

Proposed CMAP Process for addressing Developments of Regional Importance

Assessing the impacts and providing planning guidance on Developments of Regional Importance (DRIs) is a new element to the work program of the Chicago Metropolitan Agency for Planning (CMAP). The preceding regional planning agencies had occasional involvement in regionally significant land use or economic development proposals in addition to including major capital transportation improvements in the Regional Transportation Plan (RTP). CMAP's DRI process provides a new opportunity for regional partners to comprehensively assess the regional implications of large-scale development proposals, reconcile regional priorities associated with these proposals and coordinate independent actions in support of regional goals.

A systematic process for examining DRIs is useful to those seeking to improve intergovernmental coordination; often seen as key to successful regional planning. Conversely, an entirely "automatic" process risks irrelevance by generating too much information outside the legitimate regional interests at stake. With these considerations, CMAP and its partners and stakeholders are developing a meaningful review process for examining DRIs. This document is intended to establish the decision framework and mechanisms for CMAP's identification and review of DRIs. The DRI process is not automatic and its effectiveness depends, to a large degree, on active public participation in CMAP's overall planning work program as well as CMAP's active involvement in related federal, state and local planning programs.

As such, the material in this document will serve as the source of presentation material on the DRI review process to CMAP committees and stakeholder groups prior to submitting the review process proposal to the CMAP Board for approval.

- December 2008, January 2009 – Report on Public Outreach to Programming Coordinating Committee. Staff assimilation of Programming Coordinating Committee response into this proposal for release to CMAP Board.
- February 2009 – This proposal is presented to the CMAP Board recommending approval for a period of two years. After two years, the Board may renew the existing process or adopt a new process. During the initial two year approval, no DRI review may exceed 75 days (i.e. two subsequent regular board meetings) in duration from the date of its initial Board consideration.

Background

The value of assessing and evaluating major land use and transportation proposals at the regional level is well recognized. Large-scale development proposals have the possibility of introducing widespread regional impacts to the daily activities of significant numbers of people or the natural environment. Examining these impacts from the regional perspective offers the potential to help improve a proposal through coordinated actions among affected jurisdictions.

The Illinois Legislature specifically enabled¹ CMAP in this area:

Sec. 47. Developments of Regional Importance. The Board shall consider the regional and intergovernmental impacts of proposed major developments, infrastructure investments and major policies and actions by public and private entities on natural resources, neighboring communities, and residents. The Board shall:

(a) Define the Scope of Developments of Regional Importance (DRI) and create an efficient process for reviewing them.

(b) Require any DRI project sponsor, which can be either a public or private entity, to submit information about the proposed DRI to CMAP and neighboring communities, counties, and regional planning and transportation agencies for review.

(c) Review and comment on a proposed DRI regarding consistency with regional plans and intergovernmental and regional impacts.

The CMAP Board, in its first year of operation, established a Strategic Report for the agency that included six areas of planning inquiry:

- Land Use
- Transportation
- Economic and Community Development
- Environment and Natural Resources
- Housing
- Human Services

These topics establish the parameters within which CMAP will conduct its DRI evaluations.

The DRI Process

The CMAP DRI process consists of two distinct phases: DRI Identification and DRI Review. DRI Identification refers to the period leading up to the Board's first official consideration of a specific proposal. DRI Review refers to the period during which the Board considers, evaluates and takes action on the proposal within the context of the approach prescribed herein.

Comment: 75 day deadline for the review process should be included in the body of the draft. (Other suggested time limits ranged from 30 days to 90 days.)

¹ Illinois General Assembly, Public Act 095-0677.

Amendment: Include language in the DRI Review process that a review may not exceed 75 days (i.e. two consecutive regular CMAP Board meetings).

Staff suggests: Accept amendment.

DRI Identification

DRI Identification refers to the period leading up to the Board’s first official consideration of a specific proposal.

The CMAP region is very large and diverse. Household and job densities range from nearly zero in rural areas to several thousand per acre in downtown Chicago. The CMAP region itself covers over 4,000 square miles. 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.

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). At the same time, 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.

As such, 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.

Comment: Is there a mechanism to stop the process?

Amendment: At any point during a DRI Review, the CMAP Board may vote to abandon the review.

Staff suggests: Accept amendment.

Under the approach outlined above, DRIs will be referred to CMAP in three ways:

- A. *CMAP staff identifies specific Federal or State actions with regional planning implications*
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.

While CMAP staff knowledge of these developments is common, they are not currently instructed to specifically “flag” a proposal for possible internal evaluation. CMAP staff involved or informed of these activities will be instructed to refer details to designated DRI project staff when the proposal specifically identifies a development requiring federal or state action to proceed.

DRI project staff will then prepare documentation to submit the proposal to the DRI Review Process.

Comment: CMAP Staff may not have the same agenda as the CMAP Board.

Amendment: Requests to initiate a DRI review that originate within CMAP staff must be forwarded to a Coordinating Committee for resolution. A Coordinating Committee must make its referral to the Board in the form of a resolution passed by majority vote.

Staff suggests: No changes to the document are necessary.

B. A county, municipality, or CMAP coordinating committee formally requests a DRI review
CMAP often learns about large-scale developments proposals from its partners and participants in the regional planning process. In the ongoing dialogue over regional planning and development, participants and staff interact and learn details about many publicly and privately sponsored development proposals. While any participant might have significant personal concern about a development proposal, CMAP seeks to capitalize on this ongoing regional dialogue and its existing committee structure as the means of initiating the DRI review process.

All individuals in the region are governed by a County or municipality and any individual is free to communicate with governmental leaders outside their own jurisdiction. All counties and municipalities are represented by one or more members on the CMAP board. In addition, the CMAP Board responds to two standing committees that are further responsive to several working committees organized around a variety of specific planning functions. This arrangement permits any individual an avenue by which to organize and marshal a formal request for a DRI review.

This method engages a formal public dialogue on a proposed development and promotes resolution of local or sub-regional concerns in the course of raising the concern to the CMAP Board level. It is anticipated that many concerns will be resolved as the DRI request is vetted through successive discussions thereby keeping the number of DRI review requests coming before the CMAP Board at a manageable number.

The request would take the form of a resolution passed by a municipal or county government or as a formal request passed up through the CMAP coordinating committee structure in its official report to the CMAP Board.

DRI project staff will receive approved resolutions or coordinating committee recommendations and prepare documentation to submit the proposal to the DRI Review Process.

Comment: CMAP Coordinating Committees must pass a resolution to refer a DRI.

Amendment: A Coordinating Committee must make its referral to the Board in the form of a resolution passed by majority vote.

Staff suggests: Accept either a motion or a resolution.

Comment: DRI proposals should be brought through elected officials only.

Amendment: Only elected officials may request a DRI review.

Staff observations: Another comment suggested that only county and municipal planning agencies directly associated with the development should be allowed to petition CMAP for a DRI review. Access is also addressed in the next comment.

Comment(s): Forest Preserves, conservation districts, ecosystem partnerships, developers, and private citizens should be able to refer a DRI.

Amendment: Any public or private entity may petition a CMAP coordinating committee to initiate a DRI review.

Staff suggests: Retain the original.

C. *The CMAP Board independently initiates a DRI review.*

CMAP Board members retain the privilege of introducing proposed developments of concern to the DRI review process in the course of conducting regular Board business.

Comment: The CMAP Board must pass a resolution to refer a DRI.

Amendment: Proceeding with a DRI review that originates within CMAP Board must be passed by vote.

Staff suggests: Accept amendment.

DRI Review

DRI Review refers to the period during which the Board reviews, discusses and takes action on the proposal within the context of the approach prescribed herein.

Three successive decision tiers are proposed by which the CMAP Board can efficiently evaluate and advise on a potential DRI. This screening process occurs when the CMAP Board considers the question of a proposed development's regional importance and whether regional planning involvement is appropriate.

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

Amendment: In the course of DRI Review Process, the CMAP Board will conduct a formal public hearing.

Staff suggests: No changes to the document are necessary. Public comment is accepted at all Board meetings. CMAP has an ongoing practice of accepting public and stakeholder input that would apply to the DRI process.

Tier 1: Existing Review Process

Is the proposed development subject to a planning process that permits formal multi-jurisdictional coordination and public involvement?

Comment: A DRI review should be initiated on projects not consistent with regional plans.

Amendment: Is the proposed development consistent with the currently adopted regional plan?

Staff observation: The original intent of Tier 1 was to ensure that a mechanism for cooperation and public involvement was in place (i.e. CMAP is satisfied as long as there are procedural opportunities to participate and discuss concerns). A potential loophole, raised a number of times in discussion, is that regulatory-based planning processes are often limited in scope with discussion of broader concerns often stifled by time and budget constraints. The CMAP Board, under the original proposal, has always had the discretion to pass the question on to Tier 2, but at present this isn't explicitly stated in Tier 1.

Staff suggests: Clarify the language as stated in the above observation in Tier 1.

CMAP seeks to ensure that planning for large-scale regional developments includes an opportunity for the formal involvement by all affected jurisdictions. Most federal and state

planning processes have explicitly stated mechanisms for involvement by the public and other government agencies.

If Yes: Then this is a Tier 1 DRI. No further internal evaluation needs to be conducted. CMAP may ask for formal inclusion as a partner in the relevant planning process. CMAP may also recommend formal planning collaboration between jurisdictions likely to be affected by the proposed development.

Examples: This may include proposals currently handled through the regional FPA and RTP process. It also may include any proposal that is subjected to the federal NEPA process.

Recommendations may include the formation of a sub-regional or corridor planning council to resolve planning concerns at the appropriate scale.

If No: Then proceed to Tier 2.

Tier 2: Qualitative Assessment

Does the proposed development include certain context-dependent development characteristics?

CMAP seeks to influence proposals with characteristics that, by their nature, engender discussions of regional land use patterns and transportation system performance. An initial *qualitative* consideration by the CMAP Board (or designated Coordinating Committee) of development characteristics will establish consensus on whether the proposal:

- a. Significantly affects important features of the natural environment.
- b. Significantly changes prevailing development density. Examples include large new developments that might place unexpected burdens on water, sewer, storm water and local road systems.
- c. Significantly affects operations on a regional transportation facility. Examples include major commercial, industrial or warehousing developments sited for convenient access to expressways and tollways.
- d. Significantly changes existing land use patterns. Examples include substantial conversion between agricultural, residential, commercial and/or industrial uses.
- e. Affects the function or performance of a planned or existing public investment.

Comment: Tier 2 must include quantitative thresholds.

Amendment: CMAP seeks to influence proposals with characteristics that, by their nature, engender discussions of regional land use patterns and transportation system performance. Specific criteria are considered by the CMAP Board (or designated Coordinating Committee) of development characteristics to establish whether the proposal:

- 1. Is a major transportation project.
- 2. Generates greater than 50,000 daily vehicle trips.
- 3. Creates a new point discharge with effluent of 5 million gallons per day.
- 4. Adds 500 acres of impervious surface.

5. Demonstrates an economic impact affecting at least 70% of the region's population.
6. Is predicated by a zoning change.
7. Affects any globally rare biota or natural communities.
8. Affects any regionally rare species or natural communities.
9. Impacts biologically significant water bodies.
10. Contributes to air pollutants from stationary sources or traffic increases.
11. Occurs in the 100-year floodplain of a river or stream with documented average annual flood damages over a certain amount.

Staff suggests: Defined quantitative thresholds or criteria is the critical difference between the ULI proposal and this document. Articulating specific quantifiable thresholds provides greater certainty to project sponsors, but will fail to always capture legitimate proposals of concern. If this proposal is preferred over the ULI proposal, staff recommends that over the two year trial period, the information and criteria that are assembled to permit an informed Board decision are cataloged. This information would be used to further define the criteria and thresholds for each proposal through a "casebook" method in which detailed written records of each proposal are kept and which are a source of information for subsequent work.

If No: Then this is a Tier 2 DRI. No further internal evaluation is needed. The CMAP Board may choose to take an official position on the proposed development based on this qualitative assessment. This may take the form of a board resolution on the subject or some other appropriate public comment mechanism.

If Yes: Then proceed to Tier 3 DRI.

Tier 3: Measurable Regional Impacts

Will the proposed development have measurable regional impacts?

CMAP seeks to ensure that sufficient technical information exists to conduct a robust analysis and objective evaluation of the transportation and land use effects of a proposed development believed to have measurable regional impacts.

To facilitate this determination, an Outline Regional Impact Assessment (ORIA) will be drafted by CMAP staff. The ORIA will establish an organized approach to gathering, interpreting and processing quantitative information.

Each ORIA will be organized as follows:

1. A project "literature-review" documenting the proposal's history and background, a bibliography of relevant documents and previous public decisions.

2. An assessment of the likely comprehensive planning implications that emerged from Tier 2 consideration. This assessment should clarify those anticipated outcomes that can be subjected to further quantitative measurement if needed.
3. The results of an initial search for data resources that can be systematically analyzed in order to conduct the proposed impact measurements. This step will also reveal any new data collection needed to adequately assess the proposal's impact.

If Yes: recommend that the project sponsor **conduct a Full Regional Impact Analysis (FRIA)** with the intention of substantiating the hypothesized regional impacts appearing in the ORIA. The recommendation should include an estimate of appropriate time and resources needed to complete an analysis that would satisfy CMAP's desire to understand the proposal's regional impact.

Once the completed FRIA is reviewed, the CMAP Board will consider the proposal's consistency with existing regional plans and if necessary, recommend appropriate additional or remedial planning steps. All documentation and Board discussion as well as any written appeal or dissent will be included with the public record of the discussion before the Board.

Comment: Limits should be placed on the time and cost associated with Tier 3.

Amendment: Tier 3 Review in order to minimize costs, must be accomplished with readily available information.

Staff suggests: Retain the original language. The process is advisory.

If No: Conclude that the proposed development has **no significant regional impact**.

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

Amendment: If a proposed development is found not to meet DRI criteria, CMAP will issue a written "no further action" letter.

Staff suggests: Accept amendment.

Appendix

Frequently Asked Questions (FAQs)

What is a Development of Regional Importance (DRI)?

A DRI is a large-scale development proposal that has the possibility of introducing widespread regional impacts to the daily activities of significant numbers of people or the natural environment.

What is the timeframe for a DRI review?

The CMAP Board has not yet approved a permanent timeframe for DRI review, but during an initial two-year trial period, it is proposed that the DRI review process may not exceed 75 days (i.e. two subsequent regular board meetings) in duration from the date of its initial Board consideration.

What are the thresholds for a DRI?

There are no explicit thresholds; each potential DRI will be individually assessed.

Does CMAP charge a fee to review a DRI?

There are currently no plans to charge a fee for reviewing a potential DRI. However, a Tier 3 DRI may require a Full Regional Impact Analysis conducted by the project sponsor. The cost related to the analysis is borne by the project sponsor.

Are there any financial incentives to encourage compliance?

There is no current policy for financial incentives.

How is a DRI identified and referred to CMAP Board?

DRIs are referred to CMAP in three ways:

- A. CMAP staff identifies specific Federal or State actions with regional planning implications.
- B. A county, municipality, or CMAP coordinating Committee formally requests a DRI review.
- C. The CMAP Board independently initiates a DRI review.

Why is there a 3 Tiered Review Process?

Three successive decision tiers are proposed by which the CMAP Board can efficiently evaluate and advise on a potential DRI. This allows the Board to progressively consider the question of a proposed development's regional importance and whether CMAP's involvement is appropriate.

What kinds of response might the CMAP Board give in their review?

The CMAP Board may ask for formal inclusion as a partner in the relevant planning process. They may also recommend formal planning collaboration between jurisdictions likely to be affected by the proposed development. The CMAP Board may make a resolution on the subject or some other appropriate public comment mechanism. Finally, the CMAP Board may recommend appropriate additional or remedial planning steps.

Why would anyone want to have their projects reviewed?

Sponsors can receive good publicity akin to a 'Good Planning Seal of Approval.' CMAP's review may also assist proposal sponsors in responding to local concerns regarding the impacts of a proposal. The dialogue and evaluation associated with the DRI process may also reveal opportunities to improve a proposal.

Does CMAP have the authority to stop a project?

No, CMAP's role is advisory.

What happens after a DRI review?

After the DRI review, the process is complete. CMAP may pursue further involvement in ongoing planning for the project based on its findings.

How should advocacy groups and citizens initiate a DRI?

All individuals are governed by a County or municipality and they are free to communicate with governmental leaders inside and outside their own jurisdictions. All counties and municipalities are represented by members on the CMAP Board. Specific planning interests are also represented on CMAP working committees. This allows any individual or advocacy group an avenue to organize a formal DRI review request.

Will affected communities be alerted that a project is being considered for a DRI?

Yes, through conventional methods of public notification and disclosure such as the media and internet.

What is the role of CMAP staff in the DRI process?

CMAP currently monitors regional development activity as part of its normal work plan. Existing staff will be trained in identifying potential DRI reviews. Existing staff will also be trained to manage DRI administration. Senior staff with subject matter expertise will be asked to prepare an Outline Regional Impact Assessment if necessary.

Process Flow Diagram

Developments of Regional Importance (DRI) process

