

Staff has recently responded to direct questions that were posed in the public hearing minutes. However, Staff found many common themes and concerns that were not posed as direct questions but rather comments. Staff has attempted to isolate those concerns/comments and address them. Furthermore, Staff is going to give the LUPZDC full copies of the minutes and copies of all correspondence received for their review.

If you feel a concern was adequately addressed at this time please forward a correspondence to this website c/o Steve Lazzara and we will make sure the LUPZDC is aware of your concerns.

Recognized abbreviations and text.

PZC – The County’s Planning and Zoning Commission. A recommending body of appointed officials.

LUPZDC – The Land Use Planning Zoning and Development Committee. A sub-committee of the County Board who holds a leadership position in the ordinance update.

Staff – County employees who work in the Land Use Department. Staff is responsible for facilitating dialogue and coordinating the approval process under direction of the LUPZDC.

County – Generally referring to the County Board.

PUD – Planned Unit Development.

SUP – Special Use Permit.

Common Themes *comments / concerns in black, replies in red*

Why has conservation design development even being considered?

Will County has adopted a Land Resource Management Plan (LRMP) that acts as a comprehensive development plan for the County. The LRMP recommends the County encourage the development of subdivisions utilizing conservation design techniques to promote the preservation of open space and natural features. Conservation design subdivisions are not mandatory nor is there any merit to the argument that this will become the only form of development the County will allow over time. Conservation design only serves as another option for development. Conservation design is an opportunity to cluster lots while preserving sensitive environmental areas and providing open space for all residents, which is an amenity most property owners’ look for in a development. Lastly, one of the most attractive features of conservation design subdivisions is that the County will evaluate them with out going through the SUP process if they follow the guidelines in the draft ordinance.

Concerns that conservation design is the only method of subdivision development that will be allowed.

The draft ordinance still allows for as-of-right subdivisions and traditional PUDs. Conservation design is just another option for the development community.

Will as-of-right developments (straight zoning change without concessions) and traditional PUDs be phased out?

Neither staff, members of the PZC, LUPZDC, or County Board are recommending that there be a sunset clause. Within the development community in Will County there will be opportunities when each type of development is the most appropriate option.

A concern regarding what benefit conservation design has to developers.

Conservation design does not require a Special Use Permit, which should encourage developers to utilize conservation design tools rather than bring the project forward as a PUD. Also, one of the main themes of conservation design is the clustering of home sites. Infrastructure costs can be minimized if home sites are organized in a clustering manner. Common open will also likely serve a sales benefit to the developer.

Would like to continue as part of the dialogue process.

Many agencies and attendees at the public hearings have expressed an interest in continuing dialogue. The input that was received from all members of the community has been very valuable. Staff is working under the direction of the LUPZDC on this project. Staff will continue dialogue, facilitate meetings, and provide input at the LUPZDC's request.

What power will homeowners' associations have?

The power to raise cash through assessments to maintain the common areas and the stormwater management systems in a development.

How will the SSAs work?

A "dormant" Special Service Area will be set up by the developer when the subdivision is platted and while the developer owns all the lots in the subdivision. There will be no funds or assessment on a property owners tax bill unless the area covered by the SSA is not maintained as intended.

Concerns that homebuyers see an SSA and feel it is another lien on their property.

Not a lien, but it does enforce the residents understanding that they have a responsibility to maintain the property under the SSA, and if they do not properly maintain that area, then they will have to pay for it thru the County's tax collection system.

Utilizing the SSA may cause an undue hardship.

A bigger hardship would be to have the common areas mismanaged and not maintained, which would cause a hardship on residents of the entire County.

Conservation Design will require the use of more property thus driving up the cost of land.

No additional land is required for conservation design subdivisions.

Managing and monitoring open space needs to be established. Parameters for intermittent review of the site should be in place. Means of guaranteeing money for the conservation of open space needs to be established along with defining the mechanism if the open space plan fails.

In some ways the SSA will require the open space or common element areas to be monitored by the homeowners' association. If the association's assessment fees do not take care of any maintenance the SSA will become active. It is not likely homeowners will want to see this power invoked. The County's primary concern is that the open space or common area is maintained. It is up to homeowners' association to decide if they wish to contract it out or do it internally.

Are there provisions for stormwater management over time that may be due to population changes in the area?

The flood protection elevation is the base flood elevation plus two feet.

Are the any safeguards for the cumulative increase in water discharge from subdivisions?

Stormwater detention volume is based on very low release rates, and these release rates are staged so that some restriction is always provided (2 year and 100 year release rates must be controlled as required by the Water Resource Ordinances and the Countywide Stormwater Management Ordinance).

Will existing field tiles become overloaded with discharge from subdivisions?

The Countywide Stormwater Management Ordinance requires that a field tile investigation be performed to analyze the condition and capacity of any existing field tiles. If the outfall drain tile proves to be inadequate, it will be necessary to modify the existing system or construct new systems, which will not impact the existing agricultural use. Existing field tile systems may only be used with extended detention designs.

How will the controlled discharge from stormwater detention be monitored to assure that the adjacent farmland is not negatively impacted creating gullies and saturation?

The Countywide Stormwater Management Ordinance requires that extended detention be provided when a detention basin discharges onto an adjacent agricultural parcel. Additionally, existing agricultural drainage systems (including field tiles) shall be located and evaluated and isolated by the use of inspection wells.

The SWCD has asked why we chosen tree diameter sizes of 2.5 and 2 inches when the have seen trees planted with a smaller caliper size grow faster.

Generally caliper sizes of 2 to 2.5 inches have had the greatest chance to mature. This is a common size for nurseries that often have to assume responsibility if a planting fails. In some cases smaller caliper tree sizes may grow faster based upon species, soil conditions or watering and care patterns. Our ordinance is structured to encourage plantings of caliper size that are available and know to thrive in this area. We encourage

species that are compatible to offer some deviation and try to eliminate specie specific diseases.

With conservation design there is a need for landscaping and screening this will inevitably drive out the costs to develop the property.

There may be instances where additional landscaping is required. Additional landscaping may be necessary to protect natural features such as utilizing native plantings in a bio-swale. If there were no natural features the developers costs for sod may increase. Other factors associated with conservation design may bring down developer costs down.

We need to encourage the use of deep-rooted natural plantings.

The Developer's Handbook will include recommended species for open space plantings.

Previous attempts by developers to utilize conservation design were not sincere. This allowed developers to call land that could not be built upon open space.

The proposed Subdivision Ordinance includes a formula, which allows land that could not be built upon to be included as a portion or a percentage of the open space. For example, a developer would not get full credit for leaving a wetland or floodplain open, but partial credit would be given.

Protection of hydric soils via codification that will limit building.

The recommendations of the Will County Soil Manual are required to be followed.

Initiatives must be made to include more affordable housing.

Will County as a whole is capable of meeting the State of Illinois Guidelines that identify the amount of affordable housing that is necessary to achieve a balanced community. A large amount of affordable housing lies within municipal boundaries and older unincorporated subdivisions such as Fairmont, Ridgewood, Preston Heights, etc.

Affordable housing has generally been achieved through smaller lot sizes and denser dwelling environments. The less area utilized in personal space (lot sizes and house size) the more likely it is affordable housing is achieved. The existing affordable housing areas exist because services such as sewer and water were in place homes were platted. Most of the development that takes place in Will County does not utilize centralized sewer and water; therefore, lot sizes must remain large to locate well and septic fields. Larger lot sizes in turn diminish the opportunity to establish affordable housing.

Staff's definition of affordable housing probably differs from what the development community feels is affordable housing.

Maximum density is too low.

This is one issue that the public hearing process helped bring forward. During the public hearing process staff had an opportunity to reflect upon this comment. I was determined that staff would consider recommending an increase in the density bonus that was allowed. Documentation from other counties shows densities bonuses slightly higher.

Provide an example of the yield plan and formula explaining how they work.
These formulas are outlined in Articles 31 & 32 of the draft ordinance, which is available on-line on this website.

Stakeholder involvement needs to be identified.

One concern that was identified is that involvement with the development community was limited to the public hearing process. Staff was asked to identify any interaction with the development community that occurred prior to Spring of 2008. Attached is a list meetings and a partial list of correspondence that shows the development community was involved with the process prior to the draft being presented at the public hearing.

On **October 27, 2005** an Interested Stakeholder Meeting was held to look at the development of a Draft Subdivision Ordinance. The following members of the development community were signed in:

Rod Yarling (Emeritus Ventures)
Per Loseth (Emeritus Ventures)
Lyman Tieman
Jim Paul (Alps Development)
John Slager
Steve Lenet (Linden/Lenet)
Andrew Blackburn (J.F. New)
Greg Clarke (Clarke Realty)

At the **August 6, 2007** LUPZDC Workshop Meeting the following members of the development community were in attendance:

Tom Joseph (Realtor's Association)
Rod Yarling (Emeritus Ventures)
Mike Ford (Mill Creek Development)

At the **August 27, 2007** LUPZDC Workshop Meeting the following members of the development community were in attendance:

Mike Ford Jr. (Mill Creek Development)
Paul Colgan (Attainable Housing Alliance)
Kevin S. Borgard (Cambridge Homes)
Jim Paul (Alps Development)
Mike Ford (Mill Creek Development)
Rod Yarling (Emeritus Ventures)
Per Loseth (Emeritus Ventures)
Tom Bartlett (Will Grundy Counties HBA)
John Latimer (Will Grundy Counties HBA)
John Knoelk (Will Grundy Counties HBA)

At the **September 17, 2007** LUPZDC Workshop Meeting the following members of the development community were in attendance:

Gregory Clarke (J. Clarke Co.)
Per Loseth (Emeritus Ventures)

John Latimer (Will Grundy Counties HBA)
Rod Yarling (Emeritus Ventures)
Mike Ford (Mill Creek Development)
Matthew Clarke (J.Clarke Co.)
Tom Joseph (Realtor's Association)

Mr. Tom Joseph (Realtor's Association) has been acted as a liaison between Staff and the development community. Between September 17, 2007 and October 8, 2007 eight (8) emails were sent to Staff. Of those eight (8) emails, six (6) required responses from Staff.

Mr. Paul Colgan (Attainable Housing Alliance) was emailed a draft of the ordinance on July 31, 2007

Mr. Kevin Hynes sent three (3) emails to Staff between August 8, 2007 and September 19, 2007. One email required a written response.

Describe how the homeowners' association will be able to manage large amounts of open space.

A long-term management, maintenance, and operation, plan for the open space area will be required at the time the subdivision is platted. The plan shall include a description of funding requirements for the management of the open space.

Natural and cultural resource protection should contain a minimum of designated width of 30 feet.

The Will County Water Resource Ordinances have established a buffer area of 75 feet for wetlands and a 25 foot wide natural vegetation strip for stream corridors.

Wetland buffer size should take in consideration the size and quality of the wetland being protected, the extent of hydric soils, land slope, and wetland flora and fauna.

The wetland buffer size is controlled by the Stream and Wetland Protection Ordinance, which is one of the Water Resource Ordinances for Unincorporated Will County.

Wetland buffers are not controlled by the Will County Subdivision Ordinance.

Definitions need to be expanded.

Staff is in agreement and will make a recommendation to the LUPZDC that definitions are added and modified.

Further exploration.

There was some criticism of Staff that certain concerns raised during the first public were addressed with the term "further exploration is needed." Unfortunately, it is just that. Certain points were raised that have forced Staff, the consultant, and the LUPZDC to look further in detail at the draft. We feel this is positive outcome. The point of the public hearing and draft exercise is to flush issues out. In many cases points were brought up that require more research by Staff. Again, we feel that is point and the

intention of the public hearing process...to listen to, analyze, address public comments and when necessary do further research.