

## COMMENT MATRIX

	Working Committee Total (6)	Public Outreach Total (40)
The draft fails to clearly define a DRI.	6	40
The draft fails to identify objective criteria, procedures or rules.	6	38
The draft fails to establish thresholds or triggers.	3	38
The draft fails to define regional.	2	38
The draft should state that CMAP Coordinating Committees or the CMAP Board must pass a resolution to refer a DRI.	0	35
Formal inclusion in the planning process should be at the discretion of the participating municipality or county.	0	35
The 75 day deadline should be included in the body of the draft, not just the FAQ.	3	33
Local, state or federal funding should not be contingent on the DRI process.	2	32
The DRI process as drafted does not add value beyond current development review processes.	2	30
Possible cost for a FRIA or the DRI process could be prohibitively expensive.	0	30
CMAP will develop precedence for proposal review and that can be used to establish quantitative thresholds and incorporated into future revisions of the policy.	1	12
CMAP staff- adequate staffing and experience.	5	6
Provide some examples of possible DRIs.	1	5
Forest preserves, conservation districts should be able to refer a DRI.	1	4
There should be an incentive to participate in the DRI process.	2	3
Ecosystem Partnerships should be able to refer a DRI.	0	2
CMAP should initiate DRI review on projects that are not consistent with the 2040 Plan.	1	2
The DRI process is inherently redundant with existing planning processes.	0	2
24 month trial period and official revisit of the process.	1	2
The developer itself should be able to refer a DRI.	0	1
CMAP should initiate a DRI review on projects with current regulatory review processes that do not address regional concerns.	2	1

## STAKEHOLDER COMMENTS

### Metro Mayors Caucus

**Meeting Date: September 29, 2008**

1. Do we consider local zoning and annexation processes adequate for DRI purposes?  
*Response:* Zoning and annexation processes only address local goals and objectives. Of particular concern are characteristics of proposals that may have impacts beyond the jurisdiction of the permitting agency
2. Will CMAP provide T/A if projects are excluded or eliminated from the DRI review process?  
*Response:* At present, the outcome of the DRI process is not tied to CMAP technical assistance in planning and programming.
3. Concern that neighbor communities may interfere to stop or slow down proposed development by suggesting project is a DRI.  
*Response:* The current draft permits neighboring municipalities or counties to assert that a proposal is regionally important.
4. Question was asked what projects are happening now W/O public review process. (CREATE)  
*Response:* CMAP currently participates in many regional plans and programs in a technical capacity. There is currently no mechanism for CMAP to consider the comprehensive planning implications of these programs.
5. How and will CMAP notify communities of DRI review?  
*Response:* The communities will be alerted through conventional methods of public notification and disclosure such as the mail, media and internet.
6. W/O authority what prevents a community from proceeding with project prior to DRI review?  
*Response:* The DRI process is advisory. A community may proceed on its own authority.
7. Who pays the cost of the process?  
*Response:* CMAP will include DRI Review in its annual work program and budget accordingly. Costs incurred by other public or private entities involved in the process are borne independently.
8. How will non-government entities access the DRI process?  
*Response:* All entities or individuals are free to communicate with governmental leaders of a County or municipality. Those counties and municipalities are represented by members on the CMAP board. This allows non-governmental entities an avenue to organize a formal DRI review request.
9. Is there flexibility for pre-DRI discussions (pre-emptive discussions w/ CMAP, other communities) i.e., good planning!

*Response:* In preparing materials for Board Review, project sponsors have an opportunity to mitigate concerns and promote project strengths.

10. Does CMAP staff share Randy's commitment to value added non-obstructionist view of the process?

*Response:* An amendment has been drafted requiring coordinating committee approval of staff work.

11. Expressed concern as to how the details get worked out.

*Response:* Rules and procedures are deferred until the overall process is accepted.

### **Northwest Municipal Conference**

**Meeting Date: October 1, 2008**

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

1. Can a Citizens Group work without a county or municipality?

*Response:* In the current draft, NGOs are advised to work through counties and municipalities. An amendment has been drafted to permit any entity to request a DRI review.

2. How do we make this process efficient? Are there performance measures?

*Response:* The process as currently proposed emphasizes public disclosure of development details and a scripted course of deliberation offering limited offering limited courses of action.

3. What is the turnaround on this process?

*Response:* The turnaround for this process is currently within a 75 day time period which permits two regularly scheduled CMAP Board meetings.

4. How does the Council of Mayors play a role in the DRI process?

*Response:* A council of mayors represents a set a municipalities. Municipalities may request a DRI review by resolution.

5. Where does prioritization come into play?

*Response:* Prioritization of regional planning strategies occurs in the development of the long-range plan and capital programs.

6. Under Tier 3, the project sponsor is required to pay for FRIA, How much would this cost?

*Response:* The cost will be commensurate with the scope and complexity of the ORIA prepared by CMAP. An amendment has been drafted to limit the ORIA to readily available data.

7. In order to receive federal money from CMAP, will the DRI become compulsory?

*Response:* The CMAP Board may request that the MPO Policy Committee refrain from programming a project of concern (thereby identifying the needed funds) in the regional TIP.

8. What is the DRI evaluated against - the 2040 Plan?

**Response:** CMAP may evaluate a DRI against any of its adopted policies or positions.

9. How do project specific questions get answered, i.e. proposed mall at Five Corners (River, Golf and Rand Road)?

**Response:** If there is a local concern, the municipality or county may request a DRI review.

10. What value can be added by CMAP that would contribute to what the municipal staff has already come up with?

**Response:** Of particular concern are characteristics of proposals that may have impacts beyond the jurisdiction of the permitting agency (e.g. municipal zoning, county stormwater, state transportation departments).

11. How can the process that has been defined be inserted into what the communities are already doing?

**Response:** CMAP will rely on existing mechanisms of statutory authority and due process associated with typical permitting processes to identify a DRI for review.

12. 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?

**Response:** Rules and procedures are deferred until the overall process is accepted.

13. When there is no process in place, can CMAP be a resource to give input and the needed tools?

**Response:** At present, the outcome of the DRI process is not tied to technical assistance in planning and programming.

14. 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?

**Response:** The Board composition, appointment mechanism and terms of service are specified in the State enabling legislation.

15. 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?

**Response:** The current draft states that CMAP may ask for formal inclusion as a partner in the relevant planning process. Inclusion at a sponsors request would similarly be at the discretion of the CMAP Board.

16. 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?

**Response:** It is CMAP's intent to review development proposals that have the possibility of introducing widespread regional impacts to the daily activities of significant numbers of people or to the natural environment.

17. When a project like Illinois 53 is not moving forward, is there a role for the DRI process?

*Response:* Major capital transportation projects are planned and programmed through the RTP and TIP.

**From the Northwest Municipal Conference Meeting, the following formal comments were submitted:**

### **Northwest Municipal Conference**

#### **Discussion Points**

1. Respect local decision making on issues where there is no regional consensus such as housing and economic development.

*Response:* It is not CMAP's intent to usurp the due authority of permitting agencies or unnecessarily delay a proposed development with a review of questionable relevance or value.

2. Local, state or federal funding should not be contingent on the DRI process.

*Response:* The CMAP Board may request that the MPO Policy Committee refrain from programming a project of concern (thereby identifying the needed funds) in the regional TIP.

#### **Recommendations**

1. The 75 day review process should be contained not only in the FAQ, but in the body of the draft.

*Response:* An amendment has been drafted.

2. Formal inclusion in the planning process should be at the discretion of the participating municipality or county.

3. Include language stating when or if public input for potential DRIs will be considered. Therefore all involved parties can expect a full accounting of information being used in the decision making process.

*Response:* The current proposal prescribes that DRI Reviews be conducted in the course of regular Board business. An amendment has been drafted to include a formal public hearing.

### **Urban Land Institute**

**Meeting Date: October 8, 2008**

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

Staff met with a small group of ULI members for feedback on the draft document. As a result of the conversation, ULI convened a two-day Technical Assistance Panel (TAP) to attempt to more clearly define the criteria and thresholds of a DRI. Staff also worked with ULI identifying a list of interested parties to be interviewed by the panel.

**DuPage Mayors & Managers Conference****Meeting Date: October 14, 2008***Question and comments by participants to CMAP:*

CN EJ&amp;E is listed as an example, but that was going through one entity. O'Hare Expansion

1. When a project is considered and is recognized as already going through a process, what is that process?

**Response:** The proposal subject to a planning process that permits formal multi-jurisdictional coordination and public involvement.

2. What about going through a local zoning review, lots of NGOs on environmental committee – this process can't get hijacked.

**Response:** Zoning review only needs to address local goals and ordinances. The environmental committee is represented on each CMAP Coordinating Committee.

3. 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?

**Response:** Local reviews may not consider regional impacts. Regional or federal reviews may be limited in scope.

4. How will staff be monitoring regional activities?

**Response:** CMAP often learns about regionally important proposals in the course of monitoring Federal and State government activity. Examples include monitoring the federal register, state departmental bulletins as well as bills introduced into U.S. Congress or the Illinois General Assembly. In many cases, federal or state agencies request CMAP participation in their own internal planning efforts.

5. What about water regulations, like environmental taking water out of a watershed?

**Response:** The current draft would permit this question to be raised for consideration.

6. Does CMAP envision this like the FPA process? FPA is subregional, timing FPA amendments take a long time, at least a two months window.

**Response:** CMAP conducts FPA reviews on behalf of IEPA according to a prescribed scope. The DRI process is intended to be more flexible and comprehensive in its inquiry.

7. Business development – affect and applicability? For example, Downers Grove – Sara Lee headquarters relocation – 2,500 jobs.

**Response:** The current draft would permit this question to be raised for consideration.

8. Isn't the lack of definition of "regional" too discretionary?

**Response:** An amendment has been drafted.

9. Economic development is parochial. 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?  
**Response:** There is currently no financial incentive identified. The CMAP Board may choose to positively endorse a proposal in the course of their review.

10. 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.  
**Response:** It is CMAP’s intent to review development proposals that have the possibility of introducing widespread regional impacts to the daily activities of significant numbers of people or to the natural environment.

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

11. 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?  
**Response:** The DRI process provides CMAP with the opportunity to assess the adequacy of existing transportation infrastructure in the context of major land use changes.

12. Municipalities in this group have some fears about losing local control; are you hearing from MPC or Metropolis 2020 anything similar?  
**Response:** it is not CMAP’s intent to usurp the due authority of permitting agencies or unnecessarily delay a proposed development with a review of questionable relevance or value.

13. 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?  
**Response:** The DRI process provides the opportunity to investigate regional impacts that might be otherwise overlooked.

- 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 shift 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 formal comments were submitted:

**Lake County Planning & Development****Recommendations**

1. The 75 day review process should be contained not only in the FAQ, but in the body of the draft.  
*Response:* An amendment has been drafted.
2. DRI identification is not clearly stated with regard to CMAP coordinating committees and CMAP Board. The current wording can be construed that an individual within the committee or board could initiate a review process. It should explicitly state that a review is initiated by passing a resolution.  
*Response:* An amendment has been drafted.
3. Qualitative thresholds can be developed by developed precedence and thereby be incorporated into future revisions of the policy.

**Metrowest****Meeting Date: October 23, 2008**

1. During the review process, is there any mechanism to stop the process?  
*Response:* An amendment has been drafted.
2. Is there any funding for this DRI process?  
*Response:* CMAP will include DRI Review in its annual work program and budget accordingly. Costs incurred by other public or private entities involved in the process are borne independently.
3. Define region?



*Response:* The CMAP region includes the 7 most populated counties in northeastern Illinois.

4. How is the EJ&E being treated, specifically the Starline?

*Response:* CMAP participated in the scoping for and responded to the EIS prepared for the CN Acquisition of the EJ&E. The STAR Line is included CMAP's long-range transportation plan and CMAP participates in efforts to secure funding for implementation.

5. Where did the legislation come from?

*Response:* The Illinois Legislature specifically enabled<sup>1</sup> CMAP in this area.

**From the Metrowest Meeting, the following formal comments were submitted:**

**Discussion Points**

1. Local control of land use and planning must remain with local government.

*Response:* The draft states "it is not CMAP's intent to usurp the due authority of permitting agencies".

2. The draft lacks a clearly defined DRI and criteria; thereby making it difficult to adequately respond to the proposal. Our concern is not how large a project must be but rather how small a project might be for review.

*Response:* The draft states that it is CMAP's intent to review "development proposals that have the possibility of introducing widespread regional impacts to the daily activities of significant numbers of people or to the natural environment." This language is used again in the FAQ to answer the question "What is a DRI?"

3. The cost of the FRIA is the responsibility of the project sponsor. It is an unknown cost that is causing concern because it could be prohibitively expensive. Environmental analysis is both time-consuming and expensive, and without specific guidelines could be used to delay projects.

*Response:* The cost will be commensurate with the scope and complexity of the ORIA prepared by CMAP. An amendment has been drafted to limit the ORIA to readily available data.

4. Respect local decision making on issues where there is no regional consensus such as housing and economic development. Local, state or federal funding should not be contingent on the DRI process.

**Recommendations**

1. There must be clarification regarding "formal, multi-jurisdictional coordination and public involvement" referred to on page five. Does this mean there must be a multi-jurisdictional process involved?

*Response:* The original intent of Tier 1 was to discern whether another planning process was underway that would permit regional concerns to be raised.

2. Include specific language in the body of the document regarding the proposed 75 day deadline for the review process.

**Response:** An amendment has been proposed.

3. Formal inclusion in the planning process should be at the discretion of the participating municipality or county. Include language stating when or if public input for potential DRIs will be considered. Therefore all involved parties can expect a full accounting of information being used in the decision making process.

**Response:** The current proposal prescribes that DRI Reviews be conducted in the course of regular Board business. An amendment has been drafted to include a formal public hearing.

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

#### **Meeting Date: October 28, 2008**

1. Mayor Michelini commented that Metro West has a taskforce that will be developing a statement regarding DRIs 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 TIFs 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 DRIs. He then cited 2 specific examples of potential criteria: 1) A change in the quantity of a development over a certain threshold; 2) 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.*

**Response:** Because the impact of any new development will vary depending on prevailing densities and existing land uses, there is no universally accepted set of physical characteristics of a proposed development that signifies a DRI.

2. Tom Rickert asked how many DRIs 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".*

3. 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.

**Response:** 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.

4. 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.

**Response:** 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**

1. 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?

**Response:** Zoning review only needs to address local goals and ordinances. Of particular concern are characteristics of proposals that may have impacts beyond the jurisdiction of the permitting agency

2. Is this process in addition to NEPA?

**Response:** CMAP may consider the NEPA process sufficient to address regional concerns in the course of considering Tier I.

3. 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?

**Response:** CMAP will include DRI Review in its annual work program and budget accordingly. Costs incurred by other public or private entities involved in the process are borne independently.

4. What does it cost developers? Who has final jurisdiction?

**Response:** The DRI process is advisory. CMAP is not authorized to override the statutory authority granted to state and local government.

5. Is this process only restricted to Cook County municipalities?

**Response:** The DRI process applies to the entire 7-county CMAP region.

**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**

1. 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.  
**Response:** Rules and procedures are deferred until the overall process is accepted.
2. Concern that neighboring counties and municipalities may attempt to stop or slow down proposed development by suggesting project is a DRI.  
**Response:** The current draft permits neighboring municipalities or counties to assert that a proposal is regionally important.
3. Question was asked what projects are happening now W/O public review process. (CREATE)  
**Response:** CMAP currently participates in many regional plans and programs in a technical capacity. There is currently no mechanism for CMAP to consider the comprehensive planning implications of these programs.
4. W/O authority what prevents a community from proceeding with project prior to DRI review.  
**Response:** The DRI process is advisory. A community may proceed on its own authority.
5. Concerned with who pays the cost of the process?  
**Response:** CMAP will include DRI Review in its annual work program and budget accordingly. Costs incurred by other public or private entities involved in the process are borne independently.
6. 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?  
**Response:** Of particular concern are characteristics of proposals that may have impacts beyond the jurisdiction of the permitting agency (e.g. municipal zoning, county stormwater, state transportation departments).

7. 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?

*Response:* An amendment has been drafted.

### **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**

1. 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?

*Response:* An amendment has been drafted.

2. If there is an adverse effect on a globally rare resource, should that not qualify as a DRI?

*Response:* An amendment has been drafted that includes specific criteria.

- 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 does 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

3. How transparent will this process be? Will there be a comprehensive approach that will alert all parties in the process?

*Response:* CMAP will rely on existing mechanisms of statutory authority and due process associated with typical permitting processes to identify a DRI for review. Doing so will automatically employ conventional methods of public notification and disclosure. This provides an efficient mechanism for encouraging citizen involvement and ensuring agency transparency. This will also maximize CMAP's ability to process and document the DRI review through its representative board and committee structure.

4. 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.  
*Response:* An amendment has been drafted permitting any entity to request a DRI review.

**From the Chicago Wilderness Meeting the following formal comments were submitted:**

**Openlands**

**Recommendations**

1. Forest preserves and conservation districts should be able to refer a DRI. The developer itself (public or private entity) should be able to refer a DRI.  
*Response:* An amendment has been drafted permitting anyone to request a DRI review.
2. CMAP should initiate a DRI review on projects with current regulatory review processes to assess impacts of projects that are not consistent with existing and future comprehensive plans.  
*Response:* Amendments have been drafted.
3. For assessing whether a development “significantly affects important features of the natural Environment” the following triggers should be utilized: A potential impact to a pristine **Biologically Significant Stream**. The need for **treatment of 2 MGD of wastewater**. **Significant new impervious surface cover**. For determining if a development “significantly changes existing land use patterns”: The DRI review process should analyze the rate of land consumption which converts open space and agricultural land to development through incentivizing density in urban and suburban areas.  
*Response:* An amendment has been drafted that includes specific criteria.
4. During the FRIA, CMAP should allow an opportunity for public participation.

**Chicago Wilderness**

**Recommendations**

1. Add forest preserve and conservation districts as routes by which DRIs can be referred to CMAP.  
*Response:* An amendment has been drafted permitting anyone to request a DRI review.
2. Add the Ecosystem Partnerships as a route by which DRIs can be referred to CMAP. EPs have a wide base of constituents, including private landowners, businesses, scientists, environmental, organizations and policy makers. They have expertise in working across jurisdictions and are concerned with natural resource issues that span governmental lines within their watershed-based boundaries.  
*Response:* An amendment has been drafted permitting anyone to request a DRI review.
3. Specifically include the presence of any globally rare biota or natural communities as one of the factors in determining regional significance.

4. Include the presence of any regionally rare species or natural communities as one of the factors in determining regional significance.

5. CMAP should consider impacts to biologically significant water bodies as one criterion for assessment.

*Response:* An amendment has been drafted that includes specific criteria.

6. CMAP should develop a working relationship with other area regulators who may come across potential DRIs.

7. The Board should hold a public hearing so that all interest groups can express concern directly to the Board itself.

*Response:* An amendment has been drafted that requires a public hearing.

### **Fox River Ecosystem Partnership**

#### **Recommendation**

CMAP should incorporate an environmental task force into the DRI process. The task force would help fulfill the enabling legislation's requirement to consider regional impacts on natural resources.

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

**Meeting Date: November 19, 2008**

No comments from the meeting

**From the Lake County & Lake County Council of Mayors Meeting, the following comments were submitted:**

### **Lake County Forest Preserve**

#### **Recommendation**

Forest preserves and conservation districts should be a route by which DRIs can be referred to CMAP.

*Response:* An amendment has been drafted permitting anyone to request a DRI review.

### **Lake County Stormwater Management Commission**

#### **Recommendations**

1. Develop minimum thresholds which may include: Area of land being disturbed or the area of impervious cover being added by the development. Total volume of stormwater runoff from the developed site (based on the difference between pre- and post development). Calculations of the contribution of air pollutants being added from stationary sources or traffic increases by an

individual development whether the development occurs in the 100-year floodplain of a river or stream with documented average annual flood damages over a certain amount.

*Response:* An amendment has been drafted.

### **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.

1. DRI proposals should be brought through local elected officials (municipal and county) only

*Response:* An amendment has been drafted.

2. 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.

*Response:* CMAP will rely on existing mechanisms of statutory authority and due process associated with typical permitting processes to identify a DRI for review. Doing so will automatically employ conventional methods of public notification and disclosure. This provides an efficient mechanism for encouraging citizen involvement and ensuring agency transparency. This will also maximize CMAP's ability to process and document the DRI review through its representative board and committee structure.

3. We are not clear enough that if there is a public process that allows for input that the proposal is not a DRI

*Response:* Tier I may conclude that an adequate public process exists and the proposal is, in fact, of regional importance.

**From the Will County Governmental League Meeting, the following comments were submitted:**

### **City of Joliet**

#### **Discussion Points**

The city is in general agreement with the Will County Center for Economic Development recommendations.

#### **Recommendation**

1. In addition, the draft should clearly state that if there is a local public planning process for development proposals, that there would be no need for CMAP to take any action because the development would not constitute a DRI.

*Response:* The current draft Tier 1 review states that if the "proposed development [is] subject to a planning process that permits formal multi-jurisdictional coordination and public involvement", then "No further internal evaluation needs to be conducted".



## **Will County Center for Economic Development**

### **Discussion Points**

1. There needs to be a clear definition of what constitutes a DRI, including a definition of “regional impacts”.  
*Response:* An amendment has been drafted that includes specific criteria.
2. How a project gets referred for DRI review is much too broad,  
*Response:* Amendments have been proposed that both further broaden and restrict how DRIs get referred.
3. The process relies on qualitative review measures – which can become very subjective.  
*Response:* Tier 3 Review permits a quantitative assessment of the proposal.
4. The process is inherently redundant with existing public review, approvals and entitlement already in place.  
*Response:* Tier 1 Review is intended to identify existing public review that might be redundant.
5. DRI process potentially usurps local planning and zoning authorities.  
*Response:* It is not CMAP’s intent to usurp the due authority of permitting agencies or unnecessarily delay a proposed development with a review of questionable relevance or value.
6. The DRI review should not add any time or costs to project review and approval.  
*Response:* An amendment has been drafted limiting the review to 75 days. An amendment has been drafted to limit the ORIA to readily available data.
7. The review gaps other authorities are currently missing are never stated. The value added by the DRI process over and above the existing agencies review process is never identified.  
*Response:* It is CMAP’s intent to review development proposals that have the possibility of introducing widespread regional impacts to the daily activities of significant numbers of people or to the natural environment. Of particular concern are characteristics of proposals that may have impacts beyond the jurisdiction of the permitting agency (e.g. municipal zoning, county stormwater, state transportation departments).
8. Encourage urban sprawl by pushing development beyond CMAP’s service area. DRIs could discourage economic development due to time and costs associated with project review.

### **Recommendations**

1. DRI Process should be used only to advise local units of government of best development practices  
*Response:* The DRI process is advisory.
2. Two year trial period without any officially binding CMAP recommendation  
*Response:* The current draft calls for the CMAP Board to review the process after two years. The DRI Review is advisory.

3. Local environmental and zoning hearing should fulfill the public hearing requirement required by the DRI process.  
*Response:* Of particular concern are characteristics of proposals that may have impacts beyond the jurisdiction of the permitting agency (e.g. municipal zoning, county stormwater, state transportation departments).
4. DRIs should be brought to CMAP by local elected officials only. Referrals should not be allowed by CMAP staff, Board Members or individual citizens.  
*Response:* An amendment has been drafted.
5. A project should impact 70% of the Chicago land population before being considered a DRI.  
*Response:* An amendment has been drafted.

## **Village of Manhattan**

### **Discussion Points**

1. The definition of a DRI needs to be defined more thoroughly; the current definition is too subjective.  
*Response:* The draft states that it is CMAP's intent to review "development proposals that have the possibility of introducing widespread regional impacts to the daily activities of significant numbers of people or to the natural environment." This language is used again in the FAQ to answer the question "What is a DRI?"
2. Currently there are no plans to charge a fee for the DRI process. How will the DRI process be funded?  
*Response:* CMAP will include DRI Review in its annual work program and budget accordingly. Costs incurred by other public or private entities involved in the process are borne independently.
3. When the NIPC FPA review first started there also was no fee. Eventually the fee became excessive forcing communities to reduce large well planned service area requests to piecemeal applications. Communities became reactive instead of proactive. It appears the DRI is just a stepping stone to usurp local governing and planning authority.  
*Response:* Of concern are characteristics of proposals that may have impacts beyond the jurisdiction of the permitting agency (e.g. municipal zoning, county stormwater, state transportation departments). It is not CMAP's intent to usurp the due authority of permitting agencies or unnecessarily delay a proposed development with a review of questionable relevance or value.
  - DRI process will hamper economic development.
  - Numerous developments may be construed as having impacts beyond existing jurisdiction, especially in Will County where most of the developments are annexations of adjacent agricultural land and very few are infill.

- What are the qualifications and certifications of the review staff?
- Will they have significant amount of experience in both public and private sector?
- What does the “Full Regional Impact Analysis” involve? How will recommendations be conveyed to the municipality?
- Can there be a guarantee that the DRI process will be devoid of all political influences?

### **Recommendations**

1. There should be an incentive to participate in the process. A time limit should be placed on the DRI process. Does the 75 days restart each time that CMAP asks for additional information?

*Response:* Current timeframe is 75 days for the complete process.

A 24 month trial period for the DRI process where projects during this period would be used as test cases only, with no public policy ramifications.

### **Village of Orland Park**

#### **Discussion Points**

1. Clarify who can make a formal request to the CMAP coordinating committee structure.

*Response:* Amendments have been drafted.

2. There is concern over members of the CMAP Board being able to individually choose projects for review. These recommendations should require a Board majority vote.

*Response:* An amendment has been drafted.

3. Define “large scale regional developments”.

*Response:* The draft states that it is CMAP’s intent to review “development proposals that have the possibility of introducing widespread regional impacts to the daily activities of significant numbers of people or to the natural environment.” This language is used again in the FAQ to answer the question “What is a DRI?”

4. Define “widespread regional impacts”.

*Response:* An amendment has been drafted in the context of establishing criteria.

5. We need standards; the draft process indicates there are no specific thresholds; however this is something that would warrant explanation.

*Response:* An amendment has been drafted in the context of establishing criteria.

- What is the further involvement in regards to ongoing planning?
- The process needs to be more focused.
- Priority can be placed on minimizing developments in high quality natural areas, in proposed Greenbelts, proposed regional transportation routes, within a certain distance of bodies of water. This would ensure that needed regional infrastructure is preserved.

**Village of Crete****Discussion Points**

1. There is no clear definition of what constitutes a DRI.

*Response:* The draft states that it is CMAP's intent to review "development proposals that have the possibility of introducing widespread regional impacts to the daily activities of significant numbers of people or to the natural environment." This language is used again in the FAQ to answer the question "What is a DRI?"

2. There is no clear definition of what constitutes "regional impacts".

*Response:* An amendment has been drafted in the context of establishing criteria.

3. Only elected officials through resolutions based on fact or quantitative measures should be able to refer a DRI. Quality measures are needed.

*Response:* An amendment regarding objective criteria has been drafted under Tier 2. Development of specific rules and procedures are deferred until the overall process has been approved.

4. This process is inherently redundant and has the possibility of usurping municipal authority.

*Response:* Of concern are characteristics of proposals that may have impacts beyond the jurisdiction of the permitting agency (e.g. municipal zoning, county stormwater, state transportation departments). It is not CMAP's intent to usurp the due authority of permitting agencies or unnecessarily delay a proposed development with a review of questionable relevance or value.

- Increased time and costs will be added to the current approval processes.
- Lack of compliance to CMAP suggestions may influence other agency approvals.
- This process may encourage urban sprawl by pushing development outside CMAP's service area.

**Will County Governmental League****Discussion Points**

1. How long is the process going to take?

*Response:* Current timeframe is 75 days for the complete process.

2. Who is paying for this?

*Response:* CMAP will include DRI Review in its annual work program and budget accordingly. Costs incurred by other public or private entities involved in the process are borne independently.

3. Will the definitions of "significantly" and "large" be made in relation to the geographic area of the development? Who is paying for the FRIA?

*Response:* CMAP will include DRI Review in its annual work program and budget accordingly. Costs incurred by other public or private entities involved in the process are borne independently.

4. Who determines the adequacy of the FRIA and will CMAF cause further delay by requesting additional analysis?

### **Will County Board**

#### **Discussion Points –**

- The DRI process does not add value beyond the current development review processes.
- The DRI review should not and cannot supersede the review authority stipulated in the ILCS Municipal and Counties Codes.
- The DRI process is redundant.
- The process can not be efficient because it may not be initiated until after existing review processes are near conclusion.
- The County Board of Will County does not support the proposed DRI process.
- A copy of this resolution will be transmitted to the Members of the Illinois General Assembly.  
*Response:* it is not CMAF's intent to usurp the due authority of permitting agencies or unnecessarily delay a proposed development with a review of questionable relevance or value.

### **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**

1. The CMAF DRI process should remain an advisory process and that it not delay project development.  
*Response:* it is not CMAF's intent to usurp the due authority of permitting agencies or unnecessarily delay a proposed development with a review of questionable relevance or value.

### **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 (CMAF) 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

**A formal report contains recommendations of the TAP to CMAP for its consideration; below is the report summary.**

### **Recommendations**

1. Determined “regional” must encompass more than geography, and include the impact as defined in the current NIPC/CATS comprehensive plans and the CMAP GO TO 2040 plan.  
*Response:* No current DRI considerations are based solely upon geography. Current NIPC/CATS plans do not define specific quantifiable project impacts. Go To 2040 will utilize regional indicators and evaluation criteria which are not the same as “impacts” in this context.
2. Regional impacts would encompass developments, infrastructure, or policies:
  - a) Where zoning changes may significantly affect populations in multiple counties, or
  - b) Where zoning changes may have major effects on the state’s interstate highway system and strategic arterials in the region, or on regional transit systems or
  - c) Where zoning changes would significantly affect regional water supplies, such as major power generating facility
  - d) The process should not be initiated solely on the bases of a project’s effects on waste water, storm water, or emissions, as these aspects are well regulated under existing processes.*Response:* Zoning change as a DRI trigger has been drafted as an amendment under Tier 2.
3. DRI determination should be based on specific physical criteria; transportation infrastructure, trip generation, effluent generation and/or impervious surface.  
*Response:* These criteria have been drafted as an amendment under Tier 2.
4. DRI review process would be as follows:

Initiating a DRI (after a zoning change has been requested) would occur in one of several ways- municipality or county, CMAP staff, CMAP board, by a developer, a citizen or advocacy group, and if a review is requested CMAP shall notify the developer and local municipality of the pending review.

Initiating a DRI for public projects would be initiated as such – by municipality or county resolution, CMAP staff, CMAP board, sponsoring public agency, and if a review is requested CMAP should notify the sponsoring public agency of the pending review.

**Response:** An amendment has been drafted requiring a more formal resolution disposition process.

5. The overall timeframe should be no more than 90 days. CMAP must respond to the applicant within 60 days and CMAP has 30 days to provide advisory report.

**Response:** Current timeframe is 75 days for the complete process.

### **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 Board.
- 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)

**Response:** Several amendments addressing the above have been drafted.

*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?

**From the Attainable Housing Alliance Meeting, the following comments were submitted:****DRH Cambridge Homes submitted comments, below is the comment summary.****Discussion Points**

1. There are no thresholds

*Response:* Amendments are drafted that introduce thresholds and criteria.

2. Almost anyone will have the ability to request a DRI initiation.

*Response:* The current draft significantly limits who may request that the CMAP Board review a proposal.

3. The cost and time, especially if a FRIA is required, could derail a project before the DRI process is completed

*Response:* The current draft states: it is not CMAP's intent to ... unnecessarily delay a proposed development with a review of questionable relevance or value.

**From the Attainable Housing Alliance, below is the comment summary.****Recommendations**

1. Establish specific trigger mechanisms such as traffic

*Response:* An amendment has been drafted to include traffic as a specific threshold

2. Include clear cut examples of past, current and proposed projects in the draft preamble

*Response:* An appendix includes several examples that were discussed without reaching consensus.

3. A clear cut checklist for real estate industry

*Response:* Development of specific materials are deferred until the overall process is accepted.

4. The process should not exceed 60 days.

*Response:* The current 75 day time period permits two regularly scheduled CMAP Board meeting.

5. If a petitioned development is found not to meet DRI criteria, CMAP should issue a written "no further action" letter.

*Response:* An amendment has been drafted.



**Illinois Association of Realtors submitted formal comments, below is the comment summary.**

**Discussion Points**

- The draft proposal is vague and undefined.
- The draft fails to meet the legislative directive and results in unpredictability and uncertainty for developers.

**Recommendations**

1. We think a checklist or matrix using trigger variable for the DRI identification would be desirable.  
*Response:* An amendment has been drafted that includes specific criteria. Development of specific materials, rules and procedures is deferred until the overall process is accepted.
2. A transparent process would include formal requests from county or municipality through a resolution, CMAP Board would initiate a review based on documentation from CMAP staff or a motion from a CMAP coordinating committee.  
*Response:* An amendment has been drafted requiring formal resolution and votes for DRI referrals.

**Regulatory Agencies**

**Meeting Date: November 25, 2008**

**From the Regulatory Agencies Meeting, the following comments were submitted:**

**Illinois Association of Wastewater Agencies submitted formal comments, below is the comment summary.**

**Discussion Points**

- The draft does not clearly define the scope of DRIs.
- The draft does not describe an efficient process for reviewing DRIs.

**US Fish & Wildlife Service submitted formal comments below is the comment summary.**

**Discussion Points**

- CMAP has been authorized by legislation to define the scope of DRIs; CMAP has been unable to develop criteria to define a DRI.
- Six working committees indicated that CMAP should develop some sort of criteria.
- CMAP should attempt to develop some sort of criteria that would identify a DRI.  
*Response:* An amendment has been drafted.

**Recommendations**

1. CMAP should initiate DRI reviews on projects that are not consistent with the 2040 plan. The 2 year trial period should be removed because the CMAP board has the authority to modify the process at any time.  
*Response:* The current draft includes the 2 year trial period as recommendation for Board consideration.

2. CMAP should initiate a DRI review on projects with current regulatory review processes (of limited scope) to assess the overall impact.

*Response:* This is embodied in the Tier 1 review.

3. We recommend that natural resources and potential environmental impacts be included among these criteria. Projects that would harm federally listed species and globally rare communities.

*Response:* An amendment has been drafted.

4. Forest preserves, conservation districts should be able to refer a DRI. Citizen groups should be able to refer a DRI. Ecosystem Partnerships should be able to refer a DRI.

*Response:* An amendment has been drafted.

## **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

### **From the BACOG Meeting, the following formal comments were submitted:**

#### **Discussion Points**

1. Control of development needs to remain with local governments.

*Response:* The draft states that "it is not CMAP's intent to usurp the due authority of permitting agencies or unnecessarily delay a proposed development with a review of questionable relevance or value."

2. CMAP serves a diverse region and should not allow the isolation of any community through the DRI process.

*Response:* The draft states that "because the impact of any new development will vary depending on prevailing densities and existing land uses, there is no universally accepted set of physical characteristics of a proposed development that signifies a DRI.

3. CMAP document language is too broad and undefined, needs clarification and more detail.

*Response:* Several amendments are drafted that introduce greater specificity. Specific rules and procedures for implementing the review are deferred until the overall process is accepted.

## PUBLIC COMMENTS

### GINGER VIDOVIC

There is actually no action taken, just a potential of two recommendations for two studies. If the full cost of any analysis is born by the developer, and if the developer is not required to do it, why would he consent to do it?

The statement that a Tier 3 DRI may require a full impact analysis is incorrect, because nothing will actually be required. Page 8 FAQ

### RICHARD NICHOLS

I wish to commend CMAP for taking steps to provide a formal review process. Major developments have occurred over the years in all parts of the state that have had significant and long lasting impacts to many aspects of the region in which the development occurred. I hope this process will provide an opportunity to make the public aware of foreseeable impacts and allow for mitigate action to be taken before negative impacts occur.

### KURT KOJZAREK

DRI Identification is too subjective.

The cost of delays due to the process can translate into real costs such as materials and labor.

The process has the potential to usurp local control.

There is no benefit or need for the DRI process

Clear definition of DRIs and how to identify them must be determined.

### ED WESKERNA

Use Natural Resource Information reports (NRIs) provided by the Soil and Water Conservation District (SWCD). The reports contain the basic information needed to identify and quantify natural resources onsite from a watershed perspective.

CMAP should include SWCD's in the review process because they have highly qualified staff to research and write NRIs.

### PAUL HELTNE

Access: Expand the sources which can propose a DRI and make this range clearer in the final document. Specifically, I suggest that all public bodies with taxing authority be allowed to make a request for a DRI process. I also suggest that the Chicago Regional Biodiversity Initiative (Chicago Wilderness) be specifically recognized as proposers of DRIs. All new road building should automatically be considered for DRI review as should all request for new or expanded FPAs. Many of the currently existing review processes are too likely to benefit from further sprawl and loss of food lands and water infiltration lands.

Temporal and geographic impact: CMAP can add great value to the consideration of future development of the region by considering longer term impact and larger area impacts. CMAP can and should validly ask: will this proposal be good for the region in 20 or 50 years; will this proposal help us curb pollution and diminish the emissions of green house gases? If this proposal were

multiplied several times, what would the impact be on food and water for this region, on our greenhouse emissions? **What I am suggesting here is that we must look at the regional implications and long-term implications of proposals. Farms may be our long-term most critical resource as the long-range transport of food becomes increasingly expensive.**

Collateral review: Closely related, CMAP should not assume that any project review by another agency will fulfill CMAP's obligation to support regional well-being. No other agency has such a mandate.

Importance of regional plan: Also closely related, CMAP should specifically state its intent to review DRI proposals in light of the critical recommendations of the most recent regional plan. These two must be tied together to give signals to farmers and other landowners; builders of houses, stores and malls, roads, sewers; resource planners for food, water, clean air, and energy.

Habitat considerations: The question of regionally critical habitat for animals and plants should be specifically recognized in the criteria of DRI, likewise historical or archeological sites should be protected and these include the establishment of proper buffer zones around each such site.

Public hearing: I suggest that given the importance of the DRI process to the security and well-being of the region, that the CMAP Board itself hold one or more public hearings so the environmental as well as other interests can express their concerns directly to the Board itself. That meeting should be separate from and prior to the Board's action on this important definition of the DRI process.

*Response:* An amendment has been drafted.

Motion to consider: I suggest that as a policy the CMAP Board agree that matters can be moved into DRI consideration by simple majority rather than its usual majority. A final recommendation would require the regular super-majority. This would further the idea of regional deliberation.

CMAP resources: I suggest that DRI is such a central process for preserving and enhancing the well-being of the region that staff size be augmented to deal with whatever matters arise. This will quash the idea that CMAP could only deal with one or two really big proposals each year. If that were true, DRI would be greatly limited as a tool for the good of the region.

###