

Attendees:

Brad Leibov, LPF (Chair)
Aaron Lawlor, Lake County (Co-Chair)
George Ranney, BRAC
Lenore Beyer-Clow, Openlands
Dave Brown Vernon Hills
Dave Lothspeich, Long Grove
Matt Dabrowski, Lakemoor
Linda Soto, Hainesville
Daniel MacGillis, Round Lake
Steve Shields, Round Lake
Mike Talbett, Kildeer
Jim Anderson, LCFPD
Mike Warner, LCSMC
Dawn Abernathy, Mundelein
Jason Navota, CMAP
Daniel Grove, Lakota
Geoff Deigan, WRD
Jay Womack, WRD

Meeting Minutes

- Motion made by Mike Talbett to approve, seconded by Dawn Abernathy. Motion passed.

Introductions

Brad Leibov and Aaron Lawlor –opening comments regarding County referenda in support of conservation as well as for Route 53, and this process is an attempt to achieve both of those goals and others for Lake County and its residents

Presentation – *Daniel Grove*

Discussion on High Priority Woodlands

- Question if the mitigation ratio for woodlands would apply to the 655 acres identified? If a community wants to develop woodlands, would that decision have to go to a board external to the community for approval? Why are any additional requirements needed other than what communities already have?
 - Grove indicated the idea is to preserve ecosystems, not just individual trees. There would be no external body that would need to approve the development.
- Question if the suggestion is for an enhanced ordinance to protect woodlands that all municipalities would be asked to adopt and implement themselves.
 - Chair Leibov indicated that was correct – no new approval authority is envisioned, and municipalities would adopt and implement on their own.
- Question that because most municipalities don't have expertise to identify ecosystems themselves, so would this require hiring a contractor to do so? Would there be clearly defined requirements to compare to?
 - Grove: first this group should decide if these woodland areas are important. Then, the ordinance could identify characteristics and what an arborist would look for, e.g., ground vegetation, tree species, etc. to determine what is there

- Co-Chair Lawlor suggested that perhaps some ordinance language could be brought to the working group to review
- Comment that area replacement ratios would not be acceptable without some consideration for quality, e.g., the tree species present. Would impacts of the road construction to woodlands be counted as well?
 - Co-Chair Lawlor indicated that the Tollway has its own process and standards
- Comment that it is important to have standards in place so that impacts are understood and accounted for. Tollway needs to understand where these resources are, and all stakeholders need info about where to spend the \$81M ERSF. That is the consultant's job, to identify where the important resources are, an inventory.
- Comment that WG may be overstepping an important distinction here. If certain municipalities were to adopt the model ordinance, they may have to force a developer to go outside of the village to mitigate, due to limited open land. This would be difficult for municipalities to swallow because it conflicts with business as usual, and municipalities are typically not comfortable with that. The \$81m won't go very far, and the ambitious preservation goals far outstrip the realities of spending the \$81m.
 - Chair Leibov: we are getting down to case-by-case examples and scenarios and starting to see how the suggested preservation/mitigation standards may apply.
- Comment that it is hard to know whether the suggestions can be supported without seeing the details
 - Chair Leibov indicated that no one is asking for approval of an approach without details
- Suggestion that the model ordinance framework would be a good strategy
- Comment that sharing information about important areas paired with a funding source gives municipalities the data and resources to preserve these areas.

Discussion on Remaining Woodlands

- Chair Leibov asked if the consultant team has reviewed municipal tree ordinances within the Corridor?
- Grove answered that they have at a high level but not in detail
- Question if the countywide WDO be amended to include woodland preservation?
 - Response that because SMC's mandate is clearly focused on stormwater and not land use, a clear nexus between resource protection and stormwater management would be required. Municipalities and counties have broader latitude to establish / adopt a variety of protective ordinances. This process is not the proper vehicle for suggesting new WDO requirements.
- Comment that a level playing field across the county is desirable, so that communities with more strict woodlands requirements aren't viewed as undesirable for development, giving communities outside of the corridor an advantage for attracting development.
- Co-Chair Lawlor suggested that actual language for the committee to review be provided as a logical next step.
- Chair Leibov: ERSF recommendations were general, but land use process informs the level of detail needed to identify priorities. \$81M provides some incentive to think differently in how we develop, to innovate.
- Comment that at beginning of process the assumption was that the Finance Committee and Land Use Committee would be more aligned, that the LUC was simply supposed to inform the Sustainable Transportation Fund strategy of the Finance Committee, and address unintended consequences of the road, and that the focus now seems to have expanded beyond that understanding.
 - Co-Chair Lawlor commented that the work of the Land Use Committee is in line with the intent of the BRAC, and intended to address impacts of land use change in the corridor.
 - Response that the ability to develop commercially is critical, and anything that impedes that is problematic for his community.
 - Grove responded that the market analysis showed that the market potential and OSNR goals could both be accommodated in the Corridor.

Discussion on Waterbody and Stream Buffers

- Co-Chair Lawlor requested a focus on the 100' buffer and water quality – it would be helpful to understand incremental benefit and cost of wider buffers to determine if benefit is worth the cost

- Question if there are legal implications? Are the 300' buffer requirements approaching a takings for some properties?
 - Grove responded that the Corridor was visually reviewed to identify locations where stream buffers may impact properties. Suggestion that this could be further reviewed in one-on-one sessions with individual municipalities.
- Co-Chair Lawlor asked for a better understanding of how the SMC arrived at 30' to 50' buffers.
 - Response that a lot of research (MN and U of I) and 6 months of debate by a technical committee resulted in buffer widths that were set by optimized benefit of additional width in terms of sediment removal
- Question if a solution could be to work with municipalities to create wetland banks within the 100' buffer, which would provide revenue for municipalities and offset any economic impact?
- Suggestion that the language "may elect to" could be added into the buffer section so that it is permissive/voluntary and not prescriptive
 - Grove indicated that a language change as suggested would move the 300' buffers from Core to Opportunity landscapes, and asked if this is what the WG would like to see?
- Suggestion that the creation of buffers wider than what is currently required could be incentivized via additional development allowances on a parcel or other mechanisms.
- Question raised why, if the WDO requires 30', 50' and 100' buffers, are wider buffers being suggested?
 - Grove responded that the 300' width is shown to support habitat more than benefit water quality
- Preference indicated for 100' buffers for water quality; and perhaps the 300' buffer goes into opportunity area for habitat connections
- Question what species are 300' corridors for?
 - Grove: generally for all species, not individual species
- Comment that goals are laudable and shouldn't be applied only to corridor, but county wide. Otherwise an un-level playing field is being created.
 - Grove indicated the original goal was to attempt to address impacts of growth due to the road and additional development pressure created by the road
 - Comment that the study area boundaries created were arbitrary
 - Grove indicated that the market study identified science behind the boundary distance and that it is not completely arbitrary
- Request for clarification if the SMC does require 100' buffers in some locations.
 - Response that 100' stream buffers are required for high quality streams in the WDO
- Chair Leibov suggested that going from 50' to 100' buffers would need a cost-benefit analysis; consider 300' buffers as opportunity areas
- Co-Chair Lawlor suggested providing a better understanding where that 100' buffer applies, and give municipalities a chance to enact wider buffers on their own
- Concern that additional restrictions will drive development away
 - Response that the road is itself an attractor for development

Discussion of the Combined / Overlapped Resources Table

- Question on why there is an "N/A" in the protected column for the waterbody and stream buffer and how much of this buffer is already accommodated by existing WDO requirements?
 - Grove responded that approximately 300 acres are "protected" via other regulations. Also that the reason there is not a number is that the potential waterbody and stream buffer was specifically for undeveloped areas, so protected lands that would never be developed were not included.

General Discussion

- Suggestion that "stakeholders" on slide 2 should include regulatory agencies

- Comment that in their municipality that has a tree preservation ordinance, there is one 9.5 acre site where a developer would have had to pay the Village over \$600,000 to conform to ordinance. The Village worked out a viable solution with the developer, which speaks to the importance of local controls. Additionally, Corridor wide, the 2,000 acres of woodland mitigation could result in approximately \$140million in impact based on the costs identified in the previous case.

Public Comment

- Erika Frable, Village Engineer, Hawthorn Woods
 - Comment from previous WG meeting was not captured in minutes and requested they be recognized:
 - Comment was that the 300' stream buffer is excessive and that the SMC regulations are already conservative and more than requirements in other Counties.
 - Also requested that the meeting summary reflect her name and position as Village Engineer, not just a representative of Hawthorn Woods.
 - Asked the WG if the intent of the Core Landscapes is that of a set of regulations that the whole group agrees to and is applied to the entire Corridor, and does everyone agree to those?
- Donna Lobaito, Chief Administrative Officer, Hawthorn Woods
 - Requested Daniel Grove identify which properties the stream buffers would impact the most. What about properties further north?
 - Grove: Most are in the southern portion of the Corridor, further north there are greater opportunities to get creative with development and land use planning due to larger parcels.
- Pam Newton, Chief Operating Officer, Hawthorn Woods
 - Concern: some suggested requirements are counterproductive to economic development; the road has unbalanced costs and benefits to different communities, very costly to Hawthorn Woods without much benefit; development would be driven elsewhere.
 - Identified concern that even on Park District properties, regulations to protect natural resources could impact those organizations ability to create facilities, expand parking areas, or make other improvements.
- Pete Olson, LC Building & Construction Trades Council: Indicated support for this collaborative effort; environmental resources will be better off after this process than before
- Marty Buehler, Lake County Transportation Alliance: Congratulated group on time, effort, and progress; indicated his organization supports the process to promote economic development and environmental stewardship.
- Tim Marabella Lake County Contractors Association: Complimented the process as a great, transparent effort to protect resources. Encouraged group to keep up the good work.

Discussion of next steps

- Co-Chair Lawlor suggested that this working group may have to meet again and the Land Use Committee meeting scheduled for the following week may need to be postponed; WG Chairs will get back to them on the next working group and timing of the next Land Use Committee meeting

Motion to adjourn

- Motion made by Jim Anderson, seconded by Mike Talbett. Motion passed.

Note: This summary represent Lakota's understanding and interpretation of the issues discussed at that meeting regarding the project. If there are any edits or discrepancies in how the meeting discussion is presented, please provide them to The Lakota Group for inclusion in the final meeting summary.