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December 6, 2023

City of Woodstock Plan Commission
Woodstock City Hall
Calhoun Street
Woodstock, Illinois 60098

Re: **Lennar – “Riverwoods” Proposed Development**
NRI Report: “Severe Build Restrictions,” Hydric Soil, and SARA Concerns

Dear Plan Commission Members:

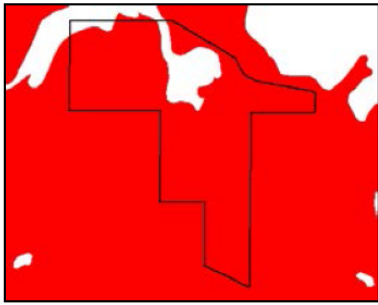
My name is Gunnar Gitlin and I live at 10710 Lucas Road, Woodstock, with my wife, Leslie Kvistad.

I was born and raised here, attended Woodstock schools, and lived here—more or less—my entire life. I am a lawyer in town, having my office, The Gitlin Law Firm, on Calhoun Street. For almost all of my life I have lived in the City limits.

I am writing regarding the Lennar “Riverwoods” development that is proposed east of Doty Road and north of Lucas Road. There are countless aspects of this proposed development that I would urge are contrary to the City of Woodstock’s Comprehensive Plan of 2008. The quote from that Plan at page one bears noting, “He who fails to plan, plans to fail. To be prepared is half the victory.” Miguel De Cervantes.

NRI Report “Severe Building Restrictions.” To be properly prepared to consider this proposed development, one needs to read the Natural Resource Information (NRI) Report by McHenry County Soil and Water Conservation District, Report No. 23-061-4521 (August 1, 2023) (Official Report). The focus of this letter will be on the “severe limitations” for basements and slabs on 88.5% of the acreage on the overall acreage that is proposed by this development. It is noteworthy that when the developer came before the Woodstock Plan Commission in January 2022 for Concept Review, no such report was available. Then the plan was “merely” for single-family lots—without the added 74 townhouses along Lucas Road.

The August 2023 Executive Summary of the NRI Report states:



Basement Limitations

The NRCS Soils Survey indicates 118.32 acres or 88.47% of this parcel is composed of soils with a severe limitation for basements (red areas on map) and for slabs, due to water related limitations. The applicant indicated that the proposed dwellings would have basements. This can present problems for future property owners such as cracked foundations, wet basements, lowered structural integrity and high maintenance costs associated with these

problems. It is recommended that the structures have crawl spaces instead of

One can readily see that virtually the entire acreage is in red. Despite the recommendation of the NRI Report, the developer proposes building partial basements on the 246 single-family houses within this high-density development. Yet although the Official Report recommended in favor of crawl spaces rather than basements, what is remarkable about the Report is same percentage identified “severe limitations” for *both* basements and slabs.

Page 17 of the NRI Report discusses “Building Limitations.” After all, it would seem that the most important aspect of any high-density development would be to ensure that one builds on suitable soil. The Report warns:

Building on Poorly Suited or Unsuitable Soils: Can present problems to future property owners such as cracked foundations, wet basements, lowered structural integrity and high maintenance costs associated with these problems. The staff of McHenry County SWCD strongly urges scrutiny by the plat reviewers to avoid granting parcels with these soils exclusively.

The Report then contains a chart that illustrates the building limitations as “severe” for both slabs and basements.

Building Limitations

Symbol	Slabs	Basements	Acres	Percent
103A	Severe	Severe	9.62	7.19%
219A	Severe	Severe	6.92	5.18%
232A	Severe	Severe	6.73	5.03%
298B	Severe	Severe	11.86	8.87%
323D2	Moderate	Moderate	5.35	4.00%
327B	Moderate	Slight	0.01	0.01%
330A	Severe	Severe	1.09	0.82%
523A	Severe	Severe	21.59	16.14%
526A	Severe	Severe	3.32	2.48%
530B	Severe	Severe	14.23	10.64%
530C2	Severe	Severe	1.59	1.19%
530C3	Severe	Severe	10.56	7.90%
557A	Severe	Severe	30.81	23.04%
791A	Moderate	Moderate	10.06	7.52%
Total Severe for Slabs			118.32	88.47%
Total Severe for Basements			118.32	88.47%

The undersigned does not have expertise in soil and water. Yet the plain language of the NRI report is clear. 88.47% of the acreage presents “severe building limitations” for basements and slabs. Given that nearly 90% of the overall acreage has this degree of limitation, common sense indicates that it would be impossible for the developer to responsibly place the 246 single-family houses or the 74 townhomes on this soil.

The above quoted Executive Summary of the NRI report provides warnings. The Report first recites the applicable percentages of “severe limitations.” The Report follows this by stating that, nevertheless, “the applicant indicated that the proposed dwellings would have basements.” The Report next warns that this, “can present problems for property owners such as cracked foundations, wet basements, lowered structural integrity and high maintenance cost associated with these problems.”

Nevertheless, the developer may flout these red-flags—continuing to insist that all 246 houses have partial basements. Because of this, the undersigned sought to determine how this NRI Report compared to other similar Reports in McHenry County for the past 20 years. McHenry-Lake County Soil & Water Conservation District as a matter of document retention policy only keeps official reports going back 8 years and the reports are only deemed valid for 5 years since the date of issuance. Therefore, the undersigned was not able to determine whether the red-flags in the current August 2023 Report were also contained within the Report that would have been completed nearly 20 years ago for the subject property.

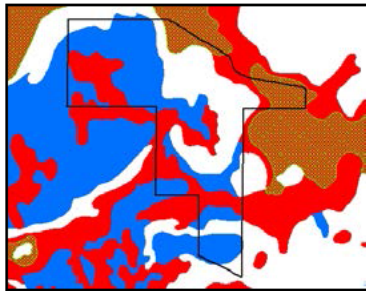
Therefore, the undersigned obtained through a FOIA request to McHenry County Soil and Water Conservation District all NRI Reports involving rezoning or annexation *applications* within McHenry County within the past 8 years. This request was further narrowed to only obtaining parcels of over 8 acres where there was a requested change to estate or residential zoning. In this way we can best be presented with an apples-to-apples comparison and determine whether any other application serves as a warning for building homes on the acreage.

A spreadsheet that contains the results of all of those NRI Reports is enclosed. What we can see from the summary of the NRI reports is that not one proposed development or rezoning application comes close to containing “severe restrictions” for building both basements and slabs noted within the subject Report. Of the dozen other properties that fit within these criteria, there were *three* properties that had severe limitations noted for basements. But there was not one other NRI Report involving any other application in McHenry County over the past 8 years that contained more than 36.4% “severe restrictions” for slabs. The second highest of the 12 reports had 21% severe limitations for slabs, while the only other report with significant “severe limitations” for basements had only 5.49% severe limitations noted for slabs. Logically, developers for the other proposed zoning changes could have built houses on slabs without creating any “severe building limitation” noted within the respective NRI reports.

What is clear from a complete reading of the four corners of the complete NRI Reports is that this subject property stands by itself. There is not one other proposed rezoning or annexation for the past 8 years that has raised nearly as many red-flags for building problems compared to the subject real estate.

Hydric Soil. Also part of the analysis within the attached spreadsheet is a discussion of the percentage of hydric soil. What we see is that the percentage of hydric soil is reflective of soil that contains building limitations. This makes sense. The NRI Report at p. 38 defines this soil type as, “saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part.” Anaerobic simply means low oxygen because the soil contains too much water. More simply stated the soil will have been saturated with water, either seasonally or year round.

The NRI Executive Summary states:



Hydric Soils

The NRCS Soil Survey identifies 39.04 acres or 29.19% of the parcel as containing hydric soils (identified in red), 9.62 acres or 7.19% as containing organic soils (identified with hatching), and 52.91 acres or 39.56% as containing somewhat poorly drained soils (identified in blue). We recommend avoiding all organic soils and hydric soils, as they can cause future problems to homeowners.

When comparing the 12 other applications for rezoning, there was only one property that involved a comparable percentage of hydric soils, that is, 32.04 percent of the overall acreage was deemed hydric. It is not coincidental that this property also had severe building restrictions for basements, but interestingly far lower restrictions for slabs. The next highest percentage of hydric soils were 12.48% and 5.49%. All others had zero hydric soils.

Once again, the subject property had 29.19% hydric soils and an additional 7.19% organic soil. This later soil type simply cannot be built on per the NRI Report. Thus the report states at p. 34:

All hydric soils range from poorly suited to unsuitable for building. One group of the hydric soils, are the organic soils, which formed from dead organic material. Organic soils are unsuitable for building because of not only the high water table, but also their subsidence problems.

The Report warns, “If the site does include these hydric soils and development occurs, thus raising the concerns of the loss of water storage in these soils and the potential for increased flooding in the area.”

It also makes sense that we would have this percentage of hydric soils on this land within the subject property that abuts the Kishwaukee River.

Sensitive Aquifer Recharge Area. The minutes of the January 2022 Plan Commission Meeting involving the Concept Review stated:

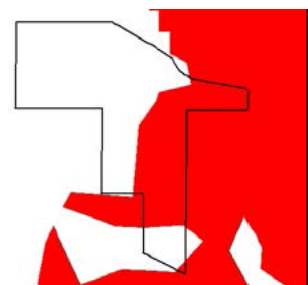
Noting County maps have identified a sensitive aquifer recharge area included in part of this area, Councilman Horrell asked that when they get into the design this be kept in mind and addressed. Mr. Murphy stated this will be explored further.

Yet rather than work with or around this this area, another challenge presented by this proposed development is that 42 acres would indeed be on a Sensitive Aquifer Recharge Area. This includes the acreage where the developer would locate 74 duplexes as can be seen by overlaying the proposed development with the location identified by the NRI Report.

The NRI Report states at p. 9:

Because McHenry County is 100% reliant on groundwater and has been experiencing groundwater quantity/quality issues, the county board in 1995 authorized a groundwater investigation/report titled “County of McHenry Groundwater Resources Management Plan”. Many facts in that report startled decision makers. For example, the report found that in 2000, one township was withdrawing groundwater at unsustainable rates and by 2030 if status-quo, three townships would be doing the same and that three other townships would be approaching that un-sustainability. In 2007, the County Board hired a full time Water Resources Manager and authorized the creation of the McHenry County Groundwater Task Force. The Recharge Subcommittee of the Groundwater Task Force was charged with identifying areas within the county that could be considered to have high potential for recharge of shallow groundwater and develop recommendations for protecting those areas in terms of both quantity and quality.

The Report identifies the areas deemed Sensitive Aquifer Recharge Areas within the proposed development by depicting them in red. As stated within the Executive Summary:



Sensitive Aquifer Recharge Areas (Includes the soil profile and underlying geology).
The Sensitive Aquifer Recharge Map indicates 41.88 acres of the parcel is within an area designated as Sensitive Aquifer Recharge (red areas on map).

Note that *all* the property that is downhill from the proposed development to the east is area deemed as a Sensitive Aquifer Recharge Area. That includes the area where the undersigned lives. The danger is both contamination area wells as well as dangers to the local and overall water supply for McHenry County—as well as Woodstock—as noted within the Official Report.

Conclusion.

The developer proposes three things: (1) Amending the Official Comprehensive Plan Land Use Map to designate the subject property “Neighborhood Development” instead of Resource Conservation and Resource Conservation Corridor; (2) Approval of a Zoning Map Amendment from R1B (City of Woodstock) and A1 (McHenry County) to R3 Single-Family Attached Residential District; and (3) Approval of a Special Use Permit for this high-density development to allow 320 single-family detached and duplex homesites on 282 lots.

I urge that based on the “severe building limitations” contained in the NRI Report should be disqualifying for all three purposes. The City of Woodstock Official Comprehensive Plan Land Use Map properly had this property designated for Resource Conversation. It makes no sense to develop on land that will present a host of problems for future buyers. These problems cannot be

ameliorated—simply because of the percentage of the soil has “severe” building restrictions. Common sense tells one that the percentage of hydric soils on the subject property is directly related to the problems with building on this property. The third reason that I urge that the Developer’s applications should be denied is the Sensitive Aquifer Recharge Area within the subject area.

Woodstock will have high-quality future developments that will not present a plethora of already identified problems for future potential buyers as well as the water quality and quantity in the immediate area and more largely for the City of Woodstock.

Thank you for your attention and consideration.

Very truly yours,

A handwritten signature in blue ink, appearing to read "G. Gitlin", with a stylized flourish at the end.

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Soil / Water "Severe" Building Limitations McHenry County for Basements

<u>Report No.</u>	<u>Date</u>	<u>Location</u>	<u>Change</u>	<u>Total Acres</u>	<u>Acres Severe</u>	<u>Total Serve Building Limitations*</u>	<u>Moderate Basements</u>	<u>Hydric %</u>	<u>Flood-plane Acres</u>	<u>Comment</u>
15-065-3981	11/17/2015	North side of Rt. 20, w. of intersection of 20 / Meyer Rd	Annexation to Marengo	8.25	0	0.00%	0	0.00%	0	
15-040-3956	7/7/2015	SW of the intersection of Crystal Lake Ave. and Oak Hollow Road	R-3A Subdivision	20.693	0	0.00%	0.4898	0.00%	0	
16-045-4038	9/7/2016	N of the intersection of Church Rd and Henning Dr.	E-1 to R-1 PD	92.7		36.40%	4.33%	32.04%		Zero SARA
18-010-4116	3/7/2018	Undefined, 04-26-302-004	A-1 to E-5	14.22	0	0.00%	22.49	0.00%	0	
18-037-4143	6/6/2018	E. side of Queen Anne and S. side of Charles 2411 Country Club Rd,	A-1 to E-5	10.3	2.49	24.25%	0	0.00%	0	Slight basements 76%
19-014-4216	5/9/2019	Woodstock NW intersection of Terra Cotta and Valley	A-1 to E-5	39.64	0	0.00%	0.53	0.00%	0	
21-010-4332	4/7/2021	View Rds. S. side of River Rd, w. of intersection of	E-1 to R-1	91.82	15.16	15.94%	Most	0.00%	0	
21-021-4343	5/19/2021	Church and River.	R-1V to E-1	18.925	5.29	28.37%		0.05%	0	
21-027-4349	6/3/2021	E. side of Newbold, n. of Newbold and Main NW intersection of	A-1 to E-1	12	4.9	41.93%		0.00%		Nearby Nature preserve.
21-062-4384	11/19/2021	Dundee-Huntley Rd and Haligus 2708 Walkup Rd.,	RE-1 PUD to R-2	88.18		20.78%	0	12.48%	0	Severe Slabs
22-058-4449	11/2/2022	Crystal Lake 15020 Harmony Rd.,	A-1 to E-1	8.85	0	0.00%	0	0.00%	0	
23-029-4489	4/12/2023	Huntley, IL	A-1 to E-3	39.91		5.49%		5.49%	0	Severe Slabs
23-061-4521	8/1/2023	Our Subject PUD	A-1/R1B to PUD: R3	134.27	118.32	88.47%	12	29.19%	15.25	Additional 7.19% organic soil

Note: Contains all NRI Reports over 8 Acres in McHenry County for residential rezoning APPLICATIONS.