

**Kane County Road Improvement Impact Fee  
Advisory Committee**

**Kane County Government Center  
County Board Room**

**Meeting Minutes - December 6, 2006, 1:00 p.m.**

**Members in Attendance:**

Chairman Don Wolfe	Kane County Board
Vice Chairman Frank Griffin	Kane County Economic Development Advisory Board
Larry Keller	Village of West Dundee
Christine Klein	Fox Valley Association of Realtors
Marilyn Michelini	Village of Montgomery
Christine Ludwizewski	Attainable Housing Alliance
Catherine Hurlbut	Kane County Board
Jan Carlson	Kane County Board

**Others Present:**

Carl Schoedel	Kane County Division of Transportation
Tom Rickert	Kane County Division of Transportation
Jerry Dickson	Kane County Division of Transportation
Steve Coffinbargar	Kane County Division of Transportation
Heidi Files	Kane County Division of Transportation
Patrick Jaeger	Kane County Asst. State's Attorney
Ken Shepro	Kane County Special Asst. State's Attorney
Phil Bus	Kane County Transportation and Development Group
Kai Tarum	Kane County Development Department
Karl Fry	Intersect LLC, Consultant for Kane County
Brian Townsend	City of St. Charles
Clyde D Sana	Centex Homes
Larry Jones	Village of South Elgin
Tom Armstrong	City of Elgin
John Noble	City of Batavia
Scott Buening	Village of Sugar Grove
Greg Chismark	City of St Charles
Ray Keller	Village of Gilberts
Charles Radivich	City of Geneva
Jerry Swanson	City of Batavia
Sharon Gorrell	Realtors Association of Fox Valley

**I. CALL TO ORDER**

Chairman Wolfe called the Kane County Road Improvement Impact Fee Advisory Committee meeting to order at 1:00 p.m.

**II. ROLL CALL**

A quorum was established with eight (8) voting members present.

**III. PUBLIC COMMENTS - None**

**IV. APPROVAL OF MINUTES**

Minutes of the November 15, 2006 meeting were approved on motion by Carlson, seconded by Keller. Motion passed by voice vote of 7-0.

**V. RECEIVING COMMUNICATIONS - None**

**VI. REPORTS - None**

**VII. OLD BUSINESS**

Per a question, Coffinbargar stated the packets on the desks were the most current. Griffin expressed concern about major discrepancies between the new documents and the old.

A. Staff Response to Comments on draft CRIP - Mr. Brian Townsend, City of St. Charles said he had questions on Agenda Items VII.A, VII.D. and VIII.A. He stated he did receive a staff response to the city's comments but the detail was insufficient. Therefore, he would like to obtain additional detail either through this meeting or at a future meeting as it

relates to understanding the fee calculations and their basis. Addressing the Tri-Cities' concerns, Mr. Fry explained that the Tri-Cities felt they could not agree with the CRIP and the service area boundaries until a number of questions were answered. In response, Mr. Fry indicated that the committee was not seeking concurrence with the plan but, rather, was seeking input in advance of the public hearing. In addition, he stated the other components of the CRIP were already reviewed by the advisory committee. Mr. Fry continued to review, in detail, staff's responses to additional Tri-Cities comments. Dir. Schoedel offered to have staff meet with representatives of the Tri-Cities if more detail was necessary rather than burdening the committee. Mr. Townsend stated the City of St. Charles would be agreeable to a meeting in the future. Mr. Fry, however, suggested that Mr. Townsend provide additional details in a letter as to what the Tri-Cities was specifically seeking.

B. CRIP Project List - Coffinbargar referenced the latest version of the CRIP list was enclosed but staff continued to revise the list. A specific change was noted on page 2, No. 79, under "Estimated Cost." Ludwiszewski expressed concern about the projects getting completed within ten years and some projects not meeting the CRIP criteria. Dir. Schoedel indicated the projects on the list met the travel demand needs and were on the list because the county was trying to address everything it could. Mr. Fry explained the projects identified were based on the model which was based on the land use assumption and were not at risk of not meeting the criteria. Mr. Fry further explained that, technically, the county had 15 years to complete the list. He agreed the CRIP list was ambitious but it had to address the future needs of traffic. Keller asked if it was possible to prioritize the list according to zone since developers would want to see a return on their investment and justify the cost of the impact fees. Mr. Fry said it would have to be recommended to the County Board. Griffin raised concern of how the costs for projects increased from \$400 million to over \$1 billion. Regarding the cost estimates Dir. Schoedel explained that in the first Impact Fee ordinance and formula (needs-based formula) there was no direct relationship between the cost of the improvement and the fee. A general dialog followed that the initial cost estimates put together some years ago doubled and more projects were added to the list.

C. Ordinance Amendments - Additions and deletions to the latest draft Impact Fee Ordinance were noted. Griffin expressed concern and asked staff to discuss how and when the fees are to be applied and the structure of any refunds of fees collected, specifically to credits, refunds, redevelopments, and additions to properties.

D. Impact Fee Program Discounts - Staff referred to the draft Impact Fee Program Discounts document noting that the consultant has revised the ordinance to accommodate the changes that would be required should the program discounts be approved. Staff requested that if the committee was comfortable with the document to move it to the county board. It was noted that the Impact Fee Program Discounts portion would be separated out from the ordinance. Mr. Fry recalled from the last meeting that there appeared to be a concurrence from the committee to include the program discounts in the recommendation when it moves to the county board. No comments followed from the committee.

Mr. Townsend, with the City of St. Charles, asked why the allowed discounts were reduced from 80% to 70%. and how many of the projects would qualify for the discount. Directors Bus and Schoedel indicated that they hoped many of the projects would qualify for the discounts. Dir. Bus reminded him that the goal of the program was to reduce the VMT (vehicle miles traveled) and promote smart growth. Asked if there was an analysis done on the zoning for those properties located close to county roads that would qualify for either the 14 units/acre or 20 units/acre, Planning Dir. Tarum explained that the county did not have an analysis but stated that most municipalities would be looking at planned developments for it. **Keller made a motion to approve the Impact Fee Program Discounts, seconded by Michelini. Motion carried by voice vote of 6-1 (Nay: Ludwiszewski).**

## VIII. NEW BUSINESS

A. Recommended Impact Fee Schedule - Mr. Fry explained the fee schedule was based on two factors: 1) the cost of projects in service area; and 2) the kind of development that occurs and the number of trips generated. He recalled the committee preferred Alternative 5 (with three service areas) which followed three travel bands. He pointed out on the map those projects that were current.

B. Implementation Options for New Impact Fee Schedule - Mr. Fry explained the fee schedule numbers were arrived at based on the percentages of calculated fees per trip in each of the three service areas. An explanation followed on how the 100% figure took into account the cost of all projects (after removing any outside funding sources) divided by the number of trips and new trips generated in the specific service area, which resulted in the cost per trip. Based on that cost per trip, the fee was calculated based on the trip generation factor for each land use. Mr. Fry recommended that the

county not go any higher than the 80% figure. He reviewed his discussion points in support of the 80% figure and recommended that members keep the same points in mind when receiving comments from the public.

The committee discussed how the assessment of fees took place, such as when a building permit is triggered, and whether a phase-in period existed. Dir. Schoedel explained that the phase-in period would have to be clearly communicated in the public process. Discussion was raised on whether the process could be hindering development in the community, which was a significant consideration. Dir. Schoedel stated there was a transition clause in the current ordinance from no fees to fees.

Griffin raised concern about the definition of "New Development", as defined in the ordinance, and asked who would receive the credit if a development changed from a higher use to a lower use, i.e., the developer or the purchaser. Dir. Schoedel explained that under the current ordinance credits were recognized, but more specifically, it was whoever drew the building permit that was responsible for payment of the fee. Other scenarios followed by Griffin and Ludwiszewski. Griffin proceeded to ask who determined if an increase in trips occurred within a new development, wherein Dir. Schoedel explained that if a building permit existed, his staff determined the fee, if any. Furthermore, staff's position was that if there was an increase in trips then it was the burden of the developer to explain. Mr. Fry referenced Section Six of the draft ordinance which addressed Mr. Griffin's concerns. Griffin, however, felt that Section Six conflicted with the definition of "New Development".

Ludwiszewski recalled she was concerned initially about the cost of daycare facilities and in reviewing the new figures, daycare centers would be charged the same rate as hospitals. She also had concerns about the figures for a hospital and a nursing home. Mr. Fry stated the figures were based on national averages, but he agreed the same categories jumped out and he was willing to review them again. Ludwiszewski felt that if the county stayed with the numbers being presented, fewer medical and dental offices and convenience stores would want to come into the county. Wolfe reminded her that Mr. Fry was using the figures under the 80% column. A further explanation followed on credits as they applied to projects in the CRIP.

Mr. Brian Townsend, City of St. Charles, asked to see some sample projects as it relates to the 80% figure and asked for clarification of the fee.

Chairman Wolfe discussed holding another meeting in the near future so that members could return and speak with their constituents. Griffin offered to meet with the Tri-Cities. However, Wolfe wanted staff alone to work with the Tri-Cities. Hurlbut agreed more time was necessary to review the information, and, from a county board member perspective, while she understood it was a constraint on the developers to build roads, without the money, the roads would not get built and no further development would occur. A balance was necessary. Ludwiszewski voiced her frustration on how formulas and fees were initially created three years ago which were thought to be appropriate, only to be told three years later that the numbers being presented now were appropriate. Carlson understood that the numbers being discussed would be reduced by approximately 5% if an additional 2 cent local option motor fuel tax was put in place. Wolfe reminded the committee that 88 projects were on the list and not just Randall Road. He reminded members that the needs-based approach was unfair due to numerous boundary lines, whereas, the proposed facilities-based approach was fair but expensive. After a number of comments, Carlson suggested that a meeting be scheduled in the next week or two to keep with the original timeframe. Several members said they needed more time to review the information. It was the consensus of the committee to meet on Wednesday, December 20 at 8:00 a.m.

C. Recommendation of Public Hearing Date - March 7, 2007 – Recommendation of a public hearing date was postponed to a future IFAC Advisory Committee meeting.

D. Schedule Next Meeting - was scheduled for December 20, 2006, 8:00 a.m. in the County Board Room.

## **IX. ADJOURNMENT**

The meeting was adjourned at 2:45 p.m. on motion by Griffin, seconded by Klein. Motion carried.

Celeste Weilandt  
Recording Secretary