

**MINUTES**  
**WILL COUNTY LAND USE AND DEVELOPMENT COMMITTEE**  
**January 27, 2009**

**Pledge of Allegiance**

Chairman Weigel led the pledge of allegiance.

**Call to Order:**

Chairman Weigel called the meeting to order at 10:37 a.m.

**Members Present at Roll Call:**

Tom Weigel, Sharon May, David Evans, Michael Wisniewski, Katrina Deutsche, Kathleen Konicki and Debbie Rozak (arrived at 10:41).

**Members Absent:**

None

**Staff Present:**

David Dubois, Curt Paddock, Brian Radner, Steve Lazzara, Anita Wesse, and Leigh Kelley.

**State's Attorney Present:**

Melanie Manning

**Others Present:**

See sign in sheet.

**INTRODUCTION OF CONSERVATION DESIGN DRAFT TEXT BY STAFF**

Steve Lazzara opened the meeting and explained that he would be discussing: 1. Conservation design elements. 2. The County's Land Resource Management Plan. 3. Actual changes for the Committee's consideration. A series of workshop meetings have been scheduled in order to discuss the conservation design option. The Subdivision Ordinance was passed without two components: Conservation Design and SSA's (or a funding mechanism).

Curt Paddock explained that the purpose of today's meeting was to bring us back to the point where deliberations left off back in November of 2008. There had been many lengthy discussions and public comment on a text that would have placed a conservation design option into the Subdivision Ordinance. That option represents an alternative route that developers could go through seeking approval for a conservation design subdivision. The language of that option covers a wide variety of points and that is what Steve would be going over.

Mr. Paddock further explained the need to look at the language and the phrasing of particular sections. We also need to listen to the suggestions of the representatives of the public, commerce and industry who have an interest in the resolution of this matter. Another matter in need of resolution is the question of providing some sort of funding backup mechanism in the eventuality that homeowners associations responsible for maintenance and various aspects of subdivisions should they fail, what would be the fall back position for funding continuing maintenance of the various types of subdivision amenities.

Mr. Paddock stated there have been many members of the public and various associations who have been partners with us in discussing this matter up to this point.

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Mr. Paddock explained the schedule was structured in such a way that decisions would not be made today, we will listen, learn and get background perspective so that members of this Committee will feel prepared to make a final recommendation on this matter to the full County Board. Mr. Paddock opened the meeting up to Mr. Lazzara.

Steve Lazzara explained the planning process. Approved by the County Board is the Land Resource Management Plan (LRMP); which sets up guidelines and framework. It is a comprehensive look at how we would like to see the County develop with regard to land use. Staff calls that our big picture, it is a plan, not a tool. Ordinances become tools to make sure the big picture gets implemented.

Mr. Lazzara further explained that within the LRMP there are the following three components:

Policy Gateway – refers to policies, long- term goals of the County.

Forms & Concept Handbook – refers to some of the means to get there.

Open Space Element – refers to the preservation of open space. Conservation design can be used as a method to help preserve open space, especially those open space areas that are very strategic as far as having significant natural features.

Mr. Lazzara stated that within the LMRP there is an actual plan you can look at that essentially outlines where types of land uses would be.

Mr. Lazzara explained that the County is broken down into two segments, one that is more urbanized and one that is less urbanized, it has more land available for development, more land available that we have an opportunity to preserve. There is a lot less municipal structure in that area and give more opportunity to preserve open space.

Mr. Wisniewski asked Mr. Lazzara to explain what a hamlet was and he did.

Development Forms – they go from rural areas being the least intense residential to suburban communities and then there are a handful of special areas such as: interstate access locations, areas of significant growth along interstates, intermodals, the former Joliet arsenal, midwin, south suburban airport.

Use Concepts – these dictate what types of uses would be acceptable in those development forms listed above.

Conservation Design – has significant components that would probably not work in a municipal structure.

Mr. Lazzara explained an overhead slide and stated that within the LMRP is a matrix that identifies the development forms along the top and the use concepts along the side.

Mr. Lazzara stated that with conservation design although the lots may be smaller it provides an opportunity for clustering and preserving natural features and open space.

Mr. Lazzara went over some key components under the Conservation Design option:

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- Cluster housing lots and roadways set aside so a substantial amount of otherwise build-able property is permanently protected as quality open space.
- Protect natural resources such as stream corridors, woodlands, hedgerows and hydric soils.
- Protect historic resources such a historic meadow or farmette.
- Provides passive recreational amenities for resident
- Reduce amount of required streets and utilities
- Improves visual quality of development

Mr. Lazzara explained that conservation design is a series of steps to get a plan in place. The first step is to identify the areas that you want to conserve such as mature woodlands, hydric soils, wetlands, etc. You isolate these first and then locate home sites, then bring the streets in and finally draw the lot lines. Mr. Lazzara stated that with a traditional development the first step would be to grade the property flat, bring in the streets and the houses around it.

An example of conservation design versus a conventional subdivision was shown.

Mr. Lazzara stated the staff's hope is that conservation design will help bring a mechanism into the County so that natural features, things that we deem beautiful and attractive will be able to be utilized by a group and hopefully preserved for generations to come.

Mr. Lazzara explained that the Subdivision Ordinance was passed in December of 2008. Staff created a more logical Subdivision Ordinance that had steps laid out from beginning to end of how development would follow through in the County. Within the ordinance there was a provision for conservation design, this was done because it was recommended in our LMRP that we have a component for conservation design to be put in our ordinance as an option. Having conservation design in our ordinance would have allowed developers to come in, do a conservation design subdivision and not have to follow a true planned unit development tracking; which involves an extra step (Special Use Permit approval) and extra financing on the developers part.

Conservation design was initially looked at and put in the Subdivision Ordinance because of our LMRP to help promote development activity in the County. It was discovered that there was a lot of confusion regarding the conservation design concept so the ordinance was passed without it.

Page 53, Article 30- General Provisions – gives a real quick summary of some of the conservation design principles.

Page 55, Article 31 – Determining Maximum Development Potential – Mr. Lazzara explained that base density is taken from our Zoning Ordinance; which determines the number of lots in a zoning classification.

After the base density is established, a developer must come up with a yield formula or a yield plan.

Anita Wesse explained that a yield formula is a simpler way to determine the number of lots that would be allowed on a particular parcel of land.

Ms. Wesse gave an overview of how the net site area is achieved.

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Page 56, 31-02-C – Determine Number of Dwelling Units Allowed – Ms. Wesse then gave an overview of how the maximum number of dwelling units allowed is achieved.

Mr. Lazzara also reviewed Section 31-02-C and explained that this is a “menu” of things developers could do to increase their density bonus: internal trails, excess open space, community neighborhood pools, etc.

Page 57, 31-03 Yield Plan – Ms. Wesse explained that a formula is something you can sit down with a calculator and calculate, a plan is actually a representation to scale of a conventional development that could be built on a piece of property if convention subdivision design was proposed. It would be a system of roads and lot lines that would create a subdivision that could be built according to the underlying zoning requirements and subdivision requirements as far as roads, lot area, frontage on the lots and stormwater management. The yield plan is a plan that would represent what could be built if it was a conventional subdivision and would require a drawing to scale. A developer could use either the yield formula or yield plan to determine the number of lots that would fit on a parcel.

Page 57, 31-04 Lot Area and Dimensional Standards – Mr. Lazzara explained that some of this may have been lifted and modified from the original ordinance.

Mr. Dubois wanted to note that this section exempts conservation design subdivisions from lot area, lot width, lot coverage and setback requirements, therefore density is the focus not lot size.

Page 59, Article 32 Open Space

Mr. Lazzara explained that within Article 32 there is a series of calculations for determining the minimum open space requirements that staff is going to require and hopefully the County Board will adhere to as the plan before you is reviewed. Steve stated that staff is comfortable with this formula.

Mr. Lazzara stated that Section 32-02 sets up parameters for where open space should be located. Any part of a development that has significant features should be preserved first and foremost and this section sets up some guidelines.

Page 61, 32-03 Special Incentives for Certain Open Space Features – Ms. Wesse explained that this section would give a developer incentives to preserve mature woodlands, BMP’s for stormwater management. Basically what this section says is, if you did have a stand of mature trees you would count 120% of that area toward open space.

32-04 – Limited Credit for Certain Open Space Features – This section gives limited credit for certain open space features.

Mr. Wisniewski asked the definition of a bioretention facility and Ms. Wesse explained it.

Mr. Lazzara stated that this is where today’s meeting would stop and that Mr. Paddock had some closing comments.

Mr. Paddock explained that the Board has approved over the past three to four years various subdivision proposals that did integrate conservation design principles in their approach. This was done out of a desire to offer a unique product to the marketplace and also attempting to express the intentions that were in the plan.

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The difficulty was that under the Subdivision Ordinance at that time as well as the law currently exists there was a lack of specificity about how someone would go about calculating what's going to count as open space. What is going to be the criteria for giving this density bonus? What staff was compelled to do when a conservation design type of subdivision was being proposed was basically to use good judgment about what represented an adequate reflection of the intentions of the plan when we went to determine we were going to approve a particular proposal and recommend it to LUDC. The lack of specificity was confusing to developers, neighbors of the proposed developments and people who conservation advocates. They were concerned that we were just "winging it" and did not have any particular standard and that the standard that we were kind of making up as we went along, in their view, was not adequate. What was missing was codification, specific language in the ordinance, determining what the standards should be, left us in a vague state. Many were unhappy about this approach. Mr. Paddock explained that this is the reason behind putting all of the hard work into coming up with the current proposed set of language.

Mrs. Rozak with regard to 31-02-C, was staff happy with this section and the possible bonuses given to a developer. Mr. Lazzara answered yes staff is happy, more things could be added or there could be an open ended caveat that allows for other things at the staff and County Board's discretion.

Mr. Evans asked about the strikeouts on the document and Mr. Lazzara gave Mr. Evans an overview of how the current proposed document has taken shape.

Mr. Lazzara advised Mrs. Rozak that in Section 31-02-C-6; which refers to other amenities not listed being subject to recommendation from the Will County Chief Subdivision Engineer and require approval from the LUDC for determining recognized bonus.

Mrs. Rozak asked about dog parks versus swimming pools and Mr. Wisniewski asked about an air windmill generator and Mr. Lazzara answered that he believed that would fall under the "other amenities" that could be considered.

Conservation ensued regarding cash donations in lieu of land for the Park Districts. Mr. Dubois explained that there is a contribution ordinance that Will County has adopted that governs unincorporated Will County with regard to park contributions.

Ms. Konicki felt it was important to point out that the bonuses given out are capped and not to exceed 20% (Page 57, 31-02-C-6).

Chairman Weigel asked about a reference to Section 32-01-C and Mr. Lazzara explained that it needed to be removed as the menu under item 6 is what that had been referring to.

Chairman Weigel asked if staff had used any of the proposed calculations on a sample subdivision to see if the formulas work and Ms. Wesse answered yes. They have compared the results of these formulas to other conservation type designs that have been approved by the County over the last six or seven years.

Mrs. Rozak asked if staff had received any comments from the public or the building community and Mr. Lazzara explained that the first step was putting together a time frame and staff had one meeting with two representatives of the building community.

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Mr. Paddock explained that over the past two years there have been numerous occasions for dialogue from individual meetings and public meetings. There was a lengthy list of questions submitted by representatives of the builder's community asking for detailed responses from staff about various provisions. Staff has tried to the best of their ability to respond and have tried to work with the Committee where possible to change the verbiage to reflect some of the concerns raised by the developers, builders and others.

Ms. Konicki asked why we have a minimum open space requirement, why is it important. Mr. Dubois explained that the Land Use Plan has certain recommended minimum ranges for the percentages of open spaces. Staff uses those recommendations when looking at a revised table, we try to balance the Plan recommendations of having a minimum open space requirement with something that's reflective of what has been approved prior and PUDs. This table reflects the intentions of the Plan but also some of what has been previously approved by the County as being acceptable to the elected as well as other interest groups.

Ms. Konicki asked if Mr. Dubois was referring to the minimum open space with regard to all subdivisions not just conservation design and Mr. Dubois answered the PUDs that were conservation design.

Ms. Konicki asked about staff originally proposing a distinction between the suburban form of a conservation design subdivision and the rural form of a conservation design subdivision. Now that distinction is being eliminated and staff is recommending that they all be treated the same, what is the reason for that change?

Mr. Dubois explained that the rational behind that was to simplify the table and that forms are rather subjective. They can change over time, the character of an area can change over time and it was another element of trying to have some known expectation of what the requirement is rather than having to go back and forth and negotiate with a potential developer over what constitutes suburban and what constitutes rural. It was an attempt to eliminate that and to have some known expectation of what is required.

Ms. Konicki asked if the ordinance still recognized a suburban form of conservation design versus a rural form and Mr. Dubois answered the Land Use Plan does.

Conservation ensued regarding the changes currently taking place in the Green Garden Township area.

### **PUBLIC COMMENT**

Mrs. Kim Mitchell of the Will South Cook Soil and Water Conservation District (WSCSWC) stated that she could not speak to the proposed text because it had not been provided to the district and she was not aware of the current updates. Mr. Lazzara explained that the proposed changes have been on the County's website for quite a while and is the same copy that Mrs. Mitchell has had. Mrs. Mitchell stated she had never seen Section 31-02-C. Mr. Lazzara explained that the draft had been on the website since November or December.

Ms. Konicki stated the WSCSWC has been very participatory and if they want to be officially included in our notification process she wants them to be included. Ms. Konicki advised Mrs. Mitchell that no vote would be taken today.

Mr. Lazzara explained to Ms. Konicki that he has had a very open dialogue with the WSCSWC's office and if the document had been changed significantly they would have been sent a new copy.

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Ms. Konicki suggested a letter be sent indicating that changes have been made and are posted on the website and Mr. Wisniewski suggested an email.

Mr. Kevin Hynes representing the Southwest Suburban Home Builders Association. He stated the development community is not against conservation design and appreciate the goals of the LRMP. Mr. Hynes is still trying to get the question answered to what is wrong with the current system? He has reviewed the current proposal and a constant concern from his members is why are we doing this? They believe the current PUD system works, conservation design going through the PUD system. He has heard today that the changes are being proposed to bring some level of specificity to one constituency (the conservation groups).

Mr. Hynes stated if the idea is to encourage conservation design, then it is the developers that need to feel that this proposal is better than what is in place today and they don't see that. He finds the formulas being discussed to be very confusing and problematic. What the County is trying to accomplish is being received, by those who will do conservation design, as actually a step backward. If the County is looking for ways to give incentives to do conservation design, this is not it. The existing PUD process works and why are we doing this other than because it is in the LRMP.

Mr. Lazzara explained conservation design is only an option. It is in our LRMP and perhaps the building community does not feel that is a good enough reason. The LRMP functions as a guidebook for this County and was developed with citizenry in mind along with the promotion of open space. If the County Board finds fault with that the comprehensive plan needs to be revisited. Staff is doing what our comprehensive plan is guiding us to do. The ordinance functions as a tool to help us achieve a plan that the County Board has adopted.

Mr. Paddock stated the LRMP said what needed to be done was take a review of all of our development related ordinances, subdivision and zoning to see whether the County was unintentionally inhibiting the inclusion of conservation design principles into our process for approving subdivisions and also to review our existing body of law in this area to see if there were incentives that could be added. There was a need to remove the disincentives and add incentives. The thought process that went forward from that point with respect to incentives touched on the notion that the vehicle currently being used by the County to integrate conservation design principles into subdivisions had indeed been PUDs but PUDs by their very nature are a negotiation between the developer and the jurisdiction. Negotiations are uncertain in their outcome and tend to be somewhat more time consuming in order to reach a final decision. In evaluating the existing mechanism because it is uncertain in its outcome and takes longer to reach a result it was decided that a having a separate conservation design option would be a "fast track" approach for the type of development that the County Board by it's adopted plan had said that they wanted to promote. If the motivation was to come up with something more appealing to developers and promote their use of conservation design, and they are telling us "this isn't it" then it is something that need to be listened to. Without their initiation of a development proposal we are not going to get the type of development that we say we want.

Ms. Konicki stated it is fairly clear that the development community finds the formulas confusing. She suggested a session to observe the calculations being run would help this to be better received. Ms. Konicki stated that we are not taking away the current vehicle. We would like to bring a different mechanism to the broader marketplace. If we bring the product to the market and the market does not respond, and if it not liked then revisit it. We should not pull the plug on this tremendous opportunity for our County.

Tom Bartlett – The Government Affairs Co-Chair for the Southwest Suburban Homebuilders Association and Will & Grundy Counties Homebuilders and Associates.

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Mr. Bartlett stated he is not so much confused with the formulas but what is confusing is how the County can say it wants to give incentives to the development community with the proposed document but the word deduction is seen so many times and deductions are not incentives.

The development community wants to be able to offer every type of product and do not feel the proposed document gives the proper incentives to promote conservation design developments.

Mr. Bartlett brought up utilizing open spaces by a group but that are open to the public. He asked who would carry the burden of paying for any damage or misuse.

Mr. Lazzara stated that there is definition in the ordinance of what is truly public and what is not.

Mr. Bartlett stated that PUDs have been so viable because one size does not fit all. There are so many variables and staff is trying to put a formula on something when each individual piece is uniquely different.

Mr. Bartlett asked about the deductions for right-of-way and wetland buffers, how is that an incentive?

Mr. Bartlett referenced Page 56, 31-02-C – d. - “Affordable Housing Planning and Appeal Act (310 ILCS 67/)” where does this appear in any other language?

Mr. Bartlett asked what the definition of mature trees was, is it fifty (50) years, what if they are all scrubs and invasive?

Chairman Weigel advised everyone present that if they had any questions or comments to submit their concerns in writing.

Rod Yarling (a developer) asked Ms. Wesse how many conservation subdivisions had been approved to date and she answered six or seven. Mr. Yarling explained that he developed one of those subdivisions. He stated that you just cannot make the numbers work on a conservation subdivision with the kind of market shift that we have now. Mr. Yarling stated there would not be another conservation subdivision done any time in the near future unless the density is such that the numbers work.

Tom Joseph (representing the Three Rivers Association of Realtors and the Illinois Association of Realtors) stated there were two public hearings held on these general topics. The Realtors Associations have not objected to a subdivision ordinance re-write or a conservation design outline, but have had some concerns within the outline that is being proposed and have expressed them for the record. The Realtors Association does support the Home Builders in the context of making sure that the PUD outline and/or anything else going forward is do-able. Mr. Joseph encouraged the Committee to pay careful attention to whatever they do adopt because if the stake-holders, the home builders, are not comfortable with what may be proposed, it would cause issues as far as future development goes. The density ratio is an issue, it was stated today that the density ratio would stay the same but there would be more open space, just does not click in that context. That kind of formula mind-set is not going to bring it together on this end. Mr. Joseph explained that if the demand is going to be for more open space, during the County Board discussions that adopted the Subdivision Ordinance re-write it was suggested by a few County Board members that somewhere the County has a responsibility in this. Mr. Joseph stated he applauded the process and would continue to work with staff and thanked the Home Builders Association for addressing the above-mentioned topics so specifically.

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Kate Bliss (U.S. Army Corps of Engineers) explained that she has looked at hundreds of subdivision engineering plans throughout the last five and one-half years. She currently is working in McHenry County. They passed a Conservation Zoning Ordinance in February 2008. Six projects have been approved under that ordinance. When McHenry County was in the process of adopting this ordinance the Northeastern Illinois Homebuilders Association had the same concerns that are being discussed today they don't like this or that, it's too confusing and going to cut into their profits and nothing would ever be built under it. There are projects coming in under it and hundreds and thousands of dollars are being spent on engineering and permitting, so it does work and make economic sense. She commended staff for putting this ordinance together. It may need some tweaking and some clarification but is definitely a step in the right direction in the protection of ground water, natural resources and stream quality. Streams are severely degraded in the northern portion of Will County and much higher quality in the southern portion of Will County where there is less development. Development has a deleterious effect on water quality. If we change around a few things and take a different perspective and look at it, we can build livable, walk-able communities with trails and a lot of natural resources and beautiful homes. It is a balancing act that can satisfy both requirements.

Ms. Bliss stated that what she hears often from the development community is to make things consistent and predictable. They want to be able to come into the Land Use office with a plan that staff would like and gave the following suggestions for the proposed document:

1. Page 53 – 30-01 - A. The third sentence of the first paragraph contains a lot about water quality but recommended a stormwater best management practice hierarchy it would be very important to include. The more specific you are the better.
2. Page 53 – 30-02 – B. Including wetlands, prairie or any high quality areas would be very important. Definitions are needed for these at the end of this document. Mr. Lazzara explained that definitions are included at the end of this document.

Ms. Bliss stated she agreed the calculations were a little confusing. With the McHenry County Conservation Ordinance they just asked how many units could be yielded from a conventional subdivision and that is how many you could yield in a conservation design subdivision. She suggested taking some things out so that it is more predictable and easy to understand.

Ms. Bliss stated density bonuses should not be flexible at all. Stick with the numbers in the document.

Ms. Bliss encouraged a six-month review of this document, after hearing from the development community and conservation groups.

3. Page 56 – 31-02-C –6. a. – The first sentence is a wonderful thing but needs to be more specific. Does this refer to paved trails or can a developer just put a trail easement in, this needs clarification.
4. Page 60 – 32-02-B – 4. Golf courses are included in open spaces but they are private you have to pay to get in and there are so many pesticides, herbicides and run-off from them. She suggested reconsidering if they are actually open spaces.
5. Page 61 – 32-03 – A. The first sentence regarding mature woodlands needs to be more specific and recommended having a floristic quality assessment and anything that has a value of twenty (20) or above

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6. could be turned into areas that should be protected. A tree survey should also be required for all of the woodlands on the property.
7. Page 61 – 32-04 Limited Credit for Certain Open Space Features (A, B, C, D, E, F & G)– Ms. Bliss recommended it read “no more than 75% or no more than 50% of the required open space may be the following”. You now have predictability.

Ms. Bliss recommended a natural resource inventory be the first part of any application. This would show what we are dealing with.

Ms. Bliss explained that McHenry County had themes for their conservation design subdivisions: Groundwater recharge, woodland stewardship, water quality protection, native landscape restoration, wildlife habitat and archeological or historical preservation. The clearer you are on your goals and the ideas that are behind it the better the development. People would be on the same page.

Ms. Bliss stated conservation design developments have the advantage of being a very powerful marketing tool for homebuilders.

Ms. Bliss stated this is a work in progress and believed a six- month review would be crucial.

Ms. Bliss recommended a FAQ for any developers, engineers or consultants to accompany this so if they have questions they can look at it.

Ms. Bliss also recommended a workshop with people who know conservation design like the back of their hand and are very well versed. This ordinance does not have to be just like McHenry Counties, we could pick and chose the things that feel right for our community.

Ms. Bliss offered to bring in some conservation design subdivisions to show what they look like in northeastern Illinois. This would show what they are approving and what they look like.

Ms. Bliss asked staff how many PUDs are approved each year and Ms. Wesse answered approximately six.

Ms. Bliss asked if they generally are approved because the landowner wanted to set aside some open space amenities, what is the reason they go through the PUD process and Ms. Wesse explained conservation design must go through the PUD process.

Ms. Bliss stated she has heard from a lot of developers that they are unpredictable.

Ms. Bliss stated one of the strengths of the proposed ordinance is that it is voluntary, if the developer does not want to follow this ordinance he can do the conventional ordinance or go through the PUD process. It is great that Will County is giving these options.

Mr. Joseph stated it is very important for LUDC members to understand that the McHenry County Conservation Design Ordinance that was passed a year ago is currently being revised.

Mrs. Mitchell thanked the Land Use Department for the work they have done for the Conservation Design Ordinance and she does support it. It is a good document. We need to build up this ordinance at workshops not

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tear it down. The environment needs to be taken into consideration. We have flooding issues in Will County and this is small baby step toward looking at some of these concerns.

Mr. Evans asked for clarification regarding the approximately six conservation design subdivisions that had been constructed over the last six or seven years and last year there were about six PUDs?

Mr. Paddock explained that the term conservation design subdivision was not in the old subdivision ordinance. So if the question were how many platted subdivisions were there that could be said, integrated a substantial degree of conservation design principles, that is the question Ms. Wesse is responding to.

Mr. Paddock stated if Mr. Evans were asking how many subdivisions of all types over a five year period were approved the number would be larger since there were many "conventional" subdivisions that did not have to any significant degree, integration of so called conservation design principles into the way they were configured.

Mr. Evans then asked how many conventional subdivisions were approved last year and Ms. Wesse answered maybe three or four.

Mr. Evans also asked if this was optional and staff answered yes.

Mrs. Rozak asked Ms. Bliss if the themes were mandatory and she answered yes in McHenry County they are mandatory.

Mrs. Rozak referred to the things listed to be subtracted, do we currently subtract for all of those things and Ms. Wesse answered that typically the developer prepares a yield plan since there is not a mechanism in our ordinance now that tells them how to figure out what the density of a property would be. What staff has done to make some reason of it is to prepare a yield plan of what could be put on that piece of property and floodplains, wetlands and buffers are respected.

Ms. Wesse explained that the conservation design option gives the developer another method. Sometimes it is cumbersome and expensive to have a yield plan prepared, this way we just have a set of calculations. We can remove all of the protected areas and divide by the underlying zoning.

Mr. Dubois stated it is important to note even though in the past we have used a yield plan process. That process is not defined in the Zoning Ordinance or the Subdivision Ordinance and has been a point of contention in the past as to what is the basis for density and part of this process to try to codify to have predictability to the process.

Mrs. Rozak asked Mr. Yarling if he had done his own calculations to see if there is a major difference between the PUD process and conservation design and Mr. Yarling answered that what has changed is that most of the conservation design subdivisions that have been done have been in Green Garden Township; which is a high-end area. The lots and homes built are very expensive and that market no longer exists. The market has changed. Mr. Yarling explained that he has a piece of property that was purchased for a very good price but they cannot make the number right with the density that is provided under the proposed document. Mr. Yarling stated people in Green Garden don't want density. Mr. Yarling does not believe conservation design subdivisions will be developed in Will County until the density gets to the place where the numbers work.

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Ms. Bliss asked Mr. Yarling if the numbers would work if it there were the same density as a conventional subdivision because conservation developments are supposed to be density neutral unless there are exceptional amenities that are being provided.

Mr. Yarling asked Ms. Bliss why should conservation developments be density neutral and Ms. Bliss answered the idea behind it is that the same number of lots that you would get in a conventional subdivision you should also get in a conservation development.

Mr. Bartlett asked Ms. Bliss about all of the deductions listed in the proposed document and Ms. Bliss asked if Mr. Bartlett was referring to the deductions for right-of-ways. Mr. Bartlett answered no for buffers and Ms. Bliss answered that buffer areas are already required.

Mr. Dubois stated with regard to density you need to separate the density issue from conservation design. The underlying zoning district that the County Board feels is appropriate for that area determines base density.

Steve Lazzara stated the next step is to let the LUDC members review this document and direct staff at the next LUDC meeting. Mr. Lazzara explained that this document would probably be brought up at one more LUDC meeting and then we would move on to SSAs. A public hearing will be scheduled, noticed and published after the Committee has approved a public hearing draft.

Mr. Wisniewski thanked the staff for all of their hard work.

Ms. Konicki referenced Mr. Bartlett's comments about all of the deductions and stated that what is being deducted in a conservation design subdivision would also be deducted under normal density calculations. She does not think it is clear and it would be helpful if at the next LUDC meeting the list of deductions under conservation design were reviewed and to identify which of those deductions are deducted all of the time through conventional design anyhow. They are not actually additional deductions just simply a clarification of current practice under a standard design, we are not lowering the development community's density yield under the conservation design from what is would be lowered, and has always been lowered under a conventional subdivision. This needs to be made clear.

Chairman Weigel asked staff to incorporate the comments heard today and put them into the next draft and have it ready for the next LUDC meeting.

Hearing no further discussion, Chairman Weigel called for a motion.

**David Evans made a motion to adjourn the meeting; seconded by Debbie Rozak.**

**ALL IN FAVOR**

**MOTION CARRIED (7-0)**

The meeting adjourned at 12:37 p.m.