

IMPLEMENTATION

This Disaster Recovery Plan contains 19 projects that will form the basis for the rebuilding efforts in Elmwood. Projects were prioritized by residents and assigned a recovery value, with rankings consisting of high, moderate, and community interest. The high value recovery projects are the most urgently needed and all available resources should be focused on immediate implementation. The moderate value projects, although not essential to recovery, are likely to produce substantial benefits for the community, and should be pursued as time and funding permit in the near future. Community interest projects are those that are of relative less significance, but are still probably worthy of more discussion and thoughtful consideration as recovery proceeds.

The implementation schedule for the projects should focus upon the high priority projects initially. These projects will have the most significant impact on the revitalization efforts. Projects with available funding or which may generate additional funding should also be completed as soon as possible. The accomplishment of completing smaller projects will keep the momentum of the recovery growing and keep the community vested in the overall project.

The City of Elmwood has appointed a Disaster Recovery Administrator. This appointee would serve on a committee that would also include the mayor, two city council members, and two representatives of the business community. The committee shall be responsible for managing the recovery process and will be required to meet frequently. The committee shall immediately address the high priority items listed in the recovery plan and explore possible funding avenues such as grants, general obligation bonds, and revenue bonds. The committee shall, in a timely manner, investigate all other items as identified in the June 2010 surveys. Based on these investigations, the committee will make recommendations to the City Council for final action. The committee will be responsible for coordination with other local, state, and federal agencies.

While the short-term and long-term goals of the City of Elmwood identified the steps which must be taken in order to rebuild the properties adversely affected as a result of the tornado, it is crucial to understand that the reconstruction of Elmwood may be based on a combination of 4 key criteria. Consideration of these requests must be made by the City of Elmwood and the Peoria County Board to assist property owners and developers with rebuilding efforts. Due to the historic nature of the community, unique characteristics exist which pose a hardship in returning Elmwood to its pre-disaster condition. Property owners, business managers, local officials and Peoria County must work together to achieve these goals, but this hard work alone will not be enough to restore the economic vitality of Elmwood. The City of Elmwood has identified the following conditions to be requested of the Peoria County Board:

1. Waiver of Building Code Requirements

The City of Elmwood is requesting that buildings be renovated without strict compliance with the County's adopted building codes. Due to the fact that many of these structures were constructed in the late 1800s and early 1900s, it is unrealistic to believe any of the existing buildings would meet the current codes implemented in the 2000's. While the buildings certainly may have been structurally sound and safe at the time they were constructed, new codes were drafted and adopted to ensure structural integrity and reduce the risk of hazards. As building codes progressed over time, existing structures were considered non-conforming to these standards and thus code compliance was not required unless improvements to the buildings were made. Components such as electrical, plumbing, mechanicals, as well as fire safety, energy conservation, and structural design all are addressed by current Peoria County building codes. To comply with current building codes would be extremely costly and may be a deterrent to reconstruction efforts.

2. Increased Substantial Damage Indicator

The City of Elmwood is proposing a significant increase (i.e. 95%) to the substantial damage determination. Existing local ordinances and adopted building codes require a structure to come into compliance with any and all applicable codes in two specific events. The key component is the fair market value. If the building is damaged beyond 50% of fair market value, or the cost of construction exceeds a value of 50%, a building must be brought into compliance and treated as new construction. Due to the fact that the tornado caused catastrophic damage to the downtown Elmwood area, 33 of 41 buildings were deemed structurally unsafe. While the term structurally unsafe does not indicate whether or not a structure is substantially damaged, the cost of reconstruction to bring the damaged portions of the buildings up to code could trigger a substantial damage determination. Insurance payments and building professionals' estimates may determine these structures as salvageable; however, if strict compliance of the 50% damage rule is adhered to, it may not be economically feasible to reconstruct many of the structures.

3. Non-Conforming Use Designation

The City of Elmwood has requested the investigation of Non-Conforming structure status for those buildings which have been damaged by the tornado. The term "non-conforming" would apply to a structure which was constructed prior to the effective date of current regulations, but at the initial time of construction was a legally compliant use. Due to the fact that the majority of these damaged structures were constructed in the late 1800s and early 1900s during a period when building codes and use regulations were not in effect, it may be plausible to deem them non-conforming. The Peoria County Code allows for the expansion of a non-conforming structure through the special use process. Upon receipt of the special use permit, the structure shall no longer be treated as a nonconformity and shall be allowed to continue as a lawfully existing structure. In essence, this would grant these tornado damaged structures a one-time waiver from strict compliance, however, any future damage, addition, alteration or similar construction activities would require the entire structure come into compliance with current codes. With this consideration in mind, the structures within the City of Elmwood would have the opportunity to rebuild without strict adherence to County codes.

4. Waiver of Building Permit Fees

The City of Elmwood has requested that no permitting fees be charged for projects associated with the tornado disaster. Many of the buildings appear to have been underinsured. As a result, insurance claims may not reflect the building replacement value and insurance payments would be less than the cost of reconstruction. This problem is compounded further by the additional costs of building permits, which are not covered by insurance. This financial constraint would be detrimental to retention of existing business and may impair future development. In the event that the Peoria County Board could waive the fees associated with the building permits for reconstruction, it may allow some of the buildings to be rebuilt and reoccupied.

In order to fully understand the requests made by the City of Elmwood, it is important to be aware of the processes as identified by the Peoria County Code and subsequent International Code Council building code adopted by Peoria County in April of 2006. The current substantial damage determination policy is one that has been established by the Federal Emergency Management Agency and has been implemented for all types of disasters, including past flooding within Peoria County. This formula is derived from taking the amount of damage, generally in the form of a professional construction estimate or insurance claim, and comparing it to the fair market value of the structure. A professional construction estimate will offer the most accurate data, due to the fact that the amount of an insurance policy can be undervalued, thus not reflecting the total amount of damage. The option presents itself to the individual property owner to enlist in the services of a State licensed appraiser, as it can be acknowledged the assessed value is not always an accurate representation of the value of the structure. This policy should not be taken lightly, as the theories behind such policy are established by staff appointed by the President of the United States. Each building must be evaluated by a structural engineer prior to the issuance of a building permit. Several of the engineer's reports have indicated some of the existing materials of buildings should not be reused in structural repair.

While the components of reconstruction which must comply with Peoria County possess a formidable challenge for Elmwood and may be negotiable, it is important to understand that the challenges from the State of Illinois may be even greater. Another consideration regarding strict compliance of this substantial damage policy must be the requirements as set forth by the Illinois Accessibility Code. Governed by the State of Illinois' Capital Development Board, the Illinois Accessibility Code requires structures must come into compliance with any and all laws once a specific reinvestment has been made. Peoria County does not have the authority to waive from these requirements. Any ruling on the Accessibility Code must come from the Capital Development Board itself and should be explored prior to any rebuilding efforts within Elmwood. Additional considerations regarding Historic Preservation Code compliance may alleviate some Accessibility Code requirements. Regardless of these requirements, considerations from the Peoria County Board must be analyzed and approved prior to reconstruction efforts.

In the event that the Peoria County Board approves the City of Elmwood's request for an exemption from strict adherence to Peoria County Building Code, property owners should be aware of the risks associated with such a request. As a condition of this approval, Peoria County would require a waiver of liability signed by property owners. By signing a waiver of liability, the property owner accepts full responsibility of liability and acknowledges the structure does not meet adopted codes. The property owner would be solely accountable for any subsequent structural shortcomings.

It is apparent that many distinctive characteristics which could act as barriers to redevelopment exist, however; due to its unique nature and historical setting, the City of Elmwood falls into a Rural Community Conservation District (RCC). The RCC District is established as an overlay district to maintain conformity, promote a mix of residential and commercial use in "village centers", and act as a pedestrian-friendly area. The RCC District allows the reasonable, continued use of property in these established centers by reducing setback, parking, and landscaping requirements. In order to determine the minimum permissible criteria, an average of all lots with the same use classification located on the same block and any adjacent block within a 250 foot radius of any lot line shall be calculated. In the case of Elmwood, many businesses share a common wall, parking, and offer little to no landscaping, so the benefits of the RCC district in the rebuilding phase can be substantial. These less restrictive requirements will allow Elmwood to maintain its community atmosphere and appeal.