

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

Kane County Government Center - Lower Auditorium

Meeting Minutes - October 18, 2006, 8:00 a.m.

Members in Attendance:

Chairman Don Wolfe
Vice Chairman Frank Griffin
Larry Keller
Christine Kline
Christine Ludwiszewski
Dave Morrison
Jeffrey Schielke
Jan Carlson

Kane County Board
Kane County Economic Development Advisory Board
Village of West Dundee
Fox Valley Association of Realtors
Attainable Housing Alliance
Administrator, Village of Elburn
Mayor, City of Batavia
Kane County Board

Others Present:

Carl Schoedel
Tom Rickert
Jerry Dickson
Steve Coffinbargar
Heidi Files
Patrick Jaeger
Karl Fry
Phil Bus
Kai Tarum
Christy Sabdo
Debra Allan
Charles Radovich
Dick Untch
Scott Buening
Brian Townsend
Greg Chismark
Michael Brown
Scott Wagnanot
James Williams
Joe Messina
John Noble
DeWayne Williams

Kane County Division of Transportation
Kane County Division of Transportation
Kane County Division of Transportation
Kane County Division of Transportation
Kane County Division of Transportation
Kane County State's Attorney
Intersect LLC, Consultant for Kane County
Kane County Development and Transportation Group
Kane County Development Department
Kane County Development Department
Kane County Board
Attorney, City of Geneva
City of Geneva
Village of Sugar Grove
City of St. Charles
City of St. Charles
Village of Montgomery
Village of Carpentersville
Village of Huntley
Suncast Corporation
City of Batavia
Village of North Aurora

I. CALL TO ORDER

Chairman Wolfe called the Kane County Road Improvement Impact Fee Advisory Committee meeting to order at 8:05 a.m.

II. ROLL CALL/ INTRODUCTIONS

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

III. PUBLIC COMMENTS

Mr. Scott Buening, Village of Sugar Grove, stated he was supportive of the discount impact fee but not supportive of the location criteria being proposed. He did not feel limiting the discounts to those municipalities located in the Urban Corridor was fair and equitable. He requested that the committee make a recommendation to include the fee discount to everywhere in the county or at least in the Critical Growth zone since that was where most of the growth was occurring. Also, he recalled a meeting where several community development directors in the Urban Growth zone were invited to discuss the matter; however, some communities were not included, including Sugar Grove. Lastly, the categories that the county was using to decide which properties qualified for the discount, i.e., the Urban Corridor and the Critical Growth areas, should be better defined from a land use perspective since there could be some legal ramifications.

IV. APPROVAL OF MINUTES

Minutes of the July 26, 2006 meeting were approved on motion by Carlson, seconded by Keller. Motion passed by voice vote of 8-0.

V. RECEIVING COMMUNICATIONS - None

VI. REPORTS

A. Consultant Presentation - Preliminary CRIP Project List and Service Area - Turning to his PowerPoint presentation, Mr. Fry reviewed the four steps to calibrate the CRIP model: 1) use 2005 as the base year; 2) model future traffic to 2015; 3) identify future deficiencies; and 4) develop an Improvement Project List. Details of each step followed. In reviewing the Preliminary CRIP Summary, Mr. Fry indicated the total project was estimated at \$1.3 billion with \$232 million in non-county funds. Approximately 194,437 new peak hour trips were estimated for the road network with the average improvement need per new peak hour costing approximately \$5,300.00. Mr. Fry explained the preliminary CRIP was subject to review by this committee, the county board, and for public comment. Mr. Fry reminded the committee that this facilities-driven approach was significantly different from the last approach because it took all of the needs and allocated them back to new trips so there was no shortfall. The current Comprehensive Road Improvement Plan total improvement costs is estimated at \$423,000,000. A comparison of routes of the existing CRIP to the proposed Preliminary CRIP followed. Chairman Wolfe cautioned members to not focus on the dollar figures and reminded members that the county was trying to be more fair across the county.

Continuing, Mr. Fry reminded members that the following two criteria had to be followed for the service area boundaries: 1) the fee must be “specifically and uniquely attributable” to traffic generated by a specific development; and 2) the developer must receive a “direct and material benefit” from the payment of the fee. In addition, Mr. Fry explained that when reviewing service area boundaries, five alternatives were considered, with the fee per trip noted for each zone. Alternative 1 proposed three north/south zones, basically following the county’s 50/50/50 Land Use Plan; Alternative 2 proposed three east/west zones and now included the Stearns Road Bridge. However, no new trips were really generated in Service Area 2 and Mr. Fry believed the high fee per trip costs was not fair in Service Area 2. Alternative 3 proposed two east/west zones, but the service areas were very large; Alternative 4 proposed four zones with the Stearns Road project being split between Zones 1 and 3 and the Orchard/Randall project being split between all zones. Griffin noted that developers in Zones 3 and 4 would receive the potential credits, as discussed prior, and the fee per trip were the most equitable. He used the City of Aurora’s downtown as an example of where the credits would be beneficial. Lastly, Alternative 5 proposed three zones which followed the travel demand and split the Stearns Road project between Zones 1 and 2 and split the Randall Road project between all three zones. Mr. Fry believed Alternative 5 was ideal and could be fine-tuned.

Responding to Wolfe’s question as to whether travel demands equaled future deficiencies, Mr. Fry confirmed there was a correlation. Wolfe recommended viewing all five alternatives layered with either the Travel Demand Map or the Future Deficiencies Map. He recommended that as the committee discusses the alternatives, they should be discussed in terms of criteria for the service area boundaries and what was defensible so that they were fair and equitable and could not be challenged legally. Mr. Fry agreed.

Mr. Fry proceeded to review the timeline for the CRIP and the update for the Impact Fee Ordinance, noting that the next steps would include refining the boundaries and making suggestions on the project list. He preferred that at next month’s meeting a decision be made on holding a public hearing for changes to the fee ordinance. Comments from this meeting would be discussed with staff and any new information would be provided to the committee prior to the next meeting.

Mr. Schielke believed the issue was still with the delineation of the Special Service Area boundaries and having the fee per trip figures fairly close to each other. He supported Alternative 5. However, he expressed concern about the potential for legal challenges. Griffin also concurred with some of the comments made but pointed out that the issue had to be looked at from the perspective of how the fees were applied and the overall economic impact and benefit to the county. Dialog followed that while a flat fee would be ideal, members were reminded that the statute was not written as such. Griffin supported Alternatives 4 and 5. While Keller agreed that having a fair fee for everyone would be ideal, he agreed someone would ultimately feel they were not being treated fairly. He supported Alternative 5 also. Morrison believed that Alternative 4 placed the projects in the zone of where traffic would be generated. Mr. Fry interjected and explained that the number of projects throughout the county that were included in the 2030 Plan were included in the CRIP and were located in the western two-thirds of the county. He asked that members notify him of any projects that were not included in the CRIP.

Keller asked whether there was a way to expend funds to reflect that they were being spent within a 1, 3, or 5 mile, etc. radius of where the impact funds came in from. Wolfe believed that whatever alternative fit the Future Deficiencies Map best, was probably the best alternative to use yet while meeting the requirements of the statute and being in the confines of the county’s Land Use Plan. Mr. Fry reminded the committee that having more services areas was what

returned the committee to the table, reiterating that the goal was to improve the equity from one service area to the next. Mr. Fry stated he would review the ordinance again as to the comments being suggested and look at the ordinance from the standpoint of charging this committee to put an annual program together for expenditures for the next few years. Ludwiszewski expressed concern about staff's comment about "fixing" Randall Road and recommended dividing Randall Road from east/west zones so that three or four service areas ended up paying for a portion of Randall Road. Dir. Schoedel emphasized that the county needed to include in the list of projects all projects that were being considered. A suggestion was made to provide overlays discussing dollar figures within the various service area boundaries.

Development Dir. Bus asked whether the committee had concurrence on the county's project list. Per Coffinbargar, staff was still in the process of refining the project list. A review of the list's format followed. Wolfe charged the committee members to review the list with their constituents. Asked whether there was graphical representation of where the Kane County Council of Mayors spent their funds for the last five years, Ms. Files offered to put together the information for Morrison. Morrison expressed concern about limited funds and how projects were prioritized. He further expressed concern that the fees would not cover all of the projects and the projects would be prioritized based upon fund availability.

In closing, Mr. Fry suggested discussing at next month's meeting Alternatives 4 and 5; members concurred. Keller asked whether any of the larger projects could become super-projects, wherein they would be applicable to everyone in the county or at least a region. Mr. Fry explained that this is something that staff had considered previously when establishing the various service area boundary alternatives and that this was also basically being accomplished in Alternate 5 since the Randall Road/Orchard Road improvements are somewhat evenly distributed between the three service areas.

VII. OLD BUSINESS

A. Impact Fee Program Discounts - Coffinbargar reported that staff continues to refine the impact fee discounts which will be discussed at a future meeting.

Mr. Brian Townsend, Administrator for City of St. Charles, asked how the non-county funding sources in the project list were determined and applied, wherein Mr. Fry stated it varied from project to project and the projects were in the county's five-year program or were allocated with STP funds. Currently, there was no state allocation but staff would be refining. Regarding the practicality of implementing all of the projects in 10 years, Dir. Schoedel agreed the program was aggressive and stated there was a commitment being made.

Mr. Scott Buening, Village of Sugar Grove, supported Alternatives 4 and 5 and suggested moving some zones in Alternative 5 so they become more equal. Mr. Fry stated that boundary line refinement could be reviewed.

Attorney Chuck Radovich, for the City of Geneva, asked for clarification of the project numbers in the CRIP list. He also inquired as to when staff would have a CRIP priority list, to which Mr. Fry stated it would be near the end of the process but would like a recommended list prior to the public hearing.

Coffinbargar stated the next meeting was tentatively scheduled for November 15, 2006.

VIII. NEW BUSINESS - None

IX. ADJOURNMENT

The meeting was adjourned at 9:25 a.m. on motion by Morrison, seconded by Keller. Motion carried unanimously.

Celeste Weilandt
Recording Secretary