the remainder of the fee shall be refunded to the ~~applicant~~ property owner.

5) If a request for a permit fee refund is received after 90 days, but prior to 6 months following the date of permit application or issuance, the property owner ~~applicant~~ shall be charged the following: plan review fee, watershed review fee, special inspection(s), zoning review fee and the minimum processing charge in accordance with item 2)~~B~~ above; and, one-half of the remaining amount shall be refunded to the ~~applicant~~ property owner.

6) No permit fee refund shall be made if the request is made after 6 months following the date of the permit application or issuance.

7) All permit fee refunds shall be subject to any extension of time granted by the authority of the Division Heads and any court action that may delay the permit process or construction.

E. Standards for Subdivisions and Site Capacity Calculations/Site Plan Review

1) Applications for subdivisions, Site Capacity Calculations and Site Plan Reviews shall not be eligible for any fee refunds.

F. Standards for Street Vacation Applications

1) If the ~~Applicant~~ property owner withdraws the application at least 5 working days prior to the Vacation Board public hearing, the County shall retain 50% of the fees plus the publication cost.

2) No refund shall be made if a request is received within fewer than 5 working days of a scheduled public hearing or a public hearing has already been conducted.

G. Standards for Temporary Use Permit Applications

1) Temporary Use Permit applications shall be subject to a minimum processing charge of 10% of the application fee.

2) If a request for a permit fee refund is received within 30 ~~15~~ days following the date of application or issuance, the ~~applicant~~ property owner shall be charged for the minimum processing charge in accordance with ~~A~~ 1) above and all applicable staff costs; the remainder of the fee shall be refunded to the ~~applicant~~ property owner.

3) No permit fee refund shall be made if the request is made after 30 ~~15~~ days following the date of the permit application or issuance.

Fee Reduction

A. General Standards

1) Fee reductions shall be available only when it is determined by the Fee Review Committee that a zoning/Framework Plan Land Use map error has occurred.

2) All requests for fee reduction shall be made in writing by the ~~applicant~~ property owner and shall state the reason(s) why the ~~applicant~~ property owner believes the reduction is justified. The request may also contain copies of all relevant documentation or other evidence necessary to substantiate the request.

B. Standard for Mapping Error

1) If it is determined that a zoning/Framework Plan Land Use map error is a result of a County initiated action which required public notice and a public hearing prior to adoption (Comprehensive rezoning or Framework Plan adoption), and the request will return the property to its prior (or nearest) zoning/land use designation, the ~~applicant~~ property owner shall be charged a reduced fee in the amount of $100.00 to contribute toward the processing cost.

Procedure for Fee Refund and Reduction

~~Requests for fee refunds and reductions shall be processed by the Fee Review Committee. The process shall consist of the following steps:~~

- ~~The applicable Division Head shall forward the written request to the Permit Coordinator.~~
- ~~The Permit Coordinator shall ensure that all required information to consider the fee request is present.~~
- ~~The Permit Coordinator, within 3 days of the receipt of such request, shall schedule a meeting of the Fee Review Committee.~~

- ~~The Division Head or his/her representative shall attend the meeting, present the facts of the request and his/her recommendation.~~
- ~~The Fee Review Committee shall make its decision within 5 days and inform the Division Head of its decision.~~
- ~~The Division Head will inform the applicant of the decision of the Fee Review Committee.~~
- ~~In the case of a negative decision, the applicant shall have a right to appear before the Fee Review Committee within 10 days of the date of notification and present his/her arguments to the Fee Review Committee for reversing the decision.~~
- ~~Upon review of the additional information, the Fee Review Committee may change its decision or may retain its original decision.~~
- ~~The Division Head will process the request.~~
- ~~All decisions of the Fee Review Committee shall be in writing.~~
- ~~The Planning, Building and Zoning Committee shall be notified of the decision of the Fee Review Committee.~~

Requests for fee refunds and reductions shall be processed either by the Permit Coordinator or by the Fee Review Committee. The Permit Coordinator or in his/her absence the Planning, Building and Development Director is authorized to make final decisions on those refund requests relating to Building and Site Development Permits that specifically comply with the standards contained in Section D above. All other fee refund requests shall be presented to the Fee Review Committee for its consideration. Further, full refunds shall be approved only upon approval of the Fee Review Committee.

Determination Process

- Upon receipt of the refund request, the applicable Division Head, within 3 working days of receiving the request, shall forward the request along with applicable information to the Permit Coordinator. If the refund request relates to Building and/or Site Development Permit, and if the Division Head finds that the request specifically meets the standards specified in Section D, the Division Head shall demonstrate this conclusion in writing to the Permit Coordinator/Department Director.
- The Permit Coordinator shall ensure that all required information to consider the fee refund is present.
- The Permit Coordinator/Department director shall determine, on the basis of the information provided, whether the decision shall be made by the Permit Coordinator/Department Director or the Fee Review Committee.

Decision by the Permit Coordinator/Department Director

- The Permit Coordinator/Department Director, within 5 working days of receiving complete information from the Division Head, shall act on the request if the request specifically meets the standards contained in Section D.

- The Permit Coordinator/Department Director shall inform the Division Head of the decision.

- The Division Head shall inform the applicant of the decision.

- The Division Head shall take necessary steps to process the refund, if eligible.

- All decisions of the Permit Coordinator/Department Director shall be in writing.

- The Planning, Building and Zoning Committee shall be periodically notified of the decisions of the Permit Coordinator/Department Director.

Decision by the Fee Review Committee

- The Permit Coordinator, within 3 working days of the receipt of such request, shall schedule a meeting of the Fee Review Committee.

- The Division Head or his/her representative shall attend the meeting, present the facts of the request and his/her recommendation.

- The Fee Review Committee shall make its decision within 5 days of the meeting date and inform the Division Head of its decision.

- The Fee Review Committee will inform the applicant of its decision.

- In the event the property owner wishes reconsideration of the decision by the Fee Review Committee, the property owner shall have a right to appear before the Fee Review Committee within 10 days of the date of notification and present his/her arguments to the Fee Review Committee for reversing the decision.

- Upon review of the additional information, the Fee Review Committee may change its decision or may retain its original decision.

- The Division Head shall take necessary steps to process the refund, if eligible.
- All decisions of the Fee Review Committee shall be in writing.
- The Planning, Building and Zoning Committee shall be periodically notified of the decisions of the Fee Review Committee.

Planning, Building & Development

LakeCounty

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February 6, 2007

Memorandum

To: Planning, Building and Zoning Committee
Financial and Administrative Committee

From: Philip J. Rovang, Director
Sheel Yajnik, Permit Coordinator

Subject: Proposed Revisions to the Department Policy and Procedure Relating to Fee Refunds and Reductions

You may recall that based on these Committees' recommendation, the County Board at its meeting on February 8, 2005 approved the Planning, Building and Development Department's "Policy and Procedure relating to Fee Refunds and Reductions". The adopted policy sets standards and a procedure to handle requests for fee refunds and reductions. The policy serves two purposes: 1) the standards ensure consistency and fairness in administering fee refund and reduction requests, and 2) the policy establishes a streamlined procedure for handling fee refund and reduction requests.

Having administered the adopted policy for the last 2 years, the Department finds that certain modifications to the policy will further streamline the fee refund and reduction process. The attached Exhibit A contains revisions to the approved policy. One of the major proposed changes that staff believes will expedite the refund process is the authorization of either the Permit Coordinator or in her/his absence, the Department Director to act on fee refunds relating to Building and Site Development Permits that specifically comply with the standards. The revised policy also requires that the property owner apply and receive refunds.