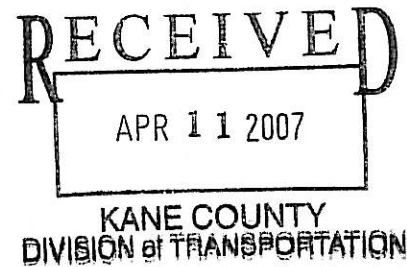


SHODEEN INCORPORATED

REAL ESTATE • DEVELOPMENT • CONSTRUCTION

"Moving Toward The Future With Values From The Past"



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.



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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 loosing 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 11th 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

SHODEEN INCORPORATED

REAL ESTATE • DEVELOPMENT • CONSTRUCTION

"Moving Toward The Future With Values From The Past"

April 12, 2007

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

Re: Kane County Transportation Impact Fee Proposal

Dear Mr. Wolfe,

Since the public hearing on April 11th we wanted to raise 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 Three of the proposed ordinance:

The draft reads:

"Affordable Housing" means decent, safe, sanitary, and appropriate housing units that low and moderate-income households can own or rent without having to devote more than approximately 30% of their gross income for monthly housing expenses that shall be (1) rent and utilities for rental housing; and (2) debt service (principal and interest), property taxes, and home insurance for home ownership. The maximum purchase price of owner-occupied units shall not exceed that specific in the "Owner Occupied Affordability Chart for Chicago Metro Area" published annually by the Illinois Housing Development Authority. For rental housing to be considered Affordable Housing, the monthly rent for a dwelling unit may not exceed that specific in "Affordable Rental Units for Chicago Metro Area" published annually by the Illinois Housing Development Authority.

We would ask that the following language be inserted:

"or"

"The development meets the Affordable Housing Definition of the Municipality that the development is being constructed in."



www.shodeen.com

The justification for this is since each municipality has their own characteristics this would allow for communities to grow into their comprehensive plan without conflicting with the proposed Impact Fee Plan.

Per Section Eighteen of the proposed ordinance:

It reads:

“A New Development shall be eligible for a 40% discount from the Impact Fee assessed in accordance with Section Ten of this Ordinance, provided that all of the following four criteria are met:”

We would suggest that these four criteria be broken into four 10% credits, so it is not an all or nothing scenario. This would encourage developments to plan the best they can and not be penalized if one item can not be met.

The next item of concern in this section is:

It reads:

“The New Development has (i) an average residential Density of at least seven units per acre; or (ii) and average non-residential or mixed use Floor Area Ratio of at least 0.5.”

We would suggest a reduction to five units an acre density. Many of the new Metra stations in Kane County, i.e. LaFox and Elburn are in rural areas that land plans of this density are very rare. Metra and the County believed in these stations and the great benefit to the County. Both these areas are “PRIORITY PLACES” in the 2030 plan. On page 273 of the 2030 plan, number 9. Make development decisions predictable, fair and cost effective.

It reads:

“Conventional zoning typically requires the separation of uses and mandates excessive setbacks and parking requirements, as well as height and density restrictions, which are counter to many Smart Growth objectives.”

We believe these T.O.D.’s and also PRIORITY PLACES as stated in the 2030 plan should have separate category and should receive a 40% discount. By the county placing a restriction on density to receive any discount on Impact Fees they are disregarding the 2030 and potentially creating a negative effect on development in the 2030 PRIORITY PLACES.

Per Section Three of the Proposed Ordinance:

It reads:

“Density” is calculated for residential New Development shall by dividing the total number of units by the total buildable land area in acres of the New Development. Buildable land excludes land occupied by nonresidential structures, and land excluded from residential development by law (e.g. wetlands, floodplains), but includes areas devoted to public rights of way, stormwater management for the New Development, parking areas, and common open space. For detached residential units on individual lots, the average density for the entire New Development shall be used.”

We would suggest that collector and arterial roads and R.O.W. dedications to State and County government agencies should not be included in the tabulated area.

Per Section Twelve of the Proposed Ordinance:

This section does not give any credit to developer contributions or construction of Alternative Transportation Facilities, i.e. Metra Platform or station, Commuter Parking Lots, Commuter Bus hub roadways or stations, ect. These contributions produce an exponential positive effect on Highway System. We believe any construction or contribution to any Public Mass Transit Agency should be a direct credit to Impact Fees and included in Section Twelve.

We look forward to 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



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 grand-fathered 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 22nd day of March, 2007.



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



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	1		3
JAMES STREET AND 6TH STREET	1			2	1	2	1		1	2	10
JAMES STREET AND 7TH STREET					1				1		4
JAMES STREET AND 8TH STREET	1				1		1				4
JAMES STREET AND KANEVILLE ROAD				1							1
JAMES STREET AND LINCOLN AVENUE			2		1						4
JAMES STREET AND RIVER LANE		1									1
JEFFERSON STREET AND WOODLAWN STREET							1				1
KANE STREET AND OAK STREET	33	40	46	52	41	78	43	68	62	64	527
KANEVILLE ROAD, KESLINGER ROAD AND RANDALL ROAD			1			1	1	1	1	1	6
KANEVILLE ROAD AND LEWIS ROAD			3		1	1	4	1	1	1	11
KANEVILLE ROAD, NORTHAMPTON DRIVE AND SOUTHAMPTON DRIVE						1	1	3	3	1	9
KANEVILLE ROAD AND PECK ROAD				1		1					2
KANEVILLE ROAD AND STERLING AVENUE				1				1			3
KANEVILLE ROAD AND WOOD AVENUE									1		1
KANSAS STREET AND SPRING STREET	1				1						1
KEIM CIRCLE AND KEIM COURT					1						1
KENDAL STREET AND MEADOWS ROAD				1							1
KENDAL STREET AND SUNSET ROAD	4	3	1	1	6	3	6	6	8	14	52
KESLINGER ROAD AND PECK ROAD			1	1							2
KIRK ROAD, OLD KIRK ROAD AND SOUTHWEST LANE	1										1
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
LOGAN AVENUE AND UNION STREET			1					1			2
LONGMEADOW DRIVE AND LONGVIEW DRIVE										1	1
MARION AVENUE AND MEADOWS ROAD											1

(CONTINUED)

City Clerk's Certification of Copy

State of Illinois)

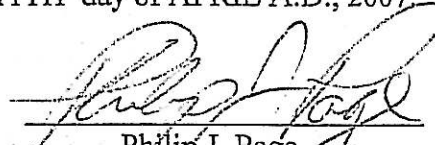
Kane County)

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.)

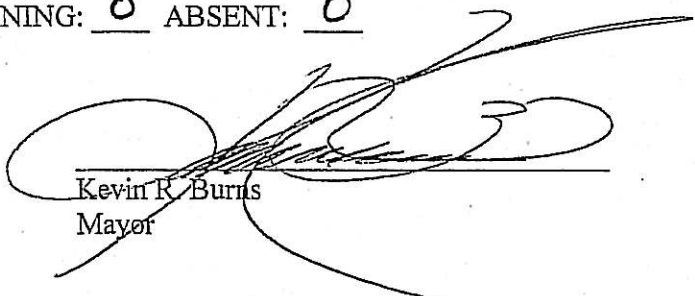
3) The Geneva City Council also requests that the language of the impact fee ordinance ensure that individual assessments will be granted if studies show that projects will have a lesser impact on county roads.

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

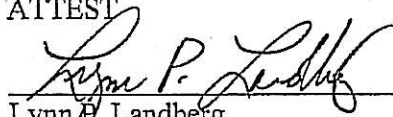
5) The City of Geneva requests an annual analysis of the impact fee program to determine whether changes in growth and development patterns as they impact the County transportation system, require amendments by addition, subtraction, or reprioritization of the CRIP projects, and by application of the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

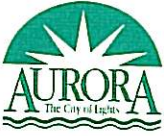
PASSED by the City Council of Geneva, Kane County, Illinois this 2nd day of April, 2007.

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


Kevin R. Burns
Mayor

ATTEST


Lynn P. Landberg
City Clerk

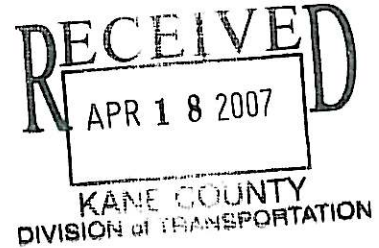


Aurora Economic Development Commission
43 W. Galena Boulevard
Aurora, Illinois 60506
(630) 897-5500
Fax (630) 897-0469

A Department of the City of Aurora

April 17, 2007

Kane County Division of Transportation
Attn: Impact Fee Coordinator
41W011 Burlington Road
St. Charles, IL 60175



Dear Impact Fee Coordinator:

The letter is a follow-up to the public comment provided on March 8, 2007 regarding the proposed Kane County Road Improvement Impact Fee. In summary, the City of Aurora is requesting that the impact fee ordinance be modified to exempt brownfield clean-up sites as defined by the Illinois Environmental Protection Agency (IEPA) and the Environmental Protection Agency (EPA).

The City of Aurora has implemented a 10-year Master Plan to redevelop its downtown. Developments are currently underway and more residential, commercial and retail projects are scheduled. Aurora's downtown efforts are in line with Kane County's vision plan to have urban downtowns in Kane County become the hub of development activity. In addition, developers are faced with brownfield clean-up issues that add millions of dollars to the cost of a development. While the City of Aurora understands that discounts and credits will be available to developers meeting certain criteria outlined in the ordinance, brownfield clean-up issues are unique and can be financially significant. By not exempting brownfield sites in areas such as our downtown, the risk of halting or postponing projects is enormous and threatens future growth. Moreover, additional Kane County communities, organizations and Chambers of Commerce join us in urging exemption of Brownfield sites.

The City of Aurora strongly encourages the Advisory Committee to include exemption for brownfield sites as defined by the IEPA/EPA. The future of having downtown Aurora as a new economic engine for Illinois' second largest city and Kane County is too great to jeopardize.

Sincerely,


Sherman L. Jenkins
Executive Director

Cc: Mayor Thomas J. Weisner
Robert Vaughn, Chief of Staff
Ed Bonifas, Chairman, AEDC Board of Directors
Joe Henning, President, Aurora Chamber of Commerce
Kane County Board Members representing City of Aurora
Mary Randle, Metro West Council of Governments

METROPOLITAN PLANNING COUNCIL



April 18, 2007

Kane County Division of Transportation
Impact Fee Coordinator
41W011 Burlington Road
St. Charles, IL 60175

To Whom It May Concern:

I am writing in response to the updated draft Road Impact Fee Ordinance. In particular, I am writing to comment on the affordability definition found on page 2 and the exemptions found on page 20. The Metropolitan Planning Council has been actively involved in affordable and workforce housing efforts throughout the Chicago region, including working directly with the City of St. Charles on an affordable housing plan for the city. For this reason, we are very enthusiastic that the county is considering providing a waiver of the impact fee for developments that provide affordable housing. This added incentives will help ensure that working families can continue to find homes throughout the county. We have worked directly with your staff to inform this process and as such, would like to provide the following recommendations as to wording of the ordinance.

- 1) I noticed that language was removed from the definition section in the ordinance that required an affordability period of ten years and assigned the County Engineer with the task of monitoring the affordability to ensure that the homes remain affordable for the full ten-year period. I understand the county's concern that this may overburden staff. My recommendation is to reinstate the affordability requirement of ten years into the definition on page two and then require that the developer submit either proof of a deed restriction or some other covenant or funding obligation that contractually obligates the owner of the home or property to sell or

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PRESIDENT

MarySue Burrell *

*Executive Committee

rent that home at an affordable price for a minimum of ten years. These requirements are often attached to state and federal funding sources for affordable housing or may be required by a municipality as part of a mandatory or voluntary inclusionary zoning requirement. Either way, by requiring this documentation, the county reduces its own administrative burden while still staying true to the intent of this incentive to create long-term workforce housing opportunities in Kane County and support local municipalities who are trying to encourage development of affordable and mixed-income housing.

- 2) My second concern pertains to the exemptions on page 20. In reading this, it seems the developer may receive a full impact fee waiver no matter how many or how few affordable homes they build. I would suggest that the fee waiver is actually calculated by the percentage of affordable homes developed. So, if the development is creating 10 affordable homes in a 100-unit development, then they would receive a 10 percent discount on the impact fee. If the county feels that the impact fee is not significant enough to just waive a portion, I would suggest setting a minimum percentage of affordable units to get the fee. I would suggest this minimum be set at 10 percent. So, a developer would need to at least sell or rent 10 percent of the housing units at an affordable price in order to receive the fee waiver.

Thank you for the opportunity to comment on the ordinance. Again, we are pleased that the county is considering providing this incentive for the development of workforce housing and we look forward to promoting your good work as a best practice around the Chicago region.

Sincerely,



Joanna Trotter
Manager,
Community Building Initiative

RECEIVED
4/16/07

RECEIVED
APR 18 2007

RESOLUTION NO. 2007-21

KANE COUNTY
DIVISION of TRANSPORTATION

**A RESOLUTION REGARDING KANE COUNTY'S
ROAD IMPROVEMENT IMPACT FEE PROGRAM**

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

WHEREAS, the City of St. Charles 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 2004 Road Impact Fee program approved by Kane County was wholly unfair to St. Charles and put the Tri-Cities of Batavia, Geneva, and St. Charles at a competitive disadvantage for nearly all development types, when compared to the balance of Kane County, and;

WHEREAS, the City of St. Charles has been an active participant in the process by routinely attending the Impact Fee Advisory Committee meetings, meeting with County staff, and retaining a consultant to advise the City on the matter, and;

WHEREAS, the Road Impact Fee Advisory Committee has recommended modifications to the 2004 Road Impact Fee Program that will impose significantly increased fees on development projects, and;

WHEREAS, the City of St. Charles is concerned that imposing such new impact fees will cause significant impact on the future development of projects in the County, and;

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

WHEREAS, the City of St. Charles supports the recommendations of the Kane County Road Impact Fee Advisory Committee with certain modifications.

NOW, THEREFORE, BE IT RESOLVED by the City of St. Charles, Illinois as follows:


1. The City of St. Charles supports the recommendations of the Impact Fee Advisory Committee to alter the Kane County Road Impact Fee Program, with the following modifications:
 - a. The Red Gate Bridge should be eligible for impact fee funding, either by adding it to the list of projects on the Comprehensive Road Improvement Plan (CRIP) or through a joint project sponsorship with Kane County.
 - b. The project to widen Randall Road from Keslinger Road to IL 64/Main Street should be moved up in the scheduled CRIP.
 - c. Brownfield sites should be added to the list of project types that are exempt from impact fees.

- d. Municipalities should be informed of any financial commitment for proposed improvement projects as soon as possible to allow for proper planning and budgeting.
2. The City of St. Charles requests the regular audit and analysis of the impact fee program to determine whether the rate of implementation of the projects requires a re-examination of the CRIP scope and schedule, and by application of the impact fee formula, the fees charged.
 3. The City of St. Charles requests the regular audit and 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, and by application of the impact fee formula, the fees charged.
 4. This resolution, along with the attached statement, marked as Exhibit A, shall be submitted to Kane County, as well as the County Board members from Districts 12, 13, and 14, and shall be considered the official comments of the City of St. Charles for the public hearing process regarding the Impact Fee Program.

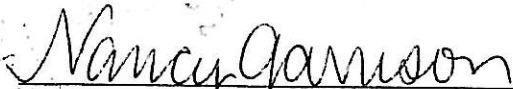
PRESENTED to the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois, this 16 day of April, 2007.

PASSED by the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois, this 16 day of April, 2007.

APPROVED by the Mayor of the City of St. Charles, Kane and DuPage Counties, Illinois, this 16 day of April, 2007.



Donald P. DeWitte, Mayor



Nancy Garrison, City Clerk

Council Vote:

Ayes – 10

Nays – 0

Absent –

Abstain –

Exhibit A

The City of St. Charles provides the following comments regarding the proposed Kane County Road Impact Fee Program. It is our hope that the following comments will be seriously considered and that the Impact Fee Advisory Committee and the County Board will make responsible modifications to the program, as suggested.

St. Charles has been an active participant in the process. Our staff members have attended many of the Impact Fee Advisory Committee meetings. They have also met with County staff on several occasions. In addition, the cities of Batavia, Geneva, and St. Charles retained a consultant, Mr. Brent Coulter of Coulter Transportation Consulting, to advise us on this matter.

The City would like to thank several individuals at Kane County for their commitment to working with St. Charles during this process. Phil Bus, Carl Schoedel, Tom Rickert, Steve Coffinbargar, and Kai Tarum were all extremely cooperative and willing to meet to discuss concerns and questions that arose during the process. In addition, Jan Carlson, County Board member from District 26 and Chairman of the Transportation Committee, also took the time to meet with city representatives during the process. We not only appreciate the assistance, but the collegial nature of the meetings and the professionalism that was demonstrated.

The City of St. Charles supports a modified impact fee program. The result of the 2004 impact fee program was wholly unfair to St. Charles and put the City at a competitive disadvantage for nearly all development types, when compared to the balance of Kane County. A quick review of the 2004 schedule clearly demonstrates that all development types require the payment of significantly higher fees in the Tri-Cities, when compared to the balance of Kane County. And, over many months, while the modifications to the impact fee program have been considered, St. Charles remained at a significant competitive disadvantage.

The City of St. Charles supports the impact fee program, as recommended by the Impact Fee Advisory Committee, but we also have some recommendations for improvement. In summary, those recommendations are:

1. The Red Gate Bridge should be eligible for impact fee funding, regardless of the lead agency or project ownership.
2. There are only 4 projects planned for St. Charles and none of those projects is proposed to take place until 2011, at the earliest. We believe that the project to widen Randall Road from Keslinger Road to IL 64/Main Street should be scheduled earlier.
3. Brownfield sites should be added to the list of project types that are exempt from impact fees.

4. Municipalities should be informed of any financial commitment for proposed improvement projects as soon as possible to allow for proper planning and budgeting.

In considering the recommendations of the Impact Fee Advisory Committee, St. Charles identified ten (10) major points to evaluate the proposal. The City of St. Charles recommends that the Kane County Road Impact Fee Program follow the following "10-point test."

1. The Comprehensive Road Improvement Program (CRIP) should be realistic and achievable.
2. Prioritization of the CRIP should include municipalities as a valued partner.
3. Impact fees should be available for any road project that provides regional transportation benefits.
4. New development should be held responsible for only its fair share of road costs.
5. Impact fees should be the sole form of compensation mandated by the County.
6. Fees should be equal across the County.
7. Increased fees should be phased in over a period of time.
8. Certain projects should be "grandfathered" under the 2004 fee schedule.
9. Certain uses should be exempt from payment of impact fees.
10. A discount program should be established to encourage development that reduces traffic.

The program recommended by the Impact Fee Advisory Committee meets many of these standards. However, additional review of some items is still required. Detail on each of these items is provided below. The City of St. Charles encourages the Impact Fee Advisory Committee and the County Board to consider these comments and make responsible changes.

In conclusion, St. Charles is a strong supporter of the proposed recommendations from the Impact Fee Advisory Committee, with the qualifications mentioned.

Thank you for the opportunity to comment. If you require any additional information, please do not hesitate to contact us.

*Analysis of Proposed Modifications to the Kane County Road Impact Fee Program
Submitted by: City of St. Charles*

The following are the detailed comments regarding the Road Impact Fee Program, as recommended by the Impact Fee Advisory Committee:

1. The Comprehensive Road Improvement Program (CRIP) should be realistic in terms of the number of projects that can be feasibly completed in the statutorily-required timeframe, that the cost estimates reflect fair and accurate values, and that any required contribution from the municipality be clearly specified.

The proposed CRIP exceeds \$1 billion. That is a significant amount of work and questions have been raised over whether or not the County can actually complete all of these projects in a 5-year period (the state statute requires impact fee revenue to be spent within 5 years of being collected). When asked about this during meetings, County staff responded that the program is “aggressive,” but provided assurances that the work could be completed through the utilization of existing staff and outside consultants. We are not as confident.

Cost estimates for the projects in the CRIP are not based on detailed engineering, but rough calculations and assumptions. While this may be the best that can be accomplished right now, it may result in the fees being established at levels that are too low or too high. It is our understanding that the imprecise nature of the calculations is one reason why the fees are recommended to be set at 64% of the maximum level.

Finally, municipalities have been told that some of the projects will impact their roads and streets. These impacts may be financial in nature, but no calculations have been shared with municipalities indicating what the potential burden may be. We believe that information should be provided as soon as possible.

2. The final prioritization of the CRIP should include municipalities as a valued partner that shares the goal of reducing traffic congestion and improving safety of the roadway network.

Municipalities were asked for their comments on the proposed CRIP, but we have not been engaged in the prioritization of the projects. That has been done exclusively by County staff and we believe a more collaborative process should be undertaken.

As an example, we believe that St. Charles will be a significant contributor to the impact fee fund over the next 5-10 years, but there are no impact-fee eligible projects scheduled for St. Charles until 2011-2015. In fact, of the \$1 billion in projects on the CRIP, there are only four (4) projects totaling \$47.5 million in the City of St. Charles. These projects are:

- Signalization of the intersection of Dunham and Kirk Roads
- Turn lanes and widening of Dunham Road from Stearns Road to the south entrance of East High School
- Widening of Randall Road from Keslinger to IL64/Main Street
- Widening and signalization of the intersection of Kirk Road and IL 64/Main Street

We believe that the need to widen Randall Road from Keslinger Road to IL 64/Main Street will exist before 2011. It is our understanding that the section of Randall Road from IL 64/Main Street south to IL 38/Lincoln Highway was planned to be expanded as part of the current reconstruction project, but was eliminated due to lack of funding. If that is true, we are puzzled as to why the County now believes the project will not be warranted until 2011, at the earliest.

In 2006, the City and County negotiated an intergovernmental agreement with Kane County that requires the City to widen Randall Road from north of IL 64/Main Street to Dean Street. The County required that we perform this work as a condition of the agreement, suggesting the work would be needed in the next four (4) years. The City inquired about this project being included in the CRIP and we were told that the County did not believe this would be necessary until after 2015. If that is correct, we are confused as to why we were asked to complete it sooner, as a condition of the intergovernmental agreement.

3. The County should support the use of impact fee revenues for projects that provide regional benefits to traffic flow, even if they are municipal streets or roads.

In 1992, the Kane County Board approved a resolution supporting the Red Gate Bridge project. St. Charles understands that the County later withdrew as the project sponsor and is now focusing its efforts on the Stearns Road Bridge, but the Red Gate Bridge remains a valuable project that should be supported. St. Charles is presently the lead agency for this project and requested that support in a January 9th letter to the Impact Fee Advisory Committee. In response, we were told that:

“The Impact Fee Advisory Committee has previously determined that only County Highway improvements should be included in the CRIP and therefore eligible for Impact Fee funding.”

St. Charles does not agree with this response. We believe that Kane County should make road impact fee funding available for Fox River bridge crossings, regardless of the lead sponsor. As an alternative, if Kane County would like to consider partnering on the Red Gate Bridge to make the project impact fee eligible, St. Charles would welcome the discussion.

4. The fees should be based on a strict interpretation of the state statute and that new development be held responsible for its fair share, and only its fair share, of improvements.

Impact fees cannot be used to cure existing deficiencies. It is our understanding that one of the reasons for establishing the fee level at 64% of the maximum is to account for the strong probability that proposed CRIP projects will cure existing roadway deficiencies.

5. New development should only be required to pay what is due under the impact fee program. Petitioners and municipalities should not be forced to pay for other road improvements under access control standards that are not specifically attributable to the traffic demands generated from a proposed development.

The County has a practice of exacting improvements or money from developers and municipalities under its "access control standards." The aforementioned intergovernmental agreement pertaining to access to Randall Road, north of IL 64/Main Street is an example. Under that agreement, the City and/or developer will construct the improvement (estimated at \$2.5 million), maintain the improvement, and pay the County \$1.4 million, *in addition to* any impact fees that may be required.

We believe that if impact fees are to be paid, those fees should represent the only compensation due to the County for development. The County should not continue to use access control standards to leverage additional funds from municipalities and developers.

6. Fees should be equal across the County to ensure that no area has an undue advantage over another in attracting and retaining development.

One of the most significant problems with the 2004 fee schedule was the wide disparity in fees among the service areas. The revised program should address that issue. While the proposed fee structure closes the gap significantly, there is still a variance of 3% between Areas 2 and 3. We believe that a stronger effort could have been made to modify the service areas to reduce this deviation to 1% or less.

7. Any increase in fees should be phased in over a period of time to allow for the impact on economic development to be adequately assessed.

The proposed fee schedule establishes fees at 32% of the maximum calculation in the 1st year of the new program. The fee grows to 64% of the maximum in year 5. St. Charles believes that is a reasonable approach, provided that an annual review is conducted in an attempt to determine impact on economic development.

St. Charles requests that County staff be required to provide a report to the Impact Fee Advisory Committee on an annual basis that analyzes development activity

across Kane County. That report would be provided before the County makes a decision to progress to the next step in the fee schedule.

8. Certain projects have been planned, proposed, and/or approved based on the existing fee structure. Those projects should be "grandfathered" under the 2004 fee schedule.

A number of property owners or contract purchasers have invested in projects given the information known to them at that time. We believe it is fair and reasonable to allow those projects to proceed under the current fee schedule.

On multiple occasions during conversations with County staff in 2006, representatives of the Tri-Cities were told that staff expected the fees in the other areas to rise to the levels that we currently pay, we were not told the fees in the Tri-Cities would be increasing by over 100%, on average. Obviously, we were quite surprised when the new fee schedule was presented. Given the substantial increases that are being proposed, "grandfathering" projects that are currently in the pipeline is the right thing to do.

9. Certain uses should be exempted from fees, including government facilities, schools, affordable housing, and brownfield sites.

St. Charles concurs with the list of exempted uses in the proposed impact fee program, but we are requesting one addition. We believe that environmentally challenged sites need to be exempted from impact fees. Doing so provides a "helping hand" for developers to make them productive sites. This benefits everyone - the neighboring properties, the municipality, the county, and other taxing districts.

10. A discount program should be established for development that meets "smart growth" principles and reduces vehicle trips.

St. Charles supports the proposed discount program. It is our understanding that the First Street redevelopment in downtown St. Charles served as a case study for the development of the program and we support it. The only change that the County may want to consider is allowing projects to be considered for discounts based on 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).

In addition to the discount program, we also believe it is imperative that the process of establishing fees based on an "individual assessment" be maintained. There are several examples of this process working effectively to reduce or eliminate impact fees for developments based on a thorough and careful analysis of a traffic expert.

Dickson, Jerry

From: Colin McRae [cmcrae@attainablehousingalliance.com]
Sent: Tuesday, April 17, 2007 3:34 PM
To: Dickson, Jerry
Cc: Christine Ludwiszewski
Subject: Impact Fee Public Hearing Record

Dear Mr. Dickson:

I have had the opportunity to review the draft of the Court Recorder's version of the April 11, 2007 Public Hearing on the most recent CRIP.

I testified at that hearing by reading a prepared text. There are two material errors in the Recorder's language which need to be corrected because, especially in the second instance, the error significantly *removes the meaning and intent of the language*.

The corrections are as follows:

1. P. 43, Line 18, 6th word: The word I spoke was "**would**"; it was not "can" as in the document.
2. P. 44, Line 3, 7th word: The word I spoke was "**legal**"; it was not "evil" as in the document.

I respectfully request that these corrections be made in this public record. Again, I read from a prepared text, and there is no doubt that these corrections are in order. The second correction is especially obvious as the sentence makes no sense with the word "evil" in it.

Also, upon correction, we would appreciate confirmation thereof. Thank you.

Sincerely,

Colin L. McRae, CEO
Attainable Housing Alliance
1845 W. Army Trail Road
Addison, IL 60101
(630)-932-2304

4/20/2007

VILLAGE PRESIDENT

P. Sean Michels

VILLAGE ADMINISTRATOR

Brent M. Eichelberger

VILLAGE CLERK

Cynthia L. Welsch

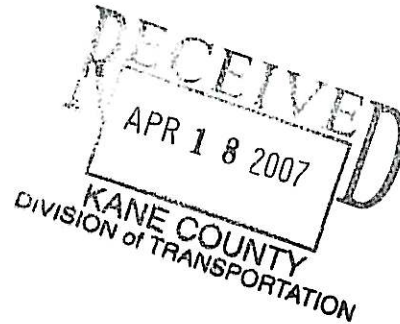


VILLAGE TRUSTEES

Robert E. Bohler
Kevin M. Geary
Mary E. Heineman
Mari J. Johnson
Thomas R. Renk
Joseph R. Wolf

April 18, 2007

Don Wolfe
Chair of the Impact Fee Advisory Committee
c/o Jerry Dickson
Impact Fee Coordinator
41W011 Burlington Road
St. Charles, IL 60175



RE: Road Impact Fee Program

Dear Chairman Wolfe:

Per the terms of the "Notice of Public Hearing to Consider the Adoption of the Comprehensive Road Improvement Plan and Imposition of Impact Fees", please enter this correspondence into the record as official comment from the Village of Sugar Grove.

The Village of Sugar Grove appreciates the efforts of the Impact Fee Advisory Committee to update the current Road Impact Fee Program and address the concerns of the many stakeholders to the process. The Village acknowledges the challenge of meeting transportation needs and agrees that an impact fee program is an appropriate method to fund a portion of the necessary transportation projects.

While we support road impact fees we do not support the proposed new fee structure. The magnitude of the proposed increases will have a chilling effect on commercial development in all of Kane County and border communities such as Sugar Grove in particular. The end result will be to drive commercial development, and the accompanying revenues, out of Kane County while at the same time actually increasing traffic.

If a version of the current proposed road impact fee system is to be recommended by the Advisory Committee, the Village of Sugar Grove recommends the following:


- a) The new road impact fees be phased in over a period of time no less than five years.
- b) The fees begin at a level no higher than 32% and end at a level no higher than 64%.
- c) That all projects which have received preliminary plan approval by a unit of local government prior to January 1, 2008 be grandfathered in at the rates of the 2004 fee schedule through December 31, 2010.

- d) That the discount program be divided into individual components so that projects may receive discounts based on their meeting the individual discount criteria rather than requiring that a single project meet some minimum number or certain components.
- e) That the ordinance includes specific language providing for relief from all or a portion of the fees for projects that can show by individual assessment that they will have a reduced impact on the county road system that assumed.
- f) That the portions of Gordon Road within Kane County be included within the CRIP program as soon as practical, but no later than the first allowable amendment period following initial approval.
- g) That the Zones be amended such that projects #13, #16, #17 and #90 of the Proposed Roadway Improvement Plan be included in the Central Zone instead of the South Zone.

In regard to request "g", it is our belief that in a sincere desire to address the variance in fees amongst the current zones that the proposed zones result in significant impact fee monies being spent on improvements that are too far removed from the projects that will produce the fees. As proposed, projects in Sugar Grove will generate millions of dollars that will be spent on Fabyan Parkway while the Sugar Grove projects will have little if any actual negative traffic impacts on Fabyan Parkway.

Thank you for your consideration. In addition to including this letter in the official public record I respectfully request a written response from the committee

Sincerely,



P. Sean Michels
Village President

cc: Village Board
Village Administrator



Village of Montgomery

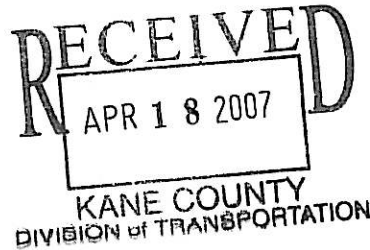
Village President
Marilyn Michelini

Village Clerk
Barbara Argo

Trustees
Jeanne Felten
Pete Heinz
Bill Keck
Denny Lee
Lloyd Mattingly
Robert Watermann

Village Manager
Anne Marie Gaura

April 18, 2007



Don Wolfe
Chair of the Impact Fee Advisory Committee
c/o Jerry Dickson
Impact Fee Coordinator
41W011 Burlington Road
St. Charles, IL 60175

Re: Kane County Road Improvement Impact Fee Ordinance

Dear Chair Wolfe and Impact Fee Advisory Committee Members:

Per the terms of the "Notice of Public Hearing to Consider the Adoption of the Comprehensive Road Improvement Plan and Imposition of Impact Fees," following are the Village of Montgomery's written comments. First of all, attached is Resolution 07-002 that outlines the Village's position in relation to the Kane County Impact Fee Ordinance. In addition to including items that are in the Metro West Resolution, the Village of Montgomery wants to highlight the immediate need for widening Orchard Road as well as installing a temporary traffic signal at the intersection of Orchard and Rochester Roads.

Upon reviewing the Public Hearing Draft of the Kane County Division of Transportation Comprehensive Road Improvement Plan for Impact Fees, the Village offers these comments. One of the issues the Village is concerned with is that the list of deficiencies is from 2005. According to Kane County Division of Transportation (KDOT) staff, the 2005 traffic count for Orchard Road from Jericho to Aucutt was 29,900 vehicles per day. That traffic count is for a two lane road. The document acknowledges that traffic counts on Orchard Road have increased and will continue to increase substantially due to new growth (p. vi).

The County needs to take into consideration traffic counts that are growing at an exponential rate. According to KDOT staff, they are calculating 10 – 15% increases per year on Orchard Road. Specifically, Kane County needs to analyze 2007 traffic data for Orchard Road from Jericho through the US-30 intersection. According to this document, the remainder of Orchard Road will not be widened until 2011-2015. The widening of this road needs to be the County's top priority. It is the Village's belief that if the County were to analyze the urban highway level of service (LOS) for Orchard

Road from US-30 to Jericho Road with today's data, it would rate below average, probably an E or F. Two years ago, Orchard Road from Aucutt to Jericho was rated a D.

According to this document, Orchard Road is under the jurisdiction of Kane County from US-30 to Randall Road (p. 3). Kane County needs to make improvements to Orchard Road not only to Brentwood but all of the way to US-30. Specifically, the County needs to make intersection improvements at US-30 and Orchard Road. The Village respectfully requests that it be added as an additional project to analyze the need for dual left hand turn lanes for southbound traffic as well as a right turn, west bound lane on Orchard Road. It is not unprecedented for the County to include an intersection at the County border. Please note project #57, Lake Cook Road at IL-62. If Kane County is including this project for the northern end of the County, the southern end should receive the same consideration.

Furthermore, the intersection of Orchard and Rochester needs a traffic signal in 2007 as the County coordinates the widening of Orchard Road to just south of Cornell. The Village understands through KDOT staff that impact fees have been collected in this area that can be used towards that project, upwards in the vicinity of \$1 million. The Village respectfully requests this intersection improvement either be included in the CRIP as a separate project to be coordinated in 2007 or be scheduled outside of the CRIP to utilize existing collected impact fees.

Kendall County's very rapid growth is having an extremely negative impact on the southern part of Kane County, specifically Orchard Road. In the past month, Kendall County announced its plans to widen the Orchard Road overpass over the BNSF line south of US-30 in 2008. The remaining two lane portion of Orchard Road in Oswego is planned to be widened in 2009. With these two widening projects, Orchard Road will be four lanes from Randall Road south to US-34 with the exception of Orchard Road in Montgomery from Cornell Avenue south to Brentwood.

The Village requests that the County identify when the remaining Orchard Road widening and intersection improvements will be made. It is absolutely critical for the Village of Montgomery, its residents and businesses to know when this will be done.

The Village respectfully requests that the County separate out and evaluate the intersection of Montgomery and Douglas Roads as a separate project. Table I-6 (p. 15) indicates that Montgomery Road from Broadway to Douglas Road (#29) rates an E for LOS. The Village is extremely concerned with this intersection, specifically the west bound left turn movement from Montgomery Road onto Douglas. Once again, the Village of Montgomery and the southern part of Kane County is experiencing the impacts of Kendall County's growth.

In reference to Table 4-1, the Village requests an additional table be added to the document. It is specifically suggested that a table be added that breaks down the projects by zone so the municipalities and the County can see this clearly delineated. This will need to take place anyway if the collected impact fees will be separated by zone. The total project costs by zone should also be added.

Also, in reference to Figure 4-1 of the Proposed Roadway Improvement Plan, the Village respectfully requests that all of the Fabyan Parkway projects be included with the Central Zone of the County and not the South Zone. They are on the border of the zone. That includes the following:

- #13 – Fabyan Parkway from Main to Randall (\$40.7 million of impact fee eligible);
- #16 – Fabyan Parkway from IL-31 to IL-25 (\$16.2 million);
- #17 – Fabyan Parkway from Kirk Road to Paramount Drive (\$8.5 million); and
- #90 – Fabyan Parkway from Western to Kirk Road (\$15.1 million) or (\$80.5 million cumulative).

The reasoning behind this is as follows. Since there is little future growth potential for the City of Batavia, the remaining southern Kane County municipalities that will continue to experience growth and collect impact fees will be subsidizing those improvements. Within the corporate limits, there is one CRIP project for Big Rock, two for Montgomery, one for Sugar Grove, three (including parts of Orchard Road for two projects) for Aurora, two for North Aurora and 10 for Batavia. In total, there are seven projects for the five municipalities of Big Rock, Montgomery, Sugar Grove, Aurora and North Aurora and 10 projects for Batavia. This does not include any projects listed in the unincorporated areas of Kane County.

With the revised Impact Fee Ordinance, Kane County is now dividing the County into three zones. Will the impact fees collected under the current system be used in the existing zones or the new, proposed three zones? The Village respectfully requests those fees be used in the existing zones. Furthermore, some of those fees should go towards constructing a temporary traffic signal at Orchard and Rochester Roads.

To summarize the Village's requests, they are succinctly listed below:

- Collect and analyze 2007 traffic data for Orchard Road from Jericho Road south to and including the US-30 intersection;
- Add the intersection of Orchard Road and US-30 as a CRIP project;
- Add the intersection of Orchard and Rochester Roads as a CRIP project for 2007 to utilize already collected impact fees;
- Identify the calendar year for construction to start on the remaining widening of Orchard Road;
- Add the intersection of Montgomery and Douglas Roads as a separate CRIP project;

Kane County Road Improvement Impact Fee Ordinance

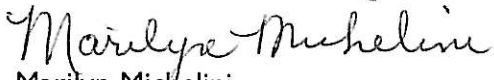
April 18, 2007

Page 4

- Add another table that separates out the projects by each zone;
- Fund all of the Fabyan Parkway (#13, 16, 17 and 90) projects out of the Central Zone and not the South Zone; and
- Utilize existing collected impact fees in the current zones and not the proposed three zones.

Thank you for your consideration. I look forward to a written response to the Village's requests.

Sincerely,



Marilyn Michelini
Village President

c: Board of Trustees
Anne Marie Gaura, Village Manager
Carl Schoedel, County Engineer/Director



RESOLUTION No. 07-002

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

WHEREAS, the Village of Montgomery is a municipality in Kane and Kendall Counties in Illinois, and;

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

WHEREAS, the Village of Montgomery 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 Village of Montgomery 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 Village of Montgomery supports the work of the Kane County Road Impact Fees Advisory Committee,

NOW, THEREFORE, BE IT RESOLVED by the Village of Montgomery, as follows:

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

- a) The Village of Montgomery supports the concept of phasing in the road impact fees over a five-year period of time.
- b) The Village of Montgomery 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 Village of Montgomery supports the proposed "grandfathering" 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, the Village of Montgomery 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 Village of Montgomery 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 Village of Montgomery requests that Brownfield sites, as defined by the IEPA/EPA guidelines, be fully exempted from impact fees.

5) The Village of Montgomery requests that the widening of Orchard Road from Jericho Road to U.S. 30 be given top priority since it already is well over the normal capacity level for a two-lane roadway and has topped the 30,000 vehicle level that should warrant this section of Orchard Road to be like the County has constructed north of Jericho Road.

6) The Village of Montgomery strongly requests that a temporary traffic signal be placed at the intersection of Rochester Road and Orchard Road in 2007 to allow the proper flow of traffic within the adjacent industrial parks along this stretch of Orchard Road.

PASSED by the Board of Trustees of the Village of Montgomery, Kane and Kendall Counties, Illinois, this 9th day of April, 2007.

ATTEST:

Marilyn Michelini
Marilyn Michelini, President of the Board of Trustees of the Village of Montgomery

Barbara Anzo
Clerk of the Village of Montgomery
by: Helen Proster, Deputy Clerk

	Aye	Nay	Absent	Abstain
Trustee Jeanne Felten	✓	—	—	—
Trustee Peter Heinz	✓	—	—	—
Trustee William Keck	—	✓	—	—
Trustee Dennis Lee	✓	—	—	—
Trustee Lloyd Mattingly	✓	—	—	—
Trustee Rob Watermann	✓	—	—	—
Village President Marilyn Michelini	<u>No</u>	<u>Vote</u>	<u>Cast</u>	—

