

## Patrick Smith, Real Estate and Development Caucus

It is difficult to plan a reaction to the falling sky, when the sky is not yet falling. This is especially so when there are conflicting data and assumptions about whether, when and to what extent such a calamity might occur.

As active delegates to the Regional Water Supply Planning Group, we find much encouragement that attention is drawn to our natural resources, and ways in which we can live and grow with those resources. There is a popular misconception that use of real estate and general development will, without intervention, occur unchecked. Nothing could be further from the truth. As anyone who has served their local government in a planning capacity, or has been involved in supporting or fighting a development proposal knows, a great deal of forethought goes into land use decisions. And while minds may differ on the outcome of the process, to say that it occurs in an unthinking manner would be a gross misstatement. Against this backdrop, the real estate and development community generally welcomes the integration of information on water use and availability during the local planning and implementation processes.

That said, I do not believe this principle is translated into the research, findings, and recommendations contained in the *Northeastern Illinois Regional Water Supply/Demand Plan* being considered by this group for approval.

My concerns, such as they are, range from general methodological issues to specific areas of disagreement, and I set forth each in turn.

To the casual reader - if such a person exists - the Plan appears to be a rigorously researched and balanced scientific effort. Yet to the participants of three years' worth of review, challenge and debate, much of the overall message can be viewed as tinged, tilted or tainted toward a particular philosophy. One example appears early in the report, as a footnoted statement on Page 23 (fn. 25), where the Plan author states: "Simply put, current patterns of growth and development are leading to biophysical impossibilities." The problem with this provocative statement is that the cited work *simply does not state or support this posit*. In fact the article does not seem to reference impossibilities of the biophysical sort, nor for that matter, of any sort.

Such anticipatory misreadings are not the sole shortcoming of the Plan; throughout, the text authors seem to prop up inflammatory thesis by citation to advocacy materials. An example of this appears within the discussion of water rates as a tool for management, at page 40. The Author notes with clarity that "Water pricing is increasingly becoming a tool for managing demand, with certain pricing options carrying more of an incentive for consumers to use water efficiently. In particular, conservation pricing has been widely recognized as one of the Best Management Practices (BMP) for urban water management." The authority for this conclusion is a report entitled *Designing, Evaluating, and Implementing Conservation Rate Structures*. And it is published by the California Urban Water

Conservation Council. The reader would and rightly should be surprised if the conclusions differed, given the source.

These are but two minor examples of the overall tone we find in the Plan. This minority report cannot possibly catalogue all such instances throughout the Plan, however, and we encourage the reader to carefully review the citations to authority and to consider the source before giving credence.

Aside from overarching concerns of a general nature, I have specific concerns with certain fundamental underpinnings and recommendations in the plan:

- The Plan fails to make a clear delineation of impacts which result from *Population Growth* as opposed to *Population Distribution*. Although both concepts appear in the Plan, the existence of one is often used to frame a recommended solution to the other. We have pointed out many times in the past three years that the problem, so far as it has been portrayed to the Group, has not grown out of *Population Growth*. In fact the numbers we have seen tend to indicate that it is not personal consumption which is thought to be the biggest factor in per capita water use. All other things being equal, the resident of Hampshire will likely drink the same amount of water, brew the same amount of coffee, take a similarly long shower, and flush the toilet about the same number of times as the resident of Chicago. Using *Population Growth* forecasts for the next several decades, the Plan concludes that we had best do something about *Population Distribution*, by recommending that future growth be 'guided' to urban infill sites so as to reduce water use while simultaneously ignoring the fact that tightly-packing the population will itself do nothing to affect consumptive use. At the same time, the recommendation that we encourage urban infill housing options over suburban development presumes that the intended implementers of the Plan have both the ability to sway the organically occurring preference for suburban living over urban life and the right to do so. This philosophy is antithetical to the conservation pricing recommendation, which at its heart implies that the user is welcome to consume as much water as they like as long as they are willing to pay the cost –and even perhaps full cost – for it.
- To the extent that the Plan recognizes *Population Distribution*, it does so by looking at growth projections in counties such as Kane, Kendall and McHenry, and presumes a growth pattern which continues on a curve from the last available hard data point in 2005. Importantly, less than one year later we began experiencing a contraction of new housing starts and general commercial development which greatly curtailed the growth into these counties. That contraction has continued through 2009 and points up the serious danger in planning that responds to a situation which may no longer exist.
- There is both the implicit and explicit allegation that local governmental units are either unwilling or unable (or a combination) to address concerns of water availability within their existing land use planning. While I [we] welcome the availability of technical

assistance and information to local units of government, I [we] object to the extent that any of the recommendations could be interpreted to go beyond this level of engagement. Specifically, I [we] object to the expansion of Section 208 planning to address water supplies and the addition of any regional or subregional governmental or quasi-governmental approval layer which dictates to local units of government how they may or may not realize their comprehensive plans. Since planning decisions are achieved through a careful balancing of competing local needs and desires, the most suitable place for those decisions to be made are in the halls of government where the decision makers have some personal stake in the outcome. It is inappropriate to expect local governments to cede such decisions to unelected quasi-governmental entities for whom the impacts of the decision have no personal effect.

- Finally, due to budgetary and time constraints, much study went into water demand, and very little into water supply. The availability of technology which could increase the water supply (such as rapid insertion of treated wastewater, offline storage of seasonal flood waters to assist during drier seasons, and the ability to treat and disburse a great amount of wastewater organically through a process designed by one of this Group's delegates), have been given very little attention. To the extent, then, that we are working to keep supply and demand in balance, the Plan seems to be loaded with ways to reduce demand and speaks very little to ways in which we can increase supply. We are, in essence, looking at only half of a picture.

From my vantage point, the Plan represents only a partial review of available knowledge. Whether that is due to the fact that full information is not yet available (as in the case of the lack of a comprehensive water supply study), or due to the selection of data authorities which have the appearance of subjectivity (as in advocacy literature), the result is the same: a Plan which is not yet comprehensive enough or balanced enough to merit our support. The available information indicates that we have sufficient water to support projected growth during the planning period, and it is our hope that continued study and engaged dialogue among all stakeholders, including the real estate and development caucus, will, during this time, result in a plan which has universal support.