



## MEMORANDUM

**To:** Programming Coordinating Committee

**Date:** December 3, 2008

**From:** CMAP Staff

**Re:** Developments of Regional Importance (DRI) Process DRAFT  
document: Stakeholder and Public Outreach

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At your September 10, 2008 meeting, the committee approved by consensus to release the Developments of Regional Importance (DRI) Process document for stakeholder and public input. This action was a culmination of work over the past year by this committee, its subcommittee, the CMAP Board's working committees and the staff to develop a process to review DRIs as called for in CMAP's enabling legislation.

The deadline for stakeholder and public comment closed on December 1, 2008. Over the course of the comment period we reached out to many stakeholder groups and held or presented at 20 meetings across the region to gain input on the draft document. The following is the list of stakeholder groups where we presented in chronological order. Additionally, the notes from those meetings are attached.

Metropolitan Mayors Caucus  
Northwest Municipal Conference  
Urban Land Institute  
DuPage Mayors & Managers Conference  
South Suburban Mayors and Managers Association  
West Central Municipal Conference  
County Planning Directors  
Metro West Council of Government  
Kane/Kendall Council of Mayors  
Southwest Council of Mayors  
Will County Executive Committee  
City of Chicago  
Chicago Wilderness

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Lake County & Lake County Council of Mayors  
Will County Governmental League  
Regional Transportation Authority  
McHenry County  
Attainable Housing Alliance  
Regulatory Agencies  
Barrington Area Council of Government

A number of these groups submitted formal comments along with five comments from the public. All of the comments submitted will be available on our website by Friday, December 5, 2008 at <http://www.cmap.illinois.gov/programming/minutes.aspx>. Copies will be available of all of the comments at next week's meeting.

Staff is currently reviewing and summarizing the comments and will provide a more thorough report at your meeting next week.



## MEMORANDUM

**To:** DRI File

**Date:** December 1, 2008

**From:** Tara C Fifer

**Re:** DRI Draft – Stakeholders’ Comments in chronological order

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### **Metro Mayors Caucus**

**Meeting Date: September 29, 2008**

- Do we consider local zoning and annexation processes adequate for DRI purposes?
- Will CMAP provide T/A if projects are excluded or eliminated from the DRI review process?
- Concern that neighbor communities may interfere to stop or slow down proposed development by suggesting project is a DRI.
- Question was asked what projects are happening now W/O public review process? (CREATE)
- How and will CMAP notify communities of DRI review?
- W/O authority what prevents a community from proceeding with project prior to DRI review?
- Who pays the cost of the process?
- How will non-government entities access the DRI process?
- (CMAP Committees, Brd members, local officials)
- Is there flexibility for pre-DRI discussions (pre-emptive discussions w/ CMAP, other communities) Good planning!
- Does CMAP staff share Randy’s commitment to value added non-obstructionist view of the process.
- Expressed concern as to how the details get worked out.

### **Northwest Municipal Conference**

**Meeting Date: October 1, 2008**

**Follow Up Meeting Date: October 15, 2008**

- Can a Citizens Group work without a county or municipality?
- How do we make this process efficient? Are there performance measures?
- What is the turnaround on this process?
- How does the Council of Mayors play a role in the DRI process?
- Where does prioritization come into play?

- Under Tier 3, the project sponsor is required to pay for FRIA, How much would this cost?
- In order to receive federal money from CMAP, will the DRI become compulsory?
- What is the DRI evaluated against - the 2040 Plan?
- How do project specific questions get answered, i.e. proposed mall at Five Corners (River, Golf and Rand Road)?
- What value can be added by CMAP that would contribute to what the municipal staff has already come up with?
- How can the process that has been defined be inserted into what the communities are already doing?
- Can a checklist be designed that list what needs to be in place for a project to go forward similar to what IDOT has for CSS?
- When there is no process in place, can CMAP be a resource to give input and the needed tools?
- There is confidence in the current CMAP Board to do the right thing and be favorable to the municipalities, but what about future Boards? Can CMAP keep the same quality of Board members? What is the process to replace Board members?
- The draft DRI process document is written in a way that preserves the right for CMAP involvement in the process. Can the language be written to state that if a formal process is in place that CMAP can request involvement or be included at the sponsor's request?
- How can CMAP be involved in policies such as housing that are sub-regional in nature, but could have impacts or applicability on a regional scale?
- When a project like Illinois 53 is not moving forward, is there a role for the DRI process?

### **A formal comment submittal came in from Northwest Municipal Conference**

#### **Urban Land Institute**

**Meeting Date: October 8, 2008**

**Follow Up Meeting Date: November 20, 2008**

- Met with a small group of ULI members for feedback on the draft document. As a result of the conversation, ULI is convening a two-day Technical Assistance Panel (TAP) to attempt to more clearly define the criteria and thresholds of a DRI. Staff is working with ULI to identify a list of interested parties that should be interviewed by the panel and will await the results of the TAP that will be held November 20-21.

#### **DuPage Mayors & Managers Conference**

**Meeting Date: October 14, 2008**

#### *Question and comments by participants to CMAP:*

- CN EJ&E is listed as an example, but that was going through one entity. O'Hare Expansion
- When a project is considered and is recognized as already going through a process, what is that process, for example, is the Village of Lombard a process?
- What about going through a local zoning review, lots of NGOs on environmental committee – this process can't get hijacked.
- If local groups want to do a DRI they should provide notice to the municipality
- Many projects already have some sort of review process, what might fall through the cracks?
- How will staff be monitoring regional activities?
- What about water regulations, like environmental taking water out of a watershed?

- Does CMAP envision this like the FPA process? FPA is subregional, timing FPA amendments take along time, at least a two months window.
- Business development – affect and applicability? For example, Downers Grove – Sara Lee headquarters relocation – 2,500 jobs.
- Isn't the lack of definition of "regional" too discretionary?
- Economic development is parochial – buzz kill.
- CMAP committees considered something like the LEED process/certification – this could be used as a stick. It could be a way to get seal of approval to be a positive for development. Can there be state incentives and tying in incentives to the process?
- The advisory nature a concern – level of support the advisory standing could be used to object or accept a federal or state project. This process could be used to justify subsequent action or inaction.

*Discussion: What projects does a DRI make you think of?*

- Company relocation, will the company chose a place close to transportation; or greenfield where there is no transportation. State has to prioritize or support existing infrastructure. Or will the state just continue to create new infrastructure where are those resources go?
- Municipalities in this group have some fears about losing local control; are you hearing from MPC or Metropolis 2020 anything similar?
- Struggling with the definition or lack there of; this is where we need an agency. This process could be more proactive than reactive; for example, imagine if we tied into the deep tunnel to help address flooding.
- The DRI idea is really a solution looking for a problem, unbridled.
- What would be a regional project and what is not a regional project?
- What expertise does this process add beyond current processes?
- Look at regional air capacity – DRI?
- Looking at the legislation language – this is really everything under the sun, this scope is beyond bricks and mortar.
- Discretionary interpretations or definitions shifts the benchmark here.
- I-355 development occurring by communities – DRI?
- Olympics – DRI?

### **South Suburban Mayors and Managers Association**

**Meeting Date: October 16, 2008**

- No comments

### **West Central Municipal Conference**

**Meeting Date: October 23, 2008**

- There were no specific comments. WCMC will submit their own written comments and/or coordinate their comments with the Metropolitan Mayors Caucus.

### **County Planning Directors**

**Meeting Date: October 23, 2008**

County Planning Directors were briefed on the DRI outreach process and an invitation was extended to the County Leadership to have a CMAP staff member do a DRI presentation.

**From the County Planning Directors Meeting the following comments were submitted:**

- **Lake County Planning Building & Development comments**

## **Metro West Council of Government**

**Meeting Date: October 23, 2008**

- During the review process, is there any mechanism to stop the process?
- Is there any funding for this DRI process?
- Define region?
- How is the EJ&E being treated, specifically the STAR Line?
- Where did the legislation come from?

### **Formal submittals by:**

- **Metro West COG formal comments**

## **Kane/Kendall Council of Mayors**

**Meeting Date: October 28, 2008**

- Mayor Michelini commented that Metro West has a taskforce that will be developing a statement regarding DRI's that will likely be a statement of support.
- An audience member asked/stated that it seemed odd to him that CMAP hasn't set criteria for a DRI. He suggested that TIF's could be used as a model in that there are, (as he stated) 14 specific criteria in which something can be considered for a TIF. He suggested the CMAP develop a similar set of criteria for DRI's. He then cited 2 specific examples of potential criteria.
  - a. A change in the quantity of a development over a certain threshold.
  - b. A change in the % of the size of a development over a certain threshold.

In both cases the number of units or people/population density was also mentioned. *In reply it was stated that the committee charged with developing the DRI process could not or was unwilling at this time come to an agreement on criteria for a DRI. The above suggestion along with comments from throughout the region would then be given to the committee from which criteria may or may not be developed in the future.*

- Tom Rickert asked how many DRI's does CMAP intend to undertake in a given year? It was stated that the intent is to do 1 or 2 DRI reviews a year. *The goal is to better understand and analyze the regional impacts of a development, to promote good planning, and to prevent things from "falling through the cracks".*
- Another question from the audience asked if Tier 2 qualitative measures could be seen as subject in terms of their significance. This person also asked if CMAP had looked at other areas of the country to see what they are doing that might be similar to a DRI. *Gordon Smith responded by stating that CMAP did look at what other parts of the country are doing. One of things that make this region unique though, is the sheer number of local units of government in comparison to other parts of the country. This was a factor in why the region couldn't just take a similar process found elsewhere and applies it here.*

## **Kane/Kendall Council of Mayors (continued)**

**Meeting Date: October 28, 2008**

- Another question from the audience asked when is there not a planning process in place that would necessitate a DRI review? The questioner stated that he couldn't think of an instance where there wasn't already a planning process that would apply to a development.

*It was then stated by Gordon Smith that there could be aspects of a planning process that are lacking, such as looking at the impacts on other communities for example. He also reiterated that the idea is to promote good planning throughout the region.*

- Mayor Schielke then stated that issues of local control have been something that has been a topic of concern even during the creation of CMAP. It is through the composition of the board and the work of the staff though that he doesn't have any concerns at this time that CMAP is looking to usurp local control or take over zoning and local planning. He stated that there was no reason to be concerned about the DRI process or CMAP's intentions as they are only trying to promote good planning throughout the region. Instead he suggested that a watchful eye should be kept on the state legislature to see if they have plans to change CMAP and to give it more authority over local decision making. It was also stressed that the outcome of a DRI process is only an advisory opinion. Mayor Michelini agreed with Mayor Schielke's comments and stated that she represents Kane and Kendall County at CMAP and reiterated that the state legislature is where any attempts to usurp local control would come from, not CMAP.

**Southwest Council of Mayors  
Meeting Date: October 29, 2008**

- The CMAP Board does not represent municipalities which already have zoning laws in place, so why should the CMAP Board decide if a project is subject to the DRI process?
- Is this process in addition to NEPA?
- The DRI process seems to give CMAP inclusion into the local process which adds one more layer of government, why is this necessary?
- Who pays for this process?
- What does it cost developers?
- Who has final jurisdiction?
- Is this process only restricted to Cook County municipalities?
- Observation: Mayor Gerald Bennett tried to calm the fears of the Mayors about the process by continually telling them that CMAP was created to be of assistance to the municipalities and stated that the agency is mandated by the General Assembly to create a DRI process.

**Will County Executive Committee  
Meeting Date: November 13, 2008  
Joliet**

- Expressed distrust of the General Assembly's intent for the DRI process
- Expressed some fears about losing local control
- Development in Will Co. should be controlled by those in Will not by a board that might not have Will County's interest in view
- View the process as an opportunity for Chicago and Cook Co. to influence development in the region.
- Expressed concern as to how the details of the process get worked out.
- Concern that neighboring counties and municipalities may attempt to stop or slow down proposed development by suggesting project is a DRI.
- Question was asked what projects are happening now W/O public review process? (CREATE)
- W/O authority what prevents a community from proceeding with project prior to DRI review.
- Concerned with who pays the cost of the process?

- Concerned with Will County's representation on the board and other committees.
- What value can be added by CMAP and the DRI process that would contribute to the work that the county staff already performs?
- Suggested that CMAP's role should be that of a resource; to give input and provide the necessary tools to assist locals with development issues.
- Isn't the lack of definition of "regional" too discretionary?

### **City of Chicago**

**Meeting Date: November 17, 2008**

- Met with the city's representatives today. They are comfortable with the document as is since they have been actively involved in the process thus far. They will be submitting written documents.

### **Chicago Wilderness**

**Meeting Date: November 18, 2008**

- Can I build my big box store or my big subdivision?
- Preservation and enhancement of our infrastructure must include our natural environment
- What is the complexity of the analysis?
- Can there be thresholds based on density in the region?
- If there is an adverse effect on a globally rare resource, should that not qualify as a DRI?
- Look at the region, note the important ecological sites. If a project is being introduced in a certain geographical area, designate a DRI trigger
- The DRI process is the actual vehicle that requires discussion, the plan dot not evoke this.
- The plan is Proactive, the DRI is reactive
- CW has been involved in Watershed Planning which is multijurisdictional. Under the DRI Identification there should be letter d. for an Ecosystem Partnership
- Forest Preserves make land use decisions, so they should be added to the process
- Forest Preserve is more open to the desires of the general public
- DRI process encourages best practices management
- How transparent will this process be? Will there be a comprehensive approach that will alert all parties in the process?
- NIMBY projects will be the most referred DRI project
- Does Tier 1 DRI promote any value added?
- As an Environmental Community, would we recommend rare species, etc..?
- Leave DRI process as it is, the complexity of the region cannot be captured in any threshold
- There is no governmental body to bring up a Natural Resource issue. That is the gaping hole for this process

### **Formal comments were submitted by:**

- **Openlands comments**
- **Chicago Wilderness comments**

### **Lake County & Lake County Council of Mayors**

**Meeting Date: November 19, 2008**

- **No comments from the meeting**



**Formal submittals were sent in by:**

- **Lake County Forest Preserves comments**
- **The Lake County Stormwater Management Commission comments**

**Will County Governmental League**

**Meeting Date: November 19, 2008**

Almost all of the communities were represented along with Will County Executive Larry Walsh and his staff. The following are some of the highlights. The Governmental League will submit written comments that summarize the discussion of the meeting and potential recommendations.

- DRI proposals should be brought through local elected officials (municipal and county) only
- There should be a focus on notification of neighboring communities
- The current notification process probably isn't sufficient
- The CMAP formal inclusion in a local process could become problematic
- We are not clear enough that if there is a public process that allows for input that the proposal is not a DRI

**From this meeting the following comments were submitted:**

- **City of Joliet comments**
- **The Center for Economic Development (CED) submitted an earlier set of comments (November 5<sup>th</sup>), it's referenced in the comments from Joliet**
- **The Village of Manhattan's comments**
- **The Village of Orland Park's comments**
- **Formal response from Will County & Will County Governmental League**
- **Resolution of The Will County Board**

**RTA Board Meeting**

**Meeting Date: November 20, 2008**

- Steve Schlickman noted that this process would benefit them (RTA) in that it would alert them early on to new developments in the region. That way, there may be opportunities for transit to be better prepared to serve the development.

**McHenry County**

**Meeting Date: November 20, 2008**

- The CMAP DRI process stayed an advisory process and
- That it not delay project development

**Urban Land Institute (ULI)**

**Meeting Date: November 20-21, 2008**

On November 20-21, 2008, the Urban Land Institute Chicago District Council (ULI Chicago) convened a panel of experts, including developers, real estate lawyers, environmentalists, and urban planners into a Technical Assistance Panel (TAP) to provide recommendations and comments to the Chicago Metropolitan Agency for Planning (CMAP) on its draft processes, circulated for public comment in September 2008, for determining "developments of regional importance" (DRIs).

Technical Assistance Panels convene real estate and urban planning experts to address specific development issues in a focused way. ULI Chicago has convened more than 20 TAPs in the Chicago area in the last ten years. For a list of participating panelists in the CMAP TAP, see Appendix A.

The TAP panelists determined that the proposed DRI process lacked any objective criteria or metrics for what constituted a DRI and lacked an effective procedure for reviewing DRIs on a timely basis. Both conditions, it was agreed, must be in place if CMAP is to effectively implement the process and if the development community is to continue to invest in the region.

It was recommended that the proposed set of DRI criteria and reviewing process should:

- Use metrics currently used in land use planning and real estate development
- Not preempt local zoning and planning
- Be fair and encompass all impacts from DRIs
- Be workable
- Be easily administered
- Provide certainty to the public and the development community
- Create incentives for developments to reduce impacts associated with development

**This report provides the comments and recommendation of the TAP to CMAP for its consideration.**

#### **Attainable Housing Alliance**

**Meeting Date: November 24, 2008**

**At The Village of Addison**

#### *Suggestions and comments by participants:*

- Suggested that CMAP incorporate the ULI comments (two in attendance were party to the ULI workshop to inform DRI proposal)
- The process should be specific as to the types of developments that require review (stadiums, highways, airports, shopping malls etc.)
- DRI recommendations from the public, interest groups must have local government sponsor to bring issue to CMAP Brd.
- Review process timeline should be shortened to 60 days.
- Suggest CMAP prepare a “No Further DRI Review” or “Yes/ No Determination” resolution be provided to project sponsor. (To state whether the project is or isn’t a DRI).
- CMAP should be reviewing the peripheral development issues (often times there is substantial development that occurs around a project that should be reviewed)

#### *Concerns with proposed process.*

- Fear environmental groups will use process to block/ slow development.
- Neighboring communities will use process to block/ slow development
- Local zoning boards or CMAP could be overwhelmed the boards choose to request a determination of obvious non DRI projects to give themselves cover.
- Expressed concern that CMAP staff through the DRI process could try to influence development with unpopular policies, requirements or strategies that lack regional or board support to advance specific agendas.

#### *Questions*

- Requested an opportunity to state developers concerns to the Programming Committee provided the revised document is substantially different and without the developer’s suggestions incorporated.
- How will the process address incremental zoning issues?

**Formal comments were submitted by:**

- **Cambridge Homes/DRH comments**
- **The Attainable Housing Alliance comments**
- **Illinois Association of Realtors comments**

**Regulatory Agencies**

**Meeting Date: November 25, 2008**

**Formal submissions by:**

- **Illinois Association of Wastewater Agencies comments**
- **US Fish & Wildlife Service comments**

**BACOG**

**Meeting Date: November 26, 2008**

- While expressing support for the role of CMAP in regional planning including the concept of the DRI process, BACOG members expressed a concern about the DRI process which may be described as a fear that this represents the first step in usurping local control over land use and zoning decisions. They understand that this process is advisory but that in some way it will evolve into more of a regulatory function

**Last day of comment period**

**December 1, 2008**

**Formal comments from:**

- **The Fox River Ecosystem Partnership comments**