

Appendix C: Public Hearing Comments and Proceedings

REPORT OF PROCEEDINGS - APRIL 10, 2003

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STATE OF ILLINOIS)
) SS.
COUNTY OF KANE)

KANE COUNTY DIVISION OF TRANSPORTATION
BEFORE THE IMPACT FEE ADVISORY COMMITTEE

In Re the Matter of:)
)
Kane County Road Impact Fees)
Public Hearing on Land Use)
Assumptions.)

REPORT OF PROCEEDINGS had at the hearing
of the above-entitled matter, before the Kane
County Impact Fee Advisory Committee, taken in
the Kane County Government Center, Building A,
719 South Batavia Avenue, Geneva, Illinois, on
the 10th day of April, A.D. 2003, at the hour
of 7:00 p.m.

PRESENT:

- MR. DON WOLFE, Chairman;
- MR. RICK DUNLAP, Member;
- MR. FRANK GIFFORD, Member;
- MS. CATHERINE HURLBUT, Member;
- MS. CHRISTINE LUDZWISZEWSKI, Member; and
- MR. JAMES WILLEY, Member.

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1 CHAIRMAN WOLFE: Good evening. We
2 will call this meeting to order. We're going
3 to have a small presentation --

4 MR. SCHOEDEL: Before we do that,
5 we'll just quickly run through introductions,
6 and we'll introduce the Committee members and
7 folks in the audience.

8 If you want to, if you are representing
9 a particular constituency or group, we would
10 like you to say hello and introduce yourself.

11 CHAIRMAN WOLFE: I'm Don Wolfe.
12 I'm running this little side show as a member
13 of the Transportation Committee.

14 So the Impact Fee Committee will report
15 to Transportation on up through the hierarchy.

16 So let's start to my left and work our
17 way around.

18 MEMBER GRIFFIN: Frank Griffin,
19 and I'm representing the Kane County Economic
20 Advisory Board.

21 MEMBER HURLBUT: Cathy Hurlbut,
22 Kane County Transportation Committee.

23 MEMBER LUDZWISZEWSKI: Christine
24 Ludziszewski, on behalf of Home Builders of

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1 Fox Valley.

2 MR. WILLEY: I'm Jim Willey. I'm
3 the Mayor out at Elburn.

4 MEMBER DUNLAP: Rick Dunlap, Fox
5 Valley Building Trades.

6 MR. KELLER: Larry Keller, Village
7 President, West Dundee.

8 MR. SCHOEDEL: I'm Carl Schoedel.
9 I'm on staff at Kane County Division of Trans-
10 portation.

11 MS. TABBERT: I'm Heather Tabbert.
12 I'm with the Kane County Division of Trans-
13 portation.

14 MR. NAYLOR: I'm Ron Naylor. I'm
15 an engineer with Engineering Enterprises in
16 Sugar Grove.

17 MR. WALLERS: Pete Wallers, resi-
18 dent of Kane County and a business owner in
19 the County.

20 MR. BOWGREN: Jerry Bowgren, with
21 Re/Max in St. Charles.

22 MR. BUENING: Scott Buening, with
23 the Village of Sugar Grove.

24 MR. KOENEN: Mark Koenen, City of

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1 St. Charles.

2 MR. BARNETT: Jeff Barnett, with
3 consultants CH2M-Hill.

4 MR. MILLER: Jim Miller, CH2M-Hill
5 consultants.

6 MS. WARD: Jan Ward, City of Elgin.

7 MR. RICKERT: Tom Rickert, with
8 Kane County.

9 MR. CHESBROUGH: William
10 Chesbrough, attorney for the County.

11 MR. FRY: Karl Fry, with Postl
12 Yore and Associates, consultants to the
13 County.

14 CHAIRMAN WOLFE: All right. So at
15 this point this meeting is open.

16 Carl, you've got a little presentation
17 for us --

18 MR. SCHOEDEL: Okay.

19 CHAIRMAN WOLFE: -- on what we've
20 gone through covering so far.

21 MR. SCHOEDEL: I'm just going to
22 give about a five- to ten-minute presentation,
23 real quickly, and try to give an overview of
24 what the Road Improvement Impact Fee program

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1 is about and how it's authorized and what the
2 process is, what step we are in the process;
3 and once I go through that, I'm just going to
4 open it up for public comment.

5 So I think, if there are questions as we
6 go along, people are free to jump in. I don't
7 think we have an overwhelming amount of
8 people. I'll try to hit them as we go.

9 If it looks like we're going to go long,
10 I'll cut you off and maybe we can talk about
11 it after the meeting.

12 CHAIRMAN WOLFE: Keep your voice
13 up because of the noise. Excuse me.

14 When you do ask a question, I think, for
15 the record, please state your name and affili-
16 ation again, so we have a complete, full
17 record. Thank you.

18 MR. SCHOEDEL: What we're operating
19 under, the County is pursuing a Road Improve-
20 ment Impact Fee program. We're operating
21 under the State statutes, and the citation is
22 here for you.

23 Counties become eligible to implement an
24 impact fee program when they reach 400,000 in

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1 population, and Kane County reached that as of
2 the last census, so we're looking into the
3 program at this point.

4 Generally, the fees are collected during
5 the new development process, typically, at the
6 time of plat approval or building permit, and
7 the fees are intended for what's shown on the
8 fourth bullet point: Road improvement,
9 expansion or construction, and they all have
10 to -- all of the improvements that the fees
11 are ultimately used for need to show up in
12 what's called a Comprehensive Road Improvement
13 Plan.

14 The fees can be used for roads that are
15 on the County system or under State juris-
16 diction; although we plan -- if we do imple-
17 ment the program, we do plan to use them
18 strictly on the County system.

19 There are some key limitations that go
20 along with the Road Improvement Impact Fee
21 statute. There are three limitations: You
22 can't use the fees to correct existing defic-
23 iencies; you have to spend the fees within the
24 same service area from which you collected

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1 them; and you have to spend them within five
2 years of the collection date.

3 And that's, really, a two-slide overview
4 of the statute that we're operating under.

5 Here is the process. We're in the pink
6 bubble here at the public hearing.

7 There's really -- we have grown it into
8 two major phases; one is the land use assump-
9 tions, and then the second phase, which will
10 occur later in this year, is the development
11 of the Comprehensive Road Improvement Plan,
12 that will list all of the projects that fees
13 would be eligible for.

14 The statute outlines a pretty specific
15 schedule for how we have to accomplish devel-
16 oping this set of land use assumptions.

17 The Committee, the Impact Fee Advisory
18 Committee has already met several times to
19 discuss them. We have, basically, a draft set
20 here that we're presenting for public comment
21 today.

22 And then, once we get through this
23 public hearing, the Committee will meet again
24 within the next 30 days to give a recommend-

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1 ation to the County Board on whether to adopt,
2 reject or somehow modify this set of land use
3 assumptions.

4 The County Board then has to meet within
5 60 days after that to, basically, adopt or
6 reject or modify this set of land use assump-
7 tions. So that's where we are in the process.

8 At this point, we're estimating a June
9 County Board consideration of adoption for
10 these land use assumptions.

11 Any questions to this point?

12 (No response.)

13 MR. SCHOEDEL: The second half of
14 the year we're going to get into development
15 of the actual plan that will have a list of
16 projects in it. That's also the time that
17 we'll start working on, I think, what every-
18 body is interested in is: How is the fee
19 actually calculated? What does that consist
20 of? So that, actually, comes later in the
21 year.

22 And there is another step later in the
23 year, a public hearing to consider the Compre-
24 hensive Road Improvement Plan. So there is

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1 another opportunity for formal public comment
2 later in the year.

3 Really, there is one purpose for the
4 public hearing tonight, and that's to consider
5 the land use assumptions.

6 The land use assumptions, obviously,
7 affect what future travel demand will be,
8 where people work and where they live, where
9 they want to travel. That's an influence on
10 how much travel demand is out there, what kind
11 of road system we have to put in place to meet
12 that travel demand.

13 Also, I would like to point out that the
14 land use assumptions are not a direct input
15 into the fee calculation; and those that are
16 the things that are direct inputs into the fee
17 calculation are listed up on the screen. That
18 is: How many new trips does a particular
19 development generate? What's the average trip
20 length? What's the percent of travel on the
21 County highway system? How much capacity does
22 one lane mile of roadway handle? What is our
23 cost to provide another lane mile?

24 So those are the things that go into the

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1 calculation. The land use assumptions, again,
2 are not a direct input to that, and we're not
3 going to be dealing with anything having to do
4 with the actual calculation of the fee at this
5 point, we're just dealing with land use
6 assumptions.

7 Part of the land use assumptions is the
8 description of the service areas that we
9 propose to use. Those are shown up on the
10 graphic on the screen, and also on the charts
11 behind the Committee.

12 And, generally, these are based on the
13 planning partnership areas that came out of
14 the Kane County Land Resource Management Plan
15 for the Year 2020, and those will also be
16 carried forward as Kane County updates their
17 plan for the Year 2030.

18 These are generally areas that have sort
19 of common geography, but, also, other common
20 features and issues.

21 We're proposing to use these areas as
22 the service areas or districts. So if we
23 collect a fee, for example, in the southwest
24 area, we would need to spend that fee on a

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1 project within the southwest area.

2 Basically, we adopted -- or we worked
3 towards a set of land use assumptions.
4 There's two primary components of that. One
5 is population. The other is employment.
6 We're trying to describe where in the County
7 we think the population and employment will be
8 in the future.

9 We based this largely on a set of
10 adopted population and employment forecasts
11 that were developed by the Northeastern
12 Illinois Planning Commission for the Year
13 2020. We also had census data for the Year
14 2000, and as this chart indicates, we have
15 sort of a preliminary indication, again, from
16 Northeastern Illinois Planning Commission, on
17 what 2030 might look like for Kane County.

18 So we developed a Year 2023 total
19 because we need to look 20 years out for this
20 program, and then we work backwards from the
21 Year 2023 back to the present in order to
22 develop some of the intermediate points. We
23 also need a 2003, and we also need a 2013.

24 So those are the three sets of land use

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1 assumptions that we developed.

2 We did this for the population. We also
3 did this for employment. So we, again, had
4 current data from census information, we have
5 NIPC forecasts for 2020, a preliminary idea
6 for 2030, and then we developed a control
7 total based on all of that for the Year 2023,
8 worked backwards to calculate the intermediate
9 steps.

10 Here is a summary, in chart form, by
11 service area. So you're seeing a 2000 popu-
12 lation from the census in the first column;
13 what we're establishing as a control total for
14 the Year 2023 in the second column; and then
15 the difference is shown in the third column.

16 And so we are showing a projected total
17 for Kane County of 582 -- over 582,000 in
18 population for the Year 2023.

19 This is another way of looking at the
20 population data, again, by district or by
21 service area.

22 You can see in some of the more estab-
23 lished areas along the Fox River corridor,
24 like, for example, Aurora, where the popu-

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1 lation total is already high, the growth is a
2 smaller percentage of the total; but if you
3 look in some of the more developing areas, for
4 example, Campton Hills area, the second bar, a
5 lot of the growth is occurring over the next
6 20 years. So in that case, it looks like
7 about half of the growth is occurring.

8 Here is a summary for the employment.
9 It follows a similar trend. We're projecting
10 a 2023 employment of 278,000, over 278,000.

11 Again, in the more established areas,
12 such as Aurora, you see some growth; but it's
13 not as high growth percentagewise.

14 An area like Campton Hills, where you
15 currently -- you virtually have no employment,
16 you see all the growth occurring in the next
17 20 years.

18 So that trend holds true with population
19 trending.

20 And that's, really, all I have.

21 I could take a few questions here, if
22 people want to do that.

23 Any burning questions that you all might
24 have?

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1 CHAIRMAN WOLFE: Anything from the
2 Committee?

3 (No response.)

4 CHAIRMAN WOLFE: How about the
5 audience?

6 MR. BUENING: Yes.

7 CHAIRMAN WOLFE: Your name, please,
8 and affiliation.

9 MR. BUENING: Scott Buening, with
10 the Village of Sugar Grove.

11 CHAIRMAN WOLFE: Thank you.

12 MR. BUENING: Have the NIPC
13 numbers been officially adopted at this point
14 in time or are they still reviewing those?

15 MR. SCHOEDEL: The NIPC numbers
16 that we used were for the Year 2020, and those
17 have been adopted, and I forget the exact date
18 that they were recently readopted, but around
19 the 2001 time frame, I believe.

20 We made some minor adjustments around
21 the edges, for two reasons. One is, we needed
22 to project out to the Year 2023, so it's three
23 years out into the future; and, also, we tried
24 to, at least to some extent, incorporate some

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1 growth in areas such as Sugar Grove, that we
2 felt weren't, perhaps, fully captured in the
3 NIPC population.

4 MR. BUENING: Are the numbers
5 you're basing it on based on the Paint the
6 Town numbers that they did recently?

7 MR. SCHOEDEL: They are not, and
8 those are geared towards NIPC's 2030 project-
9 ions, which are not adopted; and, really, all
10 we have at this point from NIPC is sort of a
11 preliminary indication. That's what you're
12 seeing here on the fourth bar in this bar
13 chart. So we used just a preliminary idea of
14 that.

15 As we move forward, if we did implement
16 the program, we're required to update our
17 assumptions and our plan on a regular basis.
18 And so our feeling was, in the next year or
19 so, we will have a full set of NIPC population
20 and employment projections for the Year 2030.

21 We could just use those when we get
22 around to updating our plan.

23 MR. BUENING: Thank you.

24 MR. OLSON: Dan Olson.

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1 To what extent have you solicited com-
2 ment from municipalities; and if you have, how
3 many comments did you receive back from the
4 different municipalities within the County?

5 MR. SCHOEDEL: Well, we have three
6 municipal representatives on the advisory
7 committee, so they have been regular partici-
8 pants.

9 There have also been others that have
10 reached out to us, Scott Buening, from the
11 Village of Sugar Grove, has contacted us, and
12 so there has been some interest.

13 But beyond that, we haven't done a
14 comprehensive outreach program. We have, you
15 know, advertised as required under the
16 statute, but we haven't done a comprehensive
17 outreach to all of the municipalities within
18 Kane County.

19 CHAIRMAN WOLFE: Have we noticed
20 the Council of Mayors regarding these meet-
21 ings?

22 MR. SCHOEDEL: That's true. We
23 have also given presentations to the Kane
24 County Council of Mayors, which is a forum for

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1 transportation planning in the area.

2 So in several different angles we have
3 tried to reach the municipalities and at least
4 let them know what's going on.

5 MR. OLSON: And I've got a follow-
6 up question.

7 You know, is there an ability to make
8 adjustments to the assumptions or the findings
9 here as more information becomes available, or
10 is it kind of you're going forward at this
11 point with this information and there is not
12 much of an opportunity to change what you can
13 do?

14 MR. SCHOEDEL: Well, there is a
15 point in time where we do need to take a set
16 of land use assumptions and move forward into
17 the Comprehensive Road Improvement Plan
18 Process. Any time from now up until the
19 County Board adopts them, and we're attempting
20 a June, those can be modified.

21 MR. OLSON: But beyond that, it
22 would be difficult to do so because it's,
23 essentially, a moving target, then?

24 MR. SCHOEDEL: Beyond that, we

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1 would stick with a set of land use assump-
2 tions, develop a plan, and then we would use
3 that plan until we needed to update the whole
4 thing, and we would go through the whole
5 process again.

6 MR. OLSON: I see.

7 MR. SCHOEDEL: Modify -- revisit
8 the entire thing from the beginning on.

9 Yes, Karl.

10 MR. FRY: That process you have to
11 go through every five years; so -- this entire
12 process. So even if you -- once you set them
13 in stone in June, they're only set in stone
14 for five years at the most, and you can
15 revisit it more often if you need to, the
16 entire process.

17 MR. SCHOEDEL: Pete.

18 MR. WALLERS: Pete Wallers.

19 Can you just comment on, as this pro-
20 gresses, when would the -- how would the
21 impact fees be collected? Would it be done by
22 building permit time? Is that how it's
23 envisioned to be paid to the County? Does it
24 also include something like a new subdivision?

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1 Would it include in-fill lots in the
2 municipalities?

3 MR. SCHOEDEL: I think we do
4 anticipate collection at building permit time.
5 It can also be done at the time of plat
6 approval, that's another option; and it would
7 apply to, basically, any new development, and
8 that would include a new home on a lot some-
9 where, so an in-fill piece, yes. And it would
10 apply to whether it's within current village
11 limits or a newly-annexed territory, it would
12 apply to unincorporated development in Kane
13 County and development within incorporated
14 areas as well.

15 MR. WALLERS: Thank you.

16 CHAIRMAN WOLFE: If I may, let me
17 point out that this is -- I don't say
18 "simply," but this is an exercise. We may or
19 may not put the impact fee in place. We may
20 be better off, at the time that these subdi-
21 visions are platted, with whatever donation we
22 -- we get from the developer.

23 So we're simply right now going through
24 the process of doing this study and seeing,

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1 you know, if we put the impact fee in place,
2 are we better off than taking or not taking,
3 or working out another whatever agreement we
4 do at the time of platting.

5 Do you see what I'm saying? We might be
6 better off getting whatever we can get from
7 them at the time it's platted, instead of
8 through this stated impact fee.

9 So we're just doing this exercise.
10 We're going to see how it works out, what we
11 net out.

12 Did I get that right, Carl? No?

13 MR. SCHOEDEL: Right.

14 CHAIRMAN WOLFE: Close enough?

15 MR. SCHOEDEL: Right.

16 So I think we have handled a lot of
17 questions.

18 Is there anybody that would like to make
19 a formal statement or any kind of -- any other
20 kind of input at this point?

21 MR. BUENING: Scott Buening, with
22 the Village of Sugar Grove.

23 I think the only concern that I would
24 have is regarding the inherent fairness of the

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1 system that's being proposed.

2 All the County road improvements that
3 have been done up until this point have been
4 done by taxpayers' fees or any fees that you
5 guys have collected, you know, which I think
6 you just recently adopted, and I think our
7 concern is that every property owner in the
8 County that has collected and paid tax to all
9 the road improvements throughout the County up
10 until this point, and now what's going to be
11 happening, we're going to be collecting this
12 fee that's going to be specifically targeted
13 towards individual developments.

14 So, essentially, a lot of property
15 owners are going to be paying twice for this.
16 They paid their taxes, plus they also paid
17 impact fees.

18 So I think there is a concern that we
19 have that all the towns that have already had
20 their growth, all the river towns and the
21 other towns that have had a lot of growth,
22 they have already gotten their share. The
23 towns that are not having the growth are now,
24 essentially, having to pay the extra load.

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1 So that's our concern, is the inherent
2 fairness in the whole system.

3 MR. SCHOEDEL: Mark.

4 MR. KOENEN: Mark Koenen, St.
5 Charles.

6 If I understood your comments earlier,
7 Carl, and maybe I misunderstood, the point for
8 the impact fee to affect any new development
9 or any in-filling in the County, how does that
10 impact, I will say, a rezoning, a changed land
11 use?

12 Say there is a -- it's not an in-fill,
13 but it's a tear-down and rebuild and it's a
14 different style, and this is probably a
15 question -- and I haven't really thought about
16 it; and if that's the case, that's fine.

17 I'm concerned about how you operational-
18 ize the collection of the monies so as not to
19 add more time and, I will say, bureaucracy to
20 the process that already takes time going
21 through the development or building permit
22 process.

23 MR. SCHOEDEL: Yes, I'll just real
24 quickly respond and not answer.

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1 I think I will try to research that and
2 get you the best answer we can. Some of that
3 we don't -- we're not that far in the process
4 to have answers to.

5 Anybody else?

6 (No response.)

7 CHAIRMAN WOLFE: Further questions
8 or comments?

9 (No response.)

10 CHAIRMAN WOLFE: Is there anything
11 else, Carl?

12 MR. SCHOEDEL: I think that's it.

13 CHAIRMAN WOLFE: All right. At
14 this point we will close the public hearing.

15 (WHICH, at 7:30 p.m., were
16 all of the proceedings had
17 in the above-entitled matter
18 at the time and place
19 aforesaid.)

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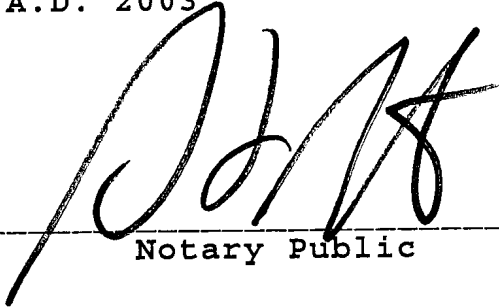
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STATE OF ILLINOIS)
) SS.
COUNTY OF K A N E)

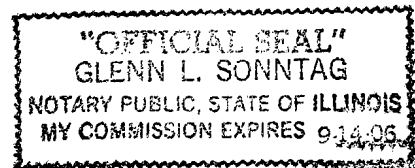
I, Glenn L. Sonntag, Certified Shorthand Reporter No. 84-2034, Registered Diplomate Reporter, a Notary Public in and for the County of Kane, State of Illinois, do hereby certify that I reported in shorthand the proceedings had in the above-entitled matter and that the foregoing is a true, correct and 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 23rd day of April, A.D. 2003



Notary Public

My Commission Expires
September 14, 2006.

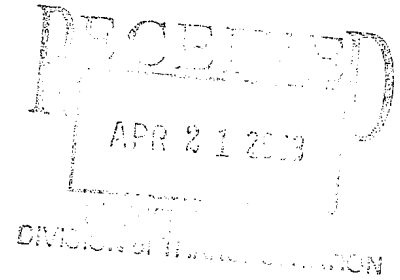


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<p> tried 14:23 17:3 trip 9:19 trips 9:18 true 13:18 16:22 24:10 try 4:23 5:8 23:1 trying 11:6 twice 21:15 two 7:8 11:4 14:21 two-slide 7:3 typically 6:5 </p> <hr/> <p style="text-align: center;">U</p> <p> ultimately 6:11 under 5:19,21 6:15 7:4 16:15 understood 22:6 unincorporated 19:12 until 17:18 18:3 21:3 21:10 update 15:16 18:3 updates 10:16 updating 15:22 use 1:9 6:17,22 7:8,16 8:2,6,10 9:5,6,14 10:1,5,7,9,21 11:3,24 15:21 17:16 18:1,2 22:11 used 6:11,14 14:16 15:13 </p> <hr/> <p style="text-align: center;">V</p> <p> Valley 3:1,5 village 3:6,23 14:10 16:11 19:10 20:22 virtually 13:15 visions 19:21 voice 5:12 </p> <hr/> <p style="text-align: center;">W</p> <p> Walters 3:17,17 18:18 18:18 19:15 want 2:8 9:9 13:22 Ward 4:6,6 way 2:17 12:19 well 16:5 17:14 19:14 were 11:11 14:16,18 23:15 weren't 15:2 West 3:7 we'll 2:5,6 8:17 we're 2:2 5:9,18,20 6:2 7:4,5,20 8:8,14 10:2 10:5,21 11:6 12:13 13:9 15:16 17:19 19:23 20:9,10 21:11 23:3 we've 4:19 WHEREOF 24:13 </p>	<p> whole 18:3,4 22:2 Willey 1:24 3:2,2 William 4:9 Wolfe 1:19 2:1,11,11 4:14,19 5:12 14:1,4,7 14:11 16:19 19:16 20:14 23:7,10,13 work 2:16 9:8 11:20 worked 11:2 12:8 working 8:17 20:3 works 20:10 </p> <hr/> <p style="text-align: center;">Y</p> <p> year 7:10 8:14,21,23 9:2 10:15,17 11:12 11:13,18,21 12:7,14 12:18 14:16,22 15:18 15:20 years 7:2 11:19 13:6,17 14:23 18:11,14 Yore 4:12 </p> <hr/> <p style="text-align: center;">1</p> <p> 10th 1:16 14 24:21 </p> <hr/> <p style="text-align: center;">2</p> <p> 20 11:19 13:6,17 2000 11:14 12:11 2001 14:19 2003 1:16 11:23 24:15 2006 24:21 2013 11:23 2020 10:15 11:13 12:5 14:16 2023 11:18,21 12:7,14 12:18 13:10 14:22 2030 10:17 11:17 12:6 15:8,20 23rd 24:14 278,000 13:10,10 </p> <hr/> <p style="text-align: center;">3</p> <p> 30 7:24 </p> <hr/> <p style="text-align: center;">4</p> <p> 400,000 5:24 </p> <hr/> <p style="text-align: center;">5</p> <p> 582 12:17 582,000 12:17 </p> <hr/> <p style="text-align: center;">6</p> <p> 60 8:5 </p> <hr/> <p style="text-align: center;">7</p> <p> 7:00 1:17 7:30 23:15 </p>	<p>719 1:15</p> <hr/> <p style="text-align: center;">8</p> <hr/> <p>84-2034 24:5</p>		
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April 16, 2003

Mr. Karl Schoedel
Kane County Dept. of Transportation
41W011 Burlington Rd.
St. Charles, IL 60175

Re: Kane County Land Use Assumptions

Dear Mr. Schoedel:

We have received and reviewed the public meeting minutes regarding the proposed Kane County Impact Fee Land Use Assumptions and would like to submit the following questions for the record as a part of the public hearing process:

1. Municipal Input:

Question: A key component of the Land Use Assumptions is the allocation of population, household and employment information to individual Traffic Analysis Zones in the County. Much of the projected growth in population and employment will occur within or adjacent to incorporated areas. Other than last Thursday's public hearing, what opportunity has there been for municipalities to have input to, and review and comment on, the land use assumptions?

2. Development Hot Spots:

Question: To what extent can changes be made to the land use assumptions after the close of this public hearing, in order to account for significant changes in underlying land use or intensity, particularly in the more volatile "hot spot" areas identified by the County?

3. Impact Fee Districts:

Questions: Is the public hearing on land use assumptions also intended to solicit comment on the proposed Impact Fee Districting within the County?

What information has been provided to the public to inform the public of the complex issues involved with establishing the size and boundaries of impact fee districts, including in particular:

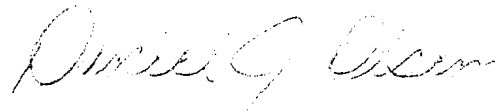
Mr. Karl Schrodell
Page 2 - Continued

- A. Assuring that average trip length is reasonably related to district size (this helps insure that the development benefits from the fees collected from it).
 - B. The likelihood of balancing the amount of money collected in the form of impact fees within a district with the ability to expend those fees on eligible highways within the district?
 - C. When will the public hearing that includes impact fee district delineation occur?
4. Size of Traffic Analysis Zones:

The land use assumption database is disaggregated by Traffic Analysis Zones. In the central and western part of the County, Traffic Analysis zones (TAZ's) are large (sometimes section or 4-section in size), and may not be properly balanced with the projected spatial distribution of population/employment or anticipated access road density. This could be particularly true in the high growth or "hot spot" areas. Some of these potential traffic zone sizing problems may not be discovered until the traffic assignment models have been calibrated. Can the TAZ size be changed at a later date if necessary for a more accurate traffic assignment and if so, will such changes require additional public notification?

Thank you for your cooperation in this matter. I look forward to hearing your responses.

Sincerely,



Daniel J. Olsem
Director of Engineering

DJO/es

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S48114

STATE OF ILLINOIS)
) SS.
COUNTY OF KANE)

BEFORE THE KANE COUNTY
ROAD IMPACT FEES ADVISORY COMMITTEE

In Re the Matter of:)
)
PUBLIC HEARING FOR ROAD)
IMPACT FEES.)

REPORT OF PROCEEDINGS had at the hearing
of the above-entitled matter, before the Kane
County Road Impact Fees Advisory Committee,
taken at the Kane County Government Center,
Building A Board Room, 719 South Batavia
Avenue, Geneva, Illinois, on the 18th day of
November, A.D. 2003, at the hour of 7:08 p.m.

PRESENT:

- MR. DON WOLFE, Chairman;
- MR. RICK DUNLAP, Member;
- MR. FRANK GRIFFIN, Member;

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MR. LARRY KELLER, Member;
MS. CHRISTINE LUDWISZEWSKI, Member;
MR. TOM RICKERT, Member;
MR. PAUL ROGOWSKI, Member; and
MR. JAMES WILLEY, Member.

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1 CHAIRMAN WOLFE: Okay, folks. We
2 will call this meeting of the transportation
3 impact fee meeting to order.

4 This is a public hearing to first dis-
5 cuss this issue. Tonight, as we go forth, I
6 think we will have the Committee members
7 introduce themselves. And as we go forth this
8 evening and open the meeting up to public com-
9 ments, I'm going to ask that people step up to
10 the podium, make sure that the Court Reporter
11 has your name and any affiliation and your
12 address, please. You may speak to the issue.

13 Please, of course, we all hope that it's
14 pithy and to the point. I will try not to cut
15 anyone off, unless they start to ramble on and
16 on.

17 We're not going to be debating the issue
18 here this evening, nor actually discussing it.
19 This hearing is to accept public comment.
20 Simple questions we will try and answer, Staff
21 or our consultants will try to answer, and
22 that's how we will run the meeting this
23 evening.

24 So the meeting is called to order.

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1 Introductions, roll call that we have a
2 quorum.

3 Christine, starting with you, once
4 again, just identify yourselves for the
5 audience and the Court Reporter, please.

6 MEMBER LUDWISZEWSKI: Chris
7 Ludwiszewski, from the Attainable Housing
8 Alliance.

9 MEMBER KELLER: Larry Keller, from
10 Village of West Dundee.

11 MEMBER RICKERT: Tim Rickert, Kane
12 County, representing Karen McConnaughay,
13 County Board.

14 MEMBER WILLEY: Jim Willey, from
15 the Village of Elburn.

16 MEMBER DUNLAP: Rick Dunlap, Fox
17 Valley Building Trades.

18 MEMBER GRIFFIN: Frank Griffin,
19 Kane County Economic Development.

20 MEMBER ROGOWSKI: Paul Rogowski,
21 representing Cathy Hurlbut, Kane County Board
22 Member.

23 CHAIRMAN WOLFE: I am Don Wolfe.
24 I'm a Kane County Board Member and Chairman of

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1 this Committee.

2 All right. I will take a motion to
3 approve the minutes from October 8th.

4 MEMBER LUDWISZEWSKI: So moved.

5 MEMBER DUNLAP: Second.

6 CHAIRMAN WOLFE: Any corrections
7 or additions?

8 (No response.)

9 CHAIRMAN WOLFE: Hearing none,
10 I'll move to call the question.

11 All in favor.

12 (The ayes were thereupon
13 heard.)

14 CHAIRMAN WOLFE: All right. Now
15 we'll move on to the public hearing.

16 I have two people who have signed up.
17 Anyone who wants to speak may speak.

18 Mr. Welton, Dick Welton, would you step
19 forward? Please come up to the podium, give
20 the Court Reporter your name and affiliation
21 and then you may address the Committee

22 MR. WELTON: Thank you, Mr.
23 Chairman. My name is Dick Welton. I'm with
24 the Attainable Housing Alliance at 191 South

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1 Highland Avenue, in Lombard, Illinois, and our
2 mission at the Attainable Housing Alliance is
3 to deal with public policy issues that affect
4 the attainability and ownership of homes at
5 all different price points.

6 Now, the housing industry projects that
7 for every \$1,000 in additional impact fees
8 placed on a home, it excludes 100,000 people
9 from being able to have home ownership. I
10 know the housing industry looks like an indes-
11 tructible economic dynamo at the present time.

12 The last several years, we have provided
13 in Illinois and throughout the country thous-
14 ands of jobs and purchased hundreds of
15 millions in merchandise, goods and services.
16 However, in Illinois, we're in a state where
17 there is deficit spending continuing, manu-
18 facturing jobs are leaving by the thousands,
19 and we need to pay attention to our particular
20 industry, because if it wasn't for the low
21 interest rates, we might not be as invincible
22 as some people think we are, we could quickly
23 fall on hard times; and we do provide about
24 five percent of the economy in the State.

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1 The housing industry really is looked
2 upon almost as a golden goose. Other indus-
3 tries receive subsidies, tax breaks, all kinds
4 of incentives; whereas, we seem to be always
5 getting additional impact fees put on us.

6 That's why we try to work hard to
7 analyze every cost and provide feedback to all
8 units of local government, because we under-
9 stand local governments have financial needs
10 and tremendous burdens placed on them.

11 However, we are not sure that impact
12 fees are the economic panacea to solve all
13 problems. We have impact fees not just for
14 highways, but for schools, parks, libraries,
15 fire districts, and it goes on and on.

16 I was mayor of my community in Lake
17 County, Illinois, for 28 years, so I have been
18 on both sides of the table; and in the '90s I
19 was co-chair of our highway impact committee
20 for Lake County.

21 And we spent on consultants and every-
22 body's time almost \$400,000 writing what we
23 considered to be a fair and reasonable impact
24 ordinance for Lake County.

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1 We can obviously see from that ordinance
2 that there wasn't any way that impact fees
3 were going to solve our road problems alone in
4 Lake County.

5 So, of course, we were very excited when
6 the State Legislature passed a law that allow-
7 ed the collar counties to add a 4 cent a
8 gallon tax increase, so that we could use that
9 money to tackle our local problems. We knew
10 that that could help us raise, over time,
11 millions upon millions of dollars that would
12 allow us to parlay that with federal and State
13 monies, and also with some of the impact fee
14 money, to really work toward solving our
15 problems.

16 The problem was, our Chairman of the
17 County Board, one of our State Senators, got
18 into some sort of a dispute, and Lake County
19 was taken out of that law, and we lost that
20 opportunity to levy that 4 cents a gallon user
21 fee and, as a consequence, millions upon
22 millions upon millions of dollars was lost and
23 roads were not improved, because we did not
24 have that opportunity.

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1 There are other counties that took ad-
2 vantage of it. I'm informed that Kane County
3 has 2 cents left of their local share that
4 they could levy as a user fee on the gas tax,
5 and we would encourage the local government to
6 take that leadership role in levying that 2
7 cents a gallon and begin to raise substantial
8 money from the people who are using the roads,
9 and then take that and leverage it with your
10 special connections in Washington, and with
11 the State, and then with a fair and reasonable
12 amount of impact dollars, we feel that you
13 could really make a difference in correcting
14 the road problems that are already existing,
15 as they exist throughout the collar counties,
16 and this is before the continued growth.

17 So our position is that we really feel
18 that it's important that it's a fair and
19 reasonable impact ordinance; but we really
20 feel the leadership has to come from the
21 County Board to take advantage of that 2 cents
22 a gallon, to start that fund moving to really
23 build the revenues that are needed, and it
24 can't be done only on the backs of the new

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1 people that move into Kane County, because of
2 the quality of life is so good here.

3 Thank you, Mr. Chairman.

4 CHAIRMAN WOLFE: Thank you, Mr.
5 Welton.

6 Now, the other person I have signed up
7 to speak is Janice Ward.

8 Janice, do you have prepared remarks
9 that you want to give?

10 MS. WARD: Yes, I do, because we
11 do have a presentation we're going to make.

12 CHAIRMAN WOLFE: If you want to
13 make your prepared remarks, and then, if you
14 have more comments after the presentation --

15 MS. WARD: Okay.

16 CHAIRMAN WOLFE: -- feel free.

17 MS. WARD: Okay. Janice Ward.
18 I'm here on behalf of the City of Elgin, 150
19 Dexter Court, Elgin, 60120.

20 First of all thank you --

21 CHAIRMAN WOLFE: Nice and loud,
22 Janice. It's not just us.

23 MS. WARD: Okay.

24 CHAIRMAN WOLFE: Your voice has

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1 got to go their way and project back to the
2 audience.

3 MS. WARD: I'll try.

4 Thank you, first of all, for the
5 opportunity to participate in this public
6 hearing; and on behalf of the City of Elgin, I
7 have a statement, the following statement that
8 I wanted to read into the official record.

9 Developments approved by the City of
10 Elgin for the Far West Area have based their
11 financial --

12 CHAIRMAN WOLFE: (Indicating.)

13 MS. WARD: -- have based their
14 financial structuring on current impact fees
15 and costs. To impose an additional level of
16 fees that was not anticipated skews the
17 economics of those projects to a point that
18 may be detrimental to their financial success.

19 The City of Elgin recommends that the
20 application of impact fees be based solely on
21 the development approval date, thereby remov-
22 ing the stipulation that building permits must
23 be issued within 18 months after the first
24 public hearing notice for the land use

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1 assumptions to be exempt from the fee.

2 By removing the time requirements for
3 building permits, all housing within the same
4 already approved development will be assessed
5 equal impact fee rates that have been
6 established by the City and accepted by the
7 developers.

8 And that concludes the comments.

9 CHAIRMAN WOLFE: Thank you.

10 MS. WARD: Thanks.

11 (The following statement was
12 submitted for inclusion into
13 the public record, as
14 follows:)

15 "To: Mr. Paul Rogowski, Kane County
16 Division of Transportation, 41 W 011
17 Burlington Road, St. Charles, Illinois, 60175.

18 Re: Proposed Road Impact Fees.

19 Dear Paul: Thank you for providing us
20 information relating to the proposed road
21 impact fees proposed by the Division of
22 Transportation. Unfortunately, we will not be
23 able to attend the November 18, 2003, public
24 hearing, as this conflicts with a Village

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1 Board meeting with a complex agenda.

2 While we have several issues relating to
3 how the calculation formula was developed, we
4 instead will focus on the larger issues at
5 hand with this proposal. We request that this
6 letter be read into the public record and
7 considered as part of the public testimony.

8 Our concerns with the proposal are as
9 follows:

10 1. Fairness. We question the fairness
11 of establishing these impact fees at this
12 time. Until this was proposed, road improve-
13 ments throughout the entire County were paid
14 for in part with local funding, including
15 motor fuel taxes, and property taxes. All
16 County road improvements, wherever they were
17 located, were paid for by all residents of the
18 County. As an example, road widening for
19 Randall Road and Kirk Road were in part paid
20 for by residents of Sugar Grove, even though
21 we did not directly benefit from those
22 improvements. The proposed system would
23 assess these costs into fee service areas or
24 planning partnership areas, PPA, to designate

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1 where road funds would come from. This, in
2 essence, means that residents of newly
3 developing areas, such as Huntley, Sugar Grove
4 and Elburn, are paying for improvements more
5 so than residents of the older areas, such as
6 Aurora, Elgin or St. Charles. Residents of
7 previously developed areas already have had
8 their road improvements completed with the
9 assistance of residents throughout the County.
10 The new system will not afford growing
11 communities that same benefit.

12 2. Planning partnership areas. We are
13 unclear as to why the Planning Partnership
14 Areas, PPA, have been used as a boundary for
15 assessing the road impact fee areas. These
16 areas, which apparently were drawn over ten
17 years ago as planning areas for the 2020 Plan,
18 are not necessarily applicable to a
19 transportation plan today. We believe that it
20 this part of the proposal should be reviewed
21 more in detail. The appropriate determination
22 of the road impact fee areas is critical as
23 the cost differential of being on one side of
24 the line or the other is as high as 800

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1 percent as proposed.

2 3. Fee schedules. After reviewing the
3 tables for proposed fees for various uses, we
4 have significant concerns about the proposed
5 fees for non-residential uses. We believe
6 that these fees are in many cases too high,
7 and that they would stifle economic develop-
8 ment within Kane County. This is critically
9 important at this time when many local
10 governments are in a financial bind, and loss
11 of future revenue sources may have a detri-
12 mental effect on the local municipalities and
13 the County as a whole for decades to come.
14 This is especially true in the areas of the
15 County that are near to the boundaries of
16 counties is that do not assess road impact
17 fees, such as Kendall, McHenry, DeKalb and
18 Cook County. Sugar Grove, Montgomery, Maple
19 Park, Algonquin, Huntley and Hampshire, among
20 other towns, fall into this category.
21 Commercial developments, everything else being
22 equal, will choose to locate over the County
23 line. These businesses will still impact Kane
24 County with their traffic, but the County will

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1 receive none of the property or sales tax
2 benefits from such developments. In fact, the
3 location of these businesses outside the
4 County will likely increase traffic impact,
5 since Kane County residents will use the road
6 systems more to leave the County to go shop at
7 those facilities or work at the jobs that are
8 outside the County limits.

9 Sugar Grove is in a critical point of
10 our economic development efforts, and this
11 additional fee will make it much more diffi-
12 cult to attract commercial and industrial
13 development to the village. We request that
14 the impact fees not be assessed on non-
15 residential developments, to prevent discour-
16 aging commercial and industrial development
17 from looking elsewhere. Alternatively, at a
18 minimum, we would request that the commercial
19 fee not be assessed in areas within four miles
20 of the County boundary limits where they abut
21 counties without similar impact fees.

22 4. Road improvements. The road
23 improvements for the Southwest Area are
24 moderate, but some of these improvements

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1 should not be assessed as part of the impact
2 fee. Also, some improvements have already
3 been made that should not have a fee assessed
4 against them. Dauberman Road is proposed for
5 a new bridge over the BNSF Railroad to connect
6 to Granart Road. While we agree that this
7 improvement is needed, it should not be sub-
8 ject to the impact fees as it is an improve-
9 ment that is needed now, not at a later date
10 as the result of future development. As an
11 existing deficiency, it should not qualify for
12 impact fees.

13 The improvements to Bliss Road are not
14 as clear as to their scope. This road segment
15 is approximately 1.75 miles in length. The
16 first one-half mile south of I-88 has already
17 been widened to three lanes; therefore, no
18 additional improvements are needed. At the
19 south end, certain commitments have been made
20 by a private developer for widening of Bliss
21 Road at the Blackberry Creek crossing. Areas
22 in between these improvements may need some
23 widening, especially at Merrill Road.
24 However, a three-lane section for this entire

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1 road, especially where it travels through the
2 Bliss Woods Forest Preserve, is unnecessary
3 and undesirable. The scope of the proposed
4 improvements should be reviewed in more detail
5 to determine what improvements are truly
6 needed.

7 Lastly, the plan shows a signal at
8 Harter Road. While we can see the need for a
9 signal at this location some time in the
10 future, we do not see the need for this in the
11 five-year time frame of this plan. Other
12 intersections, such as the intersection of
13 Waubensee Drive and Route 47, have a more
14 pressing need for signalized improvement.
15 This intersection is under the jurisdiction of
16 IDOT and the Village, and would not qualify
17 for road impact fees, but the traffic demand
18 is already higher for that location.

19 5. Fee collection. We understand about
20 the collection of impact fees for commercial
21 development at permit issuance, as the fee may
22 not be calculated until the permit is applied
23 for. While we believe there should not be an
24 impact fee on non-residential developments, if

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1 approved, we could collect those fees on a per
2 permit basis for those documents.

3 However, the Village believes that it
4 would be more efficient for the County to
5 collect residential impact fees instead of
6 platting. In addition, the fees should not be
7 assessed on existing lots in existing sub-
8 divisions. This makes it unfair for certain
9 homeowners who, in developing subdivision,
10 must pay higher fees for their lot simply
11 because they were caught under a new
12 ordinance. We would ask that any subdivision
13 that was platted prior to the approval of any
14 impact fee be grandfathered.

15 6. Alternative improvements. We would
16 like the ability to develop alternative
17 agreements with the County. While the pro-
18 posed ordinance may fit well in certain
19 circumstances, it will not fit all needs for
20 economic development purposes. In general, we
21 do not have the objections to residential uses
22 paying fees, as they generate the traffic that
23 impacts the roads. But if fees are collected
24 from non-residential developments, there may

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1 be circumstances where economic incentives are
2 required in order to make a development work.
3 We believe that flexibility should be incor-
4 porated into this ordinance, allowing alterna-
5 tive intergovernmental agreements between the
6 municipalities and the County.

7 7. Public input. While sincere efforts
8 have been made, we have been disappointed with
9 the level of public input in this process. We
10 understand the need for the County to develop
11 funding sources for the road program, however,
12 we believe that more involvement from the
13 municipalities, developers and the public at
14 large should be so listed to comment on this
15 proposal. The success of the program is
16 dependent upon the cooperation of many stake-
17 holders. That success will be jeopardized if
18 there is a perception that the fee program was
19 instituted without due consideration and
20 public input.

21 Thank you for your consideration of our
22 comments. We look forward to working with you
23 further as this proposal is refined. If you
24 should have any questions about this matter,

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1 please feel free to contact me at
2 6330-466-4508, Extension 29. Thank you,
3 sincerely, Brent M. Eichelberger, Village
4 Administrator."

5 CHAIRMAN WOLFE: Once again, if,
6 after the presentation by the Staff and the
7 consultants, you have more remarks to make,
8 feel free.

9 MR. WELTON: Okay.

10 CHAIRMAN WOLFE: If you have -- if
11 you have more remarks after the presentation,
12 feel free.

13 MS. WARD: Thank you.

14 MR. KEIM: Are we going to have
15 more comments afterwards?

16 THE COURT REPORTER: Your name,
17 please.

18 CHAIRMAN WOLFE: Yes.

19 I'm sorry. Your name and involvement.

20 MR. KEIM: Joe Keim, St. Charles,
21 Illinois.

22 CHAIRMAN WOLFE: Thank you, Mr.
23 Keim.

24 Okay. Staff, we have this presentation

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1 on the Comprehensive Road Improvement Plan.

2 Who shall start?

3 MR. MILLER: Yes.

4 CHAIRMAN WOLFE: Give the Court
5 Reporter your name, please.

6 MR. MILLER: My name is Jim Free
7 with CH2M-HILL. We are a consultant to the
8 County in doing some technical work for this
9 project. I'm going to walk you through some
10 of the information that we have put together
11 here, give you some background on the impact
12 fee program.

13 I'm going to go through the various
14 elements of the program in a very short
15 presentation, and we'll talk about the intro-
16 duction and impact fee calculation that we
17 went through, the Comprehensive Road
18 Improvement Plan, the imposition of impact
19 fees which discusses the ordinance that would
20 be part of the program, some of the next
21 steps, and then get to a comment period.

22 The road improvement impact fee -- and
23 this comes right out of the definition from
24 the legislation, "Charge a fee levied" "as a

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1 condition to the issuance of a building permit
2 or a certificate of occupancy in connection
3 with a new development, when any portion of
4 the revenues collected is intended" "to fund
5 any portion of cost of road improvements."

6 So here is your definition of what the
7 impact fee is.

8 I'm referencing the legislation that was
9 passed by the State, and we followed this in
10 development of the program.

11 A little bit more background. The
12 illinois legislation allows for the imposition
13 of impact fees for counties with a population
14 over 400,000 for which Kane is or has.

15 The County initiated this process back
16 in 2002, and we already had a public hearing
17 about some of the land use assumptions. This
18 is our second public hearing talking about the
19 program overall.

20 More about some of the guidelines, and
21 I'll give you little bit more information
22 about the legislation.

23 Fees may be used for improvement, expan-
24 sion, enlargement or construction of roads and

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1 related facilities. Fees may not be used to
2 correct existing deficiencies. Fees must be
3 spent within the service area they are col-
4 lected -- and I'll talk about what the service
5 areas are in a minute -- and they need to be
6 spent within five years of collection.

7 Service areas here are defined, similar
8 to some of the efforts that the County went
9 through in their land resource planning,
10 mapping partnership areas. Folks may have
11 seen these before, but these represent the
12 service areas.

13 The key issue here is that the money
14 will be collected within the service area, and
15 then also will be spent within that same
16 service area. So that gives you a sense of
17 definition of those areas.

18 The impact fee formula, as is shown
19 here, I'm highlighting how the gross fee
20 calculation is done. I also want you to know
21 this is the same formula that's been used by
22 DuPage County. We followed that model as part
23 of this process.

24 Gross fee calculation has a number of

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1 variables associated with it in the calcu-
2 lation of the fee.

3 Also, note that the net fee here is
4 equal to the gross fee minus some crediting
5 that will occur as part of the process.

6 I'll give you a little bit more inform-
7 ation about some of those inputs to the gross
8 fee.

9 The number of trips, as you can see in
10 the top of the equation, represents the number
11 of trips generated by that development during
12 the afternoon peak hour. We also applied a
13 factor that represents the percentage of new
14 trips onto the system.

15 Moving on to trip length, it's the
16 average trip length in the County by land use
17 category and service area, by trip purpose.

18 Moving on to the equation a little bit
19 more, percent VMT, the portion of vehicle
20 miles traffic carried on County roads in a
21 particular service area.

22 Looking in the bottom of the equation,
23 capacity is defined by the lane-mile capacity
24 at LO service D. Level of Service D repre-

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1 sents a level of service as an operating
2 condition. It's similar to a letter grade
3 that you may be used to, A being good
4 operations or good grade, F being failure.

5 Okay. So here we have defined as Level
6 of Service D; and then the cost is the average
7 construction cost of right-of-way of an
8 additional one lane-mile road to the County
9 road system. So here represents the inputs
10 that are used in the equation to calculate
11 gross fee.

12 By example, to give you a little bit
13 more idea of how this -- how the equation
14 really works, we have referenced here in -- in
15 the equation, from the technical specifica-
16 tions document, some of tables that are used
17 in this actual calculation.

18 I'm highlighting here a representative
19 calculation up in the northwest area service
20 area.

21 For example, for one dwelling unit, I'm
22 looking at a single-family detached resi-
23 dential development, and I walk through the
24 equation here, where, again, we see gross fees

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1 equal to the number of new trips onto the
2 system, and that trip rate there is identified
3 as part of an IT trip generation, which is the
4 manual that is customarily used for
5 determining trip generation in the industry.
6 6.2 miles is an average trip length for this
7 type of trip for that service area.

8 The percentage of travel on County roads
9 within that service area, again, if you
10 remember back when I talked about percentage
11 VMT for that service area, for travel on
12 County roads, again, within that service area,
13 in this case the northwest service area is
14 10.4 percent.

15 Going down in the bottom of the
16 equation, we're looking at a capacity of 850
17 vehicles per hour per lane. Okay? So that
18 gives you a sense of how -- what the threshold
19 is for Level of Service D, and then the cost
20 per lane-mile was calculated to be \$1.4
21 million for additions to the County road
22 system.

23 So when we go through the calculation,
24 in this case the gross fee ends up being \$538

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1 per dwelling unit.

2 As I mentioned before, net fees is equal
3 to the gross fees minus some credits, tax
4 credits we show here; and I can highlight
5 this. Present value of the portion of the
6 motor fuel taxes expected to be generated by
7 development, new development, which are
8 devoted to capital expenditures.

9 So it's the funds that are used from the
10 motor fuel tax that the County is using for
11 building roads in the County.

12 There is also an additional credit that
13 we have looked at as well that are used for
14 capital improvements, it's the STP-R funds,
15 and they are also credited as part of this
16 process.

17 In terms of the improvement credits,
18 that's the second element to the crediting
19 function, is the value of improvements
20 completed by the development. These may be
21 for right-of-way or system improvements.

22 Just to highlight here, the value of the
23 credits may not exceed the value of the gross
24 fee.

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1 So to walk you through that same example
2 as I showed in the gross fee calculation,
3 \$538, that's as we walk through the crediting
4 function, and we look specifically at the tax
5 credits for this area. We show a tax credit
6 of \$114. As a net fee here, we're looking at
7 \$424 per single-family dwelling unit detached,
8 and in that equation or calculation we haven't
9 included improvement credits. That will be
10 determined at the time that the development
11 goes into place.

12 So I spent a little time and talked to
13 you about how the calculation of the fee is
14 done.

15 Also, now I want to turn a little bit
16 and talk about the Comprehensive Roadway
17 Improvement Plan. These are the projects that
18 the impact fees can be spent on, the eligible
19 projects.

20 The Comprehensive Roadway Improvement
21 Plan is comprised of nine sections. There is
22 a guide to the plan, the legislative author-
23 ity, the plan methodology, the land use
24 assumptions that we went through, the develop-

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1 ment trends, traffic growth, impact fees,
2 existing and future deficiencies, as I have
3 highlighted here, the actual fiscal plan from
4 2004 to 2013, and then a little discussion in
5 that document about revenues and expenditures
6 in terms of how we have done the analysis.

7 I'm going to highlight a couple of items
8 in the document to give you an understanding a
9 little bit of what the CRIP really represents
10 and what it entails.

11 Legislative authority talks about a
12 couple of different things, but I will high-
13 light, the Advisory Committee is one, the
14 formation of that committee. Kane County has
15 10 members on that committee. The legislation
16 proscribes a certain makeup and percentage of
17 membership of that Committee. This Committee
18 has met roughly eight times, if I've got my
19 number right, and we have conducted one public
20 hearing.

21 Also, as part of legislative authority,
22 the need to do land use assumptions on a 20-
23 year time horizon is a key element, and there
24 is a Comprehensive Roadway Improvement Plan

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1 that I'm talking about right now. Those are
2 the key items from the legislation.

3 The role of the advisory committee,
4 advise, assist and recommend on the proposed
5 land use assumptions; provide recommendations
6 on the CRIP. Also, prepare a written report
7 of the CRIP recommendations; report on all the
8 matters related to the imposition of the fees;
9 monitor the implementation of the CRIP and
10 assessment of the fees; report annually to the
11 County Board on the state of the impact fee
12 program; and advise the County on the need to
13 update or revise the program.

14 I should note that the advisory commit-
15 tee will exist for the duration of the life of
16 the program, as another element.

17 As part of this process, we were looking
18 at a 10-year time horizon, in terms of travel
19 growth. So we had the land use assumptions
20 that I talked about earlier, and we were able
21 to go through a process and identify the
22 future growth on the system with those socio-
23 economic assumptions for population and
24 employment.

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1 What that exhibit tries to do is give
2 you a sense of how the growth and population
3 and employment will occur over time in the
4 County.

5 First looking at 2003, although we have
6 trended it back to a historic value and then
7 looking forward into 2030.

8 For population in 2003, there's approxi-
9 mately roughly 427,000 people in Kane County.
10 In 2013, this number will grow up to 504,000.
11 By 2023 it's projected to be about 682,000
12 population in the County.

13 For employment, for 2003, approximately
14 215,000 for employment; for 2013, that number
15 grew up to 246,000, approximately; and then
16 for 2030, the number is expected to grow up to
17 336,000.

18 So you can see on the chart here, what
19 we show in terms of this purple line and the
20 black solid line is what the trend is.

21 As part of this exhibit as well, I
22 wanted to highlight for you the growth in
23 travel demand that will occur over time as
24 well, and I will give you a sense of, as

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1 population and employment grows, you will also
2 see a growth in the amount of traffic on the
3 roadway systems here in Kane County.

4 So you can see here, in terms of the
5 vehicle miles of travel that occur on the
6 roadways in Kane County, we start first in
7 2003 with approximately, as you can read here
8 on this axis, 9.1 million vehicle miles
9 traveled.

10 For 2013 that grows approximately 11.1,
11 with a graphic, for 2013. And then carrying
12 out to the 2030, we show that to be approxi-
13 mately 21.8 vehicle miles traveled, a lot of
14 growth to occur as it relates to growth in
15 population employment on the County roadway
16 system.

17 In response to that growth, over the
18 past ten years, the County has taken some
19 action, some improvements on Randall Road,
20 numerous intersection improvements, whether
21 that be signalization or turn lanes that have
22 been added.

23 Over the next ten years, expect con-
24 tinued development and traffic growth to

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1 occur, as I showed in the previous graphic;
2 and there will be a need for additional capac-
3 ity to handle that growth.

4 One of the first steps that we took, as
5 part of the technical process, is to define
6 the existing deficiencies on the system, to
7 define those segments and intersections that
8 were operating poorly on the system, as we
9 have termed "existing deficiencies."

10 The key to this processes, realizing
11 that impact fees -- the funds cannot be used
12 to address these deficiencies, these defici-
13 encies are identified in projects developed or
14 developed to address these deficiencies from
15 the onset, and the cost to address these
16 deficient locations was estimated about \$13
17 million.

18 I do want to highlight very quickly the
19 graphic over here that you see, and it was a
20 handout that was provided to you at the back
21 table. It highlights for you the existing
22 deficiencies, future deficiencies, and the
23 projects that were established as part of this
24 program.

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1 I'll let folks have reference for that
2 as I walk through the rest of the slides.

3 In terms of future deficiencies, these
4 are the facilities or intersections and seg-
5 ments that are deemed to be failing in the
6 future, both intersection and segments again,
7 for that future design year, as I highlighted
8 is 2013.

9 From these deficiencies, then, we are
10 able to identify what project needs to be in
11 place to handle those deficiencies as they
12 would occur with growth in population and
13 employment.

14 In terms of those projects that would be
15 eligible for impact fees, this graphic shows
16 that, given the future land use and the future
17 demand that's supposed to occur, that is
18 projected to occur, there is going to be
19 future needs as we define future deficiencies
20 and the need for road improvements.

21 I have already talked about existing
22 deficiencies, or those roadways and segments
23 and intersections that are failing currently.
24 Impact fees can then be spent on those

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1 projects that would be deemed eligible by
2 looking at future needs, minus existing
3 deficiencies; something, again, I've high-
4 lighted earlier as part of the presentation
5 and highlighted in the legislation.

6 The Comprehensive Road Improve Plan has
7 a 10-year time horizon. The projects that are
8 already identified through this analysis of
9 future deficiencies, in total, there are 57
10 projects, with a total cost of \$424 million.
11 That's the estimated cost. There are actually
12 41 impact fee projects that are eligible for
13 funding, with a cost -- with an estimated cost
14 of \$344 million dollars.

15 Looking forward with the impact fee
16 revenue stream that would be projected to
17 occur, as an estimate of what would occur,
18 given the growth that's projected, total
19 estimated impact fee revenue would be
20 approximately \$27 million over a 10-year
21 period. That really represents 8 percent of
22 the total estimate we gave for the eligible
23 projects of \$344 million; and, really, the
24 estimate that we have provided depends on how

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1 development occurs in any given year in each
2 of the service areas.

3 At this time, I'll break in the present-
4 ation, and I will have Bill come up and
5 describe some parts of the ordinance that have
6 been put together for the project.

7 MR. CHESBROUGH: If it's all right
8 with everybody, I'll just kind of do it right
9 from my chair here.

10 I'm William Chesbrough, I'm an attorney
11 for the Kane County Division of Transport-
12 ation.

13 What I would like to do this evening is
14 kind of go through and highlight some of the
15 provisions of this ordinance. It's not my
16 intent to go through every provision. I will
17 go through it and highlight what I believe to
18 be the most important aspects of the proposed
19 ordinance.

20 Section 3 sets forth the proposed defin-
21 itions of terms relating or utilized within
22 the ordinance.

23 Section 4 sets forth that the County
24 Engineer will be the person or the County

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1 official responsible to interpret the terms
2 and administration of this ordinance.

3 It also goes on to set forth the
4 appellate process for the County Engineer's
5 decisions if the fee payer is not in agreement
6 with his findings.

7 Section 7 talks about the timing of the
8 payment of the fees. The draft ordinance
9 provides that, with residential units, single-
10 family residential units, the fee will be due
11 and payable upon the issuance of a building
12 permit.

13 It goes on to differentiate between
14 multi-family residential and what I will call
15 commercial; and in that instance, it allows
16 for the payment of the fee at the time of the
17 issuance of the certificate of occupancy.

18 Section 8 of the proposed ordinance sets
19 forth the provisions which relate to the pos-
20 sibility of entering into fee payment agree-
21 ments; and it talks about affordable housing.
22 It also talks about non-residential develop-
23 ment and the deferred payment of fees in that
24 circumstance for a 12-month period, and that

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1 provision is in Section 2 of Section 8, or I
2 should say Paragraph 2 of Section 8.

3 Section 10 sets forth the actual fee
4 schedule, and that is attached to the proposed
5 ordinance draft as Exhibit B, and Mr. Miller
6 generally touched on that in his presentation.

7 The fee payer or the developer, under
8 Section 11 of the ordinance, has the option of
9 securing an individual assessment, and that
10 would be a circumstance where the developer
11 does not feel that the proposed fee in the
12 ordinance fit his -- his or her specific
13 sections or development, and the requirements
14 of the individual assessment are set forth in
15 Section 11 of the ordinance.

16 Sections 12 and 13 deal with improvement
17 credits. As Mr. Miller indicated, we start
18 with a gross fee; and then from that there are
19 credits given for taxes paid or other improve-
20 ments made by the developer, or demolition
21 credits for the demolition of existing
22 facilities.

23 Section 15 points out the requirements
24 regarding the use of the fund. They have to

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1 be used within the service area. They have to
2 be encumbered within five years of collection.

3 The County is required to account for
4 the fees collected, the credits given, and the
5 expenditures made out of respective service
6 area funds.

7 16 deals with the possibility of refund
8 and sets forth the procedures regarding how
9 one would request a refund, if a development
10 is not commenced or if the fees are not encum-
11 bered, as required by statute, within the
12 five-year period.

13 Section 17 of the ordinance lists or
14 sets forth the type of development that is
15 exempted from this impact fee requirement; and
16 that's fairly self-explanatory, and lists out
17 the types of development that will not be
18 required to pay an impact fee.

19 Section 18 sets forth the continuing
20 duties of this Advisory Committee or future
21 Advisory Committees after the ordinance is
22 adopted.

23 Section 20 of the ordinance sets forth
24 the procedure for the advisory committee to

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1 periodically review the impact fee schedule,
2 and it further sets forth a criteria regarding
3 the County Engineer's review, and if -- if the
4 County Engineer's review determines that the
5 arithmetic average of the increase in fees
6 will be five percent or greater, then there is
7 a public hearing requirement and we will at
8 that time take your comments, also.

9 If we find ourselves in that circum-
10 stance, the matter will go to the County Board
11 and there will be a majority vote required for
12 the approval of the increase in fees.

13 And then, finally, the effective or
14 proposed effective date of the ordinance has
15 been set for April 1 of 2004.

16 CHAIRMAN WOLFE: Thank you, Mr.
17 Chesbrough.

18 Jim, do you have more?

19 MR. MILLER: I have got one more
20 slide.

21 Next steps. The public comment period
22 ends November 25, 2003. The Advisory
23 Committee meeting will be held December 10th,
24 2003, to review public comments and recommend

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1 action to the County Board.

2 There is a County Board meeting sched-
3 uled for January 13, 2004, and for taking
4 action on the CRIP and the imposition of the
5 impact fees.

6 That concludes my presentation.

7 CHAIRMAN WOLFE: Thank you.

8 Jim, as long as I have you, let me ask
9 you one question.

10 Getting back to the numbers, where we
11 had the totals, are those based on today's
12 dollars?

13 MR. MILLER: Current dollars,
14 present dollars.

15 CHAIRMAN WOLFE: That was, basic-
16 ally, my question.

17 Is that current dollars?

18 MR. MILLER: Yes.

19 CHAIRMAN WOLFE: Okay. Thank you.

20 All right. Would someone turn the
21 lights back on, please?

22 Further public comments? If anyone
23 wishes to make comments, please step forward
24 and give your name, your address, any business

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1 affiliation.

2 If you do have remarks, please address
3 them to the Committee and the Chair.

4 MR. THORNHILL: I'm John Thornhill
5 from St. Charles, Illinois, 44 White Oak
6 Circle.

7 I have been in this County for about 35
8 years, involved in land development of many
9 types, and through the years I have seen an
10 increasing demand made for right-of-way
11 dedications on the most innocuous of devel-
12 opments.

13 In going over the numbers that we have
14 seen, I don't see where the demand for the
15 improvements that have been enumerated will
16 ever be met by the impact fees that we have
17 been talking about or we have been hearing
18 about.

19 For example, motor fuel tax, which I
20 think has been available for several years
21 now, as the first speaker mentioned, could
22 have raised by now at least \$10 million with
23 just a few votes from the County Board.

24 That's one issue. It seems to me the

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1 underlying funding mechanism should be the
2 motor fuel tax all along.

3 Second issue, though, with this right-
4 of-way thing, my question has to do with how
5 is the value of right-of-way going to be
6 determined as far as establishing credits
7 against these impact fees? Is that set out in
8 the ordinance? I didn't see that.

9 CHAIRMAN WOLFE: That will be set
10 forth in the procedures manual which will be
11 developed subsequent to the passage of the
12 ordinance.

13 Tom or Karl, do you want to expand on
14 that?

15 MR. FRY: My name is Karl Fry.
16 I'm with Postl-Yore and Associates, also a
17 consultant to the County on this program.

18 I think the key thing to consider when
19 it comes to right-of-way improvement credits
20 for right-of-way acquisition or any other
21 improvement credit is that the only donations
22 or improvements that are eligible for credits
23 under the ordinance are those that are related
24 to projects that are listed in the Compre-

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1 hensive Road Improve Plan. So if a development
2 is required to donate right-of-way that is
3 unrelated to a project that's listed in that
4 plan, there will be no credit for that.
5 That's the first thing.

6 Second point, I guess, is that the
7 amount of those credits is based on the costs
8 of right-of-way that's assumed in development
9 of the project cost.

10 And I believe there's a set number for
11 that, Tom, is there not?

12 MEMBER RICKERT: Yes.

13 MR. FRY: I don't recall what that
14 number was right off the top of my head.

15 MEMBER RICKERT: Yes; I don't,
16 either.

17 MR. FRY: But I'm sure Staff could
18 get back to you with a response on that.

19 MR. THORNHILL: Is it fair to say
20 that --

21 CHAIRMAN WOLFE: Hold on now
22 please, John. This is a -- this meeting is to
23 accept public comment. We're not going to
24 have a debate.

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1 MR. THORNHILL: Okay.

2 CHAIRMAN WOLFE: Please make
3 remarks to the Committee and to me; and at
4 that point, if we want someone to answer, or I
5 decide, then we'll have it answered. But your
6 remarks will be noted.

7 And this is for everyone, not just for
8 John. Your remarks will be noted. You may or
9 may not get an answer tonight, but you will
10 get an answer at a subsequent meeting.

11 All right. Okay. Thank you, John.
12 Thank you, Karl.

13 Anyone else?

14 MR. KEIM: Joe Keim, 1505 Keim
15 Court, St. Charles.

16 I just want to restate that the gas tax,
17 I feel, is the way that the County should fund
18 the road improvements. The gas tax, if you
19 raised the actual extra 2 cents a gallon
20 that's available right now, we raise over \$4
21 million a year versus \$2.5 million due to road
22 impact fees.

23 The road impact fees represent a double
24 taxation on home buyers and new homeowners.

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1 Today I sat down and looked at one of
2 our newest subdivisions here in Geneva, and 80
3 percent of our buyers already live in Kane
4 County. These are Kane County residents.
5 They are not new to the road system, they're
6 existing people using the road system; and an
7 impact fee unfairly double taxes them, that
8 their neighbors who live in an existing home
9 don't experience.

10 Home building and development have been
11 the economic engine that have kept this County
12 and this nation going during this recession
13 that we have had recently.

14 You can kill the golden goose. You need
15 to look at California and what they have done
16 in that state, with their impact fees, and
17 what it's done to the cost of housing in that
18 state, and you can see an example of what can
19 happen here.

20 There's some other issues within the
21 ordinance that I think need to be looked at.
22 The grandfathering issue, I think, is a big
23 one.

24 To my understanding of how the credits

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1 are going to work, they're going to be negoti-
2 ated at the time of approval of a subdivision.

3 For any existing subdivisions that are
4 out there, they have already gone through a
5 long approval process, that they're not going
6 to get a chance to negotiate those credits,
7 but they're still going to have to pay the
8 fee. It's an unfair system the way it's
9 currently written in the ordinance.

10 Right-of-way credits need to be addressed
11 further. I don't think they're going to be
12 adequately dealt with. My understanding is
13 there is not going to be credits given if we
14 needed access to a County road from the
15 subdivision. I think there should be credits,
16 no matter whether we need access in the
17 development or not.

18 There needs to be credits for bike paths
19 and walkways given within the ordinance. It
20 needs to be spelled out more clearly.

21 There needs to be a cap in the ordinance
22 within as far as what can be done through
23 annexation agreements, so that the County
24 doesn't look for fees above and beyond these

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1 impact fees through the annexation process.

2 And some of the other things that I
3 noted is that it was modeled after the DuPage
4 County ordinance, but it didn't have the 15
5 percent discount that the DuPage County
6 ordinance allows for; and I feel that future
7 increases in the fee should be probably phased
8 in over time, to give developments and
9 subdivisions time to react to these new fees.

10 Thank you.

11 CHAIRMAN WOLFE: Thank you.

12 Anyone else? Yes.

13 MR. WELTON: Mr. Chairman, I might
14 be duplicating some of the things that were --
15 but if I could just --

16 CHAIRMAN WOLFE: Go right head.

17 MR. WELTON: -- ask for a clarifi-
18 cation.

19 I know, in Kane County, quality of life
20 and the transportation system put a big
21 emphasis on bike paths and walkways and
22 pedways and tunnels and bridges and things.

23 Are they subject -- are there credits
24 that are allowed in this program if the devel-

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1 oper puts those in as part of a transportation
2 system?

3 CHAIRMAN WOLFE: Mr. Welton, I
4 don't know. I'm not sure anyone on this
5 committee knows; but it's a question we will
6 note and get an answer for you.

7 MR. WELTON: It can amount to
8 substantial money, adds a lot of value in the
9 neighborhood, and things that we would like to
10 do, but we would like to have credit for them.

11 And the clarification, I know, in an
12 annexation agreement, a municipality, under no
13 duress, can collect impact fees for the high-
14 ways, and they are allowed to pass some of
15 those on to the County.

16 We're concerned in reading the ordinance
17 that there isn't a duplication there now, and
18 that the County can collect and also the
19 municipality. We're in favor of continuing to
20 have it shared, but we don't want it dupli-
21 cated.

22 So, again, there's a little confusion on
23 our part on that.

24 And finally, again, if this is truly a

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1 partnership between the public sector and the
2 private sector, we don't think an impact fee
3 ordinance should be passed until and along
4 with a 2-cent a gallon, so that we have some
5 assurance that these improvements that we're
6 collecting for have a chance of being done.

7 And as you pointed out, the impact fees
8 would only pay for 8 percent of the needed
9 improvements. So we know we need additional
10 sources of revenue, and we think that this
11 should be done jointly, so that the incentive
12 remains to take advantage of any of those
13 revenue opportunities.

14 Thank you.

15 CHAIRMAN WOLFE: Thank you, Mr.
16 Welton.

17 Anyone else?

18 (No response.)

19 CHAIRMAN WOLFE: Thank you.

20 At this point, I will take a motion to
21 close the public hearing.

22 No one else wishes to speak?

23 (No response.)

24 MEMBER RICKERT: So moved.

REPORT OF PROCEEDINGS - NOVEMBER 18, 2003

1 CHAIRMAN WOLFE: Second, please?

2 MEMBER DUNLAP: Second.

3 MEMBER GRIFFIN: Second.

4 CHAIRMAN WOLFE: All in favor.

5 (The ayes were thereupon
6 heard.)

7 CHAIRMAN WOLFE: Thank you.

8 (WHICH, at 7:55 p.m., were
9 all of the proceedings had
10 in the above-entitled matter
11 at the time and place
12 aforesaid.)

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REPORT OF PROCEEDINGS - NOVEMBER 18, 2003

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

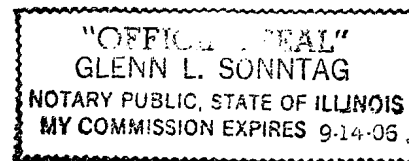
4 I, Glenn L. Sonntag, Certified Shorthand
 5 Reporter No. 84-2034, Registered Diplomate
 6 Reporter, a Notary Public in and for the
 7 County of Kane, State of Illinois, do hereby
 8 certify that I reported in shorthand the
 9 proceedings had in the above-entitled matter
 10 and that the foregoing is a true, correct and
 11 complete transcript of my shorthand notes so
 12 taken as aforesaid.

13 IN TESTIMONY WHEREOF I have hereunto set
 14 my hand and affixed my notarial seal this 25th
 15 day of November, A.D. 2003.

16
 17
 18 
 19 _____
 20 Notary Public

21 My Commission Expires

22 September 14, 2006.



Development Properties, Inc.



44 White Oak Circle
St. Charles, Illinois 60174-4165

John A. Thornhill, P.L.S.
Land Development Consultant

630-584-3303
JATldc@aol.com
November 22, 2003

Kane County Division of Transportation
Attn: Carl Schoedel, County Engineer
Heather Tabbert, Transportation Planner
41W011 Burlington Road
St. Charles, IL 60175

VIA E-MAIL

Re: Kane County Road Improvement Impact Fee Ordinance

Dear Carl and Heather:

The assumptions of need and demand for highway improvements presented by KDOT during the past several months should not come as a surprise to anyone familiar with Kane County growth. Therefore, the adoption of an ordinance to legitimize the collection and expenditure of impact fees to mitigate the impact on the highway system is inevitable.

My attendance at the hearing on November 18 was my first opportunity to review the draft ordinance. While much of it appeared to be drafted in nearly identical form as that advocated by the enabling legislation (606 ILCS 5/5-901et seq.), it seems to have omitted, or "glossed-over", a couple very significant elements of Sec 5, without which, the Road Improvement Impact Fee Law might never have been enacted by the legislature nor have passed constitutional muster.

Under provisions of Section 5-906(a)(2)(i), (ii) and (iii), of the enabling legislation, dedication of land, user fees, and all available sources of funding must be considered. Presumably, such "consideration" was intended to maintain fairness so that the burden of traffic management would not be inequitably spread between the motoring public at large and developers or others simply wanting to improve their property. However, in Section Twelve of the draft ordinance, the last sentence of sub-section 1 reads: "Credits shall not be given for any contributions made by a DEVELOPER that are required by the County, a municipality or other unit of government such as improvements onsite or access to a site". Such language could give the impression that the County, or a unit of government,

can completely disregard the significance of dedications for rights of way that are made to satisfy KDOT's requirements during a subdivision or other development's review. The adoption of the *KDOT Transportation Permit Regulations-Interim February 1, 2003* (the Policy guide) gave the appearance of authority for KDOT to make demands for right of way: Section 2-Access Permit, pages 2-29, paragraph 8 Right-of Way, requires the dedication or "conveyance... in fee simple, **any land** necessary to satisfy the right-of-way requirements (emphasis added) stated herein above...." Unfortunately, the policy guide does nothing to diminish the affect of relevant Illinois case law that prohibits takings without compensation.

Fifteen years ago, when land was selling for \$6000 per acre, such routine demands for right of way were almost trivial when balanced against the impact of the development being proposed. Today, when developable land has been selling for \$40,000 per acre, and KDOT has had to pay, through condemnation, well over \$100,000 or more per acre, such dedications can no longer be disregarded, particularly when a line item (for right of way) in the formula for calculating the impact fee is so prominent. If the value of right of way that must be purchased justifies a part of the impact fee, then why is the value of right of way, which the developer adds to existing highways, not recognized?

For several years, the county has opted not to impose the maximum allowable motor fuel tax rate. This decision has meant a loss in highway revenues to the county approaching \$4 million per year that could have been used to ameliorate some of the highway improvement deficiencies that have been priced out at \$424 million. The draft ordinance does not condition its enforceability on the collection of user fees and "all other available sources of funding" as is advocated in Section 5-906(a)(2)(ii) and (iii) referenced above.

In Section Twelve of the draft ordinance, paragraph 4a, a reference is made to Illinois Engineers. I believe the intended term is Illinois "Professional Engineer" since Illinois only licenses Professional and Structural Engineers.

In Section Twenty-two, paragraph 2, the context in which the term "violator" is used would suggest that a more appropriate term might be "delinquent fee payer". It sounds less draconian and does not convey the same presumption of guilt, either.

In closing, I offer a couple other observations:

I can see that there has been a tremendous amount of effort put into assembly of data to support the conclusions--conclusions that, from a practical perspective, didn't need much statistical support;

When fully carried out according to the letter and spirit of the law, the ordinance should fairly balance the costs to keep up with the growth of the area, and;

I hope people in government will not look at the ordinance as a "cash cow" to solve all the problems we already face since it will only produce 8% of the funding needed now!

Very truly yours,

John A. Thornhill, President



City of Elgin

Mayor

Ed Schock

Council Members

Juan Figueroa

Robert Gilliam

Brenda Rodgers

Thomas K. Sandor

John Walters

City Manager

David M. Dorgan

November 18, 2003

Mr. Carl Schoedel
County Engineer
Kane County Division of Transportation
41W011 Burlington Road
St. Charles, IL 60175

Re: Kane County Road Improvement Impact Fee Ordinance

Dear Mr. Schoedel:

Thank you for the opportunity to respond to the proposed *Kane County Road Improvement Impact Fee Ordinance*. The City of Elgin has the following comment regarding the proposed application of the impact fees:

Developments approved by the City of Elgin for the Far West Area have based their financial structuring on current impact fees and costs. To impose an additional level of fees, that was not anticipated, skews the economics of these projects to a point that may be detrimental to their financial success.

The City of Elgin recommends that the application of impact fees be based solely on the development approval date, thereby removing the stipulation that building permits must also be issued within eighteen (18) months after the first public hearing notice for the land use assumptions. By removing the time requirement for building permits, all housing within the same development will be assessed equal impact fee rates that have been established by the City and accepted by the developers.

Your consideration of this suggestion is appreciated. Should you have any questions concerning our comment, please feel free to contact me at (847)931-5910.

Sincerely,

Mark Biernacki
Community Development Group Director

MTB/jaw



City of Elgin

Mayor

Ed Schock

Council Members

Juan Figueroa

Robert Gilliam

Ruth Munson

John Walters

Stuart Wasilowski

Marie Yearman

November 25, 2003

Mr. Carl Schoedel
County Engineer
Kane County Division of Transportation
41W011 Burlington Road
St. Charles, IL 60175

Re: Kane County Road Improvement Impact Fee Ordinance

Dear Mr. Schoedel:

Thank you again for the opportunity to respond to the proposed *Kane County Road Improvement Impact Fee Ordinance*. In addition to Elgin's former comment regarding the date of impact fee application, the City of Elgin is requesting that the County exempt new or redevelopment projects in established downtown areas. An impact fee can limit an older City's redevelopment and revitalization efforts.

Your consideration of this suggestion is appreciated. Should you have any questions concerning our comment, please feel free to contact me at (847)931-5910.

Sincerely,

Mark Biernacki
Community Development Group Director

MTB/jaw

VILLAGE PRESIDENT

P. Sean Michels

VILLAGE ADMINISTRATOR

Brent M. Eichelberger

ACTING VILLAGE CLERK

Cynthia L. Welsch

VILLAGE TRUSTEES

Robert E. Bohler
 Perry M. Clark
 Kevin M. Geary
 Mari J. Johnson
 Marie A. Williams
 Joseph R. Wolf

November 18, 2003

Mr. Paul Rogowski Kane County Division of Transportation
 41W011 Burlington Road
 St. Charles, IL 60175

RE: Proposed Road Impact Fees

Dear Paul:

Thank you for providing us information relating to the proposed Road Impact Fees proposed by the Division of Transportation. Unfortunately, we are not be able to attend the November 18, 2003 Public Hearing as this conflicts with a Village Board meeting with a complex agenda.

While we have several issues relating to how the calculation formula was developed, we instead will focus on the larger issues at hand with this proposal. We request that this letter be read into the public record and considered as part of the public testimony. Our concerns with the proposal are as follows:

1. **Fairness:** We question the fairness of establishing these impact fees at this time. Until this was proposed, road improvements throughout the entire County were paid for in part with local funding including motor fuel taxes, and property taxes. All County road improvements, wherever they were located, were paid for by all residents of the County. As an example, road widening for Randall Road and Kirk Road were in part paid for by residents of Sugar Grove, even though we did not directly benefit from those improvements. The proposed system would assess these costs into the Fee Service Areas or Planning Partnership Areas (PPA) to designate where road funds would come from. This, in essence, means that residents of newly developing areas such as Huntley, Sugar Grove and Elburn, are paying for improvements more so than residents of the older areas such as Aurora, Elgin or St. Charles. Residents of previously developed areas already have had their road improvements completed with the assistance of residents throughout the County. The new system will not afford growing communities that same benefit.
2. **Planning Partnership Areas:** We are unclear as to why the Planning Partnership Areas (PPA) have been used as a boundary for assessing the road impact fee areas. These areas, which apparently were drawn over 10 years ago as planning areas for the 2020 Plan, are not necessarily applicable to a transportation plan today. We believe that it this part of the proposal should be reviewed in more detail. The appropriate determination of the road impact fee areas is critical as the cost differential of being on one side of the line or the other is as high as 800% as proposed.
3. **Fee Schedules:** After reviewing the tables for proposed fees for various uses, we have significant concerns about the proposed fees for non-residential uses. We believe that

these fees are in many cases too high, and that they would stifle economic development within Kane County. This is critically important at this time when many local governments are in a financial bind, and loss of future revenue sources may have a detrimental effect on local municipalities and the County as a whole for decades to come. This is especially true in the areas of the County that are near to the boundaries of Counties that do not assess road impact fees such as Kendall, McHenry, DeKalb and Cook Counties. Sugar Grove, Montgomery, Maple Park, Algonquin, Huntley and Hampshire among other towns, fall into this category. Commercial developments, everything else being equal, will choose to locate over the County line. These businesses will still impact Kane County with their traffic, but the County will receive none of the property or sales tax benefits from such developments. In fact, the location of these businesses outside the County will likely increase traffic impacts since Kane County residents will use the road systems more to leave the County to go shop at those facilities or work at the jobs that are outside the County limits.

Sugar Grove is in a critical point of our economic development efforts, and this additional fee will make it much more difficult to attract commercial and industrial development to the Village. We request that the impact fees not be assessed on non-residential developments, to prevent discouraging commercial and industrial development from looking elsewhere. Alternatively, at a minimum, we would request that the commercial fee not be assessed in areas within four (4) miles of the County boundary limits where they abut Counties without similar impact fees.

4. Road Improvements: The road improvements for the southwest area are moderate, but some of these improvements should not be assessed as part of the impact fee. Also, some improvements have already been made that should not have a fee assessed against them.

Dauberman Road is proposed for a new bridge over the BNSF Railroad to connect to Granart Road. While we agree that this improvement is needed, it should not be subject to the impact fees as it is an improvement that is needed now, not at a later date as the result of future development. As an existing deficiency it should not qualify for impact fees.

The improvements to Bliss Road are not clear as to their scope. This road segment is approximately 1.75 miles in length. The first ½ mile south of I-88 has already been widened to three (3) lanes; therefore no additional improvements are needed. At the south end, certain commitments have been made by a private developer for widening of Bliss Road at the Blackberry Creek crossing. Areas in between these improvements may need some widening, especially at Merrill Road. However, a three (3) lane section for this entire road, especially where it travels through the Bliss Woods Forest preserve is unnecessary and undesirable. The scope of the proposed improvements should be reviewed in more detail to determine what improvements are truly needed.

Lastly, the plan shows a signal at Harter Road. While we can see the need for a signal at this location sometime in the future, we do not see the need for this in the five (5) year time frame of this plan. Other intersections, such as the intersection of Waubensee Drive and Route 47, have a more pressing need for a signalized improvement. That intersection is under the jurisdiction of IDOT and the Village, and would not qualify for road impact fees, but the traffic demand is already higher for that location.

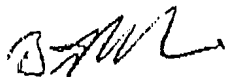
5. Fee Collection: We understand about collection of impact fees for commercial development at permit issuance, as the fee may not be calculated until the permit is applied for. While we believe there should not be an impact fee on non-residential developments, if approved, we could collect those fees on a per permit basis for those developments.

However, the Village believes that it would be more efficient for the County to collect residential impact fees at the time of platting. In addition, the fees should not be assessed on existing lots in existing subdivisions. This makes it unfair for certain homeowners who, in a developing subdivision, must pay higher fees for their lot simply because they were caught under a new ordinance. We would ask that any subdivision that was platted prior to the approval of any impact fee be grandfathered.

6. Alternative Agreements: We would like the ability to develop alternative agreements with the County. While the proposed ordinance may fit well in certain circumstances, it will not fit all needs for economic development purposes. In general, we do not have objections to residential uses paying fees as they generate the traffic that impacts the roads. But if fees are collected from non-residential developments, there may be circumstances where economic incentives are required in order to make a development work. We believe that flexibility should be incorporated into this Ordinance allowing alternative intergovernmental agreements between the municipalities and the County.
7. Public Input: While sincere efforts have been made, we have been disappointed with the level of public input in this process. We understand the need for the County to develop funding sources for the road program, however we believe that more involvement from the municipalities, developers and the public at large should be solicited to comment on this proposal. The success of the program is dependent upon the cooperation of many stakeholders. That success will be jeopardized if there is a perception that the fee program was instituted without due consideration and public input.

Thank you for your consideration of our comments. We look forward to working with you further as this proposal is refined. If you should have any questions about this matter, please feel free to contact me at (630) 466-4507 x29. Thank you.

Sincerely,



Brent M. Eichelberger
Village Administrator

Cc: Bill Wyatt
Jan Carlson
Village Board
Scott Buening, Community Development Director



November 25, 2003

Mr. Carl Schoedel
County Engineer
Kane County Division of Transportation
41W011 Burlington Road
St. Charles, Illinois 60175

Re: Proposed Kane County Traffic Impact Fee

Dear Mr. Schoedel,

We have recently received a copy of the proposed Kane County Road Improvement Impact Fee Ordinance and have been following the process of its enactment for quite some time. While we feel very strongly that an increase in the Motor Fuel Tax as a means of funding future capital road improvement projects is a much more appropriate and equitable method of financing, we do support the concept of a traffic impact fee as an additional revenue source to help ensure that the County's roadway system continues to meet the needs of both current and future County residents.

We also feel, however, that certain provisions within the current draft ordinance either don't address, misinterpret, or fall short of the intentions of the enabling legislation for road impact fees. Addressing these items at this time not only strengthens the ordinance but may head off future legal challenges which, I'm sure you will agree, is to the benefit of all parties involved. I have listed below a summary of items within the ordinance which I feel needs further refinement as well as recommendations of how they could be addressed.

I. Conceptual Approach to the Kane County Road Impact Fee Methodology

The "needs driven" approach to road impact fee determination applied by Kane County is almost exactly the same methodology used in DuPage County. Based on review of the methodologies and examples provided in the County's Draft Technical Specifications Manual for Impact Fees it appears that, at least conceptually, the ordinance addresses all of the key technical requirements. Note however, that because the ultimate impact fee schedule is based on the application of various models and algorithms, this conclusion is obviously dependent on the use of sound input data and error-free calculations. I address some of these quantitative/technical issues in Sections III and IV.

II. Comments on the Draft Kane County Ordinance

The Kane County Road Impact Fee Ordinance has also been modeled after, and is nearly identical to, the DuPage County impact fee ordinance. Consequently, the few differences between the Kane County Ordinance and the DuPage County Ordinance tend to stand out. A list of those differences, and other areas of potential concern, are outlined below.

Sec. 3-13 "LEVEL OF SERVICE D"

The ordinance definition of LOS D is not consistent with the wording for "urban streets" contained in the Highway Capacity Manual. Of particular concern in the wording in the ordinance definition is the descriptive phrase, "The ability to maneuver is severely restricted due to traffic congestion ...", which may convey the message that LOS D is not a fair and reasonable design level of service, despite the fact that the HCM2000 and ASSHTO both recognize LOS D as an acceptable design level of service and that IDOT routinely uses LOS D for road improvement design in Northeastern Illinois.

Technically, the definition used by the ordinance is for "multilane" highways with signalized intersection spacing greater than 2.0 miles. At ¼ mile signal intervals, the use of "urban street" methods for establishing capacity is more appropriate (and is the source for the capacity value used by Kane County in fee determination).

The actual description for LOS D on "urban streets" contained in the HCM2000, as shown below, should be used in the ordinance:

"LOS D borders on a range in which small increases in flow may cause substantial increases in delay and decreases in travel speed. LOS D may be due to adverse signal progression, inappropriate signal timing, high volumes, or a combination of these factors."

Sec. 3-14 "NEW DEVELOPMENT"

This section contains a "grandfather" clause which excludes from fee payment all development approved within 18 months of the first date of publication by the "unit of local government" of a notice of public hearing to consider land use assumptions relating to the development of a comprehensive road improvement plan and imposition of impact fees (provided, however, that a building permit for such new development is issued within 18 months after the date of publication of such notice).

The "grandfathering" language is excerpted verbatim from the State Impact Fee enabling statutes (606 ILCS 5/5-918). For purposes of clarity, responsibility for the required notice of public hearing to consider land use assumptions should specifically reference Kane County (instead of the generic "unit of local government") to avoid any confusion that municipalities might have some responsibility for publishing notice in the case of a Kane County impact fee.

The statutes cover development approved and constructed (i.e. building permits issued) within a 36 month window beginning 18 months prior to the public hearing notice in February of 2003 and ending 18 months afterward in August of 2004. The latter date extends past the anticipated April, 2004 effective date of the ordinance. However, new development that is approved and has building or occupancy permits issued in the time period between February, 2003 and April 2004 is not specifically addressed. Presumably, such development would be exempt from the road impact fee, however, I would suggest that wording be added to the definition of "new development" to affirm and clarify this assumption. Additionally, we feel that it is important that fees are collected at the time the building permit (residential) or occupancy permit (commercial) is issued (per the current draft of the ordinance) verses at the time of final plat to avoid accounting errors, particularly in the event of future re-subdivisions, and to ensure the fee payer is paying pursuant to the latest fee schedule.

Sec. 3-21 "ROAD IMPROVEMENT".

Sec. 3-24 "ROADS, STREETS OR HIGHWAYS"

Federal and State of Illinois transportation planning and funding policy acknowledges the indirect positive impact of bicycle and pedestrian facilities on increasing highway capacity by diverting single-occupant auto trips to bike or walk modes. The Kane County Bicycle and Pedestrian Plan also recommends the objective to "Promote bicycling and walking to increase their use as transportation modes" and incorporates references to the bike/pedestrian plan as a component of the overall countywide transportation plan. The state enabling legislation for road impact fees also specifically acknowledges, as a potential impact fee credit, "traffic reduction techniques", for which bikeway and pedestrian pathway projects should be considered.

The definition of "road improvement" does not specifically address bike paths or sidewalks. However, the definition of "roads, streets or highways" does include the phrase "all necessary appurtenances" which I believe is generally understood to include features such as bikeways and sidewalks within the highway right-of-way.

The cost sidewalk and especially bikeway improvements is not trivial, and under current design standards can range from \$500,000 to \$1,000,000 per mile with even greater costs if grade-separation structures are involved.

Kane County aggressively pursues the inclusion of bikeways (and sidewalks) in new development projects and these improvements should be credit-eligible if constructed directly by the developer. In order to avoid case-by-case administrative interpretation of the credit-worthiness of bike/pedestrian projects we would suggest that these projects, where they lie within or adjacent to Kane County highway right-of-way and/or are referenced in the Kane County Bikeway Plan be explicitly cited as system eligible (or non-site) improvements (see also Section III of this memo).

Sec. 3-22 "ROAD IMPROVEMENT CAPITAL COSTS"

"Road improvement capital costs" under this definition includes the cost for administering the impact fee program. The definition further states that the maximum administrative cost for impact fee administration in Kane County shall not exceed 5% of the amount of impact fees paid. DuPage County uses 3%.

We suggest that a 3% administration fee, similar to Dupage County fee, be used in lieu of the 5% fee.

Sec. 3-26 "SITE RELATED IMPROVEMENTS"

The ordinance has added "right-of-way" as a component of site-related improvements that would not be eligible for credit against the road impact fee. The proposed language could be interpreted to mean that the standard right-of-way dedication required by the County along a County Highway would be excluded from credit for that length of County roadway being widened to provide channelization for a new site access even though the additional right-of-way would have otherwise been required and by other provisions of the ordinance would be eligible for credit.

The DuPage Ordinance does not list "right-of-way" in its definition of site-related improvements and Illinois Road Impact Fee Statutes specifically includes rights-of-way as an eligible component of system road improvement costs (and credits).

Dedication of right-of-way or easement to the Kane County Division of Transportation for roadway (or bikeway purposes) should always be an eligible credit for the developer and "right-of-way" should be stricken from the definition of "Site Related Improvements". Alternatively, "rights-of-way" should be more specifically defined as pertaining to road improvements off the County highway system.

Sec. 3-26 "SITE RELATED IMPROVEMENTS"

The phrase "site specific development approval" is defined under this definition heading, but to what does it pertain?

It seems this should either be a freestanding definition or it should fall under Definition 3-14. "NEW DEVELOPMENT"

Sec. 3-21 ROAD IMPROVEMENTS

Sec. 3-22 ROAD IMPROVEMENT CAPITAL COSTS

Sec. 3-24 ROADS, STREETS OR HIGHWAYS

Sec. 3-26 SITE-RELATED IMPROVEMENTS

Sec. 3-28 SYSTEM IMPROVEMENTS

These definitions all address to some extent the issue of credit for highway improvements made by the developer. See Section III for a discussion of this issue.

Sec. 8 FEE PAYMENT AGREEMENTS

In the equivalent section of the DuPage County Ordinance, the word "fee" is replaced by the phrase "Fair Share Fee".

The phrase "fair share fee" should be used in lieu of "fee" to emphasize that new development is paying its fair and proportionate share as determined by impact fee determination procedures prescribed by state statutes.

Sec. 9 INTERGOVERNMENTAL AGREEMENTS

Subsection 1 provides for the option for the County to enter into intergovernmental agreements with municipalities regarding administrative issues involved with local fee collection.

This is consistent with 605 ILCS 5/5-912 (Payment of Impact Fees) and recognizes that municipal cooperation is essential to the County fee collection process.

Subsection 2 states that the intergovernmental agreement may provide for the collection of an additional municipal road impact fees as an additional component of the Kane County Road Improvement Impact Fee for expenditure on municipal road improvements within the service area provided all municipalities within a given impact fee service area are party to the agreement. This language comes from the DuPage ordinance where the clause was inserted in the DuPage ordinance at the request of two communities who either had or were contemplating road impact fee collections at the time DuPage County was developing its road impact fee program. It seems clear that for the County and any municipality to enter into an agreement for road impact fee collection for municipal highways under the aegis of the state enabling legislation, that municipality would first have to comply with the statutory requirements for study methodology (e.g. land use assumptions, CRIP development, public hearings, etc.). In other words the analysis, documentation and public hearings done for the county highway system cannot and should not be extrapolated to a municipal highway system.

The Kane County Ordinance language described above may also be confusing given the County's practice of working with municipalities to negotiate a development road impact fee that would be collected by municipalities through annexation agreements and passed through to the County. The collection of a Kane County Road Impact Fee under state statutory authority and a continued County policy of encouraging or requiring municipalities to collect fees for improvements to County highways, is unfair and inconsistent with the intent of the state enabling legislation statutes (605 ILCS 5/5-911) which states that "No impact fee shall be assessed by a unit of local government for roads, streets or highways within the service area or areas of the unit of local government if and to the extent that another unit of local government has imposed an impact fee for the same roads, streets or highways". Furthermore, by definition, the "Needs-Driven" methodology used by the County to establish a fair share road impact fee for new development is deterministic and complete and reflects a fair assessment of

that development's incremental capacity impact on the county road system (and assesses a fee to add capacity accordingly). There is no capacity impact on County Highways attributable to new development within the service area that is conceptually unaccounted for in the County's "needs driven" methodology.

I would suggest adding the following language to the impact fee ordinance:

"Kane County shall not enter into new intergovernmental agreements with municipalities for municipal collection of additional developer-generated fees for use on the County Highway System, or accept fees for that purpose. Nothing in this ordinance, however, precludes municipalities from expending municipal road impact fees collected from new development through annexation agreements or other means on the municipal legs of a joint County/Municipal intersection improvement.

Sec.10. ROAD IMPROVEMENT IMPACT FEE SCHEDULE

See Section IV of this report.

Sec.11. INDIVIDUAL ASSESSMENT OF IMPACT

DuPage County provides for an additional 15% administrative discount in the net fee; Kane County does not.

This is a policy decision. The original intent in DuPage County was to give this discount to payers of the standard fee schedule and discourage individual assessments. As the program evolved over the years, however, both the standard fee schedule and individual assessments were calculated with the discount. The discount is often cited now as an example of "fairness".

Sec.12. IMPROVEMENT CREDIT AGREEMENTS

See credit discussion under Section III of this report.

Sec.20-1. UPDATE OF FEE SCHEDULE

From time to time the Advisory Committee will review the factors that are used to calculate the impact fee schedule. Any increase above 5% requires County Board approval. However, there is no maximum cap on the fee increase.

In the spirit of the "grandfather clause" which exempts certain pre-approved and committed developments for original impact fees to be enacted, a provision for a maximum annual increase in fees of 10% per year should be considered. This will allow the development community to better absorb any significant fee increases that could result from periodic updating of the fee equations/models. For example, a total fee increase of 30%, subject to a cap of 10% per year, would be incrementally phased in over a three-year period. Since a prime contributor to such fee increases is construction

(and right-of-way) cost inflation, another alternative is to recalculate the fee every year or two years using regional highway construction cost indices.

III. Credit for System Improvements

A. General Issues of Credit Eligibility for Developer Funded Highway Improvements:

Discussion of improvement credits (against fees paid) involves the following definitions contained in the Draft County Ordinance:

- Sec. 3-21 ROAD IMPROVEMENTS
- Sec. 3-22 ROAD IMPROVEMENT CAPITAL COSTS
- Sec. 3-24 ROADS, STREETS OR HIGHWAYS
- Sec. 3-26 SITE-RELATED IMPROVEMENTS
- Sec. 3-28 SYSTEM IMPROVEMENTS

The general intent of the state enabling legislation is that developers receive credit against impact fees paid for system (capacity) improvements made to eligible (in this case Kane County) highways. By extension of the collective definitions above, a "system improvement" is defined as a capital construction and related costs such as land acquisition (excluding site improvements) which are designated for improvement on the CRIP.

However, the Kane County ordinance specifically excludes from the definition of "road improvement" and "system improvement" any highway not designated for improvement in the CRIP, even though such highways may be County jurisdiction. Strict interpretation of these definitions could confuse, or potentially exclude, the issuance of credit for right-of-way dedication along a County highway or the improvement of an off-site county highway not associated with a project specifically delineated on the CRIP.

The ability to project future highway improvement needs is not perfect and it may be necessary to tweak the CRIP and add needed projects not anticipated in original CRIP development due to unforeseen circumstances. The state statutes specifically recognizes this fact in Section 5-915 which provides that the county may amend the CRIP no more than once per year as long as the cumulative amendments do not exceed 10% in terms of estimated project costs (if that cumulative increase is exceeded a formal CRIP update following statutory guidelines would be required).

State statutes (605 ILCS 5/5-904, starting line 25) provide additional clarification and guidance by stating:

"Nothing contained in this section shall preclude a unit of local government from providing credits to the developer for services, conveyances, improvements or cash if provided by agreement even if the credits are for improvements not included in the comprehensive road improvement plan,

provided the improvements are otherwise eligible for inclusion in the comprehensive road improvement plan"

The state statute language underlined above should be incorporated into the Kane County ordinance.

In addition, it behooves both the County and the development community (who will benefit by the timely construction of road improvements within their impact fee district) to ensure that the CRIP has fully delineated all anticipated County Highway improvements over the 10-year design horizon. In that regard we would suggest consideration of the following:

- To the extent that the County will consider improvement credits for bikeway/pedestrian projects, all major bikeway and pedestrian projects on the Kane County Bicycle and Pedestrian Plan should be delineated on the CRIP (and/or the Bike/Pedestrian Plan referenced in the CRIP).*
- Potential stand-alone (Closed Loop) Signal Systems should be delineated on the CRIP or a general line item and aggregate dollar amount assigned to unspecified signal system projects over the 10-year horizon.*
- The CRIP should contain a line item and aggregate dollar amount for channelization, add lanes or grade-separation at intersections which may, subject to traffic forecasting error (i.e. underestimation) or unexpected changes in travel patterns and flow, require improvement within the 10-year horizon of the CRIP but which were not specifically delineated in the original CRIP. This category might also include previously unidentified intersections that are the logical extended terminus of a previously delineated roadway segment improvement (as may be recommended in future Phase I engineering studies).*

B. Practical Issues Associated with Credit Determination

There are practical considerations in the determination of individual credit agreements, often treated at the ordinance administrator's discretion, which deserve attention. Among these are the dollar amount of credit given for right-of-way dedication (i.e. based on the unit cost derived by the County or on the basis of actual cost or appraisal reports submitted by the developer). Likewise, there could be interpretative differences between the County and developers/builders over what level of ROW dedication, especially dedications made through the subdivision process, constitutes eligibility for credit.

Another area of potential issue concerns off-site highway improvements made specifically to accommodate site-generated traffic. For example if a left-turn lane is constructed on a County highway (not physically adjacent to the development) that intersects a municipal street (that is adjacent to and contains the site's access), will that County highway improvement be deemed eligible for an improvement credit by the County?

It is in the interest of the County to see that all such credit issues are treated fairly and equitably with respect to the individual developers. The variety of possible situations makes this difficult to legislate through ordinance. However, the Impact Fee Advisory Committee should be kept informed of the general disposition of such cases on a frequent basis, especially in the early period of impact fee collection, so that a consistent and fair approach is maintained.

IV. Derivation of the Draft Schedule of Fees (2003)

We were able to replicate the Net Fee amounts for a sample of land uses and districts using the technical data on trip generation, average trip length and VMT, and credit revenue stream attributable to new development as delineated in the "Technical Specifications Manual for Impact Fees" (Draft-August 27, 2003).¹

The Net Fee is the difference between the Gross Fee (i.e. the cost of that portion of a lane-mile of highway capacity needed to carry the trips generated by the land use unit) and Tax Credits which can be allocated to new development (i.e. that represent the revenue stream of highway funding for system improvements generated by the land use unit in question). Generally speaking, based on the tax credit assumptions outlined in the "Technical Specifications Manual for Impact Fees" for Kane County, the Tax Credit amounts for any land use will only marginally affect the Net Fee amount (i.e. the Net Fee is for all practical purposes controlled by the Gross Fee amount). Specific comments on the fee calculation are outlined below.

A. Tax Credit Documentation

A key input to the tax credit calculation is the "fair share" of various County Highway revenue sources spent on system improvements (capital expenditures). The County has stated that none of the funds collected from the three property tax-based county highway funds they assess are used for system (capacity) improvements. Only 10% of the County's Local Option motor fuel tax, but 53% of the County share of the State motor fuel tax are spent on system (capacity) improvements.

The Impact Fee Advisory Committee should have sufficient documentation in the form of historic records of revenue receipt and expenditure to determine if the stated roadway construction (including right-of-way) costs and "fair share percentages" are reasonable.

B. Road Construction Cost and Capacity

The capacity used in the gross fee equation was derived directly from the Highway Capacity Manual 2000 for a LOS D. The assumed construction and right-of-way cost

¹ I had to "back" in to the dollar credited to residential uses for the STP-R funding source because population data was lacking for calculating the fund value per person in Kane County that would be applied to average household sizes for the three residential categories.

per lane-mile appear to be reasonable, although there was no specific analysis documenting the final figures.

The documentation in support of County highway (and right-of-way) cost should be available for inspection by the Impact Fee Advisory Committee.

C. Trip Generation and Land Use Taxonomy

Generally all of the land use categories delineated on the fee schedule appear to incorporate base trip generation and trip generation adjustments for pass-by and diverted trips consistent with the ITE Trip Generation Manual and related sources. The following land uses are either not included in the fee schedule or have unique trip generating characteristics which may require additional consideration. Recommendations for inclusion/modification are as follows:

Day Care Center - An adjustment to base trip generation should be given for pass-by and diverted trips since a majority of day care center trips are combined with the home-to-work trip interchange. I suggest using the trip adjustment factors used in the DuPage Ordinance.

Medical/Dental Office - No discount is applied to these types of peak-hour office generators even though (based on our own intuition and discussions with MOB developers and physician groups) a significant percentage of trips during the p.m. peak hour may be linked with a work-to-home trip or with a home-to-clinic/hospital trip if the medical office is located on a hospital campus for example. It would probably be necessary to undertake an original user (travel) interview survey to establish the trip adjustment for this type of use.

Senior Assisted Living - There is no land use category for this use even though it is becoming ever more prevalent and is not fairly represented by the "nursing home" category (which is a significantly higher trip generator). We would suggest adding this land use category using ITE trip generation rates for "retirement community" or (elderly) "congregate care".

Restaurants - Categories are provided for "fast food" and "other". The trip rate for "other" corresponds to the ITE category of "quality" sit-down restaurant (typically not a chain store). In between these two categories is "high turnover" sit-down restaurants which have a significantly lower base trip generation rate than "quality" restaurants and is pass-by oriented like "fast food" restaurants. These restaurants tend to be regional or national chains. Under the proposed impact fee schedule, these "high turnover" restaurants, when treated as "other" would pay more than their fair share impact fee.

D. Average Trip Length (in Kane County) and Vehicle Miles of Travel on Kane County Highways

Trip generation rates and related factors remain constant from impact fee district to impact fee district. The Net Fee in three districts (Campton Hills, Tri-Cities and Southwest) is significantly higher than the average fee and is likely explained by two key variables that are unique to, and can vary significantly between, impact fee districts; "average trip length (in Kane County) " and "vehicle miles of travel on Kane County highways". For example:

Campton Hills District – This highest fee district is in the middle of the county with no external county boundaries and as a result has one of the higher average trip lengths (for travel within Kane County). This district also appears to have one of the highest densities of county highway mileage (and therefore a high level of vehicle miles of travel on the County highway system). This combination appears to explain its number one ranking in terms of fee levels.

Tri-Cities District – This 2nd highest fee district has among the highest densities of County highway road miles (and therefore high County highway VMT) but average trip length within Kane County is lower than many other districts due to its interaction with (i.e. external trips to/from DuPage County).

Southwest District - The 3rd highest fee district has one of the longer average trip lengths due to its location on the west end of the County and a predominate easterly oriented home-based travel pattern that keeps trips within the County. This appears to be balanced by an "average" VMT on the County highway system.

Average trip length within Kane County is based on the County's analysis of Chicago Area Transportation Study's (CATS) 1990 Household Travel Survey. The procedures used by the County's consultant to calculate average trip length by land use for each of the impact fee districts appear to be sound. CATS is undertaking a new Household Travel Survey but that information will not be available in time for this ordinance (likewise, Year 2000 Census Journey to Work data is not fully available for use yet except for inter-county trips). County highway VMT derivation is generally documented in the CRIP and based on the County's existing travel demand model. Generally speaking, the vehicle miles of travel on county highways used in the County's fee determination generally conform to the actual physical county highway lane mileage in each district (as contained in Table 6-1 of the CRIP) and/or intuitively seem consistent with the predominant travel patterns within the districts as it relates to County highways.

Reconfiguring district boundaries to eliminate the Campton Hills district and apportioning its area among the West Central, Southwest and Tri-Cities districts may result in less fee disparity between districts

Year 2000 Census Journey to Work (County to County) trip information, which is available now, might be useful as an additional check on the validity of 1990 Household Travel Survey findings used in the Kane County derivation of average trip length.

We would recommend using the next CATS Household Survey and/or Census Journey to Work information when it becomes available later in 2004/2005 for a more complete update of average trip length prior to the next major revision to the Ordinance and Fee Schedule.

The fees for convenient stores seem unreasonably high in the three highest overall fee districts. I would argue that the vehicle miles of travel (VMT) on County highways applied to this land use will be substantially lower than for other retail uses given the combination of average trip length and percentage pass-by trips. For example, I would expect that most pass-by and diverted trips would occur at convenience stores on county arterials (i.e. major commute routes) and the highest percentage of remaining direct, primary (non-passby or diverted) trips to arrive and depart convenience stores and service stations on municipal streets (to/from interior residential areas for example). Such nuances are not reflected in the gross fee calculation. Adjustments to trip length and or VMT for the Campton Hills, Tri-City and Southwest districts would address the disparity in fees for this category of use with respect to the remaining districts.

We look forward to your written response to the above items. It is my hope that that the Advisory Committee considers the recommendations outlined above at their next meeting on December 10, 2003, and makes the corresponding changes to the draft ordinance prior to it's submittal to the County Board for action. Please feel free to contact Dan Olsem in my office if you have any questions regarding this letter.

Sincerely,
CROWN COMMUNITY DEVLOPMENT



Marvin L. Bailey
Senior Vice President and General Manager

Cc: Dan Olsem

City of St. Charles

Susan L. Klinkhamer
Mayor

November 25, 2003

Ms. Heather Tabbert
Kane County Division of Transportation
41W011 Burlington Road
St. Charles, Illinois 60175

Re: Kane County Transportation Impact Fee Proposed Ordinance

Dear Ms. Tabbert:

The City of St. Charles has participated and tracked the process the County is using for consideration of the proposed Traffic Transportation Impact Fee ordinance. The City is complimentary of the County's interest to look for creative means to offset the shortfall increment between the expense for needed highway and transportation improvements and the required revenues. To that effect, the City of St. Charles sees the Impact Fee Program as an opportunity, whereby new development would assist in funding transportation and traffic improvements. The City of St. Charles, having reviewed the proposed impact ordinance, would like to offer the following comments:

1. First of all, we encourage the County to consider other creative means to stimulate revenue for traffic and transportation projects. Recognizing the impact fees will generate far less money than is necessary, we would hope the County would not stop with this being the only creative means to develop revenue.
2. Some of the projects, which have been identified in need of County improvement, would take on the characteristic of a regional impact. For example, Project #35, Stearns Road Bridge Corridor has been assigned to the Service Area "Tri-Cities." Acknowledging the Stearns Road Bridge Corridor is an important transportation interest in the Tri-Cities Service Area, we would suggest there are others regionally who derive benefit from this project. For example the Service Area immediately to the west of the Stearns Road Corridor will certainly be a user of this river crossing and will derive significant benefit, because they will be users of that corridor. To that effect, it would seem appropriate that the Service Area to

the west of the project would also share in the expense for the construction of Project #35, the Stearns Road Bridge Corridor.

3. In the body of the proposed ordinance Section 10, Paragraph Three (3), there is language to define parcels that are applicable for application of this impact fee. The specific language indicates, "in the event that the development proposed is a change in the immediate past use..." There is ambiguity present in this wording, and I would suggest a further definition be developed to identify what "immediate past use" means.
4. There is a proposed Sub-Regional River Crossing that has not been identified on the proposed project listing. This would include the Red Gate Corridor project. Recognizing there has been significant study and review on behalf of both the City and County for this sub-regional improvement, we would suggest consideration be given to adding this to the Comprehensive Road Improvement Plan.

Again, thank you for considering the above comments. As this is the first of a creative means to collect monies in Kane County, I would like to think there will be flexibility down the road to, perhaps, better define projects and the ordinance, should the County Board decide to implement this ordinance. Thank you for considering the above. Should you have any questions or comments, do not hesitate to contact the City of St. Charles.

Yours truly,



Susan L. Klinkhamer
Mayor
Mayor's Office
377-4445; fax 377-4440

MWK:cjb

cc: Carl Schoedel, Kane County Division of Transportation
File

KANE COUNTY

DIVISION of TRANSPORTATION

Paul G. Rogowski
Director of Transportation

Carl Schoedel, P.E.
County Engineer



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St. Charles, IL 60175
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MEMORANDUM

Date: November 25, 2003
To: Heather Tabbert, Transportation Planner
From: Heidi Files, Planning and Programming Manager
Re: Impact Fees Public Comments

Here are some comments that I received from municipal representatives during the public comment period for the Impact Fees Program.

The following comment was received by phone on November 25th, 2003:

Noel Basquin, City Engineer, City of Batavia, expressed concerns about the trip lengths used in the formula to determine impact fees, being generated from the 1990 CATS Household Travel Survey, an information source that is 13 years old. He also expressed his concern about how the impact fees would negatively affect or hinder the potential infill development activities that the City is planning in their urbanized downtown area and their future TIF district. He stated concerns about the impact fees hindering any redevelopment. He also asked that the County consider waiving impact fees in downtown areas to encourage development in already urbanized areas where the transportation infrastructure already exists.

The following comment was received at a 2030 Transportation Plan PPA meeting at Elgin Community College on November 19th, 2003:

Steve Super, Development Director, Village of South Elgin, expressed concerns about impact fees hindering infill development in the Village of South Elgin's downtown area. He asked that the County consider waiving impact fees for infill development in downtown urbanized areas, which is consistent with the County Land Use Plan, and would carry local traffic on existing transportation infrastructure.