

1 S52853

2 STATE OF ILLINOIS )  
 ) SS.  
3 COUNTY OF K A N E )

4

5 KANE COUNTY DIVISION OF TRANSPORTATION

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7 In Re the Matter of: )  
 )  
8 Public Hearing for the )  
Adoption of the Comprehensive )  
9 Road Improvement Plan. )

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REPORT OF PROCEEDINGS had at the public  
hearing of the above-entitled matter at the Kane  
County Government Center, 719 South Batavia  
Avenue, Geneva, Illinois, on the 11th day of  
April, A.D. 2007, at the hour of 7:03 p.m.

1 MR. WOLFE: Good evening, one and  
2 all. Thank you all for coming down this evening.

3 This is the public hearing for the adoption  
4 of the Comprehensive Road Improvement Plan. I'm  
5 Don Wolfe. I'm a County Board member and have  
6 been chairman of this committee since its  
7 inception three years ago or more.

8 This is our second iteration of this plan.  
9 We hope we got it right this time.

10 Carl is going to be the moderating officer  
11 tonight. I'll introduce him, let him get this  
12 show on the road.

13 So Carl.

14 MR. SCHOEDEL: I'll keep my remarks  
15 brief.

16 My name is Carl Schoedel. I'm the County  
17 Engineer and Director of Transportation for Kane  
18 County. I'm going to be acting as the public  
19 hearing officer tonight, and I'll go ahead and  
20 convene the public hearing to consider the  
21 adoption of the Comprehensive Road Improvement  
22 Plan and the imposition of impact fees.

23 A little bit about the format and how we're  
24 going to work things tonight: There are really

1 three ways you can interact with us tonight.

2 If you want to make formal comment, you can  
3 submit written comment to the Court Reporter.  
4 You can also do it verbally if you would prefer  
5 to do it that way. If you just have questions or  
6 you want clarification on something, we have a  
7 number of staff members around -- if you can kind  
8 of raise your hands -- and our consultant, Karl  
9 Fry. We're going to be in the back of the room  
10 near the maps, and you can just see us there, and  
11 we can try to help you if you have any questions.

12 But again, if there is something that you  
13 want to make part of the official record, see the  
14 Court Reporter.

15 We have a brief PowerPoint; I believe it's  
16 about 15 slides or so. We're going to go through  
17 that now as sort of an introductory piece, and  
18 then we have the maps in the back.

19 There's also a document on the back table.  
20 It's got the Comprehensive Road Improvement Plan  
21 included, and the technical specifications are  
22 included as an appendix, as are the actual text  
23 of the proposed ordinance. So all of that's  
24 available for you to take with you.

1           With that, I will go ahead and turn it over  
2 to Karl Fry with Intersect, our consultant for  
3 the project.

4           MR. FRY: Thanks, Carl. Let's see.  
5 Where's a good place to stand?

6           Thanks for coming out on such a lousy  
7 evening, as far as the weather's concerned. I  
8 appreciate that.

9           Again, this is the public hearing for the  
10 Comprehensive Road Improvement Plan and the  
11 adoption of impact fees. As Carl said, this  
12 document includes the plan, the tech specs, and  
13 the draft ordinance, along with the fee schedule,  
14 the proposed fee schedule right now.

15           This document is also available on the  
16 County's Web site -- do I need to speak up? You  
17 can't hear me?

18           MS. FILES: You're a little hard to  
19 hear.

20           MR. FRY: I'll turn over back towards  
21 the middle, rather than shout.

22           This document and all the appendices are  
23 available on the County's Web site. The  
24 presentation that I'm going to give later will

1 also be available on the Web site after tonight's  
2 meeting. I don't know how long it will take them  
3 to get it up, a couple days.

4 So with that, we'll go ahead with the  
5 presentation.

6 Road impact fees for municipalities and  
7 counties in Illinois are governed by State  
8 statute. This is just an excerpt from that  
9 statute, "It's the intent of the General Assembly  
10 to promote orderly economic growth throughout  
11 this state by assuring that new development bears  
12 its fair share of the cost of meeting the demand  
13 for road improvements through the imposition of  
14 road improvement impact fees," and then that's  
15 the citation for that statute.

16 From -- and that statute's available on the  
17 State's Web site. If you're interested in that,  
18 you can use that reference and -- to get the  
19 entire text of that document. It's about  
20 30 pages or so.

21 But some key points on this slide: Orderly  
22 economic growth. Impact fees are important to  
23 that by giving the County the ability to provide  
24 needed infrastructure, to respond to the needs

1 generated by new development.

2 Fair share of the cost. Nobody expects new  
3 development to pay the entire cost. Only a  
4 percentage of that impact is going to be charged  
5 to new development under this ordinance.

6 The current ordinance was adopted on  
7 January 13th of 2004. It uses what's known as a  
8 needs-driven impact fee formula. This is the  
9 formula that's used by DuPage County and the  
10 Village of Hoffman Estates in their ordinances.

11 What it does is it basically charges new  
12 development a fee based on the amount of roadway  
13 capacity that's consumed by that development.  
14 Some people call this a consumption-driven  
15 formula. But that's what the current ordinance  
16 uses.

17 Service areas follow the planning  
18 partnership area boundaries. We have eight  
19 planning partnership areas that have been used in  
20 Kane County for purposes of land use planning,  
21 and the County, working together with  
22 municipalities -- when we put the original  
23 ordinance together back in 2003, a decision was  
24 made to follow the planning partnership area

1 boundaries for service areas.

2 The current ordinance also anticipates a  
3 2013 population of just over 500,000 and  
4 employment in the county of 246,000 by 2013, and  
5 it generates fees on the order of a little over  
6 \$5 million per year. In FY 06 it was  
7 5.39 million, which is a bit higher than we  
8 anticipated but still substantially under what  
9 our needs are.

10 Some issues that there are with the current  
11 ordinance: When it was originally adopted, there  
12 were a lot of concerns about a number of things.  
13 First is the correlation with the County's 2030  
14 land resource management plan.

15 Once we did the fee calculation, as it  
16 turns out, the fees out in the farmland  
17 preservation areas are low, and the fees in the  
18 urban corridor, particularly in the central part  
19 of the urban corridor, are very high. And from a  
20 land use resource management standpoint, we want  
21 to do that the opposite way, so that's a concern.

22 The impact fee revenue is substantially  
23 less than the cost of needed highway capacity  
24 improvements. We have anticipated revenues on

1 the order of 5 to 6 percent of the needs that we  
2 currently expect.

3 Population and employment growth faster  
4 than projections. Our population has grown much  
5 faster over the last three years than we  
6 anticipated, and we're looking at going over the  
7 2013 population in the next year or two -- or the  
8 anticipated 2013 population.

9 And finally, the fee differential between  
10 service areas. We have -- because the service  
11 areas were based on the planning partnership area  
12 boundaries and because of the formula that we  
13 used, we have fee variance as much as 10 -- a  
14 factor of 10 between adjacent service areas.

15 So our Impact Fee Advisory Committee, of  
16 which Mr. Wolfe is the chairman, has reviewed  
17 those concerns, and over the past almost two  
18 years now has been meeting on a regular basis to  
19 help come up with this update to Kane County's  
20 impact fee program. That advisory committee has  
21 made seven recommendations.

22 First, they've recommended that we convert  
23 to a facilities-driven impact fee formula -- and  
24 I'll talk about each one of these on the next few



1 slides -- so that's a significant difference.  
2 The facilities-driven formula is a formula that's  
3 used by the City of Naperville in their impact  
4 fee ordinance.

5 Three additional exempt land uses have been  
6 recommended by the advisory committee.

7 Service areas that reflect travel patterns.  
8 So we're -- instead of using the planning  
9 partnership area boundaries, the advisory  
10 committee has recommended that, instead of having  
11 those eight service areas, we're dividing the  
12 county into three service areas, and the shape of  
13 those areas really reflects travel patterns in  
14 the county.

15 We've also come up with a discount program  
16 for new developments that have produced traffic  
17 impacts and meet certain specific criteria, and  
18 that's a new -- and that's a -- it's a first in  
19 the state of Illinois.

20 We've updated our Comprehensive Road  
21 Improvement Plan, and you have seen a copy of  
22 that on the chart in the back, and it's listed in  
23 the -- all the projects are listed in the  
24 document that we handed out. We've come up with

1           that update and sought municipal comments, as  
2           well as other comments on that.

3           We've developed a phased-in fee schedule in  
4           some parts of the county under the new ordinance.  
5           The fees will be going up substantially, and so  
6           what we've done is the committee has recommended  
7           that we phase those fees in over the life of this  
8           ordinance, which is a five-year period.

9           And finally, we've instituted a grandfather  
10          clause or recommended a grandfather clause. What  
11          that does is developments that have site-specific  
12          development approval -- in other words, they have  
13          their plat approval and they're ready to either  
14          break ground or ready to pull building permits or  
15          ready to start selling lots -- those developments  
16          will be grandfathered, and they'll continue to be  
17          able to pay their fees under the old ordinance  
18          for approximately a two-year period.

19          So the facilities-driven impact fee  
20          formula, what is that? What it does is it  
21          allocates the cost of eligible highway  
22          improvements to new developments based on traffic  
23          generation by those new developments.

24          Instead of charging them per the highway

1 capacity consumed, we charge them -- we just  
2 allocate a portion of the cost of the program to  
3 them, so it's -- it's a different way of  
4 calculating it. I feel that this is a more  
5 accurate means of assessing fees, and it really  
6 better fits with the requirements of the State  
7 statute.

8 As I said, it's consistent with the  
9 statutory requirements. If you read the text, it  
10 kind of leads you to believe that the authors of  
11 the statute -- and our State statute was based on  
12 a Texas law, but the -- if you read it, it leads  
13 you to believe that they're thinking about a  
14 facilities-driven approach.

15 The fees are based on highway project cost  
16 estimates. Under the needs-driven formula, you  
17 use a generic, per-lane mile cost. We're using  
18 actual costs of real projects, and we're  
19 including the cost of bridges, the cost of  
20 right-of-way, the cost of all the stormwater  
21 management that's needed nowadays, so it's a much  
22 more accurate approach to getting the project  
23 costs.

24 And finally, it results in greater equity

1           between service areas. The three service areas  
2           that we were using -- the differential between  
3           the fees is very small from one service area to  
4           the next, less than 5 percent, so it -- before we  
5           had a differential factor of 10; now we have a  
6           5 percent difference, so we're -- we have much  
7           greater equity between the service areas in the  
8           county.

9           Now, they looked at exempt land uses. Our  
10          current ordinance has six listed exemptions,  
11          alteration of residential units, minor  
12          alterations of the use of nonresidential units,  
13          accessory buildings, in-kind replacement, and  
14          those are all kind of -- go without saying, but  
15          the two big ones are public schools and  
16          government-owned, operated, and occupied  
17          buildings.

18          So basically, government buildings are the  
19          only real exemption in the current ordinance.

20          What we've proposed to do or what our  
21          advisory committee is recommending is that we  
22          continue with all the existing exemptions, plus  
23          we're going to add temporary structures, which is  
24          a kind of a housekeeping measure, but two

1 significant additions, private schools to create  
2 some equity between public and private, and,  
3 also, affordable housing as a recommendation for  
4 exempt land uses.

5 We talked about service areas reflecting  
6 travel patterns. If you look at the map on the  
7 right, the lines, the wide and narrow yellow  
8 lines, are the -- reflect travel patterns in the  
9 county, and other than the large north/south line  
10 and the river corridor, which really represents  
11 Route 31 and Randall Road, the -- much of the  
12 travel in the county is diagonal from southwest  
13 to northeast in the southern part of the county,  
14 east/west in the central part of the county and  
15 northwest to southeast in the north part of the  
16 county.

17 So what we've done is we've drawn new  
18 service area boundaries. That's the new boundary  
19 between the north service area and the central  
20 service area. That follows the railroad tracks.  
21 (Indicating.)

22 And then this -- then the other boundary  
23 will be in this direction, running from southwest  
24 to northeast. That follows Main Street up to the

1 intersection with Fabyan Parkway and then Fabyan  
2 Parkway on east to the county line.

3 (Indicating.)

4 So with those three service areas, we still  
5 have service areas that are relatively small, but  
6 they give us a number of options for doing  
7 projects with the funds that are generated in  
8 those service areas, and it helps to smooth out  
9 the differentials in the fees.

10 So our new fee discount program, another  
11 significant addition to the new ordinance. This  
12 fee discount program will encourage reduced  
13 traffic impacts.

14 We have four basic requirements for our  
15 initial 40 percent discount. First, transit  
16 availability. The development has to be within a  
17 mile of a rail transit station or half mile of a  
18 scheduled bus service, so that's the first thing.  
19 And we think transit availability is critical to  
20 the -- to being able to reduce traffic impacts  
21 for any development.

22 In second place, proximity of multiple land  
23 uses. Within a certain -- within a quarter mile  
24 or a half a mile, a certain number of land uses

1 have to be available.

2 Now, the new development doesn't have to  
3 have all of them; they just need to be available.  
4 So if your new development is retail and it's  
5 going in the middle of a residential area, that's  
6 multiple land use, so we have to have that  
7 proximity.

8 Fourth -- the third requirement is a  
9 minimum density of 7 units per acre for  
10 residential or an F A R of .5 for nonresidential  
11 or mixed land use, so we're looking at a  
12 relatively high density. Those numbers are based  
13 on numbers that are generally accepted as being  
14 high enough to support public transit, so that's  
15 where those numbers came from.

16 And then the fourth requirement is  
17 walkability. We had to have available sidewalks,  
18 buildings had to be easily accessible to the  
19 sidewalk, and those sorts of requirements.

20 Now, the other part of walkability is block  
21 perimeter. We don't want any blocks that are so  
22 large that it's impossible to walk to your  
23 neighbor in the back without going a mile. So  
24 walkability is a requirement.

1           And specific definitions and requirements  
2           are in this -- in the ordinance that's in your  
3           packet here, the document that was handed out.

4           Finally -- those four requirements give you  
5           the basic 40 percent discount. Up to an  
6           additional 30 percent discount, again, will be  
7           received for redevelopment or infill sites and  
8           sites with higher density.

9           So if you're building on a -- if you meet  
10          these four requirements and you're on a  
11          redevelopment or an infill site, then you get an  
12          additional 10 percent.

13          If your density is 14 units per acre, you  
14          get another 10 percent.

15          If your density is 21 units per acre, you  
16          get another 10 percent discount on that, so  
17          potentially, a development could have a  
18          70 percent total discount from the fee that they  
19          would calculate in accordance with the ordinance  
20          under the fee schedule.

21          Our draft Comprehensive Road Improvement  
22          Plan is -- has some significant additions  
23          compared to the existing plan, and some of these  
24          things are in there already, but some highlights



1 of the plan -- and this means all the projects --  
2 the Stearns Road bridge and the Longmeadow bridge  
3 corridors, both of those projects are included in  
4 this plan.

5 Orchard/Randall widening, virtually the  
6 entire length of the Orchard/Randall corridor to  
7 a six-lane cross-section. There are only a  
8 couple of gaps, one in the central part and the  
9 other one down here, which would still be four  
10 lanes. (Indicating.)

11 Huntley, Big Timber, McLean, Keslinger,  
12 Fabyan, and Main Street, all those projects being  
13 widened to four lanes, and, for the first time,  
14 some four-lane widening west of Randall Road.

15 Realignments and intersection improvements  
16 in the central and western part of the county --  
17 so a lot of these projects that have been talked  
18 about in the 2030 plan -- and developing  
19 additional north/south corridors, those are all  
20 included in this plan. I think virtually all the  
21 projects that we've included in this are already  
22 in the 2030 plan with, perhaps, a couple of  
23 exceptions.

24 Our estimated total highway improvement

1 costs for this plan, \$939 million, and that's the  
2 portion that's eligible for impact fees. There's  
3 some additional -- some additional costs that  
4 will be funded outside of impact fees that are  
5 not included in that figure, but approximately  
6 \$1 billion for our draft Comprehensive Road  
7 Improvement Plan.

8 Now, as I said before, the fees -- if we  
9 went with the calculated fee, some of these  
10 service areas would see a substantial increase,  
11 and in fact, some would see a substantial  
12 increase in any case, but in order to even things  
13 out a bit, through June 30th, 2008, the advisory  
14 committee is recommending that we multiply the  
15 calculated impact fee by 32 percent. So the  
16 development that happens between now and  
17 June 30th of 2008 would only pay 32 percent of  
18 their calculated impact, and then every year  
19 after that that multiplier would increase by 8  
20 percent until the final year of the ordinance.  
21 Beginning July 1st, 2011, the impact fee  
22 multiplier would be 64 percent. At that point  
23 we'll be going through another update to the  
24 ordinance.

1           The State statute requires that we update  
2           the ordinance in full every five years, at least  
3           every five years, so by that time we'll be going  
4           through another update, and who knows what the  
5           advisory committee will come up with then.  
6           But -- and beginning 2011, under our recommended  
7           ordinance, it will be 64 percent of the  
8           calculated fee.

9           And that's a lot of numbers. That table is  
10          printed in the book that you have. It's almost  
11          the very last page, maybe the next-to-the-  
12          last page.

13          So don't try to read the numbers off the --  
14          off the table, but I will point out that these  
15          last three rows are the -- what we call the  
16          reduced fee, which is the -- the gross fee per  
17          impact fee -- unit -- is what the calculated  
18          impact of the development is.

19          So for a single-family detached home, for  
20          example, the impact unit is a dwelling unit, so  
21          for each dwelling unit the fee in the north  
22          service area would be \$1,588, so that's the way  
23          this table works.

24          For a supermarket, for example -- let's use

1 a different one.

2 For a fast-food restaurant, a typical  
3 fast-food restaurant of, say, 10,000 square feet,  
4 the impact unit is 1,000 square feet, so for a  
5 fast-food restaurant, the fee in the central  
6 service area would be \$5,295 times 10 impact  
7 units to get to your 10,000 square feet, so it  
8 would be \$52,950 for the impact fee on the  
9 fast-food restaurant in the central service area.

10 Did everybody understand how that works?

11 So that's the -- and this column is the --  
12 with the 32 percent factor. (Indicating.)

13 So this will be recalculated in -- you  
14 know, after -- I'll go back to the previous  
15 slide.

16 So on July 1st, 2008, we'll recalculate  
17 this table based on the factor that will be in  
18 place at that time, and those numbers will all go  
19 up by about 25 percent.

20 MR. MILNE: That's the gross fee  
21 times multiplier?

22 MR. FRY: Yeah, it would be gross  
23 fee, this number, times the 40 percent, which is  
24 what you'll see at that point. (Indicating.)

1           Now, it may be a little bit different --  
2           the actual numbers may be different from that,  
3           but on an annual basis, the statute -- the  
4           statute allows us to update the costs. So if we  
5           have -- all the costs in this plan are based on  
6           2005 dollars, so -- or 2006 dollars, say -- so as  
7           we move forward, the County Board on an annual  
8           basis has the opportunity to update this with --  
9           based on costs, update it to reflect inflation.

10           They haven't done that under the current  
11           ordinance, but I expect that they probably will  
12           on the new one, so that's why we're only  
13           publishing the initial fee schedule, because this  
14           gross fee table may change if the County Board  
15           decides to go with a cost of -- or with a  
16           inflation escalator.

17           Right now let's talk about the grandfather  
18           clause. So even if most -- most developments  
19           over the next 18 months probably will not be  
20           paying this fee because they likely have  
21           site-specific development approval, and if they  
22           don't now, they likely will by January 1st. All  
23           those projects will still be assessed fees under  
24           the current ordinance for up to two years.

1           So the way that works is if you've got  
2           site-specific development approval on -- in  
3           November of this year, you go to pull building  
4           permits on your development, as long as you pull  
5           that building permit by December 30th of 2007 --  
6           or excuse me, December 30th of 2009 -- you'll be  
7           able to pay your fees under the current  
8           ordinance.

9           MR. YOUNG: And what are those fees?

10           MR. FRY: We -- they're available on  
11           the -- they're listed on the County's Web site.  
12           I don't -- we probably have a schedule around  
13           here somewhere, but -- depending on where you are  
14           in the county, it could be substantially less  
15           than the current -- than the recommended  
16           ordinance.

17           MR. YOUNG: Can you define what  
18           "site-specific development approval" means?

19           MR. FRY: Okay. That's defined in  
20           the ordinance, but "site-specific development  
21           approval" generally means a final plat.

22           So if you're -- if it's a residential  
23           subdivision, if you have a final plat, that's  
24           site-specific development approval. If it's

1 nonresidential, then it could get -- it can get a  
2 little more complicated.

3 If you have a PUD plat, that certainly  
4 qualifies. If it's something else, then we'll  
5 generally work with you to determine whether you  
6 meet -- whether you meet that requirement or not.

7 THE COURT REPORTER: Excuse me for a  
8 minute.

9 If people talk, I need to know who they are  
10 and that kind of thing.

11 MR. YOUNG: My name is Richard Young.

12 THE COURT REPORTER: And the other  
13 gentleman who spoke?

14 MR. MILNE: John Milne, M I L N E.

15 MR. FRY: And we'll -- again, we'll  
16 be able to answer questions afterwards. And if  
17 you have -- well, I'll get to that.

18 So the -- that's the way the grandfather  
19 clause works.

20 And under the committee's recommendation to  
21 the County Board, after January 1st, 2010, all  
22 new development will be assessed under the fee  
23 schedule that's in effect at that time.

24 So those are the highlights of the

1 Comprehensive Road Improvement Plan and what the  
2 proposal is by the advisory committee.

3 Our next steps: After tonight the Impact  
4 Fee Advisory Committee has 30 days to make its  
5 recommendation to the County Board. Right now  
6 they're scheduled to meet on April 26th.

7 If they make their recommendation at that  
8 meeting, then the County Board will then take up  
9 that recommendation, whatever it is, but we will  
10 be presenting the comments -- the transcript of  
11 this hearing will be provided to the advisory  
12 committee, any comments that are submitted,  
13 either in writing or verbally to the Court  
14 Reporter will also be provided, any other  
15 comments that are received in writing -- we have  
16 a -- we've asked that all comments be submitted  
17 to the County no later than -- what's the date,  
18 Jerry?

19 MR. DICKSON: 18th.

20 UNIDENTIFIED SPEAKER: 17th,  
21 April 17th.

22 UNIDENTIFIED SPEAKER: 17th.

23 MR. FRY: 17th?

24 UNIDENTIFIED SPEAKER: That's what



1 the Web site says.

2 MR. FRY: Okay. So April 17th is the  
3 deadline for public comment.

4 If you submit written comments by that  
5 time, they'll be reflected in the packet that the  
6 advisory committee gets, and the County Board  
7 will also receive a full reporting of what public  
8 comment is received, both at this meeting and at  
9 the -- by the advisory committee.

10 Yes?

11 Identify yourself.

12 MR. PAGE: The notice you published  
13 said April 18th for the final comment.

14 MR. FRY: If the notice says  
15 April 18th --

16 MR. WOLFE: We need a name, please.

17 MR. PAGE: I'm sorry.

18 Phil Page for the City of Geneva.

19 MR. WOLFE: Thank you.

20 MR. FRY: Thank you.

21 So -- and I -- so I'll . . . we need a  
22 deadline, so if that's what the notice says, then  
23 that's the deadline.

24 All right. So April 26th the advisory

1 committee will complete, then the County Board  
2 has 30 to 60 days to act on the proposed  
3 Comprehensive Road Improvement Plan and the  
4 ordinance. All these time limits are set up by  
5 the State statute. There's nothing that we can  
6 do about them.

7 But then the County Board will have 30 to  
8 60 days, so we expect that will be at the June  
9 County Board meeting that they will take final  
10 action, and then the ordinance will be effective  
11 upon approval by the County Board.

12 So there are a lot of -- other than the fee  
13 schedule, discount program, and all these other  
14 things that we've talked about, there are a lot  
15 of other minor changes in the ordinance, so those  
16 will all become effective when it's adopted by  
17 the County Board.

18 That's all I have for a formal  
19 presentation. Again, we'll be available for  
20 questions afterwards. If you -- any of you have  
21 specific comments you want to make to the Court  
22 Reporter, please do that after the meeting,  
23 and you can submit comments in writing until  
24 April 18th to the County.

1 Carl?

2 MR. SCHOEDEL: I don't have anything  
3 to add.

4 Again, the staff and the consultants will  
5 be probably hovering around the back of the room  
6 if you have questions, and then please make your  
7 comments to the Court Reporter.

8 We're not closing the meeting yet. I'll  
9 keep it open as long as people are making  
10 comments.

11 (There followed a discussion  
12 outside the record.)

13 MR. SCHOEDEL: Dave, you had a  
14 question. Would you identify yourself, please.

15 MR. PATZELT: Sure. My name is David  
16 Patzelt from Shodeen, Incorporated.

17 First comment, your affordable housing  
18 definition, there's many communities that are  
19 recently starting to create their own definition  
20 of affordable housing, and I would encourage you  
21 to maybe have some language in your agreement  
22 that would allow you -- the developer to either  
23 match your definition of affordable housing or  
24 the community's definition of affordable housing

1 so that the developer's not in conflict with  
2 meeting the cities' or the other municipalities'  
3 definition but not yet meeting your definition of  
4 affordable housing.

5 Another point, you're trying to encourage  
6 developers to do transportation-oriented  
7 development, infill-type development, and if a  
8 developer's currently working on one of those  
9 projects now and receives approval prior to 2008,  
10 your payment schedule is saying that he has to  
11 pay based on the old -- or the current fees.

12 I suggest that you have some language that  
13 allows the developer to choose which fee schedule  
14 to go under so that you don't penalize them now  
15 for having that type of development that you're  
16 actually trying to encourage them to use. If you  
17 don't offer some type of flexibility, the  
18 grandfathering would suggest or tell the  
19 developer, "Stop your development process and  
20 wait until the new fees are in place."

21 Also, you're encouraging infill in the  
22 urban areas. Many of those sites are brown  
23 fields, and you don't have any credit or discount  
24 for brown fields. Many of the sites that you're

1 encouraging developers to use in brown fields --  
2 there was a great expense for the brown fields,  
3 so I would encourage you to give some  
4 consideration to a discount for the brown fields.

5 And finally, I -- there's no encouragement  
6 for a developer to prepay any of the fees, and it  
7 would seem that the County would be interested in  
8 that; they can get an influx of money into their  
9 fund, why not offer the developers to prepay  
10 and -- whether it's a prepayment discount or a  
11 prepay of -- under -- meeting the old -- an old  
12 or nonexpiring program.

13 Those are just some comments. I don't know  
14 if anybody has thought about any of those or  
15 would offer any response comments or if we just  
16 wait and see what happens in the final document  
17 or . . .

18 MR. SCHOEDEL: Those are good  
19 comments. I think in -- and I know you've  
20 prepared a letter, and I would encourage you to  
21 submit that to the Court Reporter if you had not  
22 already.

23 I think in -- in respect of people's time,  
24 I don't think we'll get into a debate about

1 what's appropriate, but certainly, those comments  
2 will be forwarded to the Impact Fee Advisory  
3 Committee for their consideration.

4 Yes, sir.

5 MR. FAGANEL: I would --

6 MR. SCHOEDEL: Would you identify  
7 yourself for the Court Reporter.

8 MR. FAGANEL: My name is Dave  
9 Faganel.

10 And I guess I -- another thought: We've  
11 got a property -- I guess the good news is we  
12 have a property in Batavia, right on the border  
13 of Aurora, and about two years ago, three years  
14 ago, when the first -- or maybe four years -- the  
15 first fee structure came in place, it seemed like  
16 it was very unfair. We basically -- we're on the  
17 boundary line right next door in Aurora. Their  
18 fees were roughly four to five times more than  
19 ours, making our piece very -- you know, very  
20 hard to sell and very hard to develop.

21 I guess the good news is you've addressed  
22 the unequalness of the fees, but the bad news is  
23 you've done it by raising everybody's price  
24 ultimately, including ours.

1           But I guess the question I have is -- we're  
2 going to be doing a lot of street improvements  
3 there. Do you actually have a plan in place  
4 where we would get credit if we're making  
5 improvements to the intersections of Kirk Road  
6 where we would have credits available for, you  
7 know, our cost of improving Kirk Road?

8           MR. FRY: Yeah, the -- in general  
9 terms, any improvements to project -- or on  
10 projects that are listed in the Comprehensive  
11 Road Improvement Plan as being eligible, if a  
12 developer makes those improvements at his  
13 expense, then he could receive a credit for  
14 the -- for that cost against future impact fees  
15 for that project.

16           So in general terms, that's how it works,  
17 and the County has given out many, many credits  
18 over the past three years, and we expect that to  
19 accelerate under this program.

20           And, in fact, that kind of addresses one of  
21 the -- in one way, at least -- the prepayment  
22 issue that was raised earlier. That's one way to  
23 get the projects that you're looking for to help  
24 your development, and that's to go ahead and

1 build those and then get credit for them as  
2 the -- as building permits are pulled on that  
3 project.

4 But that's what's called an impact fee  
5 credit agreement. There's a specific section in  
6 the statute -- in the ordinance that addresses  
7 that. You can find that in the text of the book  
8 that you have in front of you.

9 MR. FAGANEL: Also, when I walked in,  
10 I signed up with the Court Reporter to make a  
11 general statement. I don't know if you want to  
12 do something informally or just take questions or  
13 how you're going to do that.

14 MR. SCHOEDEL: I think what I'd  
15 prefer to do -- again, in the interests of  
16 everybody's time -- is -- and to give people a  
17 chance to give their comments -- is to -- you  
18 know, if you have a question that is specific to  
19 your case or you need clarification on the  
20 current ordinance or the proposed ordinance, the  
21 staff will be here in the back of the room to do  
22 that.

23 Meanwhile, we can let the public comment go  
24 on directly with the Court Reporter.



1 MR. WOLFE: If I can make a comment.

2 What we're doing here is statutory and  
3 required under -- by the statute. This is not a  
4 committee meeting, so we can't speak for the  
5 committee. This is your evening to make your  
6 comments, your questions into the record. We  
7 shouldn't be answering them on the record.

8 MR. FAGANEL: Okay.

9 MR. WOLFE: So make your statements,  
10 put your questions in. There will be another  
11 Impact Fee Committee meeting, and then these will  
12 also go to the County Board.

13 So we're constrained here by statute as to  
14 what we can do. This is public comment. It ends  
15 up not being an Impact Fee Committee meeting,  
16 so -- this is your time to make -- read all your  
17 questions into the -- to the Court Reporter, but  
18 as far as answers, I -- now, your answers are  
19 going to -- talk to these fellows after the  
20 meeting, outside the meeting; they'll give you  
21 what answers they can. But as far as speaking  
22 for the committee, they can't.

23 MR. FAGANEL: All right. Well, can I  
24 speak now or --

1 MR. WOLFE: You sure can.

2 MR. FAGANEL: Great.

3 As I said, my name is Dave Faganel. I'm a  
4 Batavia-based builder and developer. I've done a  
5 lot of projects in the -- in Kane County.

6 I'm also a member of the DuPage County  
7 impact fee advisory committee, and, also, I'm the  
8 cochair of the steering committee for DuPage  
9 County task force on affordable housing. And I  
10 guess I'd like to speak as maybe a builder and an  
11 advocate for affordable housing.

12 I think it's -- as -- as an industry on the  
13 whole, as builder/developers, we've done a really  
14 bad job over, basically, the last 10, 15 years  
15 because -- the members have done a really bad job  
16 of not arguing about fees. We've basically  
17 accepted everything that's come down the road,  
18 and consequently, it's a big reason -- in my  
19 opinion -- right now we have an affordability  
20 crisis. It's very -- it's very hard to make  
21 anything work with development right now with the  
22 price of land and so forth.

23 Back in 2005 the National Association of  
24 Homebuilders did a study, and they found out that

1 36.82 percent of the households in the United  
2 States could afford a medium-priced home, and it  
3 vacillates back and forth. I've seen  
4 somewhere -- 40 to 50 percent, but a vast percent  
5 of the population is being priced out of homes.

6 And if you -- if you look at a \$5,000 price  
7 increase on the cost of a house, nationally  
8 1.2 million families are priced out of the  
9 market, and locally, in the Chicagoland area, a  
10 \$5,000 increase relates to 20,000 people in the  
11 Chicagoland market or, basically, two-thirds of  
12 1 percent of the whole Chicagoland households  
13 being priced out of the -- out of the market.

14 So I think -- you know, I think what's  
15 happening here is I think we're finding builders/  
16 developers -- I think you're going to find that  
17 it's changed, that there's -- it's more  
18 contentious negotiations with the cities and with  
19 the landowners and so forth because in the past  
20 it's the path of least resistance. The path of  
21 least resistance is we can pass it on to the  
22 homeowner and they'll pay for it, but we can't do  
23 that anymore.

24 We spend a lot of time -- we spend hundreds

1 of hours trying to cut costs, trying to keep --  
2 trying to make houses affordable. Our buyers are  
3 very price sensitive.

4 And I understand we have to pay our share,  
5 but I mean, we spend hundreds of hours trying to  
6 cut a door out of a house or something like that,  
7 trying to get the cost down, and in one whack we  
8 get a 3 to \$4,000 price increase in impact fees  
9 that we can't do anything about, and we have to  
10 pass that on to our buyers, and we just can't do  
11 that anymore.

12 And I guess why the County should be  
13 concerned about that is, nationally, residential  
14 construction is 16 percent of the economy.  
15 That's probably greater than in Kane County  
16 because Kane County is a growing community;  
17 therefore, it's probably a larger percentage than  
18 that.

19 I think you'll find that any part of a  
20 strong economy is a strong housing market, and  
21 your businesses look for rooftops and you're --  
22 not only for customers but for employees.

23 Price increases -- no matter, you know,  
24 what size they are and so forth, price increases

1           like this across the board are really hard on  
2           work force housing and medium-price housing  
3           because, percentage-wise, you know, it's -- if  
4           it's a \$200,000 house or it's a \$2 million house,  
5           basically, the way I understand it, it's going up  
6           the same amount.

7                     And it's particularly hard on working  
8           people because of the fact there's also -- they  
9           happen to have a big percentage, but also,  
10          there's subsidies and other programs for  
11          affordable housing. The working class, the  
12          middle part, they don't have anything -- any  
13          programs, really -- in place to make anything  
14          more affordable.

15                    My involvement with the DuPage County  
16          affordable housing was started -- was started by  
17          two board members, and it was backed by Bob  
18          Schillerstrom because what they found in DuPage  
19          County -- the County's built out and I'm afraid  
20          you may have a mess in Kane County -- is they  
21          have several things that were of concern to them.

22                    One is the inability to keep and attract  
23          new businesses. Businesses -- a lot of  
24          businesses are members of this group, and they

1 have a hard time -- you know, they don't have  
2 enough employees, qualified employees, close by,  
3 and they have to trans -- you know, they have to,  
4 you know, travel a long way to work.

5 We have excess traffic on the roads as a  
6 result of the work force commuting in and out of  
7 the county. They have difficulty of  
8 municipalities and taxing districts to attract  
9 such desirable members of the community, such as  
10 firefighters, policeman, school teachers, nurses,  
11 et cetera.

12 They have -- there is an inability of  
13 long-term residents who live in that county -- as  
14 their income changes, they as they grow older,  
15 they make less money, they live on a fixed  
16 income, they retire, they can't stay in the  
17 community so they have to -- they have to leave  
18 the community, and I think that's, you know,  
19 something that -- I think people who have  
20 invested so much in the community want to stay  
21 around. I mean, I think the community would want  
22 that. That's something they can't do.

23 The other issue is the inability of the  
24 younger people who grow up in the community --

1 they can't come back, can't afford to live by  
2 their parents because they just don't make enough  
3 money because things have gotten so expensive.

4 So I guess my main point in addressing and  
5 bringing up these points is just to let you know  
6 that we're a very price-sensitive industry, and  
7 the price of residential construction is very  
8 important to the economic health of Kane County,  
9 and once you shut it off, it's a -- it's not  
10 hard -- it's hard to get it back.

11 One of the things -- the last thing I  
12 remember is I remember, about three years ago in  
13 Sycamore, we were involved in a project there.  
14 There was a lot of no-growth, and the City hired  
15 a consultant because, basically, the school  
16 district was saying, "You're giving us too many  
17 people."

18 Well, what happened was when they did the  
19 study -- they hired Roger Dahlstrom out of  
20 Northern Illinois. And what they found out was  
21 new construction was basically about 300,  
22 \$310,000, the existing construction was about  
23 \$230,000, and the new construction had less kids,  
24 generated less trips, and, really, instead of new

1 construction being the problem, new construction  
2 was the solution because they come on, pay more  
3 taxes, less kids, less trips.

4 And I don't know the demographics and the  
5 numbers here, but I -- my sneaking suspicion is  
6 that I know new construction is higher than  
7 existing resales here in Kane County, so you may  
8 find out, at the end of the day, when you look at  
9 the numbers closely, that new construction really  
10 is paying for itself when it eventually comes  
11 online at a higher price.

12 And if you're not careful, I'm afraid Kane  
13 County's going to have the negatives of growth --  
14 which is high taxes, traffic -- they're not going  
15 to have the positives, which is a diversified  
16 housing stock and population which supports  
17 strong businesses and retail growth.

18 So anyway, that's my comments. Thank you  
19 for listening.

20 MR. FRY: Thank you.

21 MR. SCHOEDEL: If you prefer not to  
22 speak in front of the group, of course, go ahead  
23 and see the Court Reporter. If there's anybody  
24 else that wants to make a comment at this



1 time . . . sir.

2 Go ahead, Phil.

3 MR. PAGE: I provided comments to the  
4 Court Reporter and a copy of the City's  
5 resolution that we had passed by our City  
6 Council, which, you know, we certainly endorse  
7 and are very appreciative of the work that the  
8 advisory committee and the Kane County  
9 transportation staff have done to bring more  
10 equity into the fee structure and phase it in  
11 over five years.

12 But one specific comment that I do want to  
13 make has to do with the Keslinger Road/ Randall  
14 Road intersection. This is, you know, on your  
15 list, certainly, on your CRIP list, and,  
16 certainly, it should be.

17 It's in the multiyear plan; it's not in the  
18 plan through 2010, and we know it's a very  
19 expensive improvement that needs to be made with  
20 the bridge reconstruction, et cetera, that needs  
21 to go on with the widening, but, at the same  
22 time, it is a very high-accident intersection.  
23 It's far and away the highest accident  
24 intersection in the City of Geneva, 64 accidents

1 in 2006, 527 in the last 10 years.

2 And it also, you know, serves emergency  
3 traffic to Delnor-Community Hospital, so I guess  
4 the -- kind of the question I have -- it's in the  
5 multiyear plan, and, certainly, the City would  
6 like to see it -- you know, we recognize the high  
7 cost, it can't be -- it can't be fit into the  
8 program for 2010, but, certainly, in the  
9 multiyear plans, that it would be given some high  
10 priority when you get into that horizon.

11 And I guess the question I would have --  
12 and maybe that's reserved for later -- is, you  
13 know, at what point do you start, you know,  
14 looking at a multiyear plan and trying to  
15 prioritize?

16 MR. SCHOEDEL: All right. I think  
17 we'll stay with our policy of not really  
18 answering questions.

19 MR. PAGE: Thank you.

20 MR. SCHOEDEL: They will be dealt,  
21 with, though, at the advisory committee level.

22 Thank you.

23 Anybody else.

24 MR. MC RAE: My name is Colin McRae.

1 THE COURT REPORTER: Excuse me?

2 MR. MC RAE: My name is Colin McRae.

3 I represent the Attainable Housing Alliance,  
4 which is an alliance of three associations, the  
5 Homebuilders Association in the Greater Fox  
6 Valley, the Northern Illinois Homebuilders  
7 Association, and the Homebuilders Association of  
8 Greater Chicago.

9 And we're a not-for-profit organization  
10 that deals with public advocacy and governmental  
11 recommendations, and I'd like to read a statement  
12 for the record for people here. And first of  
13 all, I want to say we appreciate the fact that  
14 pursuant to the State legislation you're having a  
15 hearing tonight. Well, of course, you'd be  
16 expected to. Even if the legislation didn't  
17 require it, good public government policy would  
18 make you think that you can do it anyway, and I'm  
19 sure that you would.

20 But, you know, several years ago the Kane  
21 County Impact Fee Committee passed a plan  
22 represented as having been constructed upon a  
23 needs-driven basis in 12 zones. We presume it  
24 reasonable to say that its passage implied that,

1 in the view of the committee, the County Board,  
2 and the supporting staff, it complied with the  
3 pertinent State statute and could withstand evil  
4 scrutiny.

5 While we realized and certainly appreciate  
6 that a scaling has been proposed in the present  
7 instance, an apples-to-apples comparison of the  
8 asserted actual cost impacts requires that we  
9 compare the numbers from the two plans that would  
10 represent 100 percent of the asserted actual  
11 impact if we are to fairly and accurately compare  
12 the asserted impacts from the initial plan to the  
13 proposed plan.

14 So you can compare apples and apples. You  
15 can't compare the scaled price to the old price  
16 because the old price was supposedly the actual  
17 impact price and the new impact price is the  
18 numbers on the far end there; that's the 4962 for  
19 a single-family home. That's how you compare  
20 apples and apples with these plans.

21 The present ordinance that's in existence  
22 as we speak includes -- for a single-family  
23 detached home, those fees range from \$156 to  
24 \$1780; for a single-family attached home, from

1           \$73 to \$938; and for a multifamily attached,  
2           ranging from \$94 to \$1087.

3                       Now, those same categories under the  
4           presently proposed plan for three districts would  
5           be, on the average, \$4,756 or between -- they  
6           range from 2.7 to 30 times the existing fee;  
7           \$3742, which range from 4 times to 51 times the  
8           present fee; and \$2,975 or 2.7 to 32 times the  
9           existing fee, respectfully.

10                      While we applaud the time and effort  
11           expended today by all participants on the impact  
12           fee project, we seriously question the viability  
13           of the proposed fee schedule.

14                      In order for the ordinance to be  
15           reasonable -- a reasonable tool, it needs, one,  
16           to exclude already existing deficiencies --  
17           already existing deficiencies -- and, two, to  
18           adhere to the uniquely and specifically  
19           attributable standards set forth in the  
20           legislation.

21                      We emphasize that the legislation standard  
22           requires not only must the amount of the  
23           imposition reflect the burden placed on the  
24           public by the proposed developer, but it also

1 requires that the fee payer receive -- and I  
2 quote -- a direct and material benefit from  
3 paying the fee. We question whether dividing the  
4 county into these three districts, as drawn,  
5 satisfies this requirement.

6 Fees, depending upon category, have been  
7 increased anywhere from almost 3 times to over  
8 50 times the original -- originally asserted  
9 impact. And while we know the costs have gone up  
10 and there's been some new projects added, that's  
11 a considerable range and an astounding range of  
12 increase. This fact raises serious questions  
13 about the validity of the proposed fee schedule.

14 Just looking at Randall Road projects  
15 alone, it would seem that the number of projects  
16 that have been planned and proposed included in  
17 the impact cost are of such a magnitude that it  
18 would be, if not impossible, certainly very  
19 unlikely to be able to be accomplished in the  
20 time frame allowed by law. This would result in  
21 a collection of fees that could not possibly be  
22 applied pursuant to the law.

23 The information and data which forms the  
24 foundation for the present proposal was made

1 public on April the 4th, a week ago, and while we  
2 appreciate the fact that it's open for another  
3 week or so or close to it, we submit that such  
4 amounts of time -- particularly if you consider  
5 how much time it took for the staff to create  
6 this animal to begin with -- is inadequate to  
7 allow the public to obtain the information, to  
8 have experts with equal expertise of the people  
9 that you have retained to evaluate the data,  
10 prepare testimony that can be placed into the  
11 public record, as we wish to do so.

12 Timing. Something that takes a year and a  
13 half you don't look at in a week and -- look --  
14 get the inspection, get the experts, have them  
15 read it, have them analyze it.

16 It reminds me of another County that did a  
17 framework plan or a comprehensive plan. It was  
18 this thick and they gave the public five days --  
19 five working days -- to obtain one for \$50, read  
20 it, analyze it, and come back with constructive,  
21 fair comments, rather than histrionics.

22 (Indicating.)

23 We would urge Kane County to adopt or amend  
24 the County ordinance with consensus and not in

1 the face of what could be significant and  
2 possibly well-founded opposition.

3 DuPage County spent a lot of time and money  
4 in court defending its ordinances, and during  
5 that prolonged period of litigation, millions of  
6 dollars sat in an escrow and did nothing for the  
7 benefit of the traveling public.

8 For all these reasons, we respectfully  
9 request and suggest that this public hearing,  
10 rather than being adjourned, be continued for a  
11 period that you would think that would be  
12 reasonable to allow experts to review the  
13 results, which then could be presented at a  
14 reconvened meeting in a public forum.

15 If it's done in that way, it does not  
16 affect at all what you're talking about here. It  
17 may change the dates for the next Board meeting  
18 or something, but a public hearing is not a  
19 formality just to get it out of the way so you  
20 can get on with passing an ordinance.

21 A public hearing is supposed to be for  
22 taking input, giving it meaningful consideration,  
23 and perhaps, to the degree that it might have  
24 some type of validity, giving it consideration in



1 the ordinance that you would ultimately pass.

2 And therefore, we respectfully make that  
3 request. Thank you.

4 MR. SCHOEDEL: Sir.

5 MR. KESSLER: My name is Robert  
6 Kessler. I represent Lord of Life church on the  
7 corner of Route 38 and LaFox.

8 And as a member of the church and an  
9 officer in the church, we feel that the church is  
10 a good citizen, basically, and the revenues that  
11 we receive are certainly from the congregation,  
12 gifts to the church, which we use to enrich the  
13 world around us.

14 We give 12 percent of our -- of our  
15 offerings to local and global ministries, as our  
16 pastors see fit to do. We support Lazarus House,  
17 both physically and financially. We support  
18 Koinonia House in Chicago, and we support many  
19 prison ministries, many youth ministries. We  
20 feel that the monies that we receive go to the  
21 community in a good way.

22 And we've also been -- we understand our  
23 tax-except status, and we feel that that speaks  
24 for itself, as well, and in spite of that,

1 we've -- in our development, we've done a good  
2 job of helping the community with some of the  
3 physical things, like storm retention, and we  
4 gave some of our land up for the highways,  
5 et cetera, for you.

6 And we just feel that -- that this impact  
7 fee is -- is a detriment to our ministries. It  
8 puts us in a rather awkward position of being a  
9 tax collector, basically. We have to collect  
10 those monies from our congregation. We don't  
11 have those presently, so we'll have to do  
12 something to collect that money to pay your tax,  
13 and that certainly throws itself in the face of  
14 the separation of church and State.

15 So we would ask that you would simply  
16 reconsider the position of the church as you go  
17 through the final stages of this proposal.

18 Thank you.

19 MR. SCHOEDEL: Thank you.

20 Are there others?

21 I will -- Marilyn.

22 MS. MICHELINI: Marilyn Michelini,  
23 Village president, Montgomery.

24 Montgomery supports the Metro West

1 resolution. The Board approved it, and we just  
2 encourage the County to use the impact fees --  
3 before coming upon approval -- eventual approval  
4 of the ordinance -- number one, to widen Orchard  
5 Road to 30 -- it's becoming a very traumatic  
6 travel experience down there -- and, two, do the  
7 intersection of Route 30 and Orchard Road and,  
8 also, to provide a temporary traffic signal on  
9 Rochester to create traffic flow into the  
10 industrial/commercial properties that are  
11 adjacent to Orchard Road in that area.

12 And I just want to commend the committee  
13 for the many meetings that they have had and the  
14 work that's gone into this project.

15 MR. SCHOEDEL: Thank you, Marilyn.

16 Sir?

17 MR. ALLEN: My name is Jim Allen, and  
18 I'm the executive director of the Montgomery  
19 Economic Development Corporation, and tonight  
20 I'll also be presenting a resolution that was  
21 passed yesterday by the board of directors of  
22 the MEDC.

23 The MEDC represents 400 companies in a  
24 community population of 15,500. The MEDC also

1 acknowledges that the challenges inherent in  
2 meeting the expanding transportation needs in  
3 Kane County are significant. The MEDC remains  
4 concerned, though, that imposing these new impact  
5 fees will cause significant impact on the future  
6 development of our community.

7 It is fine for communities within the  
8 county who are almost totally built out or close  
9 to it, but what about the small communities that  
10 are just in their growth beginning or in the  
11 middle of their growth beginning or what about  
12 border communities where the development will  
13 just cross the county line -- will just cross the  
14 county line like companies did in DuPage County  
15 when they crossed and came to Kane and Will  
16 County?

17 Are we now seen as a county that certain  
18 areas within the county have built out, and,  
19 therefore, it is time to make it so difficult for  
20 other communities to develop so that -- so these  
21 built-out communities have a greater economic  
22 advantage over other communities within the  
23 county?

24 If all of this is to take place, then we

1 ask that everyone be treated fairly and equally,  
2 no matter what their size or location within the  
3 county.

4 And I'll give you an example. President  
5 Michelini also -- had just talked about Orchard  
6 Road from Jericho Road to U.S. 30. This stretch  
7 of roadway presently has documented road counts  
8 of 30,000 vehicles on a two-lane road, and that's  
9 according to KDOT, who also said that that number  
10 is growing at an increase of 10 to 15 percent per  
11 year.

12 And it is only a two-lane road, and we are  
13 constantly told that we have to wait until 2009,  
14 2010 -- whatever the number -- we don't know; we  
15 just keep being told a different number of a  
16 year -- while, at the same time, portions of  
17 Fabyan Parkway have been widened to four lanes,  
18 Orchard Road between Randall Road and Oak Street  
19 have been widened to four lanes, and their  
20 traffic counts on those roads are about 16 -- or  
21 13,000 cars. Remember, Orchard from Jericho  
22 to 30 is 30,000 vehicles at the latest count.

23 Another point, since Kane County is going  
24 to force the Village of Montgomery, its

1 residents, and business communities to just live  
2 with the unsafe conditions of Orchard Road, then  
3 we ask that the County immediately put in a  
4 temporary light at Orchard Road and  
5 Rochester Drive.

6 Why, you might ask. Because Kane County  
7 has decided to widen the stretch of Orchard Road  
8 from Miller's Station overpass to Cornell Avenue  
9 to four lanes, which will then cause everyone to  
10 bottleneck into two lanes at Rochester.

11 After that improvement -- and you  
12 have . . . but in reality, we need that temporary  
13 light no matter if the improvement is done to the  
14 north or not. So it's just saying if you do away  
15 with doing the development -- you're not going to  
16 do because you're already in the middle of  
17 starting to do the expansion -- but if you were  
18 to just do away with it, it's still going to  
19 cause -- it's still a problem, and that light at  
20 Rochester is needed.

21 The MEDC is basically asking that the  
22 County be equitable in the way road improvements  
23 are done within the county. We do not look  
24 forward to the tripling of the road impact fees

1 within our community, but if we are forced to  
2 live with that, then disperse the development  
3 dollars equitably throughout the county.

4 And also, we would like to remind the  
5 County that, as business people, this is not the  
6 only thing that's being thrown at us.

7 We've just received minimum wage hike  
8 requirements, health insurance rate increases,  
9 oil price increases, stainless steel price  
10 increases -- and we have manufacturers that use a  
11 lot of that in our community -- electric --  
12 electricity price increases, and we also have  
13 meat packers in our community, and the cost of  
14 raw meats have also skyrocketed.

15 So it's just -- it's a whole lot of things  
16 on top of what you're also asking us to live with  
17 that is going to end up hurting the business  
18 community within Montgomery.

19 Thank you.

20 MR. SCHOEDEL: Mary.

21 MS. RANDLE: Hi. I'm Mary Randle.

22 I'm the executive director of Metro West Council  
23 of Government. We're a nonprofit organization  
24 that represents municipalities within Kane,

1 Kendall, and DeKalb counties.

2 I realize that two of my counties are going  
3 to be leaping with joy when this is passed, but  
4 for my Kane County communities, this is going to  
5 be difficult.

6 We did pass a formal resolution, which I  
7 will submit to the Court Reporter. And I'm not  
8 going to read all the whereases, but basically,  
9 we did want to acknowledge the challenges that  
10 Kane County faces in meeting the expanded  
11 transportation needs in the county and that the  
12 need for funding is very significant. We do want  
13 to support the work of the Kane County Road  
14 Impact Fee Advisory Committee. I know three of  
15 our mayors have served on that, and I know you  
16 all have worked for a very long time, and it's  
17 been a difficult charge.

18 Our concern is that we were very concerned  
19 that imposing the impact fees at the level being  
20 proposed will cause significant impact on future  
21 developments, the commercial projects within the  
22 county, and if those are driven outside of the  
23 county, our problem then will be that people will  
24 still be driving through Kane County on Kane



1 County roads to reach those developments, but you  
2 won't have the commercial tax base to help pay  
3 for that impact.

4 We strongly support the IFAC concept of  
5 phasing in the road impact fees over the  
6 five-year period of time. We also support  
7 the gradual implementation, starting with the  
8 32 percent and ending at no higher than  
9 64 percent. We support the concept of the  
10 grandfathering clause with the way that it is  
11 written, as proposed.

12 We do have several amendments that we would  
13 propose respectfully. One, that brown field  
14 sites, as defined by the EPA and the Illinois EPA  
15 guidelines, are fully exempted from impact fees.  
16 That's something that all of our communities felt  
17 strongly about.

18 We would request that, in the discount  
19 program, that that can be unbundled somewhat.  
20 Our concern is that for -- for our communities  
21 that have mass transit, we're very pleased with  
22 the impact, you know, that they will have from  
23 the discount program, but for our communities  
24 that don't have mass transit, they really don't

1 have any control over whether they can get mass  
2 transit in their community. If they are totally  
3 knocked out of the discount program by not having  
4 mass transit, that's going to really have a very  
5 severe impact on development in those  
6 communities.

7 So we would respectfully request that that  
8 program be divided into components such that not  
9 all four of those would have to be met to be  
10 considered for any discount.

11 We would also request that the language of  
12 the impact fee ordinance would ensure that  
13 individual assessments will be granted as studies  
14 show that the projects will have a lesser impact  
15 on county roads.

16 And then we also just want to stress that  
17 we understand that the IFAC will continue to meet  
18 annually, so we support that you will keep  
19 meeting annually and respectfully request that,  
20 as you look at the analysis of the impact of  
21 the -- the impact fees as they go through, that  
22 you will look at any needed adjustments in the  
23 CRIP or in the formula or the fees themselves.

24 MR. SCHOEDEL: Thank you.

1 Sir.

2 MR. CLARK: Perry Clark, Sugar Grove  
3 Economic Development, executive director.

4 We have prepared a resolution that we've  
5 already mailed to the County. I will turn that  
6 in. I'm not going to read it because our  
7 beautiful lawyers always prepare those nice  
8 things.

9 I have a couple concerns and questions that  
10 directly affect Sugar Grove, and I cannot sit  
11 here and speak on other communities or much on  
12 bad-mouthing the other communities.

13 I see there's some weaknesses in this plan.  
14 There's no clear definition, like Mr. Faganel  
15 said, on the affordable housing. Every  
16 community's different. That needs to be  
17 clarified. We've never addressed senior housing.  
18 We talk about it behind those nice, closed doors,  
19 but this plan never addresses that issue.

20 The four requirements, as Mary indicated,  
21 that does not even help the Village of Sugar  
22 Grove whatsoever. We have no plans for mass  
23 transit in the next 5 to 16 years. We don't have  
24 bus services, and obviously, Metra is going to

1 depend on rooftops, which rooftops are hard to  
2 come by with added fees.

3 I also agree with my counterpart, Jim Allen  
4 from Montgomery; you are not considering the  
5 collar communities. We do not have the  
6 capabilities of coming back and fighting what  
7 Kendall County does. Yorkville is growing and  
8 expanding; everyone knows that. Whether you  
9 agree with that expansion and growth, that's up  
10 to debate, but we still have to compete with  
11 them.

12 We talked about -- I think a comment was  
13 made about fast-food restaurants as you were  
14 going through your presentation. We have no  
15 fast-foot restaurants, so now I need to go back  
16 to the three that we're trying to entertain and  
17 say, "We might have a \$25,000 to a \$50,000 fee  
18 that goes to the County."

19 Well, right now our residents travel County  
20 roads to our communities to get the same service,  
21 so if you provide them fast-food restaurants,  
22 they would travel less County roads and still get  
23 that same service.

24 We're also not looking at this -- we're

1 looking at this more regionally. The plan  
2 doesn't look like the housing -- has looked at  
3 the housing market, and -- which is plumbing.  
4 Kane County's not increasing the housing. It's a  
5 decrease. It doesn't address that. Overall, as  
6 a region area, we're not looking at the  
7 competition that we have going to Will, DeKalb,  
8 LaSalle counties.

9 Another thing, on the statewide level, as  
10 everyone knows -- which some people were driving  
11 all over today -- we have a Governor who's  
12 proposing the highest gross receipt tax bill  
13 ever. That's going to also discourage businesses  
14 from coming into our area.

15 We need to look at all those factors. It's  
16 easy to sit back and say, "Wow, our revenues in  
17 the County have declined because we don't have  
18 landfill money anymore," and that's what this  
19 really is, is it's either a nongrowth community,  
20 which you're making it out to be, or we need to  
21 increase revenues somewhere else because we lack  
22 the revenues that we got from a landfill.

23 You know, I don't have -- I have the  
24 pleasure of getting to speak my mind. I'm not an

1 elected official, and I feel sorry sometimes for  
2 those elected officials, but we are in an area  
3 where we need to dramatically increase our  
4 rooftops in Sugar Grove to bring in sales tax  
5 dollars.

6 And I think this fee hurts us not only by  
7 hindering us from increasing our residential  
8 units. I looked at the unemployment rate; I  
9 looked at people losing jobs because we're not  
10 building homes; we're not attracting businesses  
11 to our community; we're letting all those other  
12 businesses go to other communities or other  
13 states.

14 Now, I know this is a local type of event,  
15 but it has, obviously, statewide implications.  
16 And again, I just -- I'm very -- it's hard enough  
17 to work with the current impact fee, and we're  
18 doing that with Kane County staff, and we've been  
19 able to successfully have some of those things  
20 discounted, but there is no way that the Village  
21 of Sugar Grove or its businesses can ever go  
22 after discounts when there's nothing for us  
23 to get.

24 So I just -- I would ask the advisory

1 committee and, hopefully, the Kane County Board  
2 to really look at this, and there's got to be  
3 other avenues to increase revenues, whether it's  
4 a sales tax increase, whatever it might be,  
5 instead of pounding on development's door once  
6 again.

7 That's it.

8 MR. MICHELS: I'll speak. Sean  
9 Michels for McCue Builders. This is just for the  
10 business end.

11 We would ask that the County consider  
12 scaling back the scope of the CRIP to be more in  
13 line with the residential building permitting  
14 that's being expected to occur in Kane County.

15 Right now, 5900 homes would have to be  
16 built per year to fund the CRIP for the south  
17 region, and seeing the residential building  
18 permits coming into Sugar Grove and Elburn, I  
19 don't see 5900 homes being built a year, so we  
20 ask that the scope of the CRIP be scaled back to  
21 be more in line with whatever revenue projections  
22 are.

23 We also go along with the idea of being  
24 able to prepay fees, if possible. Also, look to

1 get credit for road improvements that are being  
2 made by a development or developers that are  
3 going to benefit the region, and then, also, ask  
4 that the County consider passing the sales tax so  
5 that there is an additional revenue source and  
6 that the burden of the improvements is spread out  
7 over growing communities and established  
8 communities.

9 Thank you.

10 MR. NAGEL: Dan Nagel.

11 Concerning what Mr. Faganel said about the  
12 affordability on housing and, also, what Perry  
13 said about the seniors, we're not looking --  
14 I'm -- I have a problem with the committee if  
15 they have not entertained the situation with the  
16 seniors.

17 We have two projects that we have had with  
18 seniors, but the impact on this type of  
19 situation, with the fees, are going to make it  
20 where it won't be affordable, and that's where  
21 we're going to. How are we going to keep our  
22 people in our towns?

23 I'm also supervisor of a township, and more  
24 of the people are moving out that are over 65,



1 and they can't afford the taxes or the place to  
2 live.

3 So that's what I have to say. Thank you.

4 MR. YOUNG: Richard Young. I'm with  
5 Kimball Hill Homes.

6 I'd just like the committee to look closely  
7 at the CRIP in terms of improvements that  
8 developers are providing in a major way for  
9 off-site road improvements that affect a smaller  
10 region than what's been looked at in terms of the  
11 CRIP at this time.

12 And I would be concerned or question when  
13 the CRIP would be opened to look at new projects  
14 that are beyond what's been identified on the  
15 CRIP map at this time.

16 MR. SCHOEDEL: Okay. Anybody else?

17 MR. MC RAE: Just one question, as  
18 far as the new sales -- excuse me -- the new  
19 gas tax.

20 In your presentation you spoke about the  
21 5 million in tax income. Has the additional tax  
22 from the tax increase come into play at this time  
23 at all?

24 MR. SCHOEDEL: I -- you know, that's

1           been addressed as part of the CRIP.

2                   MR. MC RAE:   Yeah.

3                   MR. SCHOEDEL:  I really see that as a  
4           separate issue, not related directly to impact  
5           fees, so I don't think it's appropriate for me to  
6           respond to that question one way or the other.

7                   MR. MC RAE:  Is there sometime that  
8           we can, off the record, get it answered?

9                   MR. SCHOEDEL:  Absolutely.  I'll stay  
10          after.

11                  MR. MC RAE:  We would respectfully  
12          disagree that it is not pertinent to the issue.

13                  MR. SCHOEDEL:  Thank you.

14                  MR. MILNE:  I have a few.  John Milne  
15          again.

16                   I was reading on your Web site today that  
17          this tax was created a few years ago because our  
18          taxes -- specifically, the motor vehicles tax,  
19          the gasoline tax -- I understand that -- that was  
20          increased so high that it reached the maximum  
21          allowed by law, so this new tax was created, this  
22          impact fee.

23                   And what's scary about this is I don't see  
24          any cap to this.  Unlike the motor vehicle tax

1 that was capped, this could keep going on and on.

2 The first year, the 32 percent  
3 multiplier -- 32 percent, that increases up to  
4 40 percent. That's not an 8 percent increase;  
5 that's a 25 percent increase. The next year it  
6 goes up 20 percent.

7 So right away we're going to get a big  
8 jump, and then we're going to get another big  
9 jump and another big jump until 2011, when this  
10 is going to be reviewed again.

11 And in the past, taxes seem to keep going  
12 up. I wouldn't be surprised if this passed  
13 today -- this year -- in 2011 that we would have  
14 even bigger jumps, and I -- it's frightening that  
15 there's no limit to this, especially since, in  
16 this packet here, it seemed like you provided  
17 funding for -- funding of 400 million over the --  
18 until 2013, but there's about a billion dollars  
19 worth of projects planned.

20 So I think this tax doesn't really look  
21 fair. It looks like it's a tax on landowners,  
22 farmers in the area who are trying to sell their  
23 homes, trying to sell their land to homebuilders.

24 It really looks like it's a tax on the

1 landowners, and it looks like it has no known  
2 cap. It could keep going on and on. It seems  
3 very scary.

4 MR. SCHOEDEL: Anybody else?

5 (No response.)

6 MR. SCHOEDEL: Don, did you want to  
7 say a few words?

8 MR. WOLFE: As you are all looking at  
9 the board, our next meeting is April 26th, the  
10 Impact Fee Committee meeting.

11 As have been all our meetings, it's open to  
12 the public. It's been announced, it's published,  
13 so please . . . if you have comments you'd like  
14 to make to the full Impact Fee Committee, that  
15 would be the next place for you to go.

16 As I said, this process has been open and  
17 ongoing for a long time. I don't think we're  
18 surprising anyone with anything, so please --  
19 that's our next meeting. If you have something  
20 further to say, that might be the time and place.

21 UNIDENTIFIED SPEAKER: Don, is that  
22 8:00 a.m.? Do you know what time?

23 MR. WOLFE: I would assume. Most of  
24 our meetings have been at eight o'clock. Some

1           have been moved to a different time, but I'm  
2           betting it will be eight o'clock.

3                       MR. SCHOEDEL: With that in mind,  
4           with the availability of future public meetings,  
5           I will, at this time, close the public hearing.

6                               (There followed a discussion  
7                               outside the record.)

8                               (Which were all the proceedings  
9                               had in the above-entitled matter  
10                              at the hour of 8:45 p.m.)

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1 STATE OF ILLINOIS )  
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I, MELANIE L. HUMPHREY-SONNTAG,  
Certified Shorthand Reporter No. 084-004299, CSR,  
RDR, CRR, FAPR, and a Notary Public in and for  
the County of DuPage, State of Illinois, do  
hereby certify that I reported in shorthand the  
proceedings had in the above-entitled matter and  
that the foregoing is a true, correct, and  
complete transcript of my shorthand notes so  
taken as aforesaid.

IN TESTIMONY WHEREOF I have hereunto set my  
hand and affixed my Notarial Seal this 12th day  
of April, A.D. 2007.

---

Certified Shorthand Reporter  
Registered Diplomate Reporter  
Certified Realtime Reporter  
Fellow of the Academy of  
Professional Reporters

My commission expires  
February 17, 2010

# EXHIBITS

# SHODEEN INCORPORATED

REAL ESTATE • DEVELOPMENT • CONSTRUCTION

"Moving Toward The Future With Values From The Past"

KDOT File ✓  
Impact Fees

April 10, 2007

Don Wolfe  
Kane County Board  
719 South Batavia Ave  
Geneva, IL 60134

Re: Kane County Transportation Impact Fee Proposal

Dear Mr. Wolfe,

We are writing to address a few items of concern in the proposed impact fee ordinance 07-nnn posted on the Kane County Website. We as well as other developers have existing and proposed developments in all three of the service areas and span the entire range of land uses.

Per Section Six of the proposed ordinance:

The draft reads:

*"Any New Development that has received Site Specific Development Approval prior to January 1, 2008, shall be assessed a Road Improvement Impact Fee under the terms of Kane County Ordinance 04-22; however, any road Improvement Impact Fee that is due an payable on or after January 1, 2010 shall be assessed in accordance with the terms of the Kane County Road Improvement Impact Fee Ordinance in effect at the time the Road Improvement Impact Fee becomes due. NEW DEVELOPMENT that is assessed an Impact Fee under Kane County Ordinance 04-22 shall not be eligible for the Impact Fee Discount provided for in Section Eighteen of this Ordinance."*

We would ask that the entire development that already has "Site Specific Development Approval" prior to January 1, 2008 be able to choose which ordinance to pay under, 04-22 or 07-nnn, on or before January 1, 2008. If the development chooses to be assessed under the terms of Kane County Ordinance 04-22 the development would be grand fathered at the rate schedule in the Kane County Ordinance 04-22.



[www.shodeen.com](http://www.shodeen.com)



The justification for this is that these projects have been financed under the current fees for the duration of the development. By not allowing developers to choose the new ordinance prior to January 1, 2008, you could be discouraging developers from working on projects that they are currently engaged in and postpone planning that are in-fill, brownsfield, or T.O.D. oriented which are the type of projects you are encouraging.

The final item we would encourage would be to give the option of pre-paying the Impact Fees, without losing the option of choosing which ordinance to pay under, for the whole or a fraction of the development at any point in time. This could benefit Kane County by providing upfront financing for projects included on the CRIP list. In essence "A bird in the hand is worth two in the bush"

Per Section Eighteen of the proposed ordinance:

The draft does not include any language in reference to "brownfields" development.

The County is encouraging redevelopment in the urban areas. These areas already have roadway infrastructure in place. These areas also have huge environmental scares known as brownfields. These sites hold large risk and large expense yet are the sites encouraged for redevelopment. Thus, we would ask for an additional discount for "brownfields" redevelopment of 10% and raise the total allowable discount to 80%.

Per Section Seventeen of the proposed ordinance:


The draft reads:

*"The replacement of a destroyed or partially destroyed building with a new building of the same size and use" – will be exempt*

We would ask that fees associated with redevelopment be assessed as a net gain or loss over the previous use. This should be treated as Improvement Credits. The developer should only have to pay for additional traffic created and not existing. If there is a net decrease in traffic the discounted impact should be credited to another project.

We look forward to the April 11<sup>th</sup> public hearing on the Impact fees and discussing these items in further detail. Please contact myself at 630-232-8570 to discuss.

Sincerely,

  
David Patzelt  
President

Cc: Phil Buss  
Carl Schoedel, P.E.  
File

**SUGAR GROVE ECONOMIC DEVELOPMENT CORPORATION**

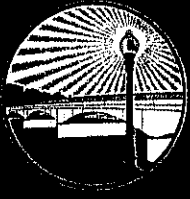
**RESOLUTION NO. 2007-03**

**RESOLVED THAT,** the Sugar Grove Economic Development Corporation is adamantly opposed to any increase in the existing Kane County Transportation Impact fee, as such increase shall inhibit needed land development and property enhancements in Sugar Grove to the detriment of its residents and businesses, and

**RESOLVED FURTHER, THAT,** the Sugar Grove Economic Development Corporation suggests that the county of Kane explore other methods of financing, including an increase in county wide sales tax, as a more equitable way to distribute the burden of providing for and maintaining road infrastructure throughout Kane County, and

**RESOLVED FURTHER, THAT,** Kane County recognize the cost of all developer funded road infrastructure improvements, that have regional significance, as a credit to be applied against developer incurred Kane County Transportation Impact fees, and

**RESOLVED FURTHER, THAT,** Perry M. Clark, Executive Director of the Sugar Grove Economic Development Corporation, is authorized and directed to forward a copy of the resolution to such members of the Kane County Board as he shall deem appropriate.



WELCOME TO THE  
**MONTGOMERY ECONOMIC  
DEVELOPMENT CORPORATION**

Montgomery Economic Development Corp \* 1551 Aucutt Rd \* Montgomery, IL 60538 \* 630.897.6748 office \* 630.649.2627 cell \* jim@montgomery-illinois.org

**A RESOLUTION ON KANE COUNTY'S  
ROAD IMPROVEMENT IMPACT FEE CONSIDERATIONS**

**WHEREAS**, The Montgomery Economic Development Corporation (MEDC) is a not for profit organization comprised of the Village of Montgomery's market area businesses totaling over 400, Village of Montgomery government, Kane and Kendall Counties and other private area citizens in Illinois, and;

**WHEREAS**, Kane County is considering a revised *Road Improvement Impact Fee Ordinance* for the County, and;

**WHEREAS**, the MEDC acknowledges that the challenges inherent in meeting the expanding transportation needs in Kane County are significant and the need for funding the related projects is necessary, and;

**WHEREAS**, the MEDC remains concerned that imposing such new impact fees will cause significant impact on the future development of commercial projects in the County and the Village of Montgomery market place and may cause such development to locate elsewhere, and;

**WHEREAS**, such impact fees should only be imposed in such a way as to minimize the adverse impact on commercial development in the County and the Village of Montgomery market area, and;

**WHEREAS**, the MEDC supports the work of the Kane County Road Impact Fees Advisory Committee,

**NOW, THEREFORE, BE IT RESOLVED** by the MEDC, as follows:

1) *If* the current proposed system is to be imposed, *then* MEDC endorses the following recommendations made by the Committee:

a) The MEDC supports the concept of phasing in the road impact fees over a five-year period of time.

b) The MEDC supports the Committee's proposed graduated implementation of impact fees beginning with 32% of the calculated impact and ending at **no higher than 64%** of the calculated impact in year five.

c) The MEDC supports the proposed "grand-fathering" clause, in which projects that have received site-specific development approval by a unit of local government by January 1, 2008 would be grand-fathered in at the rates of the 2004 fee schedule.

2) Further, the MEDC respectfully requests that the discount program shall be divided into components such that projects may be considered for discounts based on their meeting the individual discount

criteria rather than requiring that a single project meet all components in order to qualify. (e.g. communities without commuter rail stations and bus routes but which are utilizing smart growth principles in their planning will still be eligible for discounts.)

- 3) The MEDC also requests that the language of the impact fee ordinance ensure that individual assessments will be granted if studies show that projects will have a lesser impact on county roads.
- 4) The MEDC requests that Brownfield sites, as defined by the IEPA/EPA guidelines, be fully exempted from impact fees.
- 5) The MEDC requests that municipalities should receive credit that can be applied to developers fees as determined by the municipality for municipality funded improvements.
- 6) The MEDC requests that Orchard Road from Jericho Road to U.S. 30 be given the top priority for completion since it already is well over the normal capacity level for a street this size and has topped the 30,000 vehicle level that should warrant this street to be five or six lanes in size like the County has placed North of Jericho Road.
- 7) The MEDC requests that a temporary light signal be placed at the intersection of Rochester Road and Orchard Road immediately to allow the proper flow of commerce within the adjacent industrial parks along this stretch of Orchard Road.

**PASSED** by the Board of Directors of the Montgomery Economic Development Corporation, Montgomery, Illinois, this 10th day of April, 2007.

  
\_\_\_\_\_  
Kenneth M. Spaeth  
Chairman of the Board

Presented on April 11, 2007 by Mary Raddle,  
executive director of Metro West Council of  
Government.



**RESOLUTION No. 2007-003**

**A RESOLUTION ON KANE COUNTY'S  
ROAD IMPROVEMENT IMPACT FEE CONSIDERATIONS**

**WHEREAS**, Metro West Council of Government is a not for profit organization comprised of Village Presidents, Mayors, Managers and Administrators from communities in Kane, Kendall and DeKalb Counties in Illinois, and;

**WHEREAS**, Kane County is considering a revised *Road Improvement Impact Fee Ordinance* for the County, and;

**WHEREAS**, Metro West Council of Government acknowledges that the challenges inherent in meeting the expanding transportation needs in Kane County are significant and the need for funding the related projects is necessary, and;

**WHEREAS**, Metro West Council of Government remains concerned that imposing such new impact fees will cause significant impact on the future development of commercial projects in the County and may cause such development to locate elsewhere, and;

**WHEREAS**, such impact fees should only be imposed in such a way as to minimize the adverse impact on commercial development in the County, and;

**WHEREAS**, Metro West Council of Government supports the work of the Kane County Road Impact Fees Advisory Committee,

**NOW, THEREFORE, BE IT RESOLVED** by the Metro West Council of Government, as follows:

1) *If* the current proposed system is to be imposed, *then* Metro West Council of Government endorses the following recommendations made by the Committee:

- a) Metro West Council of Government supports the concept of phasing in the road impact fees over a five-year period of time.
- b) Metro West Council of Government supports the Committee's proposed graduated implementation of impact fees beginning with 32% and ending at **no higher than 64%** in year five.

c) Metro West Council of Government supports the proposed "grand-fathering" clause, in which projects that have received site-specific development approval by a unit of local government by January 1, 2008 would be grandfathered in at the rates of the 2004 fee schedule.

2) Further, Metro West Council of Government respectfully requests that the discount program shall be divided into components such that projects may be considered for discounts based on their meeting the individual discount criteria rather than requiring that a single project meet all components in order to qualify. (e.g. communities without commuter rail stations and bus routes but which are utilizing smart growth principles in their planning will still be eligible for discounts.)

3) Metro West Council of Government also requests that the language of the impact fee ordinance ensure that individual assessments will be granted if studies show that projects will have a lesser impact on county roads.

4) Metro West Council of Government requests that Brownfield sites, as defined by the IEPA/EPA guidelines, be fully exempted from impact fees.

**PASSED** by the Board of the Metro West Council of Government, Kane, Kendall and DeKalb Counties, Illinois, this 22<sup>nd</sup> day of March, 2007.



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Mayor Ed Schock, Chairman of the Board of  
the Metro West Council of Government



# City of Elgin

Mayor

*Ed Schock*

Council Members

*Juan Figueroa*

*Robert Gilliam*

*David J. Kaptain*

*Brenda Rodgers*

*Thomas K. Sandor*

*John Walters*

City Manager

*Olufermi Folarin*

April 11, 2007

Mr. Don Wolfe, Chairman  
Kane County Road Impact Fee Advisory Committee  
c/o Kane County Division of Transportation  
41W011 Burlington Road  
St. Charles, IL 60175

RE: Proposed Amendments to the Kane County  
Road Improvement Impact Fee Ordinance  
Public Hearing Testimony

Dear Mr. Wolfe and Advisory Committee Members:

Thank you for the opportunity to provide testimony regarding the proposed amendments to the Kane County Road Improvement Impact Fee Ordinance and the related Comprehensive Road Improvement Plan (CRIP). The City of Elgin has been closely monitoring the review process leading up to tonight's public hearing.

Tonight, the Elgin City Council will be voting on a resolution supporting the proposed amendments to the Kane County Road Improvement Impact Fee Ordinance (a copy of which is attached). However, we would like to offer some comments for the record concerning the following sections of the proposed ordinance:

▪ **Section Eighteen. Discounts**

The City of Elgin appreciates the purpose and intent of this section of the ordinance, which encourages the development of pedestrian-friendly, mixed-use neighborhoods with adequate residential densities to support transit. We will monitor, and ask Kane County to monitor, the impact of this section of the ordinance. Ten years may be a short timeframe within which to complete a mixed-use project. We believe there should be a provision to extend the term of an Impact Fee Payment Agreement upon the mutual agreement of the parties.

The City of Elgin typically discounts impact fees for redevelopment projects up to 100% as an inducement to execute the project. We believe that redevelopment projects located within the "Urban Corridor," as defined in the 2030 Land Resource Management Plan, should be eligible for up to 100% discounts at the request of the

municipality, provided that the municipality finds that the project is consistent with the local comprehensive plan.

▪ **Section Nineteen. Advisory Committee**

We believe that the Advisory Committee should be required to monitor and report annually on the impact of administering the ordinance on the economic development activities in the county and in the affected municipalities. The impact fees should not increment without such a review and a subsequent vote by the Kane County Board. We believe this was discussed by the Advisory Committee and was part of the intent for phasing in the impact fees over a period of five years.

▪ **Section Twenty-One. Review of Ordinance**

We believe that the annual report to the County Board referenced in paragraph four of this section should, in addition to examining the impacts of the expenditure of impact fees collected, examine the impact of administering the ordinance on the economic development activity in the county and the affected municipalities. The impact fees should not increment without such a review and a subsequent vote by the Kane County Board.

Finally, we would like a City of Elgin representative on the Advisory Committee. Thank you again for the opportunity to testify tonight.

Sincerely,



Thomas J. Armstrong  
Principal Planner

c: Olufemi Folarin, City Manager  
Jerry Deering, Community Development Director  
Mayor Ed Schock and Members of the City Council



RESOLUTION  
SUPPORTING THE IMPACT FEE ADVISORY COMMITTEE DRAFT REVISIONS TO THE  
KANE COUNTY ROAD IMPROVEMENT IMPACT FEE PROGRAM

WHEREAS, the Kane County Road Improvement Impact Fee Program went into effect in April, 2004; and

WHEREAS, an Impact Fee Advisory Committee has been established to review the Kane County Road Improvement Impact Fee Program and to recommend revisions for consideration by the Kane County Board; and

WHEREAS, the Impact Fee Advisory Committee has prepared draft revisions to the Kane County Road Improvement Impact Fee Program, undated, a copy of which is attached hereto; and

WHEREAS, the proposed revisions to the Kane County Road Improvement Impact Fee Program as drafted and recommended by the Impact Fee Advisory Committee are appropriate and in the best interests of the public.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ELGIN, ILLINOIS, that the City of Elgin hereby expresses its support for the draft revisions to the Kane County Road Improvement Impact Fee Program as recommended by the Impact Fee Advisory Committee.

\_\_\_\_\_  
Ed Schock, Mayor

Presented: April 11, 2007  
Adopted:  
Vote: Yeas      Nays:  
Recorded:

Attest:

\_\_\_\_\_  
Dolonna Mecum, City Clerk



April 11, 2007

**Testimony on the Adoption of the Comprehensive Road Improvement Plan  
and Imposition of Impact Fees**

My name is Philip Page and I am the City Administrator of the City of Geneva. I am speaking this evening on behalf of Mayor Burns and City Council and am presenting a certified copy of City of Geneva Resolution #2007-07 which endorses the Kane County Road Impact Fee Advisory Committee recommendation for a phased implementation of the new fee structure for County road impact fees over five years. Let me say at the outset that the City is very appreciative of all the work the Kane County Advisory Committee and the Kane County Department of Transportation staff have put into these proposed revisions to the Road Improvement Impact Fee Ordinance.

The city's concern from the beginning has been the effect of these fees on economic development and redevelopment activity and that they are equitably applied across the County. In that context, the Advisory Committee's recommendation of three zones (north, central, and south) with a reasonably uniform fee structure between the three zones is a very positive initiative.

We do recognize that the fees are now set at a much higher level based on the ten-year road improvement CRIP project list that the County Transportation staff has developed. Although we acknowledge that there is substantial need, there still needs to be a balance in the implementation fees so that the burden is not solely placed on development activity. In that context, the phased implementation schedule starting at 32% and rising to 64% by year five is a very good approach. Our Resolution also requests that an annual analysis of the fee structure be conducted to amend it as appropriate in relation to its potential impact on development and redevelopment as the escalating fee structure is phased in over the five year period. The City also supports the proposed discount program that has been recommended but believes that it should be applied to all development which incorporates smart growth principles.

In terms of the CRIP project list, the City's major concern is when the Keslinger Road / Randall Road intersection will be improved (Project #s 19. and 75.). As this our highest accident intersection in the City and also serves emergency traffic to Delnor-Community Hospital, we believe the widening of this intersection deserves a high priority. As we recognize it is an expensive project with the need for bridge widening of the UP overpass, we understand why it can not be prioritized in the County's recommendation through 2010. However, the City does recommend that it be given a high priority in the multi-year plan as we certainly believe the Keslinger/Randall intersection needs to be improved in the five to seven year horizon.

Thank you for your consideration this evening. Again, the City appreciates the efforts of the Committee and staff in proposing a balanced and equitable position with regard to the impact fee structure and the recommended service area zones.

**CITY OF GENEVA**  
22 South First Street, Geneva, Illinois 60134

EXHIBIT 3 - ACCIDENT SUMMARY  
CITY OF GENEVA, ILLINOIS

INTERSECTIONS WITH ACCIDENTS (Page 8 of 10)  
JANUARY 01, 1997 THROUGH DECEMBER 31, 2006

INTERSECTIONS WITH ACCIDENTS	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	TOTAL
JAMES STREET AND 3RD STREET	2	6	2	1	4	5	1		3	3	27
JAMES STREET AND 4TH STREET			1	1					1		2
JAMES STREET AND 5TH STREET									1		1
JAMES STREET AND 6TH STREET							1		1		3
JAMES STREET AND 7TH STREET	1			2	1	2	1		1		10
JAMES STREET AND 8TH STREET					1				1		1
JAMES STREET AND KANEVILLE ROAD	1				1		1		1		4
JAMES STREET AND LINCOLN AVENUE				1							1
JAMES STREET AND RIVER LANE			2		1						4
JEFFERSON STREET AND WOODLAWN STREET		1									1
KANE STREET AND OAK STREET							1				1
KANEVILLE ROAD, KESLINGER ROAD AND RANDALL ROAD	33	40	46	52	41	78	43	68	62	64	527
KANEVILLE ROAD AND LEWIS ROAD			1			1	1	1	1	1	6
KANEVILLE ROAD, NORTHAMPTON DRIVE AND SOUTHAMPTON DRIVE			3		1	1	4	1	1	1	11
KANEVILLE ROAD AND PECK ROAD						1	1	3	3	1	9
KANEVILLE ROAD AND STERLING AVENUE			1	1				1			2
KANEVILLE ROAD AND WOOD AVENUE				1		1		1			3
KANSAS STREET AND SPRING STREET									1		1
KEIM CIRCLE AND KEIM COURT	1										1
KENDAL STREET AND MEADOWS ROAD					1						1
KESLINGER ROAD AND SUNSET ROAD				1							1
KESLINGER ROAD AND PECK ROAD	4	3	1	1	6	3	6	6	8	14	52
KIRK ROAD, OLD KIRK ROAD AND SOUTHWEST LANE			1	1							2
LANCASTER LANE AND WESTFIELD COURSE	1										1
LEWIS ROAD AND THORNHILL COURT				1							1
LEXINGTON DRIVE AND WESTFIELD COURSE									1		1
LINCOLN AVENUE AND PEYTON STREET	1										1
LINCOLN AVENUE AND UNION STREET		1									1
LOGAN AVENUE AND PEYTON STREET				1							1
LOGAN AVENUE AND UNION STREET								1			1
LONGMEADOW DRIVE AND LONGVIEW DRIVE			1					1			2
MARION AVENUE AND MEADOWS ROAD										1	1

(CONTINUED)

City Clerk's Certification of Copy

State of Illinois )

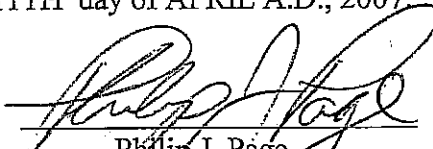
Kane County )

City of Geneva )

I, Philip J. Page, Deputy Clerk of the  
City of Geneva, Kane County, Illinois,  
being the keeper of the records and  
files of the City of Geneva, Illinois,  
hereby certify the foregoing to be a  
true, perfect and complete copy of:

RESOLUTION NO. 2007-07 ON KANE COUNTY'S ROAD IMPACT FEE  
CONSIDERATIONS

IN TESTIMONY WHEREOF, I have  
hereunto set my hand and affixed the  
seal of said City of Geneva, Illinois,  
at my office in Geneva, Kane County,  
Illinois, this 11TH day of APRIL A.D., 2007

  
Philip J. Page  
Deputy City Clerk

RESOLUTION NO. 2007-07

A RESOLUTION ON KANE COUNTY'S  
ROAD IMPROVEMENT IMPACT FEE CONSIDERATIONS

WHEREAS, Kane County is considering a revised *Road Improvement Impact Fee Ordinance* for the County, and;

WHEREAS, the City of Geneva acknowledges that the challenges inherent in meeting the expanding transportation needs in Kane County are significant and the need for funding the related projects is necessary, and;

WHEREAS, the City of Geneva remains concerned that imposing such new impact fees will cause significant impact on the future development of commercial projects in the County and may cause such development to locate elsewhere, and;

WHEREAS, such impact fees should only be imposed in such a way as to minimize the adverse impact on commercial development in the County, and;

WHEREAS, the City of Geneva supports the work of the Kane County Road Impact Fees Advisory Committee,

NOW, THEREFORE, BE IT RESOLVED by the Geneva City Council, as follows:

1) *If* the current proposed system is to be imposed, *then* the Geneva City Council endorses the following recommendations made by the Committee:

a) The Geneva City Council supports the concept of phasing in the road impact fees over a five-year period of time.

b) The Geneva City Council supports the Committee's proposed graduated implementation of impact fees beginning with 32% and ending at **no higher than 64%** in year five.

c) The Geneva City Council supports the proposed "grand-fathering" clause, in which projects that have received site-specific development approval by a unit of local government by January 1, 2008 would be grand-fathered in at the rates of the 2004 fee schedule.

2) Further, the Geneva City Council respectfully requests that the discount program shall be divided into components such that projects may be considered for discounts based on their meeting the individual discount criteria rather than requiring that a single project meet all components in order to qualify. (e.g. communities without commuter rail stations and bus routes but which are utilizing smart growth principles in their planning will still be eligible for discounts.)

3) The Geneva City Council also requests that the language of the impact fee ordinance ensure that individual assessments will be granted if studies show that projects will have a lesser impact on county roads.

4) The Geneva City Council requests that Brownfield sites, as defined by the IEPA/EPA guidelines, be fully exempted from impact fees.

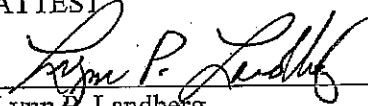
5) The City of Geneva requests an annual analysis of the impact fee program to determine whether changes in growth and development patterns as they impact the County transportation system, require amendments by addition, subtraction, or reprioritization of the CRIP projects, and by application of the impact fee formula, the fees themselves;

**PASSED** by the City Council of Geneva, Kane County, Illinois this 2<sup>nd</sup> day of April, 2007.

AYE: 10 NAY: 0 ABSTAINING: 0 ABSENT: 0

  
Kevin R. Burns  
Mayor

ATTEST

  
Lynn P. Landberg  
City Clerk