

**Urban Land Institute
Chicago District Council and
Campaign for Sensible Growth**

**Creating Value through Sensible Growth:
Conservation Development
Leadership Forum**

Draft Report

May 1, 2000

Dear Colleague:

On May 1, 2000, 25 diverse leaders in land use and real estate development participated in an invitation-only Leadership Forum. The forum, *Creating Value through Sensible Growth: Conservation Development*, was the second of a series of three Leadership Forums convened by the Urban Land Institute Chicago District Council in association with the Campaign for Sensible Growth.

Continuing trends of regional growth present both economic opportunities and challenges for the Chicago area. Population has grown nearly 7% from 1990 to 1998, at approximately four times the rate of the previous two decades. In addition, regulations and building patterns have led to low-density, single-use developments. This has contributed to increasing dependency on automobiles present challenges such as traffic congestion and environmental degradation.

The Urban Land Institute and Campaign for Sensible Growth are working on market-oriented solutions to encourage conservation developments through increased coordination between public policies and private actions.

We would like to personally thank all of the participants who took the time to come together to discuss these issues, identify barriers and propose solutions (see attached list in appendix). It is certainly not an easy task to think beyond one's own perspective, and deliberate solutions that may require compromise, whether one is a developer, elected official or housing policy leader. We would also like to thank Don Schindler of Piper Marbury Rudnick and Wolfe for hosting the forum and Cindy McSherry for staffing the event. Please share this report with your peers.

Most of all, please join us on September 12 for "Creating Value through Sensible Growth," the Second Annual Urban Land Institute/ Campaign for Sensible Growth Symposium in which we will invite the larger community to come together and discuss the implementation of prioritized solutions that arise from the series of Leadership Forums.

Education was a common theme. Several opportunities were identified to remove barriers to conservation developments.

More work clearly needs to be done to refine these ideas into workable solutions. We hope that you will join us in this process.

Sincerely,

David Galowich
Madison Realty Group, Inc.
Leadership Forum Co-chair

Jerry James
Edward R. James Partners
Leadership Forum Co-chair

Scott Goldstein
Metropolitan Planning Council

Michael Pawlukiewicz
Urban Land Institute

Summary of Barriers and Solutions

	Barrier	Solution
1. Public resistance to new concepts	<ul style="list-style-type: none"> • Fear of the unknown • Misinformation or lack of information 	<ul style="list-style-type: none"> • Documentation of economic viability • Research local case studies
2. Economics of conservation development	<ul style="list-style-type: none"> • Land prices • Time for approval of complex projects 	<ul style="list-style-type: none"> • Clustering homes; reducing lot size; reducing infrastructure costs • Document savings to developer and public using best practices
3. Agreeing on the science of environmental protection	<ul style="list-style-type: none"> • Citizens can use science as a weapon 	<ul style="list-style-type: none"> • Documentation of results • Document cost of typical practices, e.g. flooding costs
4. Professional inertia	<ul style="list-style-type: none"> • Artificial separation of professional fields - architects, engineers, scientists, developers and planners 	<ul style="list-style-type: none"> • Create partnerships with universities, researchers and professionals • Workshops with professionals; cross-training
5. Regulation	<ul style="list-style-type: none"> • Hard to get approval from public works due to innovative techniques 	<ul style="list-style-type: none"> • Get support from local elected officials and public • Enact flexible, performance-based codes

Welcoming Address

David Galowich, Co-chair, Creating Value Leadership Forums

The Urban Land Institute Chicago District Council and the Campaign for Sensible Growth have come together to sponsor this series of three Leadership Forums. The idea for this series came out of a very successful symposium, "Incentives for Smart Growth" that we sponsored together last year in which over 400 people attended. The feedback from that event, in which leaders in land use from around the Chicago region and the nation presented their best work and ideas of how to create incentive-based policies, was that smaller discussions were needed that could bring together people across sectors to frankly discuss the more difficult issues. That is, indeed, the purpose of today.

In fact, the mission of the Urban Land Institute (ULI) is to provide responsible leadership in the use of land to enhance the total environment. ULI achieves this mission by bringing together leaders in the private and public sector. And in this region, the leading coalition that brings together the private and public sectors on issues of land use is the Campaign for Sensible Growth – an action oriented coalition of over 100 government, civic and business organizations promoting strategies to enhance the economic vitality of the Chicago region while preserving open space, minimizing the need for costly new infrastructure and improving the livability of our communities.

There will be four major objectives for today:

1. Define Conservation Development
2. Define the barriers
3. Find solutions to the barriers – and what each of us can do to provide solutions
4. Explore the science of conservation in the context of private development

Participatory Exercise: A Vision of the Chicago Region

Michael Pawlukiewicz

Michael challenged the group with an imaginative exercise. First, he asked everyone to imagine what the GIs returning from World War II would have seen when they took the train into Chicago. With that as a frame of reference, he asked everyone to detail their vision of the city in another fifty years. Responses ranged from the very specific - "use the tools at hand to meet the Clean Water Act making the waters fishable and swimmable" - to expansive - "we need an increased sensitivity of where we live and what we do. We need a gradient of suitability to determine where to build and what to preserve. We need to remember all the costs of development at the beginning, and not be surprised later on."

Practice of Conservation Development

Natural Resource Planning

Dennis Dreher, NIPC

Mr. Dreher detailed the environmental situation in Northeastern Illinois, the current scientific opportunities for advancement, and several market-conscious solutions. He began by presenting the good news. In McHenry, Kane and Will County, most of streams are still in good quality. But in the inner-ring suburban counties, and within the city of Chicago, streams are at best in fair condition and are often poor. Continuing current practices, stream quality is expected to decline throughout the region.

Mr. Dreher then discussed flooding, an increasing problem in the Chicago metro area. He pointed out how this is due to people first changing the ecosystem. A century ago, there were no summer floods. Now, floods cause \$39 million in damages each year in the region (excluding the city of Chicago). As he stated, why is it that "100 year floods seem to happen every three to four years?" This figure could go up by 20%. Because of floods, 18,000 residences and 5500 commercial buildings are damaged each year. During the worst recent flood, in 1996 in Aurora, there was over \$413 million in damage. He cited impervious surfaces as the main cause of this,

and concluded: "we have a major flooding problem in the region," one which also threatens contamination of drinking water.

Mr. Dreher presented slides showing current practices that restrict conservation development, and some solutions.

Barriers:

- Impermeable paving- causes flooding by increasing water flow and velocity
- Current basin detention design- also causes Canada geese problem
- Streams that have been channelized
- Views that conservation design solutions are not marketable to consumers
- Local, state and federal regulations that favor expensive, highly engineered practices and restrict use of more natural solutions

Solutions:

- Natural detention basin design
- Natural drainage measures
 - slower drainage
 - allow water to be absorbed into swales so it is filtered, processed
- Infiltration practices
- Natural landscaping
- Alternate streetscape design
 - Narrower roads
 - Allow for sidewalks
 - Curbless streets in residential areas
- Alternate parking lot design
 - Slot the curbs, allowing surface drainage
 - Consider permeable paving
 - Use native vegetation in concave traffic islands to ensure better drainage
- Cluster development
 - Not for every situation, but often effective at cutting infrastructure costs and reducing environmental impact
- Local government considerations
 - maintenance requirements can be lower

- replacement costs lower
- Should integrate runoff into natural water
- Use the surface to drain rather than to collect water into runoff
- Wetland detention
 - adapted to contain and drain consistent amounts of water
- Show proven track record
- Use natural vegetation
 - deeper roots help it to retain water longer
 - good for both droughts and floods
- Use as marketing perception- Sears Prairie Stone development
- Cite cost savings statistics
 - Home Builders survey- save \$4300/lot or 34% of infrastructure costs
 - 20 acre parking lot in Portland (OR)- saved \$78,000 (\$3900/acre) by elimination of sewers

The Practice of Conservation Development

Land Preservation Techniques

Joyce O'Keefe, Openlands Project

Ms. O'Keefe examined conservation development at a macro level, contending that both the public and private sector have distinct roles in protecting land, and there are always opportunities for partnerships.

She then detailed a typical process of land preservation. First, one must conduct a thorough inventory of the property in order to know what assets exist. At this point, there are several options. One can use traditional land preservation techniques, such as acquisition. To meet the demand for purchasing open space, 3 counties passed over \$200 million in 1999 through local referenda. A second method is a matching grant from the state. A problem arises when communities cannot afford their half of the bill.

The next step is negotiating with the owner. Convincing landowners to sell their land at a reasonable price is not always that simple. **[insert A]** This is complicated by a strict 30 day window when a land preservation organization can trade a recently purchased property in exchange for another, more desirable tract.

While detailing the barriers and solutions to land preservation, O'Keefe outlined the Illinois law regarding open land valuation. If the land has been open space for past 3 years, is 10 acres or more, and its primary uses is not a residential backyard, the land can be taxed at the lower open lands rate as opposed to the market rate. Golf courses can also apply.

When Ms. O'Keefe finished, several experts added their personal experiences to the presentation, adding more perspective to the project. Highlighted was the importance of determining who is responsible between the preservation groups and the landowners for maintaining the land once it has been taken off the market. Options include on-going management agreements with the non-profit, public ownership & maintenance (e.g. park & forest preserve districts) and Homeowner's Association.

Barriers-

- Hard to trade- 30 day window
- Difficult finding sellers willing to sell at market price
- State grants need matching funds from municipality, organization- often too expensive for smaller communities, group
- Buying land on installment is risky, since cannot be sure that land will be available later on
- Preservation requires high maintenance costs, which taxpayers often neglect to consider when approving purchases. Result- lack of funding later on to maintain these open spaces
- Illinois has relatively few land trusts, especially as compared to the East and West coasts
- Most of park districts budget go to programming, leaving little for maintenance

Solutions-

- Determine what land seller would want, and facilitate trade
 - Wauconda Apple Orchards for the West Loop Trail project in Lake County is a good example. Owner was not interested in trail, but willing to give up apple orchard so he could expand strawberry field to the north. Trade by Corlands.
- Acquire land at bargain sale

- landowner donates difference between fair market value and sale price
 - takes an income tax deduction
- Buy land on installment
 - advantage for landowner since it spreads out capital gains
- Acquisition with reserved life estate
 - Works well for open space
 - Landowner can continue to live on site
 - Shows government has a plan, can sit and wait for property
 - Must be kept in natural condition
- Right of first refusal
- Conservation easements
 - Legal agreement whereby the landowner transfers the development rights to a conservation agency or public agency
 - Can be designed many different ways tailored to the needs of the owner and agency
 - Restricts the type and amount of development
 - Most of the value is in the development rights
- Tax advantages
 - In Illinois assessed at 8 1/3 % of fair market value
 - Property owner can take deduction on income tax, difference between value with development rights and that without
 - Criteria – part of adopted plan, public use, natural habitat
- Municipalities can team with non-profits in managing natural resources (ex. Glenview and the Friends of the Chicago River)

Building Relationships to Achieve Conservation Development

Phil Bus, Director of Development, Kane County

Mr. Bus began by defining conservation development as land use development that protects open space and environmental systems. It is the larger picture, longer range view on preservation across a large geographical region. He distinguished that from the conservation design, which is one technique of conservation development.

He linked conservation development to other topics of the forum, highlighting the interdependence of all these issues. For example, he

discussed the feasibility of conservation developments in infill areas, citing the EcoCity movement. He indicated how concerns about affordable housing have to be addressed when considering conservation development plans. He also stressed the social sustainability of land use, and that current development will tax natural resources over the long term.

Mr. Bus centered the discussion on two projects: the Kane County 2020 Land Resource Management Plan and the Mill Creek development near Geneva. Mr. Bus utilized these examples to show the benefits of planning for conservation design. Further, the county plan proves that planning can be pro-growth: their plan accounts for a 50% increase in population in the next twenty years.

Barriers

- EPA regulations on water management cause more water runoff
- Municipalities can annex unincorporated land, negating county plan
- Conservation development is seen as slow growth, and not profitable

Solutions

- County will waive some zoning restrictions for conservation developments
 - Shorter setbacks, smaller lots
 - Mixed-use developments
 - Allow more clustered housing
- Present tangible product in Kane County
 - 2020 Plan anticipates 50% growth in 20 years
 - conservation profits
 - developer bought land for \$4000/acre in 1982, sold for \$30,000-\$40,000/acre
 - save money on infrastructure – shorter roads, water & sewer pipes.
- Convince public, government officials of conservation's viability, profitability
- Empty nesters enjoy conservation development
 - Town homes on small lots
 - Near golf courses with no lawns to mow
 - Enjoy sense of community in cluster development

- County use incentives to encourage contiguous growth and not support rapid annexation

Luncheon and Keynote Address

John Knott, CEO, Dewees Island

Isle of Palms, SC

Mr. Knott presented a slide show about his recently completed project, Dewees Island in South Carolina, which is a comprehensive model for other conservation development. 65% of the land on the island is in conservation, and only 4% has been disturbed. The island's network of wetlands has been left intact. He offered four current concerns among citizens that all developments must acknowledge:

1. Search for a sense of community
2. Connection to nature
3. Search for community-lifelong learning
4. Search for realness and truth (tired of the marketing)

Mr. Knott believed in a process approach, not an answer approach, as formulas do not account for site-specific concerns.

The speaker outlined several positives from conservation development:

- The developer would not lose money in the short run, and often would make more of a profit.
- There would be a long-term savings for residents and the community.
- There would be more sustained, natural diversity within the environment.

Barriers:

- Effective development must start as ecosystem planning, which forces people to think regionally.
 - This requires a level of trust among different groups that have often competed against each other
- Planning regulations often handcuff the developer who wants to respect the natural topography, drainage of the land

Solutions:

- Use permeable surfaces
- Consider using propane gas or other non-petroleum fuels

He outlined his six principles of conservation development

- Development and the environment are natural allies
- All building should occur with the perspective of limited resources, which is in their economic self-interest
- Communities and buildings can provide resources, and not just use them
 - Architecture should be rooted in the climate, topography of the place
- Communities are planned for people and technology to be supportive, not dominant.
 - Until now, the leading technology, automobiles, has dominated our plans
- It is cheaper, long term and short term, to build environmentally
 - Energy use is reduced 70%
 - These developments use 75% less water
 - Construction costs can be reduced by 80%
 - Infrastructure costs drop 60%
 - All this is achieved without new technology
- Effective stewardship requires us to reintegrate with the environment
 - Key is education
 - Stress that this is not green development, but ensuring a sustainable culture

How to Design a New Community That Does Not Generate Runoff: A Focus on Coffee Creek, Chesterton, Indiana

James Patchett, Conservation Design Forum

Mr. Patchett stressed that developers and citizens should think of sustainable growth as how they interact with their surroundings. He always starts his planning by thinking of water, which is the most needed resource yet becomes a most burdensome waste product in conventional development. Instead, he urged developers to follow the European example, which treats the water at its entry point, like the local environment once did.

Unfortunately, the present mentality is to simply collect and remove water as quickly as possible. Wetlands were formed by slow groundwater seepage,

and not sporadic, high volume runoff. Furthermore, uplands should recharge the outsources of water, and not the reverse as current development patterns create.

Barriers:

- Conventional thinking on vegetation and drainage makes the flooding problem worse, not better
- Developers are slow to accept conservation practices, claiming they are unproven and costly

Solutions:

- Use native vegetation
 - Saves \$1500-\$2500/acre per year in maintenance fees as compared to turf grass.
- Eliminate Eurasian imported vegetation and encourage natural flooding
 - Will reduce flooding, as native plants have deeper roots and better drain the ground
- Use perforated pipes and a level spreader in the water drainage system
 - Ensures lateral discharge and not a concentrated flow which is environmentally disruptive
- Encourage developers to work towards the goal of no discharge
- Work with upstream neighbors to ensure a plan across a regional watershed
- Practice yearly burnings of the vegetation, which will rebuild native soil and thus reduce maintenance costs
- Develop a detailed green development guideline document
- Consider the German model of performance-based ordinances
 - Communities are not punished, but they pay for water capacity
 - Green rooftops
 - Just old cistern technology
 - Good for storm water management
 - Absorb 50%-90% of water and then let it evaporate
 - Porous pavements in parking lots reduce flooding
 - Water wall
 - Can heat and cool the building
 - Aesthetically pleasing art

Putting Conservation Development into Practice: Maryland's Lessons

John Frece, Governor's Glendening's Office, Maryland

Mr. Frece gave the board a quick update on what Maryland is doing in regards to conservation. He stressed that Maryland's plan is not site specific, but an effort by the state to control where it is spending its money. The Smart Growth and Neighborhood Conservation Initiative has two complementary main strategies: Priority Funding Areas and the Rural Legacy Plan. Both aim to focus development into certain corridors, encourage infill, and preserve the remaining Maryland farms. Mr. Frece dispelled the myth that smart growth is no growth, instead smart growth is "not growth everywhere."

The Rural Legacy Plan has been successful, securing 32,000 acres in two years towards the goal of 200,000 acres over the next fifteen years. The PFA strategy has funneled the growth into existing downtowns and adjacent areas that were designated by the counties. Mr. Frece cited two examples of the policy's results:

- Five highway bypasses into rural areas were cancelled last year.
- The new University of Maryland-Hagerstown campus will move into existing buildings in downtown Hagerstown, and not on into a rural subdivision.

Solutions:

Maryland has used a consistent strategy for plan implementation:

- Plans are announced six months in advance to involve the public
- Groups gather input about the plan, and then send the input to the governor's office
- The governor reviews all the input, and replies to the groups

The Maryland state government has followed three keys to ensure politically successful actions:

- Respect local control
- Reprioritize existing state funds
- Leadership at the top is crucial
 - The governor must clearly outline a policy, and then back it up

Finding Solutions to Barriers to Conservation Development

Michael Pawlukiewicz and Scott Goldstein, Facilitators

Mr. Pawlukiewicz and Mr. Goldstein facilitated a large group discussion which linked up ideas from all the presenters to create a thorough list of barriers and solutions that all the practitioners could implement on the job.

Five Main Barriers to Conservation Development and proposed Solutions

Barrier # 1: Public resistance to new concepts

- People are scared to change- Fear of the unknown
- Resistance of vested interests
- Neighbors could succumb to peer pressure
 - i. Nobody is going to not sign a petition, even though it might not mean anything
 - ii. Do the interests of 8 or 9 people predominate?
- Misinformation or lack of information
 - i. Hard to change once resistance gets going
 - ii. Media is one of the worst for stirring it up
 - iii. Neighborhood concern about future development on the open space portion of the project.
- Cultural problem- cannot meet the needs of conservation development and natural resource protection

Solutions-

- Ask for public forum to review ideas / theoretical approach
- Real information- Highest value areas are multi-family, attached, single-family, mixed-use
 - Everything is historically documented as economically viable
- Couple of stages of public involvement
 - Permitting stage - need to really understand decision-makers, human level understanding, where concerns and fears were; facts alone are not enough
 - Be realistic- May not be able to overcome all misconceptions until it is already built.
- What we are doing is not new - look at old places to compare
- Organizing strategy and benchmarks
 - Project Endorsement Criteria (modeled on Silicon Valley Manufacturing Group); organizing people to take a stand in

support of development that meet the criteria, track record of succeeding 74 out of 75 times

- Have similar group in Chicago area- different interests come out in support of proposals at planning meetings

Barrier #2: The Economics of Conservation Development

- Preserving large areas of land usually results in the cost of that preserved land being factored into the per unit cost resulting in high end pricing in a conservation project and lack of affordability.
- Perception that higher density is bad and that clustered units will harm community property values.
- Conservation projects often need extra levels of zoning, subdivision, and/or site plan approval. This increases the time it takes to get approvals, offers opportunities for neighbors to organize resistance and increases cost and therefore price.
 - i. People don't know what they want in proof- "We just want a study"

Solutions-

- Conservation development can be a positive
 - Cite economic benefits- (responsible for its own water resource management)
 - can be a tool to get approvals
 - can be common sense approach but need more research
- Research of local case studies
 - Market value-Mill Creek: \$10,000-\$15,000 higher than equivalent community in spite of smaller lot sizes
- Understanding density and creating value
 - Market dynamic/price premium
 - Absorption rate - Prairie Crossing is 3rd in comparable projects
 - Cost premium
 - Publish a running list based on hard analysis
 - Return on investment
 - Understanding that one size does not fit all
 - different criteria (refer to Conservation Fund)

- Documenting the code issue
- Document the economics
 - Developers' savings - e.g. saving \$1 m at Prairie Crossing
 - Savings to society (EPA research)

Barrier #3: Agreeing on the Science of Environmental Protection

- NIMBYs use science as a weapon:
 - i. Raising questions about ecological concerns where no data exists;
 - ii. Requiring expensive or lengthy data collection to defend conservation status slowing the process,
 - iii. Wearing down the applicant.
- Differentiating between a true conservation development and a project that is using "environment" as a marketing gimmick.
- When there is a lack of research and data, how do you convince people?
- No objective standards

Solutions-

- Tie to cost of doing nothing - flooding expenses
 - \$39 million in yearly damages in region (excluding Chicago)
 - 1996 Flood opened eyes, people looking at new development
- Science can be tested on greenfield sites, but can be applied on brownfields
- Getting people to understand benefits of conservation development
 - Clustering can have advantages in open space, water
 - Marketing issue- Mill Creek, Prairie Crossing sold by their open space
 - Remember- most people want to have conservation succeed
- Are we assuming that people who don't want conservation development do not like it, or is it that something that they don't like to see/root cause?
 - If so- can create a solution that is satisfactory
 - Determine if fear of more cars and traffic as root of opposition?
 - Studies prove that current single use causes this

Barrier #4: Professional Problems

- Developer must take a risk position- often lack support
- Bad existing habits of architects, engineers, and developers
- Inertia of current training of the professions
 - i. Result- Existing regulations can be the opposite of the stated objectives (e.g. water should not appear above the ground)
- Quality of construction
- Nobody is providing the cookbook for how to make the connections work across developments

Solutions-

- Campaign for Sensible Growth can help with dissemination of tools and practices.
 - Not just to profile best practices, but need to crunch the numbers of localized examples
- Developers must be agents of change
- Developer as a community organizer
- Regional studies that establish standards that can be referred to in the context of economy and environment
- Create citywide partnerships with Chicago's many universities and research the current trends
 - Benefits- new engineers, architects, planners learn potential traditional development, updated scientific techniques
 - Create regional database of current projects with index to prove profitability of conservation development
 - Tie in larger coalition to give more support to practitioners
- Education needs to take account of the differences between residential and commercial developments
 - Residential easier, large employer, differences in the marketing approach
 - Different messages for each of those
 - Increase of productivity by type of commercial development

Barrier #5: Local Officials/Regulations

- Planning, building code regulations
 - i. Can't get by the public works departments- susceptible to complaints from the public

- ii. Fire department- refusal to allow narrow streets despite old developments with such features
- Politics – communities because they don't cooperate and communicate, developers can prey on this, pitting one community against another, playing on fear
 - i. City leaders' view that you need to get as many people into your community- quantity over quality
 - ii. Lots of city governments are too developer friendly
- Development costs
 - i. Extra time that it takes to review a development

Solutions-

- Ask for combined plan commission, village board
- Need to attack the property tax impact (and other economic variables) head-on
- Ideas at Work-MPC Series
 - Getting ideas to decision-makers
 - Conservation Development
 - Housing Options – Project Endorsement Criteria
 - Transportation design codes
- State enabling legislation
 - Transfer development right
 - Permanent, predictable open space acquisition funding based on criteria
- Smart codes
 - Flexible codes for rehab
 - Model infill code and model compact development code and tie to state financial incentives
- Need to help inner suburbs with redevelopment to forestall the push outward

Closing Remarks

Jerry James, Co-Chair, ULI Leadership Forum

Mr. James summarized the forum by noting the words that he had heard throughout:

- Integration
- Sustainability
- Connectiveness
- Balance

He highlighted the difference between conservation development and conservation design that Phil Bus had explained. Mr. James stressed the need for land inventories and community support in order for a preservation project to succeed.

He indicated education and communication as keys to confronting fears and correcting misperceptions about conservation development. He saw this development as a process, not a formula; there would be no "one size fits all" solution. Citing the need for further research to find remedies, Mr. James cautioned the forum about bad engineering policies. In concluding, he urged all the attendees to recognize their role as leaders in the process, and to show support as a broad-based coalition when these issues arose.

Special Thanks to all Our Participants

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