

Welcome to the Commission!

A Guide for New Members

2nd Edition, including the Planning ABC's

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First “Daze” on the Planning Board

Many planning commissioners look back with a sense of humor at their first days -- or, perhaps more accurately, first “daze” -- as a member of their planning board.

For many new planning board members, it’s like entering a strange world, with its own special language and rules.

The primary purpose of this Guide is to help new board members more quickly feel comfortable in their “job” as a planning commissioner (or, in some parts of the country, as a “plan commissioner”). But veteran members should find much of interest as well.

The first part of the Guide contains some “tips” for your consideration. Many of the tips are from your colleagues -- that is, individuals who have served as planning board members.

The second part of the Guide introduces you to some of the players in the “planning universe” you’re likely to encounter along the way -- including, most importantly, your local governing body.

But first, I thought you might enjoy hearing Mike Chandler recount his first days or “daze” as a member of the Blacksburg, Virginia, Planning Commission (since that early experience, Mike has moved on to become one of the best teachers of planning skills in the country ... and author of a regular column in the *Planning Commissioners Journal*).

“I recall rather vividly my initial commission meeting; in part because I had just broken my ankle. My movement was tentative and uncertain as I was unable to coordinate the crutches with my arms and legs. My sense of rhythm -- which has never been great -- was completely missing. In the words of my youngest child, I moved like a ‘klutz.’

Once I settled into my seat and the meeting started, it did not take long for me to dismiss the crutches as a problem. In short order, colleagues began using the king’s English in a manner that sounded almost foreign. They spoke at length about a PUD and its special relationship to open space. They also spent a fair amount of time talking about floor area ratio and density bonuses.

I was perplexed. The words sounded familiar, but they made little sense in the context of the discussion.

PUD sounded like a dog running loose in an open field and floor area ratio with density bonus sounded like a carpeting job.

But this could not be right. This was a planning commission meeting. What was wrong with me? Was I missing something? What was this language I was hearing and what did it mean?

Fortunately for me, a veteran of the commission took me

aside at the conclusion of the meeting and reassured me that all was well. He told me that planners had a language all their own. I would have to learn what was meant one meeting at a time. As my seasoned colleague put it, planning was like learning how to drive: it would take awhile and there would be frustrations along the way; however, I would probably make it.”

Mike is not alone in having a memorable first meeting. I remember my own experience. Even though I had a background in planning, I was nervous. I didn’t know most of the other commissioners. I wasn’t quite sure about how to participate. And, as luck would have it, my first meeting included a controversial neighborhood project -- and a crowd of about fifty people seemed to be focusing their eyes on me, knowing that I was going to have to vote “yes” or “no” on a project of special importance to them.

Many planning board members have gone through a similar experience -- or have, like Mike Chandler, felt the strangeness at being suddenly thrust into a world with its own peculiar language.

I hope this Guide will help make your transition to planning board member a bit easier and more rewarding.

**Wayne M. Senville, Editor
Planning Comm’rs Journal**

Part I:

**Ten Tips
for New
Commissioners**

TIP #1 FOR NEW COMMISSIONERS

LISTEN!

When They Speak, Do You Listen?

“I know you hear me, but are you listening?” Nearly shouting with exasperation, a frustrated citizen confronted her community’s planning commission after a particularly heated public meeting on a controversial zone change.

The chair of the commission took exception to her question. “Of course we’re listening. What do you think we’ve been doing the last four hours?”

They may have thought they were listening, but the decision made by the planning commissioners soon after the meeting did nothing to convince a skeptical public. The commissioners voted unanimously to endorse their previous stand on the issue without any acknowledgment of the public comments they had ostensibly been “listening to” the previous four hours.

It is possible that no amount of public discussion would have changed the opinions -- and the votes -- of the planning commissioners, and it is entirely within their rights to reaffirm their original opinion. But once they opened up the discussion to the citizens, they should have showed by their questions and other responses that they considered the public’s input seriously before they took another vote. “Why did we bother to come? They didn’t even hear what we were saying,” is a rea-

sonable public evaluation of the proceedings that occurred.

Be aware of what you say and how you say it. When you answer or respond to a public comment, do you engage in a dialogue or in a monologue? In other words, do you have your set speech or point-of-view no matter what the citizens say, or do your responses show you were listening?

One effective approach is to respond to each individual by name. If you are not personally acquainted, give your memory a boost by jotting down their names as they introduce themselves. Then, take care to couch your response in terms the citizen has raised. “Yes, Mrs. Jones, I can understand your concern that widening the street will take out those two old oak trees. Several of your neighbors have also raised that issue.”

... During the commissioners’ discussion after the public comment period is over, look for ways to give further evidence you were listening. “According to what we’ve heard today, several citizens seem to think that it is better to save the trees than widen the street. I would like to explore this further before we make a decision.” Or, even if you think the citizens are off track, you should acknowledge what you heard, and then go on to state why you disagree.

Most citizens are reasonable, and understand you cannot al-

ways give them what they want. But they do want -- and deserve -- to have their points-of-view listened to and acknowledged.

From, “When They Speak Do You Listen?” by Elaine Cogan.

Do Be Attentive

Those appearing before you have probably spent hours and hours preparing and rehearsing their arguments. The least you can do is listen and make them think that you are as interested as you should be. Refrain from talking to other members, passing notes, and studying unrelated papers.

From, “The Riggins Rules” by Fred Riggins.

All the People

Listen to all the people and not just those who fit into a neat stereotype of “desirable citizen.” Worst traits often come out at a public zoning or planning hearing. But angry, obstreperous or noisy people are not necessarily wrong.

Neither are minorities who do not speak English well or understand bureaucratic procedures. It is important to give polite attention to everyone -- people you may not want as friends or neighbors, newcomers as well as those whose forebears settled the place.

From, “It’s Time to Discuss the “P” Word” by Elaine Cogan.

TIP #2 FOR NEW COMMISSIONERS

EDUCATE YOURSELF

Learning the Language

You have been active in community organizations and causes. You are intelligent and enthusiastic. You have even attended some planning commission meetings, like that time there was a rezoning in your neighborhood. You know what planning is all about, right?

Then you get your first agenda packet and you discover there are a few things about planning you do not know.

The agenda and its staff reports are written in a language you only partially understand.

Common words seem to have different meanings and some words have no meaning to you: “variance,” “findings,” “conditional uses,” “nonconforming,” “mitigation measures.” Many new planning commissioners leave their first meeting feeling dazed and confused.

As a new commissioner you need to have some early orientation or training so that you can better understand what is expected of you and so that you can do a better job sooner. The training can come from many different sources. Your planning department staff or a consultant can provide it soon after your appointment. You can attend a seminar or conference with special sessions for new commissioners. You can study on your own and talk to “old” commissioners. ...

Most of a planning commissioner’s work is done at meetings.

Meetings are where you interact with the public and developers, hold hearings, and make decisions on the cases before you. While it is the chair’s responsibility to keep the meeting running smoothly, you should know enough meeting protocol to make proper motions.

You also need to know your state’s open meeting laws and conflict of interest laws

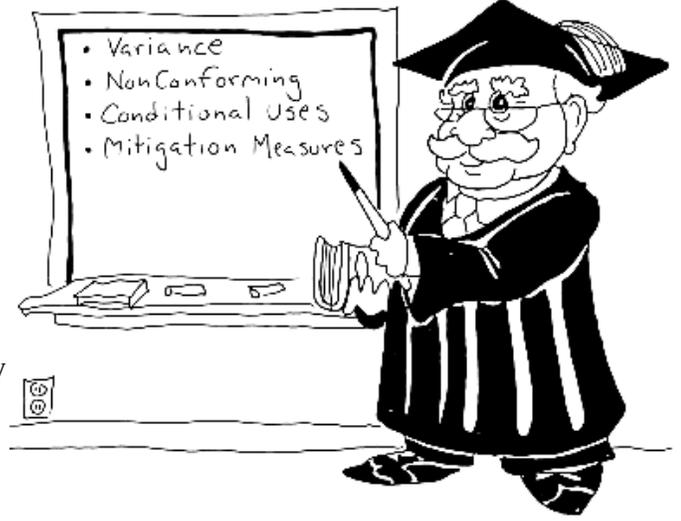
The respective roles of staff, commission, and governing body are especially important. You were appointed to fulfill your role, not staff’s and not the governing body’s. It is very important that you understand how this works in your community.

From, “The New Commissioner -- Dazed & Confused,” by Sharon Wiley Hightower.

Talk With Staff

Talk with the staff. It’s not always possible to have great answers to every question during the meeting. Giving the staff a heads up on your questions is greatly appreciated!

From, “Sitting on Both Sides of the Table,” comment by Austin Bless.



Getting Oriented

Get to know your material and your commission make-up as soon as possible. Zoning codes can be unwieldy and difficult to read through. Mucking through the sign provisions of your zoning code can be pretty tiring. It’s better to orient yourself by sitting down with the retiring commission member, the chair, or another experienced member. Let them quickly outline the various documents and maps with which you will be working.

Not only will these individuals concisely summarize the zoning structure, they will often identify the controversial areas, and the political and public hot potatoes that can lead to lengthy meetings and distressed neighbors. They may also give you a better understanding of the group dynamics in which you will work.

From, “Orient Yourself,” by Theresa Long.

BE POLITE ... AND PATIENT

Common Civility

Too many public meetings degenerate into name calling and chaos through neglect of common civility. Citizens who brave ice storms, heat waves, or the comfort of their living rooms to show up at a public forum deserve our respect, no matter how we feel about their opinions. It is important that public officials speak in measured tones, address each person appropriately, and otherwise model the kind of behavior they expect from the audience.

Is your tone sarcastic or angry? Most perpetrators of this behavior usually accompany their words with folded arms and frowns. "Well, sure, you just never saw the signs we posted" or "You don't really expect us to believe you didn't notice your brother-in-law's violation." Similar to assuming guilt, this type of posture puts you at a disadvantage because people will tend to side with someone who is being insulted.

From, "Ask Questions Well and You May Even Receive Worthwhile Answers!" by Elaine Cogan.

Don't Become Involved in Altercations

Some persons seem to come to hearings with the express purpose of "telling them guys down there how the cow ate the cabbage." If you answer their irrelevant rantings, you are im-

mediately involved in a fight. Don't answer or try to defend yourself. You are there to hear testimony and make decisions based thereon, not to head up a debating society.

Remember, you are the judge and the jury. In most cases, it is sufficient to say, "thank you very much for coming here and giving us the benefit of your thinking. I am sure that the members of this body will give your remarks serious consideration."

From, "The Riggins Rules," by Fred Riggins.

Show Respect

Respect the questioner even when you doubt the question. People ask dumb questions ... hostile ones ... tough ones ... all of which you should answer as directly as you can, but always respectfully. Those three little words, "I don't know," followed up by "but I'll find out for you," should be high in your vocabulary.

From, "You, Too, Can Speak So People Will Listen!" by Elaine Cogan.

Patience

It will not take long after you have joined the planning board to become an "insider." You will begin to understand professional planning jargon and may even be able to decipher plat maps and legal documents.

That knowledge, which is essential to doing a good job on the commission, can also cause you to be impatient with lesser informed citizens who slow down commission meetings with simple or elementary questions.

Patience may be the first attribute you lose when it should be the one you hold on to most tenaciously.

From, "Starting Out the New Year on the Right Foot," by Elaine Cogan.



TIP #4 FOR NEW COMMISSIONERS

ASK QUESTIONS

“The Only Dumb Question ...”

Once appointed, don't be reluctant to ask questions of other board members and the planning staff. The staff is there to assist and advise the board. At your board's public meetings, ask questions. Other board members, or citizens in attendance, may have the same question in the back of their mind. The old adage “the only dumb question is the one not asked” is true. A new board member will not (and should not) be chastised for asking basic questions to understand the issue before the board.

From, “The Only Dumb Question ...,” by Stephen DeFeo, Jr.

Ask the Right Questions ... and the Hard Ones

Learn to ask the right questions of applicants, staff, and the public -- and don't assume the unstated. If you ask the wrong kinds of questions the answers will be meaningless.

For example, it may be “logical” that a developer would only propose development on safe, stable soil. It seems “logical” that he wouldn't want to risk future problems with development on soil of unknown or unstable characteristics. He may even profess to “value” safe, well-engineered projects. Everyone values safety, surely. But neither issue of “logic” or “value” has anything to do with the reality of whether the soil is

stable or not. Don't take things for granted. Ask the right questions, and make sure of the fact that the soils are indeed stable.

Ask the Hard Questions. My favorite is, “Is this just your idea, or do you have any evidence to back it up?” No category of comment is more common at a zoning hearing than unsubstantiated “fact.”

Comments like, “It will decrease my property values,” or “The traffic impacts will hardly be noticeable” will plague you all your days. Sift through the testimony for relevant planning information corroborated by evidence.

Keep in mind that aside from expert witnesses, and without evidence, one person's opinion is just about as valid as another's. Be fair, but be discriminating in what you choose to accept as truth.

From, “Being a Planning Commissioner,” by Steven R. Burt.

“Plannerese”

Don't be afraid to ask questions! Planning is a specialized field and planners often speak and write in jargon or “plannerese.”

I can tell you that there are others in the room that don't understand, are a bit embarrassed, and need someone to speak up.

From, “Sitting on Both Sides of the Table,” comment by Ann Bagley.



When In Doubt

One of the responsibilities of the planning commission is to assess the evidence presented. What is often a difficult concept for many commissioners to accept is the fact that you do not have to believe everything that you are told. If you have doubts about what you are hearing, you can and should ask for better documented information.

It is true that if an applicant meets the requirements of the regulations, you must approve the application. However, some evaluation of evidence is usually required. Very few codes are entirely quantitative in nature. Indeed, if a set of regulations were entirely quantitative in nature, there would be no need to have a planning commission.

From, “Getting Even,” by Greg Dale.

DO YOUR HOMEWORK

Before the Meeting

Preparation in advance of the meeting will make you a more effective board member, better suited to serve your community. It is not fair to the applicant, fellow board members, or the community you were sworn to serve to enter the meeting unprepared. Open the plans and read the documents relating to items on the agenda *before* the meeting. Know what the agenda items entail and what action the board is expected to take. But don't worry about being an expert or an authority on the issues before the board.

From, "The Only Dumb Question," by Stephen F. DeFeo, Jr.

Have you read the agenda packet ahead of time and prepared for the meeting? As you prepare and find you need

additional information, do you ask staff to get it for you?

I'm certainly not saying that you should have all your questions answered and your mind made up before the meeting. However, if staff can gather additional information to assist the process, it will benefit the commission, the staff, and, in many cases, the applicant.

For instance, you may want to refresh your memory regarding a previous similar request. Often locating this type of information requires "digging" in archived files. Staff can either supply the information to you before or at the meeting.

From, "Planning from Different Perspectives," by Carolyn L. Braun.

And you will make some horrible and disturbing decisions.

From, "The Riggins Rules," by Fred Riggins.

See the Sites

A resident in our town sought a variance of a few feet to erect a garage addition he had planned over a decade ago. Now that he could finally afford to build it, he found that the town had changed the zoning. So he needed a variance.

Had I not gone by the house I wouldn't have known that the footing for the house had been poured long ago.

Unfortunately, one of our board members, who hadn't seen the site, asked "Why can't you just shift the addition a little this way?" -- a remark that I thought would cause the poor applicant to have a cardiac arrest. The color left his face, he went into a sweat, and began stuttering!

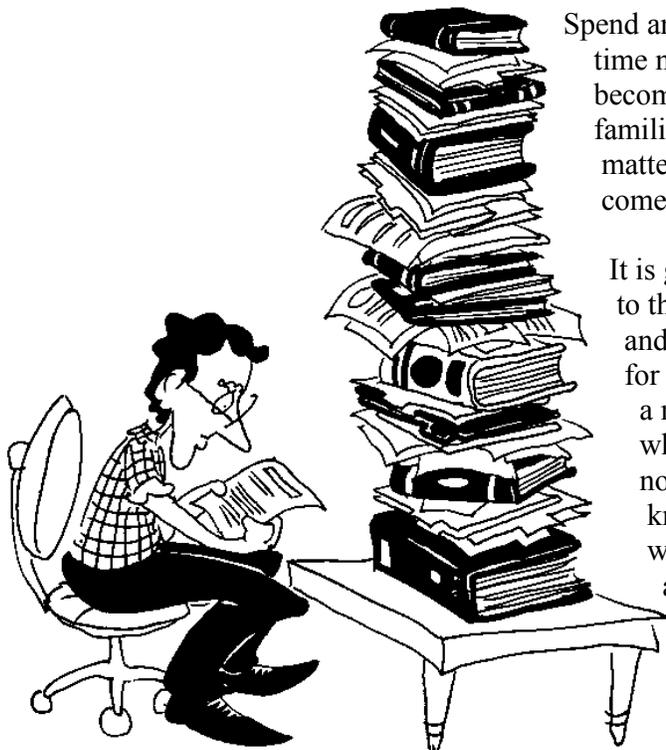
While no harm was done -- we granted the variance -- as a board member you should do your best to take a look at the projects you'll be acting on.

From, "Lessons From Nine Years on a Zoning Board," by Douglas C. Hageman.

Do Your Homework

Spend any amount of time necessary to become thoroughly familiar with each matter which is to come before you.

It is grossly unfair to the applicant and to the City for you to act on a matter with which you have no previous knowledge or with which you are only vaguely familiar.



AVOID “EX PARTE” CONTACTS

“Bending Your Ear”

Consider the following scenario: you are approached by a developer who is considering acquiring a large parcel for development into a major retail facility. He asks if he can “bend your ear” a bit, and gain an understanding of how you might view a zone change on this property to permit the facility. ... In the interest of wanting to be helpful, you agree. During the conversation, you indicate your belief that the zone change is a good idea. ...

The first mistake made by the planning commissioner in our scenario was to agree to meet with the developer. This meeting would be considered an “ex parte” contact, meaning that it occurred outside the public realm. ...

The literal meaning of the term “ex parte” is “one-sided.” This, of course, suggests that when you engage in an ex parte contact, you are engaging in a one-sided discussion, without providing the other side an opportunity to respond.

Obviously, commissioners can and do have outside contacts with many members of the community, including developers. While such contacts are often appropriate, a line must be drawn when they involve matters which the commission is likely to act on in its capacity as a review body (e.g., when reviewing development proposals or rezoning requests). Moreover, the fact a contact occurs on a

matter that is not yet formally before the commission does not eliminate the problem.

The second mistake was to accept something as confidential information. Planning commissioners are, in fact, public officials. Any public official, including those serving on commissions, should as a general rule consider information provided them to be public information. (I do not mean to include information the commission, as a body, is legally authorized to treat as confidential, such as discussion of pending litigation or personnel matters).

If information you obtained through a confidential discussion ends up having relevance to a public matter before the commission, you will have an ethical obligation to disclose it. ...

The third mistake made by the “helpful” commissioner in our hypothetical was to give an opinion about the merits of the possible rezoning. A commissioner’s credibility is undermined by announcing a position on a matter before the public hearing occurs. Moreover, prejudging matters harms the credibility of the commission as a whole by raising doubts about the integrity of the process.

From, “Bending Your Ear,” by Greg Dale.

Politely, Say “No”

Don’t discuss a case privately and as a single member of a

body with an applicant or objector prior to the filing and prior to the hearing if it can be politely avoided.

In the event that it is not avoidable, and many times it is not, be very non-committal ... explain that you are only one member of the body, that you have not had an opportunity to study the matter thoroughly, that you have not seen the staff recommendation, and that you have no way of knowing what opposition there may develop or what will occur at the public hearing.

Be certain that the person concerned understands that you cannot commit yourself in any manner, except to assure him that he may expect a fair and impartial hearing.

From, “The Riggins Rules, by Fred Riggins.

About Email

One other caution on ex parte contacts ... treat email communications just as you would hard copy or oral communications. It is amazing to me how people tend to view emails as somehow being under the radar screen.

The reality is that email communications between you and other commissioners or interested parties about matters before you are likely to be considered public record, and you may be required to produce them.

From, “Revisiting Ex Parte Contacts,” by Greg Dale.

RECOGNIZE CONFLICTS OF INTEREST

Why Care About Conflicts of Interest?

Conflict of interest questions are part of the larger due process consideration of the impartiality of the planning board or commission. Simply stated, every party before your board is entitled to a fair hearing and decision, free from bias or favor. Having a conflict of interest can threaten that impartiality. Therefore, it is critical that conflicts be identified and dealt with in an appropriate manner.

The issue of conflicts of interest is particularly acute when a planning board member has an interest in developable real estate. While none of us like to think that we have given up some right by agreeing to serve on the planning board, the most sensitive ethical area involves a perception that a planning board member is acting in a way to advance his own interests in private property development.

As a planning commissioner you are a public official. As such your actions are sure to be under scrutiny by members of the public and by your local media. The slightest stumble in how you deal with ethical issues has the potential to flare up into controversy.

When in Doubt, Disclose

If you believe that you have a conflict of interest or a situation that could create the impression of a conflict of interest, the safest route is to disclose the nature

of your concern to the planning commission. Be sure to make this disclosure *before* beginning discussion of the item.

Let the Commission Decide

Rather than an individual planning commissioner making a unilateral determination on conflict questions, consider establishing a procedure whereby a commissioner may request permission to be excused, or request permission to participate, and let the commission make the determination. This has several effects. First, it removes the burden from the individual. Second, it allows for the possibility that the commission may disagree with the individual commissioner's determination.

Err on the Side of Caution

When faced with a potential conflict, readily agree that you are willing to step aside if the commission so desires. Any insistence on your part to stay involved will only create the impression that you have a reason "to stay involved."

Leave the Room

Once a determination has been made that there is a conflict or potential conflict the simplest course of action is for that commissioner to simply leave the room. Out of sight, out of mind. Continuing to sit silently with the commission or even moving to the audience is not good enough. Leave the room.

An Ounce of Prevention ...

As with many things in life, it makes sense to *plan* for contingencies. Take the time to become familiar with whatever legal restrictions involving conflicts of interest apply in your state. It may benefit your full commission to schedule an informal meeting or workshop with your city or county attorney to discuss hypothetical conflict of interest (and other ethical) concerns and how to deal with them..

From, "Conflicts of Interest – A First Look" and "Caution: Conflicts of Interest," by Greg Dale.

Disqualify Yourself

Don't fail to disqualify yourself if either directly or indirectly you have any financial interest in the outcome of the hearing, and let your conscience be your guide where it could be said that moral, ethical, political, or other considerations, such as personal animosity, would not permit you to make a fair and impartial decision. ...

To avoid all accusations of undue influence, it is generally wise to leave the room and ask that the record show that you did so and that you did not indicate by word or action whether you were in favor of, or opposed to, the matter under discussion.

From, "The Riggins Rules," by Fred Riggins..

TIP #8 FOR NEW COMMISSIONERS

ATTEND ... AND CONTRIBUTE

Be There ... On Time

Don't accept an appointment or nomination to a Board, Commission, or Council unless you expect to attend 99.9999 percent of the regular and special meetings.

If your participation falls below 85 percent during any six months' period, you should tender your resignation. You aren't doing your job. You aren't keeping well enough informed to make intelligent decisions, and you are making other people do your work for you and assume your not inconsiderable responsibility.

Do be on time. If the hearing is scheduled at 7:30, the gavel should descend at the exact hour, and the hearing begin, if there is a quorum. If you have to wait ten minutes for a quorum and there are 100 people in the room, the straggler has wasted two full working days of someone's time besides creating a very bad beginning for what is a very important occasion for most of those present.

*From, "The Riggins Rules,"
by Fred Riggins.*

Call In

Serving on a planning commission means having to attend meetings. Just as you would do with your employer, you should call the planning staff or the planning commission chairman if you know you will be unable to attend a commission meeting or be arriving late.

*From, "Getting the Job Done"
by Michael Chandler.*

You Need to Attend!

Failure to regularly attend meetings can result in a number of problems. It can create poor morale on both the part of staff and fellow commissioners. It can make decisions more difficult to reach -- and can, at times, make it harder to obtain a quorum for doing business.

This is a disservice to applicants, as well as to members of the public, who are entitled to action on a project request. Finally, it can cause resentment on the part of those commissioners who are doing their job, and create a poor public image of the commission.

Many absences are obviously legitimate, and scheduling constraints often make it difficult to both prepare for and attend meetings. But often times the problem is more a reflection of the low priority that the ghost commissioner places on serving on the commission.

*From, "The Ghost Commissioner,"
by Greg Dale.*

Contribute

Recognize that you have an obligation to contribute to your planning and zoning meeting, even if you don't have a set of initials following your name and can't name the planner who laid out the streets of Paris. It's not a "chance" to contribute; it's an "obligation" by virtue of your appointment. Study any staff reports, maps, and the like, and come prepared to contribute.

... Planning commissions are places for people who care and want to make a difference to their communities.

*From, "Being a Planning
Commissioner,"
by Steven R.
Burt.*



BE INDEPENDENT & INFORMED

The Planning Commission's Role

A central function of a planning commission is to provide an objective, and independent, voice on matters relating to a community's long-term development. This is especially important since local governing bodies are (quite naturally) more sensitive to public opinion and the demands of various special interests.

Planning historian Larry Gerckens has noted that "citizen planning commissioners were put in that position not to execute administrative chores for city council, but to provide insights into the problems and potential of the community, and to provide leadership in the solution of problems before they arise." (see, p. 17)

Moreover, the American Planning Association's "Statement of Ethical Principles in Planning" notes that: "Planning process participants should exercise fair, honest *and independent judgment* in their roles as decision makers and advisors." (emphasis added)

What are some of the basics to ensuring that a commissioner is well-informed, and capable of exercising his or her independent judgment?

First, be sure to open your meeting packet *before* the meeting! OK, maybe that is too basic, but many commissioners have cringed to hear the sound of a

fellow board member tearing the envelope open at the meeting.

If you have a professional staff you should obviously review the staff report carefully. If not, then you should review the application itself. Also, there is no substitute for viewing the subject site and the surrounding area. ... It is also helpful to review the zoning code and comprehensive plan provisions that are relevant to a particular request.

Do not confuse independent judgment with personal bias. The comprehensive plan and the regulations that implement that plan represent the policies and laws that you are bound to uphold, regardless of your own personal biases.

Can one do too much to prepare? Always remember that your decision must ultimately be based upon evidence in the public record. Many commissioners, in their well-placed enthusiasm to be as prepared as possible, engage in independent investigation that involves discussing pending cases before the commission with interested parties to that application. Such ex-parte contacts are improper and should be avoided. See Tip #6.

Another aspect of this issue has to do with the

relationship between the commission and staff. Professional planning staff have the training and ability to provide the commission with valuable information and insights. Planning commissions should take full advantage of staff expertise in making decisions.

However, both commission and staff should recognize the obligation of the commission to act in an independent manner.

From, "Independent and Informed" by Greg Dale.



Facing Friends and Neighbors

As planning commissioners, I'm sure you have heard difficult requests from friends or neighbors that do not comply with the code. It is hard not to be empathetic with your neighbors. They stand before you, looking at you, hoping you -- of all people -- will understand and help them. After all, you live there.

Silently, you wonder whether granting the request would be that bad. After all, it really wouldn't hurt anyone. What's a couple of feet in the greater scheme of things?

Similarly, you may be called on to decide applications that have evoked strong neighborhood

opposition. This time, many friends and neighbors may be standing before you. One by one they make impassioned pleas against the proposal. Once again, you are in a difficult position ... how can you approve this request with so many people in opposition? How could this possibly be best for the community? How could all of these people be wrong?

Your staff, though they may empathize with your friends and neighbors, are usually not under the same pressure as you. While both your job and theirs is to review projects to determine whether they comply with the code, staff members do not make the final decision. You do.

It is tempting as a commissioner to simply make a popular decision. It has been my experience, however, that in the long run

consistent decisions give you more credibility. But rest assured, it won't always be easy.

From, "Planning from Different Perspectives," by Carolyn L. Braun.

Think It Through

A new member has to do a lot of homework to understand what the whole thing is all about. Also, a new member needs to realize that in meetings there's sometimes pressure from some group to resolve a problem quickly.

I think new members are more likely to feel they have to get this decided, or they'll make an extremely positive statement which they cannot change, or feel they can't change.

It's important to realize that perhaps your first reaction to something may not be the best -- and that you might change your mind as you think it through. I know I've had that experience where something looks pretty good right at the beginning and then as we thought about it, talked about it, and put it over for another month we began to realize what some of the underlying issues were.

From, "A Roundtable Discussion," comments of Carl F.W. Kohn.



TIP #10 FOR NEW COMMISSIONERS

MAKE A DIFFERENCE!

A Commitment to Excellence

There are fundamentally three types of planning commissioners. The first type thinks they should have some title after their last name and planning commissioner is as good as any. The second type believes in giving public service, prepares well for commission meetings, and participates thoughtfully. The third type of commissioner, however, takes this one step further. Because of a personal commitment to excellence, the third type will make an extra effort to become especially well informed about their community, about planning ideas and techniques, and about ways in which the planning commission can work towards creating a better community.

From, "What Type of Planning Commissioner Will You Be?"
by Ron Ames.

Show Some Passion

We rarely think of passion as a quality of an effective planning commissioner. Passion need not be stubbornness or unwillingness to examine all sides of an issue. It does require, however, that you are willing to speak out or hold out on some matters on which you feel very strongly, even if you are a minority of one.

At least once in your career as a planning commissioner there should be an issue of sufficient importance that you will want to be its champion, regardless of the consequences. On the other hand, do not give the same level of passion or support to every issue, or, like the boy who cried wolf, your colleagues and the community will not be able to recognize those issues that really concern you.

Passionate espousal of your point of view requires that you

honor and respect others who are equally impassioned.

From, "Starting Out the New Year on the Right Foot," by Elaine Cogan.

Roll Up Your Sleeves

In my zeal to learn the ropes, I rolled up my sleeves and plowed through as many books and articles as I could find.

Then, as each project or zoning application was set to come before our board, I researched the applicable regulations and statutes before the meeting, because I didn't want to make uninformed decisions -- nor did I wish to look stupid in public.

The result was that I sometimes had a leg up on some of the other board members, and I occasionally found myself catching details others had missed. ...

Now, as I drive around town and see subdivisions springing up and new businesses coming to town, I like to take my friends or visiting relatives with me, because it's fun to point out the changes I helped to make.

From, "Skills You Will Need,"
by Ann R. McReynolds.



Part II:

**The
Planning
Universe**

Obviously at the center of the planning universe! Planning commissions often have two distinct functions. The first involves preparation and revision of the community's comprehensive (or municipal) plan and local land use regulations, such as the zoning or subdivision code. This role is typically advisory to the local governing body, with the planning board forwarding a recommended plan (or ordinance) to the governing body for consideration.



The second, and often most time-consuming, function involves review of development proposals, such as site plans and subdivision plats.

In some states the planning commission makes the final decision on these, subject to possible court review. In other states, the planning commission recommends a decision that the local governing body can modify.

With both long and short range planning responsibilities, planning commission members can justifiably lay claim to being at the hub of the planning universe!

THE PLANNING COMMISSION

The Planning Commission & The Plan

Planning commissions have numerous duties and responsibilities. Chief among them is the preparation of a comprehensive plan for the community.

Whether we label our plan comprehensive, master or general, we are, in most instances, describing the same thing. For most communities, a comprehensive plan is the physical manifestation of putting down on paper the hopes, dreams and goals a community holds for itself.

Properly done, a comprehensive plan will describe how, and at what pace, the community desires to develop physically, economically, and socially. The plan functions much like a roadmap; it is a means to an end.

From, "Developing the Comprehensive Plan," by Michael Chandler.

Forward Thinking Advisors

Planning commissions serve as independent *advisors* to their local governing body on planning and land use matters. Keeping this in mind is important when considering a planning commission's relationship to the governing body.

Not having the final word can be a difficult thing – especially when the commission expends great amounts of time and energy only to have its advice rejected by the governing body (though, hopefully, this will not happen too often). Don't let this discourage you. Instead, look for ways your commission can advance the cause of good planning, and strengthen its relationship with the governing body.

Remember that as a planning commissioner you're responsible for focusing on the long-term. Most elected officials appreciate this forward thinking role.

From, "The Planning Commission As Independent Advisor," by Michael Chandler.

The Perfect Place for Leadership

The planning commission can be the perfect place for leadership to emerge. First, because it's where many community disputes receive their earliest hearings, so if the community needs to learn new ways of resolving disagreements, the commission can be where it learns them. Second, with its mandate for planning, the commission is concerned with the community's future. If new ideas are needed, where better for them to be developed and aired?

From, "Making a Difference," by Otis White.

Don't Apologize!

They jump into the middle of their neighbors' business, staying up late at night to attend meetings, attempting to play Solomon. If they had any sense, they'd be at home playing cards.

Around the neighborhood they may be considered opinionated, nosy, busybodies, or "butt-in-skis." But around City Hall they're accorded the title of "planning commissioner."

Whether it's an honor or a burden depends on what you're able to make of it. ...

From, "Being a Planning Commissioner," by Steven R. Burt.

Providing Insights

It's easy to sit back and wait for problems to arrive at the planning commission. All of a commissioner's time can be spent stamping out brushfires and processing standard reviews.

But it is worth recalling that citizen planning commissioners were put in that position not to execute administrative chores for city council, but to provide insights into the problems and potential of the community, and to provide leadership in the solution of problems before they arise.

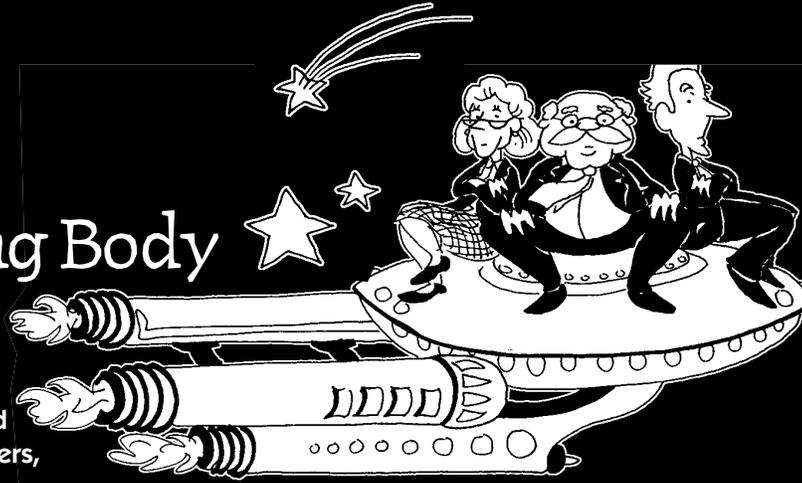
From, "Community Leadership & the Cincinnati Planning Commission," by Laurence Gerckens.

The Local Governing Body

Your mayor and local legislative body, whether it be a city or town council, or board of county commissioners, are key players in the

planning universe. Indeed, a responsibility for setting the planning process in motion rests with the local governing body. In most states, the process begins with the governing body and/or mayor appointing the planning commission.

The comprehensive plan, which is typically produced by the commission, cannot go into effect without being adopted by the governing body. Similarly, the local governing body has final say on



the adoption of zoning ordinances, subdivision ordinances, and other regulations designed to implement the comprehensive plan. In some states, the governing body also makes the final decision on development approvals.

Planning commissions need to keep the mayor and governing body well informed of planning initiatives, as elected officials generally like to know what's going on and frown upon surprises.

THE LOCAL GOVERNING BODY

Not Having the Final Word

Not having the final word can be a difficult thing -- especially when the commission expends great amounts of time and energy only to have its advice rejected by the governing body (though, hopefully, this will not happen too often)."

But don't let this discourage you. Instead, look for ways your commission can advance the cause of good planning, and strengthen its relationship with the governing body.

Remember that as a planning commissioner you're responsible for focusing on the long-term. Most elected officials appreciate this forward thinking role because it allows them to gauge the public's receptivity to future courses of action."

From, "Linking Elected Officials with Planning," by Michael Chandler.

The Different Roles of the Governing Body and Planning Board

A misunderstanding of roles is the most frequent barrier to a positive relationship between councils and planning boards.

What are the roles? The Council begins with the responsibility of appointing the members of

the Board. It is the Council's job to create a capable Board with a balance of experience and expertise. However, the Council then needs to leave the Board to do its job.

The two groups have distinctly different jobs:

Councilors are policy makers. They are elected by and are responsive to the public whom they represent in all its various constituencies.

The Board members, on the other hand, are not policy makers. They are appointed to work within the ordinances adopted by the Council. They work within already established policy and do not change policy based on public comment.

Even if the room is packed with citizens arguing that a permitted use be denied in a site plan hearing, it is not the Planning Board's role to change what is or is not permitted. It is their role to apply the given ordinance.

If the public does not like what the ordinance permits, then the Council is the place to get it changed. Similarly, if the Board is concerned about the impacts of applying a given ordinance, their option is to recommend changes to the Council.

Even in the process of rewriting or developing new ordinances, the Council is still the policy maker.

The Board functions like a technical consultant to the Council recommending effective ways to accomplish the general community goals requested by the Council. The Council gives a sense of direction to the Board. The Board then uses its specialized background and expertise to make recommendations back to the Council.

The recommendations may be creative and far reaching. They may be more complex or technically innovative than the Council ever imagined. But, it is the Council that makes the final decision with whatever political considerations it deems appropriate.

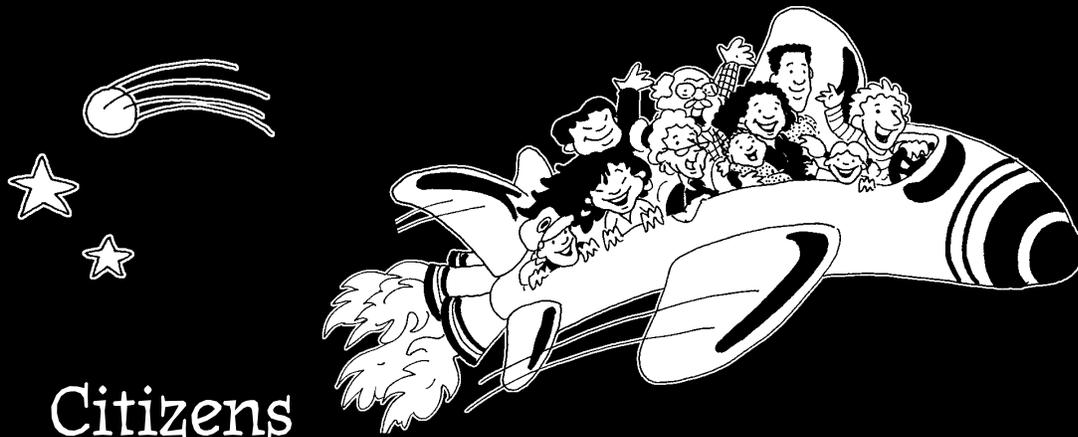
Each role is vital to a smoothly functioning community. But they are separate.

From, "Town Councils & Planning Boards," by Pamela Plumb.

Who Are the Politicians?

The planning commission's marching orders are to provide the best advice to the governing body as laid out in the comprehensive plan, mindful of the potentially evolving notion of the health, safety, and welfare of the whole community ... planning commissioners MUST remain above politics."

From, "Putting Some Oomph Into Planning," comments by Jim Segedy.



Citizens

For planning commissioners who have just concluded a prolonged or heated public hearing, the happy, smiling citizens illustrated above must appear as a cruel joke or a scene that could only take place in outer space! Perhaps, however, the citizens have just returned from a dynamic and exciting workshop helping to envision the community's future!

Citizens are an essential (perhaps the most essential) element of the planning

universe, and one that planners must reckon with if the planning process is to have any long-term value. A challenge facing many localities is deciding how best to include citizens in the planning process. A multitude of strategies, each with particular strengths, are possible. If planning is to succeed, however, the question will not be whether citizens should be involved in planning for the future, but how to get them involved.

CITIZENS

Engaging the Public

“Public sentiment is everything. With public sentiment nothing can fail; without it, nothing can succeed.” – Abraham Lincoln at Ottawa, Illinois, 1858.

As planning commissioners, it is vital that you find meaningful ways to engage the public in the planning process. Too often, communities simply go through the motions of advertising in the local paper, posting a notice in a public place, or notifying property owners because state law or local policy requires it.

While these requirements do have some value, they may represent little more than soliciting objections rather than constructive engagement.

Faced with a continual barrage of lengthy agendas or highly controversial items, planning boards and staff understandably, but unfortunately, tend to overlook the art of more creatively engaging the community.

While engagement strategies can take time and effort, they offer a number of benefits:

- Engagement advances the planning commission’s credibility and creates an atmosphere of trust.
- Engagement allows the public to be part of the solution to community issues.

- Engagement creates opportunities for planning boards to deliver improved recommendations.

- Engagement can help establish a more consistent framework for appointed and elected officials to make informed decisions about key issues.

- Engagement fosters enthusiasm and excitement about best planning practices, and involves the public in important policy considerations.

- Engagement allows planning board members and staff to extend their knowledge of the community.

From, “Engaging the Public” by Larry Frey.

The Challenge

The inability to achieve a public consensus about what kind of future a community intends to create for itself is a fundamental reason land use planning fails.

To be successful, planning must reflect the wants, needs, and desires of the citizens who live in the community. Thus, a primary challenge facing a planning commission involves developing an effective strategy for getting citizen input in the planning process.

From, “Developing the Comprehensive Plan, Part II,” by Michael Chandler.

We Need to Listen to Their Stories

My grandmother used to tell me, “We have two ears and one mouth because listening is twice as important as talking.”

A few years ago, Jim [Segedy] was working with a rural Midwestern community to develop a new comprehensive plan. The interviews with elected and appointed officials had gone well, and the public meetings were well attended, but the actual usable community input was sparse. So in an infrastructure focus group, I asked, “What was the most exciting day in your town?”

Right away several folks talked about the tornado that had hit a few years before. From their stories of the storm striking with no warning, residents suddenly realized that a storm warning siren network was an important infrastructure and public safety need they had overlooked when writing their new plan.

The act of listening to someone’s story allows them to listen to it as well -- this is empowerment at the most basic level.”

From “Inviting Them In: Using Story as a Planning Tool,” by Lisa Hollingsworth-Segedy.

Planning Staff

Many towns, cities, and counties employ a local planner or planning staff to manage, in partnership with the planning commission, the local planning effort.

It is important that the planning commission and planning staff agree on ways to foster a mutually beneficial work relationship. Clarity regarding roles, duties, and expectations should be viewed as a top priority. While the planning commission typically focuses on the “bigger picture” associated with policy, direction, and goal setting, the chief responsibility of planning staff involves providing technical assistance and guidance — and managing the planning office’s many functions on a day-to-day basis. This requires communication and coordination. As a result, it is not surprising that planning staff are frequently found whizzing through all corners of the planning universe.



THE PLANNING UNIVERSE

PLANNING STAFF

Understand What Your Planning Staff Does

Planning commissioners may well be unaware of the amount of time that staff spends in dealing with major or controversial requests. Staff may have met and talked numerous times with neighbors and the applicant to resolve the issues. In essence, staff often “lives and breathes” these requests for months at a time. ...

From, “Planning from Different Perspectives,” by Carolyn L. Braun.

Don’t forget that the staff is there to help you in any way possible. It is composed of very capable professional people with vast experience. Lean on them heavily. They can pull you out of many a bad spot if you give them a chance. Or they may just sit and let you stew, if you do not give them the respect which is their due. Remember that their usual practice is to remain silent unless they are specifically asked to comment. Most of them consider it presumptuous and unprofessional to inject any unsolicited comments into the hearings. Always ask them to comment prior to the final vote.

Do not take staff recommendations lightly. These recommendations are made after much study by professional people with years of experience in their field and are based on pertinent laws, ordi-

nances, regulations, policies, and practices developed by you and your predecessors.

Your job is to temper their recommendations with information developed during the hearing which was not available to the staff. It is not unusual for a staff to voluntarily reverse or change the details of its recommendation during the course of a hearing.

From, “The Riggins Rules,” by Fred Riggins.

A Working Relationship

Effective staff/commission relations are vital to the overall success of planning in your community, whether your planning agency has one, ten, or one hundred employees. Good will and an understanding of the pitfalls that impede sound relationships can help you solve any problems that may arise.

Resist the temptation to “micro-manage.” After you have been on the job any time at all, you will become more familiar with planning jargon, and the rules and regulations of your community, than most citizens. Still, you are not expected to be a professional planner. Indeed, you would be less effective as a citizen planning commissioner if you were.

Even if you are a successful professional or businessperson, it is not appropriate to try to tell the planning director whom to hire or fire or how you think the agency

should be managed. You should have more than enough to do studying the issues and making policy decisions. ...

Control your public behavior. Never be guilty of berating, downgrading or insulting the staff at a public meeting. Yes, it can be embarrassing if citizens point out apparent errors in staff reports or presentations. The public meeting, however, is not the place to find out what happened or why ... in most cases, a quiet discussion with staff away from the public can work out seeming discrepancies or disagreements.

Reward good work. A simple “thank you -- you did a great job last night before that group of hostile homeowners” can be just the right comment to uplift a harassed planning staff when it appears the whole town has taken up arms against them. Take your planning director to lunch. Praise a particular piece of staff work at a public meeting. ... There are all manner of ways you can -- and should -- reward your often overworked and undervalued planners.

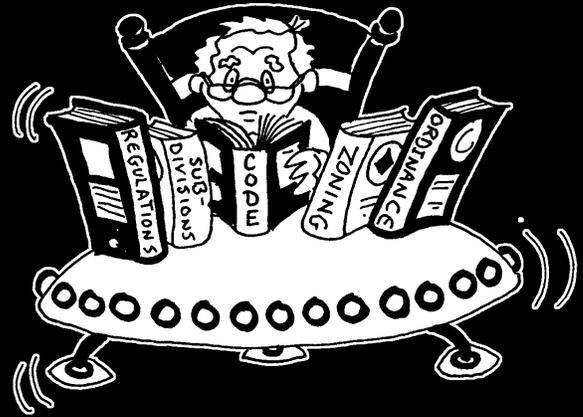
There will always be some tension between commissioners and staff; you have different responsibilities and, often, different perspectives. But the sooner you can develop a creative partnership -- and the more you can nurture it -- the better it will be for everyone.

From, “Staff Needs a Little TLC, Too!,” by Elaine Cogan.

The Law

Planning is a structured process governed by legal principles, statutes, and codes. A planning commission works within the framework of its state's enabling law, for this defines a commission's range of substantive duties and responsibilities, as well as the procedural requirements it must follow.

Any consideration of the planning universe must also recognize the strong influence that federal laws and regulations — and the financial assistance funneled to local governments pursuant to these laws and regulations — have on the local planning process.



THE LAW (and Lawyers)

Within the Law

When considering applications or requests, you are operating within a prescribed set of procedures and standards, as set out in your state and local regulations. When someone appears before you, the question is not whether or not you “like” their proposal, but whether or not it complies with the regulations.

From, “The Ethics of Bias,” by Greg Dale.

Subdivision Controls

The primary impetus to land subdivision reform came from the Standard City Planning Enabling Act, prepared in 1928 by the U.S. Department of Commerce as a model for adoption by the states.

The Planning Enabling Act provided, among other things, for municipal planning commission approval of plats. The subdivision plat review process helped assure that residential streets would have adequate capacity to handle future traffic, and that lots would be of adequate size and shape and have frontage on a public way. By 1968 over 95 percent of municipalities of 5,000 population or more had adopted subdivision control ordinances.

Subdivision regulation in many communities has expanded beyond the early objectives. By the mid-1950s, local subdivision controls were often specifying road construction quality and utility services, and many were requiring donation of land for

neighborhood park and recreation facilities.

In more recent years, some jurisdictions have used subdivision regulations as a growth management tool. Others have used subdivision controls to preserve natural features such as wetlands, or as a way of achieving environmental goals such as the control of stormwater runoff.

From, “Ten Successes that Shaped the 20th Century American City,” by Laurence Gerckens.

Spot Zoning

Because spot zoning often focuses on the single parcel without considering the broader context, that is, the area and land uses surrounding the parcel, it is commonly considered the antithesis of planned zoning. While rezoning decisions that only affect a single parcel or small amount of land are most often the subject of spot zoning claims (as opposed to rezonings of larger areas), a locality can lawfully rezone a single parcel if its action is shown to be consistent with the community’s land use policies. ...

Courts commonly note that the underlying question is whether the zoning decision advances the health, safety, and welfare of the community. A zoning decision that merely provides for individual benefit without a relationship to public benefit cannot be legally supported.

From, “Understanding Spot Zoning,” by Robert Widner.

The Role of the Lawyer

When the applicant brings a lawyer, listen carefully to the presentation, but don’t assume that the lawyer is necessarily right on every point, either of law or of fact. Lawyers in this situation are advocates and as such will be selective in the points they make to the commission.

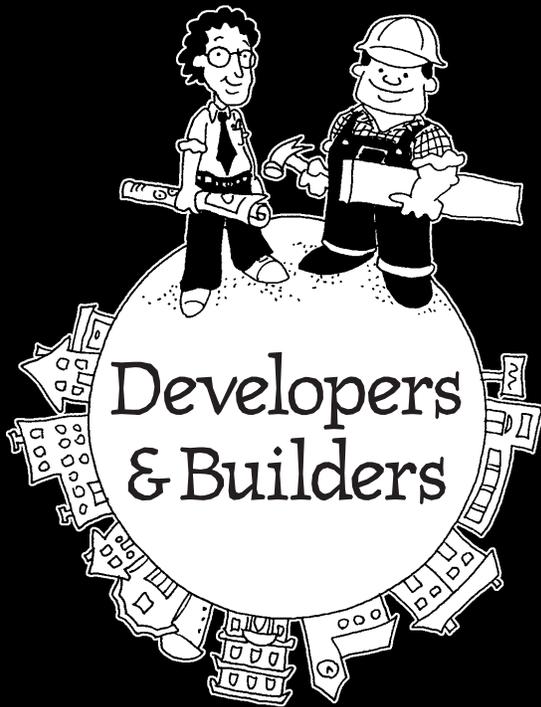
Lawyers who have done their job will be familiar with the commission’s ordinance and regulations, especially the sections that pertain to their clients’ applications. But a lawyer’s interpretation of a given section may differ from yours. Be consistent in your application of the rules.

Ask questions, but don’t argue with the lawyer. Make notes of any points where you disagree, and the basis for your disagreement. Above all, don’t let yourself be bullied by threats of litigation, unconstitutional takings and other bluster which may come your way.

Make your decision based upon the law as set forth in your ordinances and regulations.

Be sure that the bases for your decision are clearly stated in the motion or motions on which the commission votes. Courts do not lightly overturn planning commission decisions if they are in accordance with duly adopted regulations and are firmly based on factual findings.

From, “The Role of the Lawyer,” by Carolyn W. Baldwin, Esq.



Developers and builders often transform land from one use to another. In doing so, they are acting to satisfy a perceived community demand for a service or product in a manner that produces a profit. This market dynamic is representative of our free enterprise system and is central to sustaining our society. The planning challenge lies in deciding how best to integrate the market with the needs of the larger society.

Much can be learned from developers who realize that markets and market demand do not exist in isolation from one another or from the larger society. Developers can pinpoint regulations and policies which may sound great in principle, but are impossible to achieve in the real world. By recognizing the valuable role developers and builders play in the planning universe, and reaching out to gain their insights, planning commissioners can enhance the quality of the regulatory process.

DEVELOPERS & BUILDERS

Cooperation

Developers and environmentalists are starting to cooperate to change local laws and policies that impede smart growth. Both realize that land use regulations need to be more flexible to allow for innovation. ...

While builders, environmentalists, and planning commissioners will never see “eye-to-eye” on everything, it is certainly true that all these groups have much in common. Establishing non-adversarial mechanisms for identifying common interests is one planning trend that benefits us all.

*From, “Smart Growth Trends,”
by Edward McMahon.*

Building on Common Ground

As planning commissioners, professional planners, citizen planners, builders, and developers, it is up to us to set the stage for higher-quality development and better-planned communities. Rather than trying to reinvent the wheel with each discussion, perhaps we can reach consensus on some issues.

The fields of planning and development are plagued with outdated ideas. Even though the evidence is clear that these ideas do not work, they nonetheless prevail and have power over people.

One of these old ideas concerns the desirability of large lots and low-density development. We now know that developing homes with large lots does *not* preserve farmland and does *not* preserve rural character. Large lots incur higher public service cost and force people to drive longer distances. As a planning tool, low density development *has been a failure*.

Some home builders believe that customers want large lots, but consumer preference surveys conducted by the National Association of Home Builders show that a large lot is one of the first features homebuyers are willing to forego to obtain the home they want. Consumers are most interested in getting the most house for their money in a good neighborhood.

Another outdated idea is that wide neighborhood streets are safe and desirable. In fact, just the opposite is true. Wider streets encourage people to drive faster and more carelessly. Research has shown that narrow streets force people to drive slower. ...

We need to step back for a second and look at the bigger picture. We need to recognize that development does and will happen. In fact, we build about one million homes in this country in an average year. Therefore, debating whether growth will occur is not a productive way to spend our time. Instead, we should be

debating the pattern that this growth will take and the type of communities we will be building.

From, “Building on Common Ground,” by Joseph Molinaro.

A Quick “Fairy Tale”

A community fears development will destroy views of its mountains. Developers own the mountains, but must make money or bust. Community has housing shortage. Classic deadlock, classic problem.

Planning Commission works with both groups. A consensus is formed, higher densities at the base of mountains with no development on sides or top. Everyone is happy (This is a fairy tale remember!).

Is the problem solved? Nope. Developers still need to make money and community still needs housing. So developers build housing and community moves in. Now the problem is solved.

The Planning Commission did not solve the problem. They simply facilitated a solution. The community and developers solved their own problem, they just needed help. This is a customer service view of planning.

From, “Customer Service: What It Is & Why It’s Important,” by Ray Quay.

Consultants

The use of a private planning consultant can be an efficient way of conducting a local planning project. If handled properly, consultants can be a valuable addition to the planning resources of a community.

It is important to understand that planning projects are not engineering projects. There are typically no "right or wrong" approaches to planning. Finding the right match for the local community in terms of personalities, approach, vision, and skills is critical.

The late Wayne Lemmon, a planner and real estate consultant, colorfully explained the role of consultants in the planning universe: "Consultants can be compared to house pets. They come when called, and they're happy when they're fed on time.

And some can do some really amazing tricks. But if you don't give them good direction, they can mess up the house." Avoiding misunderstandings is in everyone's best interest!



PLANNING CONSULTANTS

Working With Planning Consultants

Before you begin a consultant selection process, your department/commission should also be clear about the scope and nature of the project. Too many communities use the consultant selection process as a means to help define a project. Unfortunately, this often leads to widely divergent proposals being submitted, which are quite difficult to compare.

Begin with a request for qualifications and use that as a basis to narrow the number of candidate firms that you will then request full proposals from.

After a consultant is selected, the contract and scope of services should be carefully negotiated. Even if the process involved a full proposed scope of services, there is still the opportunity for the community to negotiate the details and content of that scope of services.

Make sure all have a clear understanding of the roles of the consultant, the planning commission, the legislative body, the planning staff, and any citizen-based steering committee. Who will the consultant be expected to answer to? How and when will planning commissioners and elected officials be involved? What will be the composition and role of any steering committee?

There is no substitute for regular communication between client and consultant. When a consultant is expected to do substantial amounts of work without feedback from the client, surprises tend to occur. And these surprises are not usually pleasant!

While the consultant / client relationship is a business relationship, it should be founded on trust. View the consultant as a team member, not simply an outside expert.

Remember that a good consultant helps plan with the community, not for the community.

From, "Working With Planning Consultants," by Greg Dale.

Fair Dealings

Communicate honestly and directly. This basic ground rule is often lacking. Instead, both sides too often engage in a "game" approach to contracts. Consultants may overpromise, while planning departments may hold unrealistic expectations about what can be done for the money budgeted. While this type of thinking may (for the consultant) get the job and may (for the department) look like maximizing value, it can lead to hard feelings later on when the consultant is asked to modify the scope of services.

From, "Practical Pointers on Dealing with Consultants," by Marilyn J. Ryba.

Help Wanted

Even if your community has a professional staff, there are a number of situations in which it will make good sense to hire a consultant for a specific project:

- *Staff is too busy.* Preparing a comprehensive plan or updating a zoning code can be time-consuming. The staff that conducts the day-to-day business of the planning department may not have time to undertake such a project without help.

- *Staff needs expert help.* A planning director may be involved in drafting one or two zoning ordinances in his or her entire career. There are consultants who prepare several zoning ordinances every year. Experience does count and the right consultant can bring a lot of experience to your project.

- *Project requires objectivity.* The community may need an objective evaluation of a complex situation that has become an emotional issue for people living in the community.

- *Project requires credibility.* There is some truth to the old adage that a consultant is someone from at least 50 miles away. Sometimes the community just needs the credibility of an outside expert, even if the planning staff and planning commission know what needs to be done.

From, "The Commission and the Consultant," by Eric Damian Kelly.

NIMBYs

If you are considering a land use change that will affect a residential neighborhood, perfectly normal, rational people will grow fangs and acquire the ability to spit fire. Changes in the neighborhood spark a primitive reaction in defense of home and family. As a planning commissioner, you need to keep your cool when confronted by angry neighbors, and recognize the difference between legitimate concerns and irrational fears.

You've heard it many times:

"We don't oppose housing for poor people. We just think it ought to be located somewhere else." It's a difficult balance for planning commissioners. Communities need low-cost housing and community services, but neighborhoods often argue that these facilities should be sited elsewhere.



Most often it seems that no matter what decision the local commission makes, someone will be unhappy. The phenomenon of community opposition has been with us as long as we have had zoning.

NIMBYs

A Nose for NIMBYs

It's easy to feel sorry for the beleaguered neighbors and do something that's not in the interest of the community as a whole. It's also easy to react the other way and dig in your heels in response to annoying and pushy people, just to show them you can't be bullied. Try to separate the personalities from the substance of what they're saying. You need a nose for NIMBYs!

From, "A Nose for NIMBYs," by Chris Robbins.

Be Frank & Open

Move decisively to defuse fiction, gossip, and innuendo. Be aware of issues that may inflame your particular community and take the initiative to provide the facts frankly and clearly before the ugly rumors get around. Why is the planning board considering multi-family housing? Is there really a need? Just who are "those people" who will live there? What will the development look like?

Be frank and open at all times. Many good projects go down in blazing defeat because the proponents are so frightened of the opposition that they fall into the trap of holding closed-door meetings or making "secret" deals. As a planning commission, it is especially inappropriate to engage in such behind-the-scenes maneuvering.

Opponents are seldom all wrong. Find ways to meet reasonable objections and you not only are likely to have a better final project, but you will isolate the few true NIMBYs who are never satisfied.

From, "Is Your Community Being Invaded by NIMBYs," by Elaine Cogan.

Harmonizing Community Needs

Whether drawn from reason or from emotion, community opposition reflects neighbors' concerns that their lives will change for the worse. As a local planning commissioner, you can help your community harmonize the housing and service needs of your whole community with the specific objections of neighborhood opponents.

- Maintain an open door policy with providers so they will feel comfortable providing a "heads up" about proposed housing or service programs.
- Work with providers to conduct community education about the local needs for affordable housing and services before you need to work at a particular site. It's much easier to educate people and secure their support for housing and services when they are not fighting to keep them out of their own back yards.
- Help evaluate whether a proposal is appropriate for the community. Whether it involves

a homeless shelter, housing for poor people, or housing for people with disabilities, its design and scale should be well integrated into the community, with access to transportation, jobs, and community services.

From, "Why Not In Our Backyard?" by Michael Allen.

The "Yes, but" Twist

"Nimbyism" is a useful coinage for an ancient verity -- that people are suspicious of change. People prefer the known to the unknown, because they know how to respond to the known. And in many ways we're all "NIMBYs."

We all prefer the familiar to the new, especially when changes are proposed that come close to our personal thresholds. Many Nimbyites will protest that what is proposed is, indeed, a good idea. Our community needs housing, they will agree, for all sorts of special and critical purposes, but why choose "our" place, which is stable? Why not do "it" over there? It is exactly this "yes, but" twist that often proves to be most frustrating.

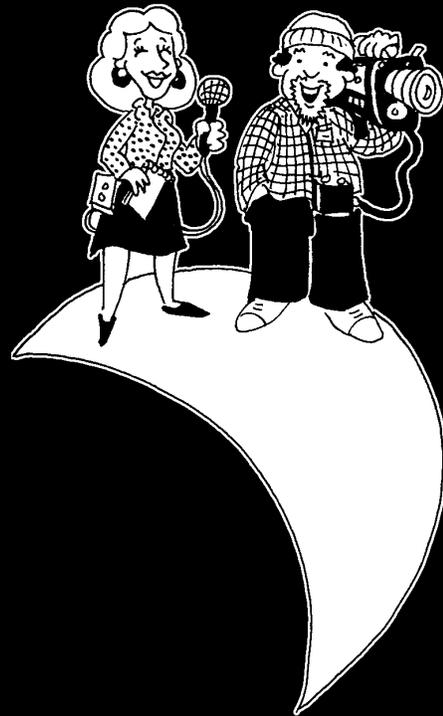
Spend more time asking than telling. Get more people involved in looking at and articulating a "problem" -- feeling it, wanting to do something about it. We don't know all the answers.

From, "Some Observations on NIMBY-ism," by Perry Norton.



The Media

For years, planners were advised that the media should be held at arms length. This attitude is giving way, fortunately, to a new way of thinking. Rather than viewing the media as an obstacle to be avoided, planning commissions are beginning to realize that the media — in all its various forms — represents a direct link to the larger community. Accordingly, efforts aimed at increasing the knowledge and perspective media representatives have of planning and the planning process are being initiated. Working with the media in a manner that is respectful, courteous, and open will yield positive dividends.



Nearby Communities

Each community does not live in its own universe isolated from neighboring towns and cities. Local land use decisions can have impacts outside a jurisdiction's own boundaries. Inclusion of a regional assessment or impact strategy section in local plans — to ensure that neighboring communities' plans are consistent with each other — is becoming a more common practice. County and regional planning commissions are also vital in seeing that cities, towns, and villages work together to solve shared planning problems.



THE MEDIA

Avoiding “Bad Press”

The best way to prevent “bad press” is to take steps to avoid it in the first place.

In most cases, the cause of bad press is ignorance, not bias. Luckily, ignorance can be dealt with in a variety of non-confrontational ways -- ways which, incidentally, complement the mission of your agency in disseminating information to the public.

The most effective techniques are those used before the fact:

Return phone calls. Leaving questions unanswered invites errors and unintentional bias.

Be prepared. This means creating in advance of meetings a very succinct written summary of the issues to hand to the media. Be

sure to include a thumbnail sketch of the legal basis for your decision -- the most commonly misunderstood aspect of planning and regulatory actions.

Do not duck controversy. You have to conduct your business in public, and attempting to shy away from controversy will only whet a reporter’s appetite.

Do not try to dictate a story’s content or tone. Instead provide enough information so that the story tells itself. Very few reporters set out to write an unfavorable story. Usually it is ignorance or laziness that produces one.

Alert the media to favorable stories. If you never call them in advance, then all they will cover is meetings, not all of which go smoothly. Contrary to popular

perception, good news goes in the paper too.

From, “Dealing With the Press,” by Dan Hamilton.

Be Open, But Remember

Have you ever been misquoted in the newspaper or found your remarks seemingly out of context in a television interview? As a public figure, you can expect to be sought after by the media. You want to be friendly and open. But always remember that the media are businesses, and as such, report news in the way they believe will best attract and hold their customers. That may conflict with your perception of the specific situation.

From, “What’s Your PMQ,” by Elaine Cogan.

NEARBY COMMUNITIES

What Other Communities Are Doing

One of the problems that I see is to get commissioners to go outside of the box a little bit. If they’re just told “this is the way we do things here,” then you get a lot of status quo. It helps if planning commissioners see what’s going on elsewhere so they can make comparisons between what’s happening in other communities and what’s happening in their own. And that can be done through trips, through workshops, through books, through articles.

The goal is to expand your horizon. Of course it’s very important that commissioners know what the zoning code in their own community requires, but beyond that it’s helpful for them to be aware of what other communities are doing to solve some of the same problems they’re dealing with.

From, “A Roundtable Discussion,” comments of Irv Schiffman.

Balancing Concerns

We understand that it is hard enough to worry about keeping

our own house in order, let alone think about the wider impacts of our decisions. However, planning commissions are uniquely positioned to provide leadership and advice to elected officials that goes beyond the parochial interest of a particular community and consider the impacts of our decisions outside our communities.

It is your job as a planning commissioner to balance your local concerns with regional concerns in a conscientious manner.

From, “Considering the Regional Implications of Your Actions,” by Greg Dale.

THE PLANNING UNIVERSE

SOME ADDITIONAL OBSERVATIONS

Less Vocal Constituencies

Never worry that developers or land-owners will be shy about voicing their opinions about planning policies or programs. Planning affects them directly and they make it their business to follow what you are doing. But there may be other less vocal constituencies in your community equally as deserving of attention. ... Before you make significant decisions, broaden the range of people you inform and involve.

From, "What Your PMQ (Public Meeting Quotient)?" by Elaine Cogan.

A Fair & Open Process

Failure to adopt and follow formal, fair, and coherent procedures erodes public confidence in planning. Rules of procedure assure that all members of the body are treated equally, and that all are free to participate fully in the discussion.

From, "The Commission Will Come to Order," by David J. Allor.

The Big Picture

When a shopping center is proposed, when the question of what is wetland and what isn't hits the fan, when people line up to protest the conversion of a single

family residence to some sort of a group home, the local area newspapers are quick to point out that the "planners" did this, or the "planners" did that.

And who are these planners? Well, they're not those professionally trained planners, with degrees in planning. They are the members of local planning boards. They are, for the most part, volunteers, unpaid volunteers I might add, who give hours of their time, mostly in the evenings -- carrying out the mandates of local and state land use planning laws.

The work, at times, gets tedious. Hours and hours of discussion as to whether a proposed land use meets the requirements of the zoning or subdivision ordinance, is consistent with all the codes, is not discriminatory, is or isn't a landmark, and so on.

There are, indeed, so many items on the agenda that board members sometimes wonder what happened to the Big Picture.

The Big Picture is, indeed, a vital part of a planning board's responsibilities. ... The public, through legislatures, gives planning boards broad mandates. Again, the specifics vary from one location to another, but the fact remains that people turn to planning boards to secure a high quality of living environment.

You get the picture. What society wants from its planners is something more than the processing of permits. It would like the processing of some vision, as well. Not an easy row to hoe. But enormously fruitful if faithfully tended.

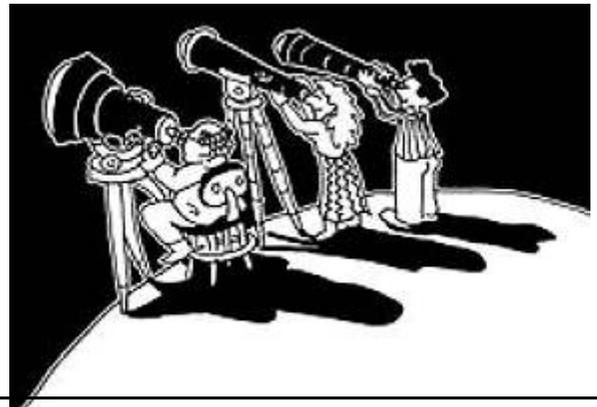
From, "Remembering the Big Picture," by Perry Norton.

One Commissioner

I'm familiar with a rural county where strong leadership came from a planning commissioner. He did not hold grandiose ideas, and there was no specific project that he promoted. But he was a constant presence, a calming influence, and a fair and honest dealer.

Through his perseverance, his willingness to share his knowledge, and his ability to teach other volunteers ... he created an environment for the county to deal with serious conflicts and major changes to its economic structure in a productive way.

From, "Finding Community Leaders," by Eileen Hennessy.



Be Open to New Ideas

Avoid tunnel vision and the “we’ve always done it that way” approach. Be familiar with other communities with similar situations. Be able to direct staff where to search out resources. Be open to new suggestions and be proactive in planning for your community’s future.

From, “Orient Yourself,” by Theresa Long.

Serve the Whole Community

When commissioners are viewed as promoting their own interests, citizens may legitimately wonder about the fairness of the process. In my experience, this includes situations where commissioners become advocates for their own neighborhood.

Each planning commissioner is, obviously, the resident of some neighborhood. Understandably, each commissioner also wants his or her neighborhood to be the best possible. The difficulty is when commissioners, charged with implementing community-wide policies, find them in con-

flict with what their own neighborhood wants.

This is not to say that commissioners, through the comprehensive planning process, should not try to improve the quality of neighborhoods -- including their own. However, each commissioner needs to be guided by what is in the best interests of the entire community.

From, “Planning Commissioners as Advocates for Their Neighborhood,” by William M. Harris.

Dealing With Change

There are two fundamentally different strategies for dealing with change. One strategy is premised on a belief that change is a threat, and should be feared and avoided. Much like a turtle sensing danger, this strategy involves retreating into a “shell” of comfort to ride out the storm.

The second strategy, in contrast, views change as an opportunity. Rather than being feared, change is pursued with vigor and enthusiasm. This mindset sees change much like the sculptor views a mound of fresh clay -- as something to be shaped, molded, and formed.

Making change happen is a fundamental planning commission responsibility. A reading of state planning enabling authority clearly establishes that planning commissions

are to actively plan for the future, in addition to meeting the needs of the moment. In light of this mandate, planning commissions need to identify strategies that will enable change.

From, “Making Change Happen,” by Michael Chandler.

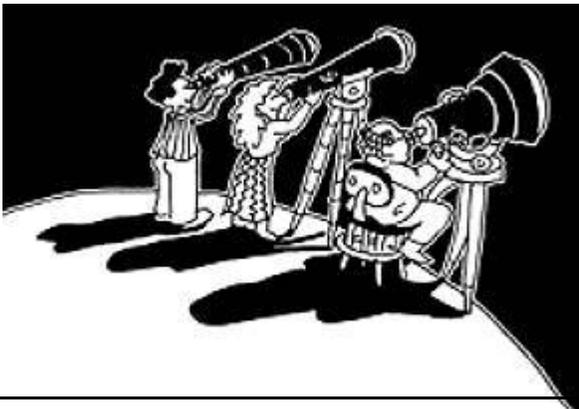
Think Before You Respond

If you have never held a public position before, understand that being a planning commissioner can change your perception about how plans are made and cities are governed. It is very easy to take pot shots at elected and appointed officials when you are a concerned citizen.

Once you have made the transition to being a decision maker, you realize how difficult the decisions can be. You are often called upon to approve plans that are unpopular with a group of citizens. They may be very unhappy with your decision and stay angry with you for years.

Think carefully before you respond to demands from citizens and developers. Often a salient issue will come to the attention of citizens before you, as a board member, have all the facts. Resist the urge to express your opinion until you are sure about where you stand on the issue.

From, “Think Before You Respond,” by Cheryl R. Roberts.



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On the right is an excerpt from just one of the nearly 500 articles available on PlannersWeb -- in this case part of a recent series by Jim Segedy & Lisa Hollingsworth-Segedy providing an overview of low impact development.

We've also made PlannersWeb easy to use in a variety of ways:



March 14th, 2013

[Part I: What Is LID?](#)

[Part II: An Overview of Some Basic LID Practices](#)

[Part III: The Top 10 Benefits of Low Impact Development](#)

[Part IV: Local Measures for Implementation](#)

[About the Segedys, and links to their other PlannersWeb and Planning Comm'r's Journal articles.](#)

For more on stormwater management, see these articles from the Planning Commissioners Journal:

[Managing Stormwater Runoff: A Green Infrastructure Approach](#), by Lynn Richards, John Rozum, and David Dickson

[Considering Stormwater Management in Site Plan Review](#), by Chester L. Arnold, Jr.

Putting the LID on Your Community's Stormwater – Part II

by Jim Segedy, FAICP, and Lisa Hollingsworth-Segedy, AICP

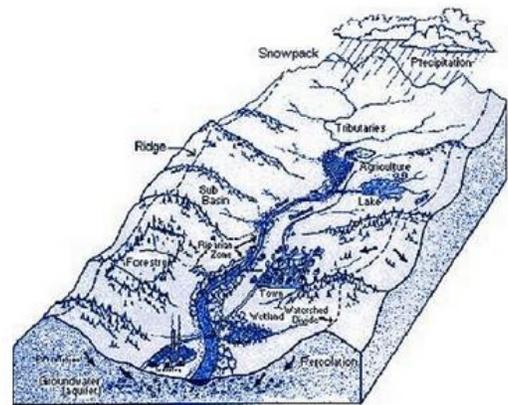
Part II: An Overview of Some Basic LID Practices

The primary purpose of LID (Low Impact Development) is to prevent harm to streams, lakes, wetlands, and other natural aquatic systems from nonpoint source pollution. LID is typically applied at the parcel and subdivision scale and emphasizes conservation and use of on-site natural features integrated with engineered, small-scale hydrologic controls to more closely mimic pre-development hydrology. Ideally, LID is a component of a community's development ordinances and is applied throughout a watershed.

This is a completely different approach than conventional stormwater management, which treats stormwater as a by-product for disposal using costly end-of-pipe technologies.

LID techniques address precipitation first as a water resource. Many of the LID techniques focus on capturing stormwater for irrigation use on a site (retention or detention). This not only supports landscaping, but helps recharge groundwater. Other techniques slow and filter stormwater so that when it enters a stream or river, it does not carry with it the high concentrations of urban pollution that degrade the river or lake's water quality.

LID Integrated Management Practices (IMPs) are often small, cost-effective landscape features located at the lot level. IMPs can be developed using open space, rooftops, streetscapes, parking lots, sidewalks, and medians. They can be



Produced by Lane Council of Governments

Watershed illustration – from <http://water.epa.gov/type/watersheds/whatis.cfm>

(1) You can view our series of “Planning 101” pages -- covering 12 different topics. You’ll then find summaries of relevant articles we’ve published -- and with a single click you can view any article that interests you.

(2) You’ll find dozens of top-notch planners and writers contributing fresh content to PlannersWeb.com. We’re also hosting discussions about all new content on our companion LinkedIn group page.

Planning 101

Comprehensive Plans

Over the years, three talented contributors to the Planning Commissioners Journal have regularly focused on the importance of comprehensive plans, and how to most effectively prepare and implement them: Mike Chandler, Jim Segedy, and Lisa Hollingsworth-Segedy. Also included are several other articles that offer additional perspectives on the comp planning process.

Planning 101

Zoning Essentials

The principal tool used in communities across the country to implement comprehensive plans is zoning. These articles from the Planning Commissioners Journal – starting with three short articles by planning historian Laurence Gerckens – provide a primer on the use of zoning, and some of the legal issues that can come up.

Planning 101

Transportation Planning Basics & New Ideas

Planning 101

Housing / Economic Development

Two important issues facing communities are how to provide a broad range of housing, and how best to promote economic development. But what are the best ways of doing this, and just how can planners and planning commissioners help out?



Have You Taken a MOOC? (Do You Know What They Are?)

Stuart Andreason provides an overview of MOOCs – Massive Open Online Courses -- and how they’re now addressing planning-related topics.



What Are MOOCs and Why Should They Matter to Planners and... plannersweb.com

How would you like to take a course at a top-notch university, with some outstanding planning professors, for free? Now, you can do just that through a

“MOOC.” Stuart Andreason explains.
posted 14 days ago

Nina Rabinovich 2 days ago • It’s great idea. I’ve already heard about this and even considered to join one of these courses - to deepen my knowledge in specific ... »

See all 4 comments »



Kathryn
Unfollow

What qualities/attributes make a great Planning Commission Chairperson?

If you were the Chair - or maybe you are - what would you do differently if you could? What are tips and tricks that you have seen put ...

posted 29 days ago

Wayne Senville 27 days ago • PlannersWeb.com members can find two articles we’ve published on the role of the planning commission chair: Elaine Cogan’s, “Leading the ... »



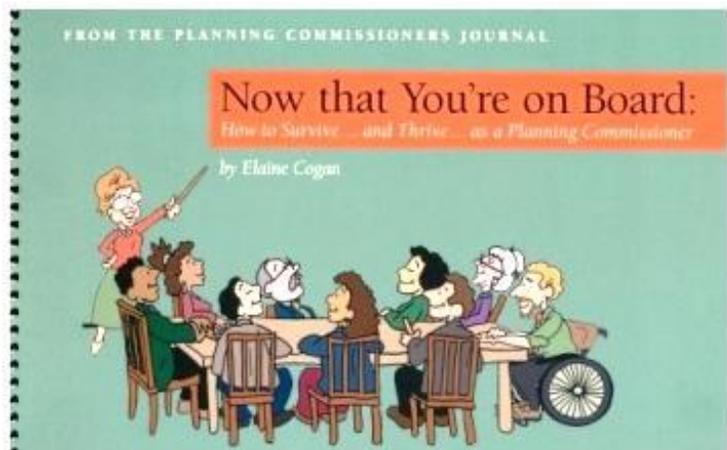
(3) As a PlannersWeb member you have exclusive access to Elaine Cogan’s terrific downloadable booklet, “Now that You’re Onboard: How to Survive ... and Thrive ... as a Planning Commissioner.”

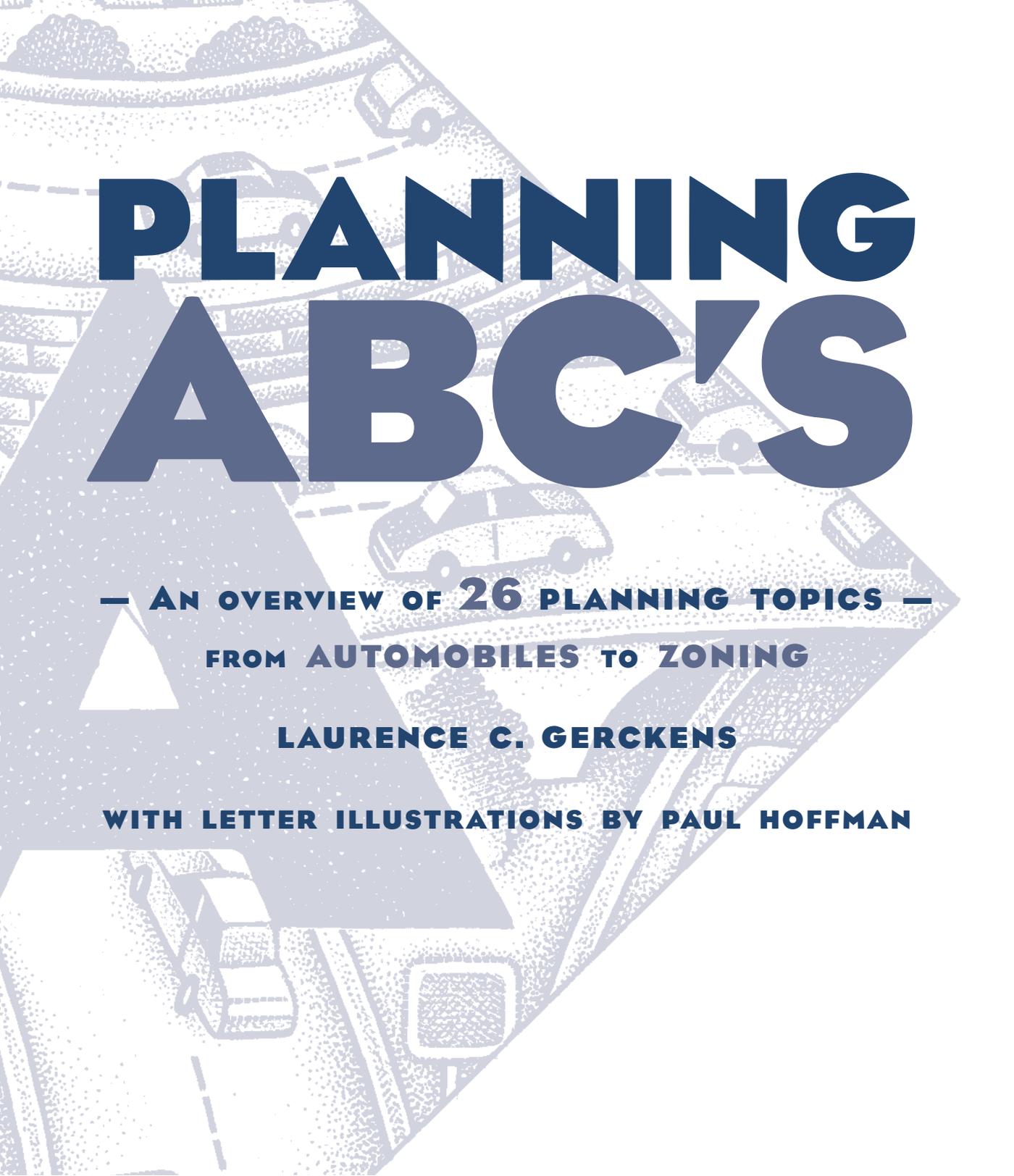
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PLANNING ABC'S

**— AN OVERVIEW OF 26 PLANNING TOPICS —
FROM AUTOMOBILES TO ZONING**

LAURENCE C. GERCKENS

WITH LETTER ILLUSTRATIONS BY PAUL HOFFMAN

INTRODUCTION



I'd guess each and every one of you has seen an alphabet book, whether while your kids were (or are) growing up, or perhaps going back to your own childhood.

If we can enjoy and learn from alphabet books as children, why not as adults!

Fortunately, both planning historian Larry Gerckens and our *Planning Commissioners Journal* cover illustrator Paul Hoffman, agreed to work on this project. It certainly wasn't easy for Gerckens to narrow down the topic choices for many of the letters – and there are undoubtedly several possible topics missed as a result of our alphabetic limitations. But I think you'll find that he has come up with an interesting, and quite comprehensive, selection.

I hope you enjoy – and learn from – this alphabetical tour of planning.

Wayne M. Senville, *Editor*

AUTOMOBILE

The automobile enabled creation of multi-million-person urban areas spread thinly over vast regional expanses — and shaped the character of the 20th century American city. The primary city-shaper until the mid-1920s was the trolley. Electric trolleys, running on fixed-rails, generated high density residential development within a few blocks walking distance of the main streets on which they ran. Small mom-and-pop grocery stores and personal service shops were located at street corner trolley stops regularly spaced along the major streets radiating outward from the central commercial and manufacturing district: the “downtown.”

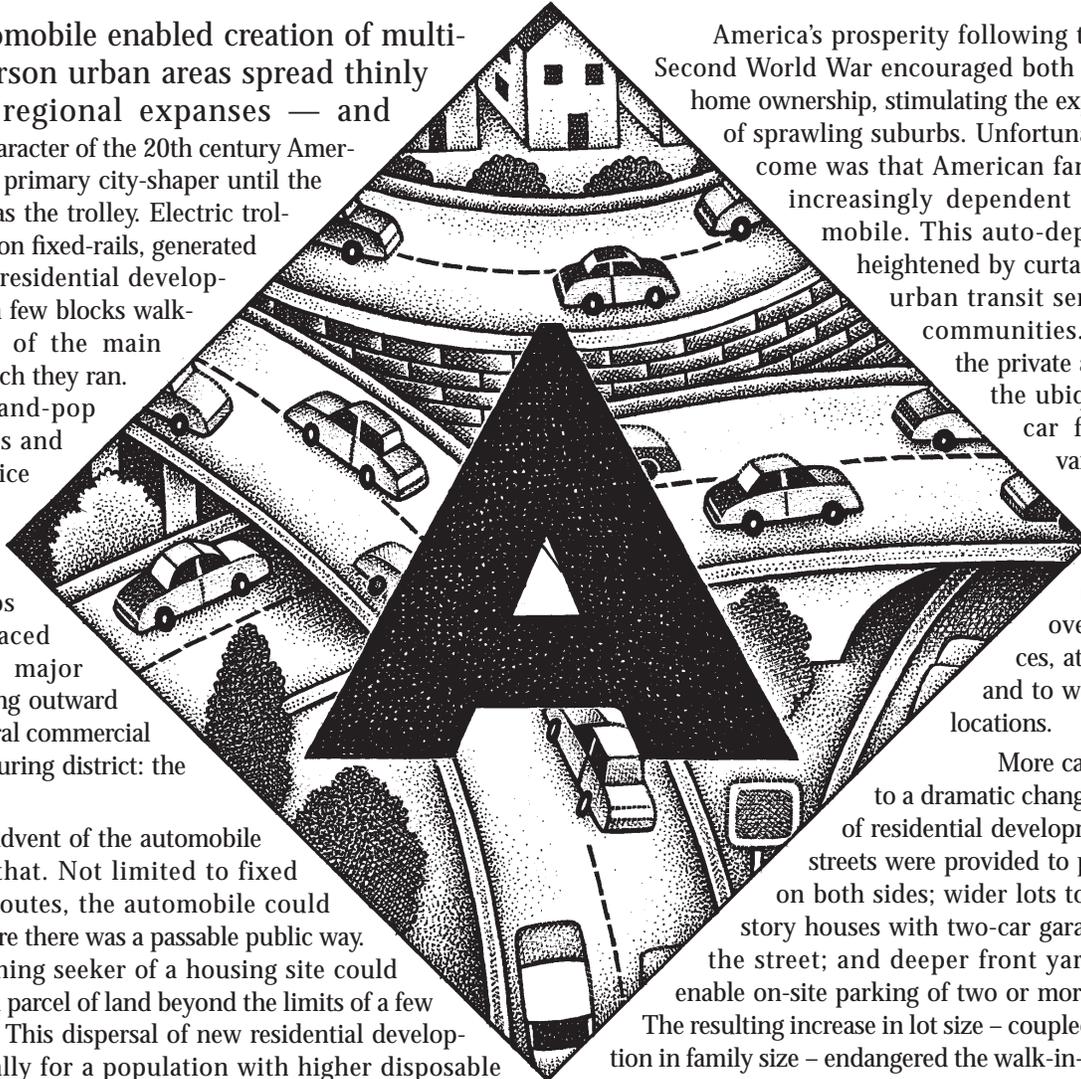
The advent of the automobile changed all that. Not limited to fixed main-street routes, the automobile could travel anywhere there was a passable public way. The auto-owning seeker of a housing site could negotiate for a parcel of land beyond the limits of a few major streets. This dispersal of new residential development (generally for a population with higher disposable income than that of the average dweller along a trolley line) led, in turn, to strip-commercial development along auto routes radiating outward from the city center.

By the 1920s, the need for street-widening to relieve auto congestion in and near the city center was already triggering large and growing public expenditures. This required careful budgeting of community resources — and stimulated the formal adoption of capital budgets and the preparation of long-range community plans for physical development. See “B is for Budget” and “C is for Comprehensive Plan.”

Auto-accessed commercial and industrial developments beyond downtown made for increased demands on city services. Zoning was used to limit such developments to specific areas. This served not only to conserve community tax resources, but also to assure the owners of single-family-detached homes in the newly emerging “suburbs” that the value of their property would not be threatened by the intrusion of undesired neighbors.

America's prosperity following the end of the Second World War encouraged both auto and new home ownership, stimulating the explosive growth of sprawling suburbs. Unfortunately, one outcome was that American families became increasingly dependent on the automobile. This auto-dependency was heightened by curtailment of suburban transit service in many communities. Reliance on the private auto generated the ubiquitous multi-car family as the varying transportation needs of family members required travel over long distances, at diverse times, and to widely scattered locations.

More cars, in turn, led to a dramatic change in the layout of residential developments as wider streets were provided to permit parking on both sides; wider lots to allow single-story houses with two-car garages to face on the street; and deeper front yard setbacks to enable on-site parking of two or more automobiles. The resulting increase in lot size — coupled with a reduction in family size — endangered the walk-in-school and the concept of an elementary-school-focused neighborhood. And for those on the lower rungs of the economic ladder, locked into central cities, the new auto-based suburbs meant reduced job and life opportunities.



In many areas, cutbacks in trolley service were followed by reductions in bus service, further increasing suburbanites' auto-dependency.

COMPREHENSIVE PLAN

A community's comprehensive plan is not just a file cabinet full of plans for future streets; parks and recreation; housing; fire protection; environmental protection; historic preservation; land use zoning; sewers; flood protection; water supply and distribution; downtown rehabilitation and parking; school location; and community character.

More importantly, the comprehensive plan is an integrated statement of the aspirations of the community ("this is what we will ourselves to be") illustrating how the various function-specific plans in the community file cabinet are tied together to achieve a broad array of community objectives.

The comprehensive plan (also often referred to as the "master plan" or "general plan") is a practical vision of the future – capable of shifts in detail and arrangement over time as available resources and public preferences change. Note the juxtaposition of the words "practical" and "vision" in the preceding sentence. The comprehensive plan is practical in that it lays out a series of objectives that the community realistically intends to accomplish over the coming years. The plan also reflects vision in that it encapsulates the community's goals and aspirations for its future.

While comprehensive plans typically include a "land use" component, this is not zoning. The land use element of the comprehensive plan is a more generalized statement of the objectives of future actions – to be implemented, in turn, by detailed and immediately effective zoning, subdivision regulation, and other land use ordinances.

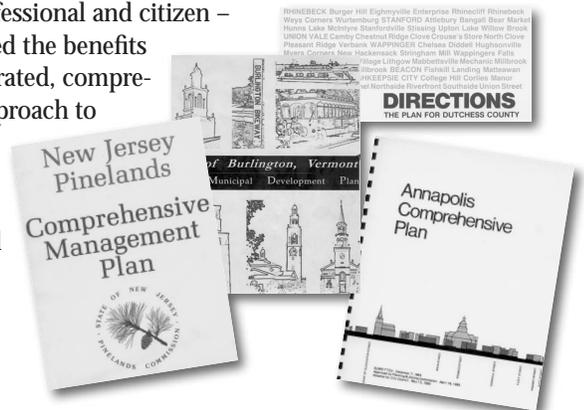
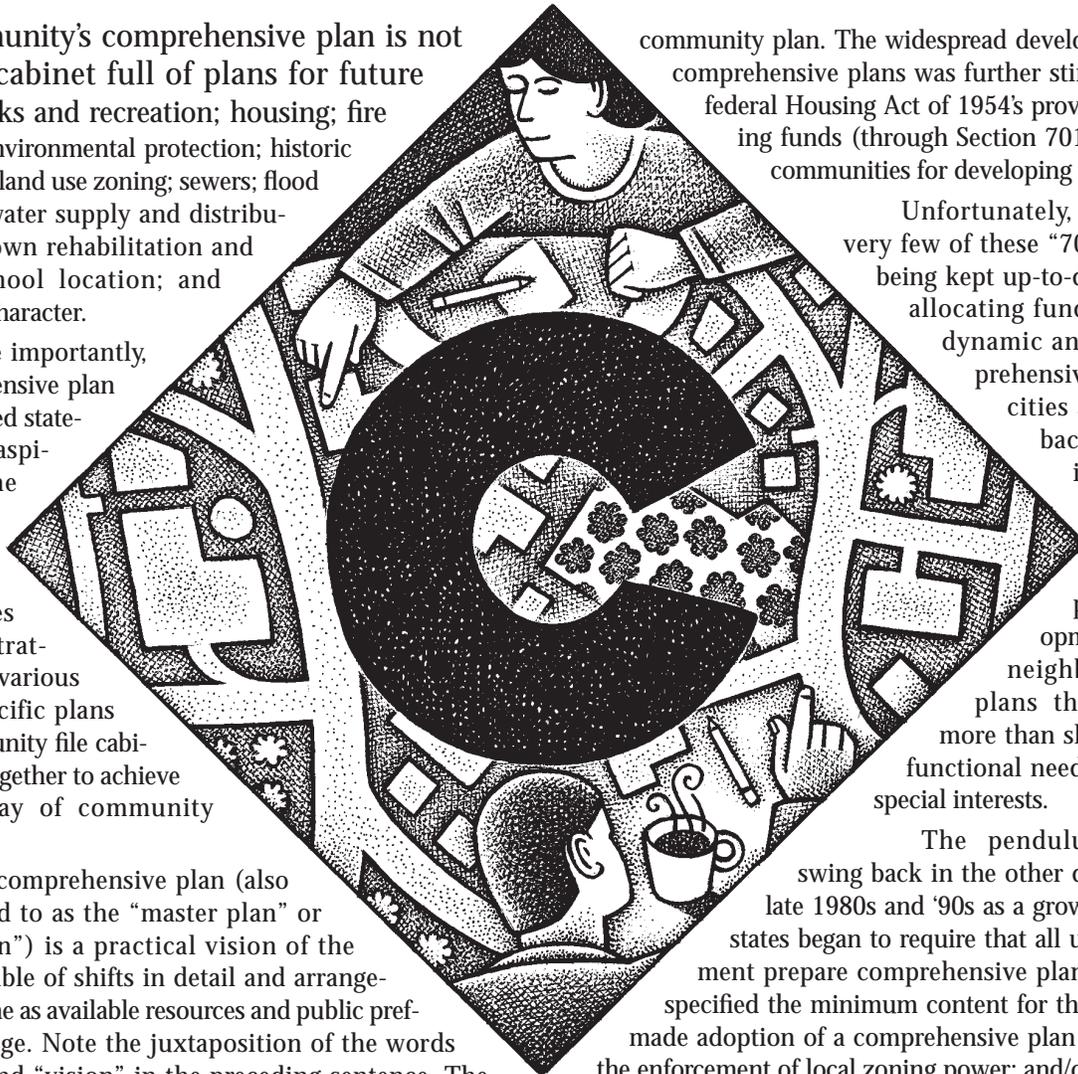
Both the comprehensive plan and the capital budget (see "B is for Budget") were first introduced in Cincinnati in the mid-1920s as part of a successful political reform movement. Acceptance of the comprehensive plan idea, however, spread slowly. It received its first major boost in the federal Housing Act of 1949, which conditioned receipt of federal central area redevelopment funds on compliance with a

community plan. The widespread development of local comprehensive plans was further stimulated by the federal Housing Act of 1954's provision of matching funds (through Section 701 of the Act) to communities for developing such plans.

Unfortunately, by the 1970s, very few of these "701" plans were being kept up-to-date. Instead of allocating funds to maintain dynamic and useful comprehensive plans, many cities and towns fell back on "winging it" with uncoordinated function-specific plans, redevelopment plans, and neighborhood area plans that rarely met more than short-term local functional needs and those of special interests.

The pendulum began to swing back in the other direction in the late 1980s and '90s as a growing number of states began to require that all units of government prepare comprehensive plans. Some states specified the minimum content for these local plans; made adoption of a comprehensive plan prerequisite to the enforcement of local zoning power; and/or required substantial compliance of zoning ordinances with comprehensive plan objectives. Several states also required that local plans be consistent with adopted state planning and development objectives.

By the start of the new century, there was renewed interest in the use of comprehensive plans, as many planners – both professional and citizen – rediscovered the benefits of an integrated, comprehensive approach to fulfilling community aspirations and functional objectives.



DESIGN

Creative designers established the foundations of American community and regional planning in the second half of the 19th century, and early years of the 20th century. Their visions of a more ideal America, one that was orderly, clean, rational, functional, efficient, inspirational, and beautiful, kindled efforts in political reform that were realized in the community comprehensive plan, land use zoning and building bulk controls, capital budget processes, and public park and parkway planning.

Widespread efforts toward the physical improvement of American cities were inspired by the work of landscape architects Frederick Law Olmsted, Sr., designer of New York's Central Park (1857), and George Kessler, designer of the Kansas City Metropolitan Park System (1893), as well as by the work of architect Daniel Hudson Burnham, director of works for the widely acclaimed Columbian Exposition (the Chicago World's Fair of 1893). In addition, significant contributions were made by sculptors, including Augustus St. Gaudens, who collaborated with Burnham in preparing the plan for the Columbian Exposition and the McMillan Plan for Washington, D.C (1902).

The work of these designers resulted in this period being known as the Era of The City Beautiful. Their work, emphasizing the public built environment and focusing on roads, parks, public buildings, and monuments, also generated a Civic Center Movement in which city boosters across America vied with one another to produce plans (sometimes accomplished) for impressive groupings of public buildings and monumental boulevards.

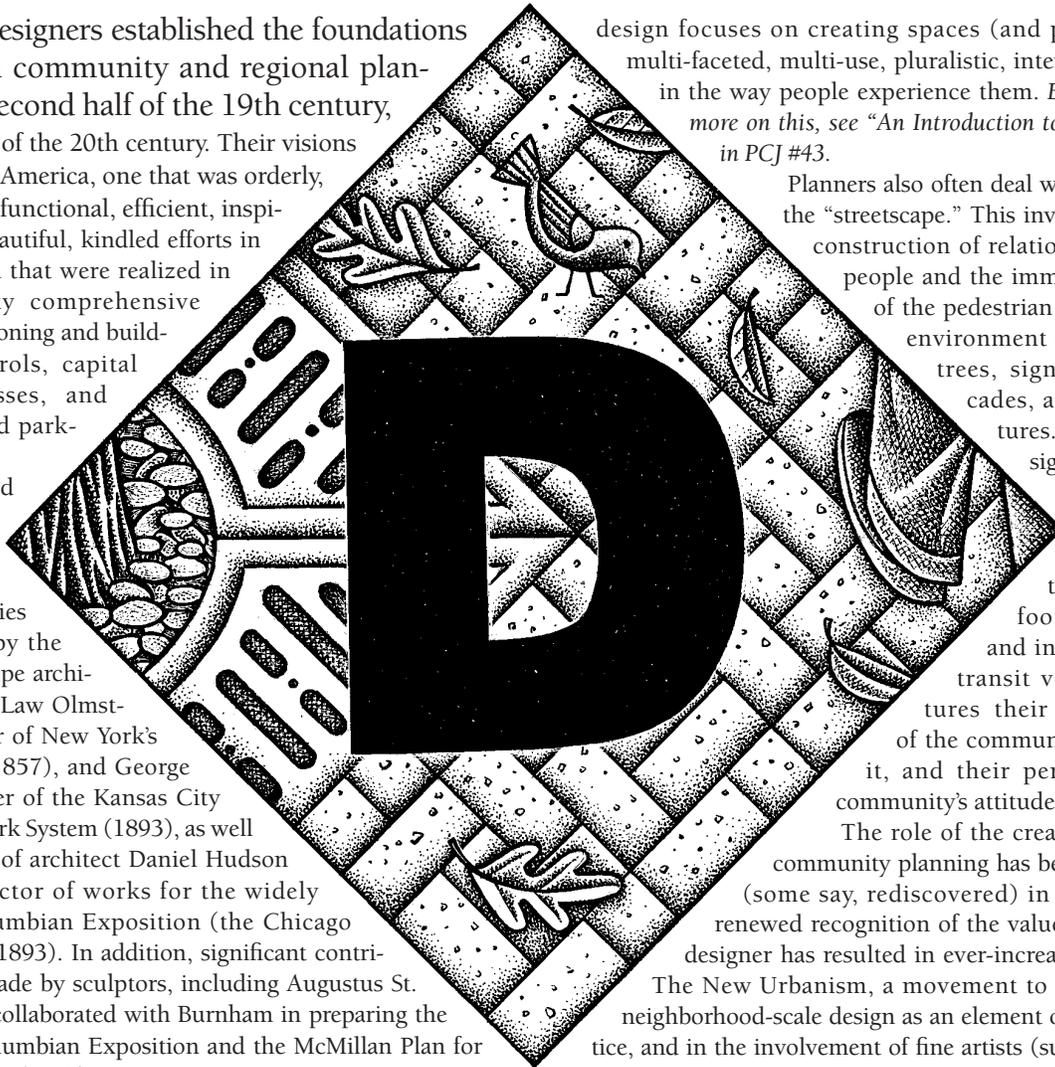
Although city planners no longer commonly execute detailed plans for civic centers, their activity still involves design issues, now often termed "urban design." Urban

design focuses on creating spaces (and places) that are multi-faceted, multi-use, pluralistic, interactive, and rich in the way people experience them. *Editor's Note: For more on this, see "An Introduction to Urban Design," in PCJ #43.*

Planners also often deal with the design of the "streetscape." This involves the careful construction of relationships between people and the immediate elements of the pedestrian and automotive environment such as paving, trees, signs, building facades, and lighting fixtures. Streetscape design is very important. The experience of the community by people on foot, on bicycles, and in automobiles or transit vehicles, structures their understanding of the community, their role in it, and their perception of the community's attitude toward them.

The role of the creative designer in community planning has been strengthened (some say, rediscovered) in recent years. A renewed recognition of the value of the physical designer has resulted in ever-increasing support for The New Urbanism, a movement to restore detailed neighborhood-scale design as an element of planning practice, and in the involvement of fine artists (such as muralists) in planned improvements, and as valued contributors throughout the entire planning process.

Design, when considered in its broadest sense, is what virtually every planner is engaged in. The act of community planning itself involves participation in the design of relationships that fulfill community goals and aspirations through preparation of integrated plans for community action. Planners today design plans not only for development, but also, for example, for the protection of agriculturally productive soils (see "F is for Farmland") and for the shaping of patterns of development (see "G is for Growth Management").



View across the Main Basin at Chicago's World Columbian Exposition of 1893.

ECOLOGY

The word “ecology” literally means the study of homes (“eco”= homes; “ology” = the study of). In common use, however, ecology denotes the environment that surrounds our human existence and how people interact with it.

Ecology was powerfully brought to public attention with the publication of Rachel Carson’s *The Silent Spring* in 1963, exposing the devastating effects of agricultural insecticides on wildlife and on the food chain. Six years later, landscape architect and planner Ian McHarg focused on how ecology can be taken into account in planning and design in his landmark book, *Design With Nature*.

With the establishment of the U.S. Environmental Protection Agency in 1970, and the passage of the National Environmental Policy Act (which required “environmental impact statements” for federally funded projects having significant impacts on the environment), ecological considerations became part of the everyday planning vocabulary.

It is logical that ecology should be integral to planning. The natural environment is the community’s birthplace. Terrain, soils and tree cover, underground water, surface streams, vegetation, and wildlife all form an interdependent unity of impact and adaptation. The goal of ecological studies, as applied to community and regional development, is to make the human impact on the elements of the environment mutually supportive and integrative with the whole, becoming one with the order of the natural world.

The protection of the quantity and quality of water in underground aquifers and wetland areas is a key concern



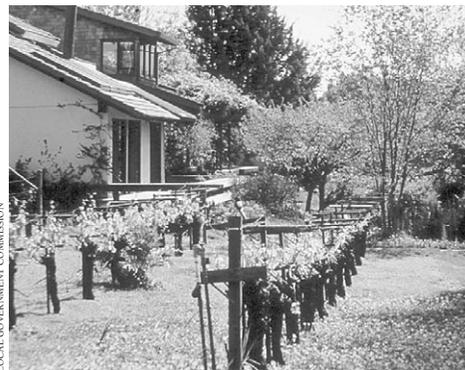
when planning with ecological considerations in mind. Care is given to avoid building on and polluting natural aquifer recharge areas. Yet, with careful planning, even a site that includes large areas of flood plain or swamp land, may be developable – while preserving its wetland functions. This was demonstrated in The Woodlands, a Texas new town built in the 1970s with the guidance of Ian McHarg and following his ecological principles.

Similarly, Village Homes, built in Davis, California, in 1975 became a model for ecological application to a suburban neighborhood.

It utilized natural drainage channels and grassed “soft” channel recharge areas in lieu of pipes and hard-sided channels to handle the increased rainwater runoff resulting from conversion of the site to a residential neighborhood. At Village Homes, the width of the street paving was narrowed to reduce the impervious area, minimizing runoff. Grape arbors were located between buildings and adjacent to drainage swales to absorb ground water, as well as to interject agriculture as an immediate, visible, and continuing presence in the residential environment.

When ecology is considered as part of the comprehensive planning process, the community’s natural systems (its soils, slopes, and land forms; underground water and surface drainage patterns; tree cover; grassland areas; ponds and wetlands; and wildlife) are all carefully mapped and studied in an effort to understand their role and to protect them from adverse human impacts. Ecological design

calls for interacting with these natural systems to meet human needs in a manner that results in minimum disruption and maximum retention of the natural environment.



Village Homes in Davis, California, used swales and grape arbors to help absorb stormwater runoff.

FARMLAND

Maintaining productive agricultural soils has been the basis for the economic and cultural growth of most nation states. In America, however, farmland preservation efforts have gained momentum only fairly recently. For years, the accepted practice was to show agricultural fields and woodlands on land use maps as “white – undeveloped.” The plain message was that these properties were blank slates waiting to be filled with higher and better uses.

Another significant cause of the loss of farmland has been our property tax system, which views farmland in close proximity to new residential and commercial development as the natural extension of the expanding city. It assigns a speculative future value to those sites – and then taxes that speculative increase before it is realized. This tax burden falls on the farm owner. As a result, farmers are often driven to sell their land to speculators.

The all-too-common result has been that as metropolitan centers expand, they not only chew away the farmland, but surround and destroy the life of small farm villages in their regional hinterland. As regional planning pioneer Benton MacKaye showed as far back as the 1920s, this does not have to be the case. Through effective regional planning, this smothering suburban development can be directed to the spaces beyond and between existing rural villages, maintaining their economy and character.

While farmland is still being lost at too rapid a pace in most metropolitan areas, agricultural land preservation is increasingly being recognized as a major component of state, regional, and local planning policy. Among the techniques planners are using to preserve farmland:

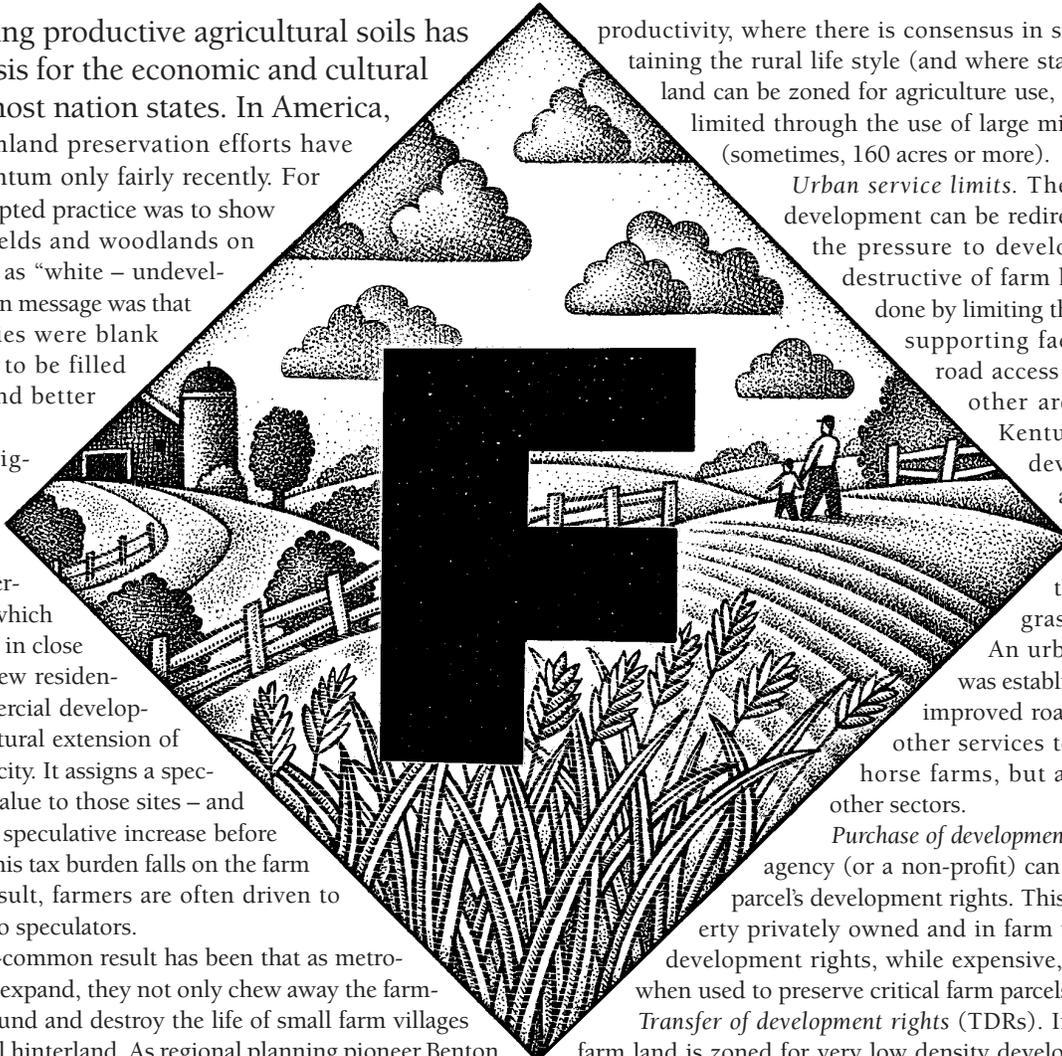
Large-lot zoning. Where the urban center is still remote, where farms are still large, where the land is superior in its

productivity, where there is consensus in support of maintaining the rural life style (and where state law permits), land can be zoned for agriculture use, with subdivision limited through the use of large minimum lot sizes (sometimes, 160 acres or more).

Urban service limits. The path of future development can be redirected, relocating the pressure to develop to areas less destructive of farm life. This can be done by limiting the prime growth-supporting facilities, such as road access and utilities, to other areas. Lexington, Kentucky, used this device as long ago as 1958 to direct city expansion away from the famous “blue grass” horse farms. An urban service limit was established that denied improved roads, utilities, and other services to areas near the horse farms, but assured them in other sectors.

Purchase of development rights. A public agency (or a non-profit) can purchase a farm parcel’s development rights. This leaves the property privately owned and in farm use. Purchase of development rights, while expensive, can be effective when used to preserve critical farm parcels.

Transfer of development rights (TDRs). In this approach, farm land is zoned for very low density development, but farm owners can transfer (and receive payment for) valuable development rights to their property. These development rights, in turn, are acquired by landowners in other parts of the jurisdiction.



Donation of a conservation easement enabled the 107 acre Lindale farm in High Point, North Carolina, to remain in active agricultural use.



In contrast, this farmland in Colchester, Vermont (above left) – as well as Walter the Donkey’s farm home – will soon be lost to a planned suburban highway.



This permits the farmer to reap the benefits of land speculation and still continue farming on land now taxed only on its value for agriculture. The most widespread use of TDRs has been in Montgomery County, Maryland, and the New Jersey Pinelands.

GROWTH MANAGEMENT

Through the 1960s, community and regional planning efforts were generally directed to the accommodation of growth as dictated by market forces. Planning focused on the provision of infrastructure needed to facilitate the continued expansion of urban centers as the market dictated. But a series of closely grouped actions in the early 1970s laid the foundation for the now widely accepted concept of “growth management.”

- Ramapo, New York, a township about thirty miles north of New York City, established a point system, based on its comprehensive plan policies and linked to its capital improvements program, for determining whether proposed developments could be approved. In upholding this then-novel approach to regulating development, New York’s highest court noted that: “The Town ... has utilized its comprehensive plan to implement its timing controls and has coupled with restrictions provisions for low and moderate income housing on a large scale. Considered as a whole it represents both in its inception and implementation a reasonable attempt to provide for the sequential, orderly development of land.” *Golden v. Planning Bd. of Ramapo* (1972).

- Petaluma, California, an agricultural community north of San Francisco, limited the total number of building permits to be issued in any one year for large-scale developments. The permit caps were based on the city’s establishment of a target population for itself well below that which building trends would otherwise have resulted in.

- Livermore, California, imposed a moratorium on new residential construction until after the city completed improvements to its schools, and to its sewer and water systems.

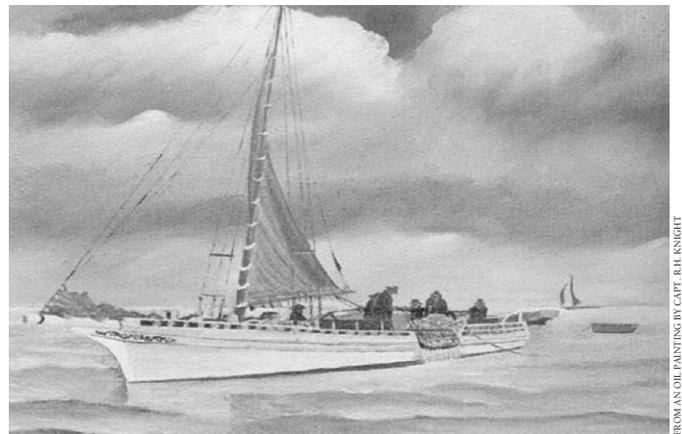
- The State of Oregon established a state land use system requiring communities and counties to create “urban growth boundaries” so that the state’s natural environment – from its rich river bottom soils to its rugged coastline and wooded hill-sides – would be preserved.

The above actions shared a recognition (manifested even earlier in Lexington, Kentucky, see “F is for Farmland”) that the direction and extent of urban expansion is heavily influenced by public investment in the provision of roads, transit, schools, and water and sewer services. Through control over the timing

and availability of these services, growth could be curtailed in certain areas and redirected to other portions of the community.

Growth management policies, when broadly viewed, deal not just with new facilities and their location, but with the continued vitality of older facilities. Indeed, reinvesting in older facilities often reduces the need for major state and local expenditures to provide new infrastructure (whether in the form of new schools or new sewer lines).

Perhaps the most noteworthy recent example of this broader view of growth management can be seen in Maryland. The State acted to stop construction of new major access roads and to focus state funding for public facilities on extensions of existing community centers and transit served districts. State lawmakers recognized that existing growth patterns were having disastrous impacts on the state, both environmentally and fiscally. Poorly planned growth was threatening the water quality of the state’s “crown jewel,” the Chesapeake Bay – critical to the livelihood of thousands of Marylanders, from oystermen to individuals providing tourist-related services – and forcing the state to absorb the steep cost of freeways, schools, and other infrastructure to accommodate increasingly scattered, low-density development. Growth management meant fiscal and environmental responsibility.



Chesapeake Bay oystermen working on a skipjack. Maryland’s growth management efforts will help preserve the Bay’s water quality.

FROM AN OIL PAINTING BY CAPT. R.H. KNIGHT

HISTORIC PRESERVATION

America is a relatively young civilization, measuring its history in hundreds, rather than thousands, of years. With a seemingly inexhaustible supply of new and largely undeveloped land to the west (excluding from consideration, as unfortunately most did, the preexisting Native population) many Americans were uncommitted to long-term occupation of a particular place. Neighborhoods, communities, and even entire regions were used for their immediate benefits and then permitted to deteriorate in the name of “progress.”

Until the late 1920s, little was done to protect the urban artifacts of the nation’s cultural history – other than the preservation and restoration of isolated structures associated with historic personages, such as George Washington’s Mount Vernon residence. But in 1929 this began to change with John D. Rockefeller, Jr.’s decision to restore the city of Williamsburg, Virginia, to its colonial-era glory.

In short order, other cities embarked on major historic preservation programs. In 1931, Charleston, South Carolina, placed its eighty-acre Battery District in a specially zoned historic preservation district. The following year New Orleans’ Vieux Carré became the first urban district in America to receive local landmark preservation status. These actions expanded historic preservation beyond individual structures to the preservation of entire urban districts of distinctive character.

Urban Renewal, founded in the U.S. Housing Act of 1954, is most commonly remembered for large-scale central city demolitions (see “J is for Justice”). But among the distinguishing features of the Act was its emphasis on the rehabilitation of older central city homes. Section 701 of the Act made federal funds available to local governments for the preparation of historic district legislation and the development of historic preservation programs.

The most influential effort in historic preservation initiated with the support of Urban Renewal was the 1956 College Hill Study undertaken by the Providence (Rhode Island) City Planning Commission and the Providence Preservation Society. Beginning with an extensive inventory of the 380-acre “College Hill” district, the project resulted in a historic area zoning ordinance; a system for rating historic architecture; and a technique for integrating historic architecture into a proposed central area

redevelopment plan. Providence’s work served as a model for other communities to follow.

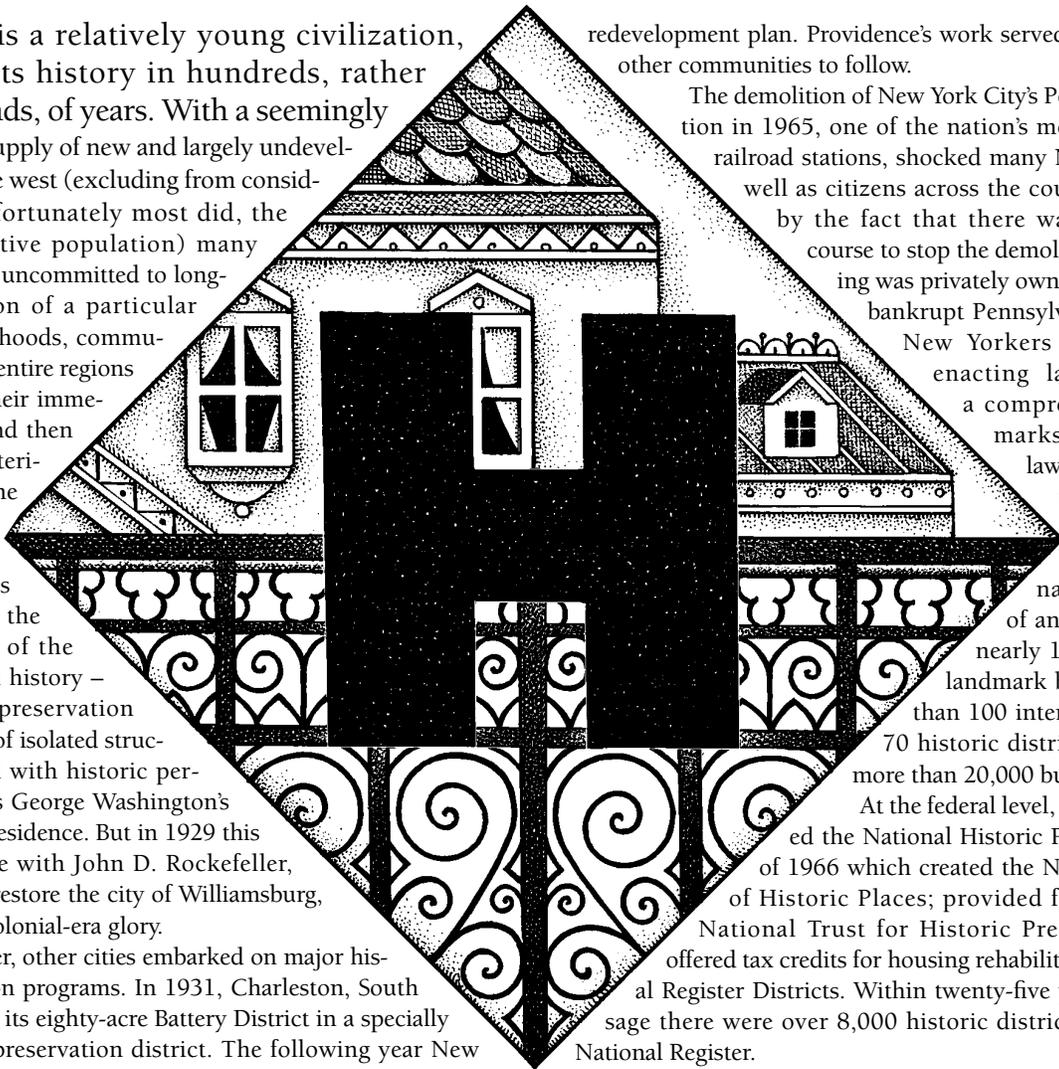
The demolition of New York City’s Pennsylvania Station in 1965, one of the nation’s most magnificent railroad stations, shocked many New Yorkers, as well as citizens across the country. Outraged by the fact that there was no legal recourse to stop the demolition (the building was privately owned by the nearly bankrupt Pennsylvania Railroad),

New Yorkers responded by enacting later that year a comprehensive landmarks preservation law. New York City

now boasts the largest collection of designated landmarks of any municipality: nearly 1,000 individual landmark buildings, more than 100 interior spaces, and 70 historic districts comprising more than 20,000 buildings.

At the federal level, Congress enacted the National Historic Preservation Act of 1966 which created the National Register of Historic Places; provided funding for the National Trust for Historic Preservation; and offered tax credits for housing rehabilitation in National Register Districts. Within twenty-five years of its passage there were over 8,000 historic districts listed in the National Register.

The scope of historic preservation broadened in the 1980s to include a focus on the link between economic development and historic preservation. The National Trust established a “National Main Street Center” to support local efforts to rehabilitate older commercial areas. In the last two decades of the twentieth century, Main Street programs generated more than \$8 billion in physical reinvestment in the historic downtowns of over 1,300 communities.



The main waiting room of New York’s Pennsylvania Station, demolished in 1965.

PHOTO: RUDOLPH SIMANON, 1927 © MUSEUM OF THE CITY OF NEW YORK

INCLUSIONARY

Planning efforts of the mid- to late 19th century were grounded on a belief that the public interest would best be served by the exclusion of undesirable land uses, usually commercial and industrial uses, from residential areas.

By the early 20th century, newly adopted land use zoning controls expanded on the exclusionary nature of community planning by not only physically separating industrial, commercial, and residential zones, but also by distinguishing between single-family and multi-family residential zones. This had the effect of excluding many middle- to lower-income persons – primarily renters – from increasingly large swaths of land which (especially by the 1920s) were being designated as single-family districts. With multi-family zones limited to already built up and often deteriorated older neighborhoods, the less well-to-do were locked into the city core.

Many municipalities “refined” their exclusionary zoning practices in the mid-20th century by creating a series of single-family-only zones of increasing minimum property size, ranging from 5,000 square feet or less to 40,000 square feet or more. Since land price is a major contributor to housing affordability, this practice resulted in concentric bands of increasing exclusion, with low and moderate income citizens unable to afford homes in lower-density perimeter residential areas.

A number of communities took income-based zoning even further by totally excluding all but single-family homes or by prohibiting manufactured housing units (“mobile homes”). By the 1970s, state courts across the nation, with rare exception, held such actions to be unconstitutional.

The 1970s also saw the emergence of a movement toward regional inclusionary housing. The Miami Valley Regional Planning Commission in Dayton, Ohio, adopted the first “fair-share” housing plan in the nation in 1970. This plan allocated affordable housing over a five-county area, with the goal of providing low- and moderate-income families with housing opportunities

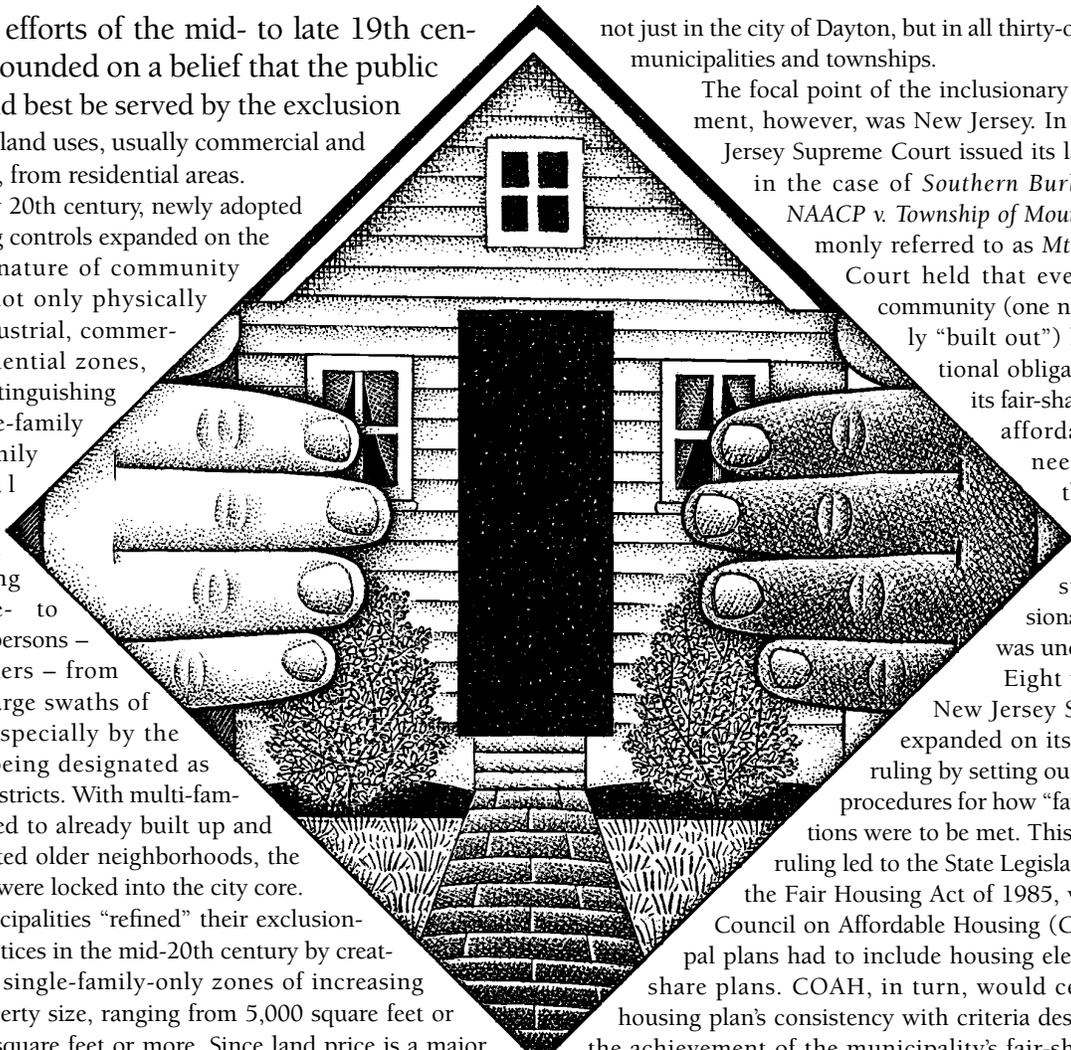
not just in the city of Dayton, but in all thirty-one surrounding municipalities and townships.

The focal point of the inclusionary housing movement, however, was New Jersey. In 1975, the New Jersey Supreme Court issued its landmark ruling in the case of *Southern Burlington County NAACP v. Township of Mount Laurel* (commonly referred to as *Mt. Laurel I*). The Court held that every developing community (one not already totally “built out”) had a constitutional obligation to provide its fair-share of its region’s affordable housing needs. Any use of the local zoning power that did not fulfill such an inclusionary requirement was unconstitutional.

Eight years later, the New Jersey Supreme Court expanded on its *Mount Laurel I* ruling by setting out guidelines and procedures for how “fair-share” obligations were to be met. This *Mount Laurel II* ruling led to the State Legislature’s passage of the Fair Housing Act of 1985, which created a Council on Affordable Housing (COAH). Municipal plans had to include housing elements and fair-share plans. COAH, in turn, would certify the local housing plan’s consistency with criteria designed to “make the achievement of the municipality’s fair-share of low and moderate income housing realistically possible.”

A growing number of cities and counties have adopted “inclusionary zoning ordinances” requiring developers to include a percentage of affordable housing units as part of new developments. A variety of other inclusionary techniques have also been used. “Linkage fee” programs, for example, link the approval of new commercial or office development with a requirement that the developer provide affordable housing units, or in-lieu fees. The goal is to provide housing opportunities for workers who would otherwise be unable to afford to live in the community.

Inclusionary development policies, by considering the impact of public actions on housing availability for all citizens of the community and region, have resulted in significant progress toward the realization of a just society.



This development was built under the Montgomery County, Maryland, inclusionary zoning ordinance. The affordable units are in the middle.

JUSTICE

“Justice” implies the execution of public policy through due process of law and in accord with the Constitution and the Bill of Rights.

In the American system of justice, the ultimate arbiter is the U.S. Supreme Court.

Undoubtedly the most significant Supreme Court decision of the 19th century for planning was *Munn v. Illinois*, decided in 1877. Ira Munn, a Chicago grain warehouse owner, challenged the State of Illinois’ setting of maximum rates for the storage of grain.

Munn argued that the law deprived him of his property rights in violation of the 14th Amendment. In finding in favor of Illinois, the Court, however, ruled that:

“When one devotes his property to a use in which the public has an interest, he, in effect, grants to the public an interest in that use, and must submit to be controlled by the public for the common good, to the extent of the interest he has thus created.”

This ruling provided the legal foundation for all land-use and zoning controls that followed. It answered the query still heard in public meetings throughout the country, “What right does the government have to tell me what I can do with my property!”

Clearly, the Supreme Court decision of the 20th century that had the greatest impact on planned community development was the 1926 *Euclid v. Ambler* ruling. In *Euclid*, the Court supported comprehensive zoning – the public control of land uses, heights of buildings, and setbacks and yards all in a single ordinance and for the entire area of jurisdiction. This ruling opened the door for communities across the country to engage in zoning and use it as the primary tool for plan implementation.

The term “justice,” however, involves more than just an examination of whether an action is Constitutional. It also involves consideration of whether an action is fair.

In the decades preceding the 1960s, land use and development policies did not commonly address the question of fairness. Few questions were asked as to biases and inequities in the exercise of community development practices. But the mass dislocation of citizens of color – and the poor of all colors – precipitated by the Urban Renewal clearance projects and Interstate Highway construction programs of the late 1950s and early 1960s (coupled with zoning practices that severely curtailed

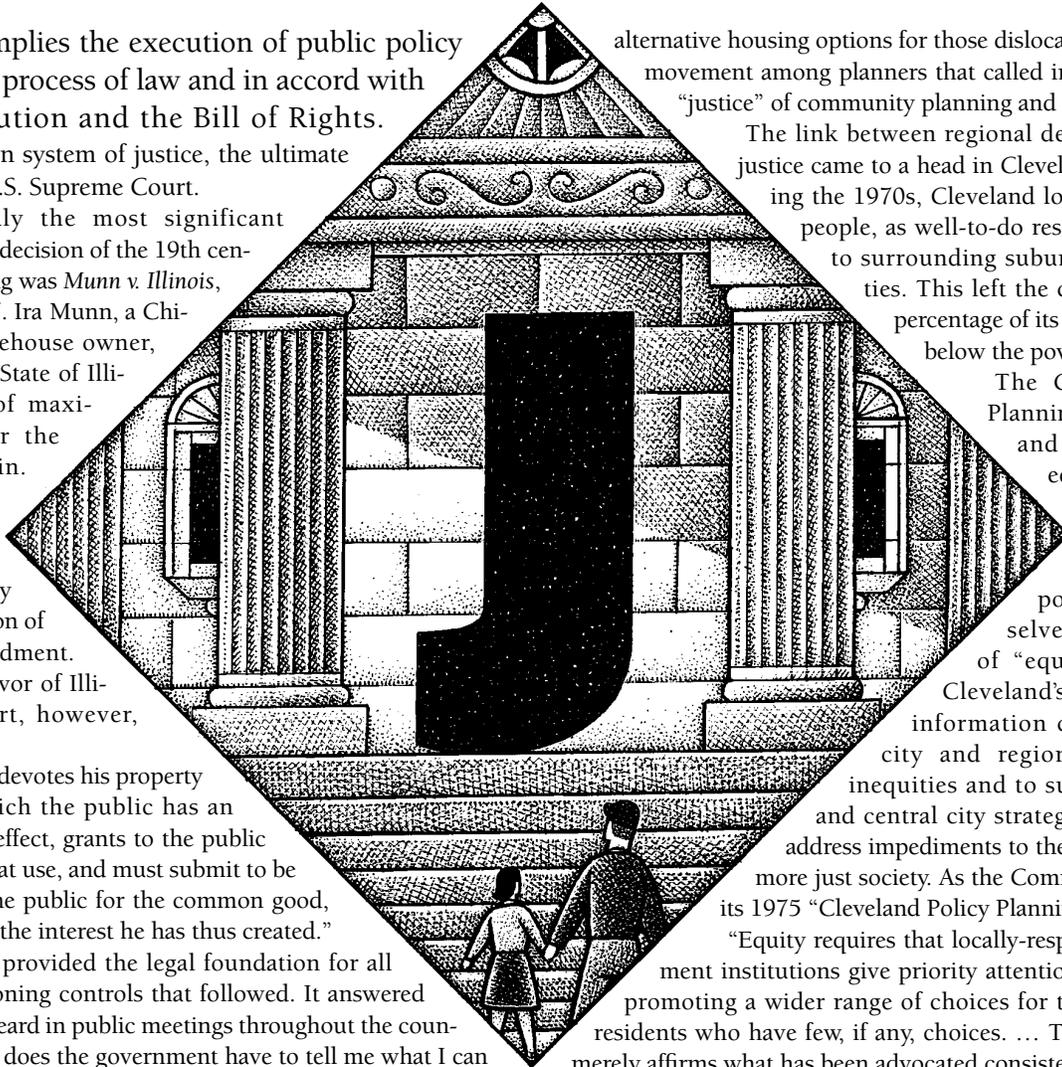
alternative housing options for those dislocated) generated a movement among planners that called into question the “justice” of community planning and its practices.

The link between regional development and justice came to a head in Cleveland, Ohio. During the 1970s, Cleveland lost over 400,000 people, as well-to-do residents streamed to surrounding suburban communities. This left the city with a high percentage of its population at or below the poverty level.

The Cleveland City Planning Commission and its staff, headed by then Planning Director Norman Krumholz, positioned themselves as advocates of “equity planning.”

Cleveland’s planners used information concerning the city and region to publicize inequities and to support regional and central city strategies designed to address impediments to the attainment of a more just society. As the Commission put it in its 1975 “Cleveland Policy Planning Report”:

“Equity requires that locally-responsible government institutions give priority attention to the goal of promoting a wider range of choices for those Cleveland residents who have few, if any, choices. ... The Commission merely affirms what has been advocated consistently throughout history: that equity in the social, economic and political relationships among men is a requisite condition for a just and lasting society.”



Cleveland city planners pose alongside former Mayor Tom Johnson (in statutory form), in this 1973 photo courtesy of Ernie Bonner, a member of the Cleveland staff at the time. Bonner has posted the full text of the 1975 Cleveland Policy Planning Report at: <www.pdxplan.org>

KNOWLEDGE

The development of community and regional planning policy, when done well, is an exercise in the rational application of knowledge (information and relationships) to the determination of just, equitable, appropriate, economically efficient, and politically effective public actions.

Rational planning assumes the availability of data upon which to make decisions. But in the early 1900s, when the first large-scale modern city plans were created, such data simply did not exist. It was not until 1907 that the Russell Sage Foundation undertook the first statistical survey of an American city in Pittsburgh. National housing statistics were not available until the 1940 Census was reported, and reliable data on traffic generation by land use type did not appear until the 1980s.

Given this general lack of dependable information, most planning focused on gathering local population statistics; mapping land use data, and traffic patterns and volumes; and mathematically projecting this information into the future to arrive at bases for a physical plan to accommodate these projected future “needs.”

What might be termed the “classic” planning process, as developed in the early decades of the 20th century, followed three sequential steps: (1) data gathering; (2) plan making; and (3) plan implementation. The first step involved the gathering of all information about the community that might be needed later in the determination of plan policies. The second step was the preparation of a plan (policies and their expression in a physical map) based on this knowledge. The third step was the formulation of processes for putting the plan into effect.

This “classic” planning approach, however, was critically flawed in two ways. First, since data gathering preceded the consideration of plan policies, it was impossible to gather all of the information that might possibly be needed in the evaluation of an unknown number of policies, options, and

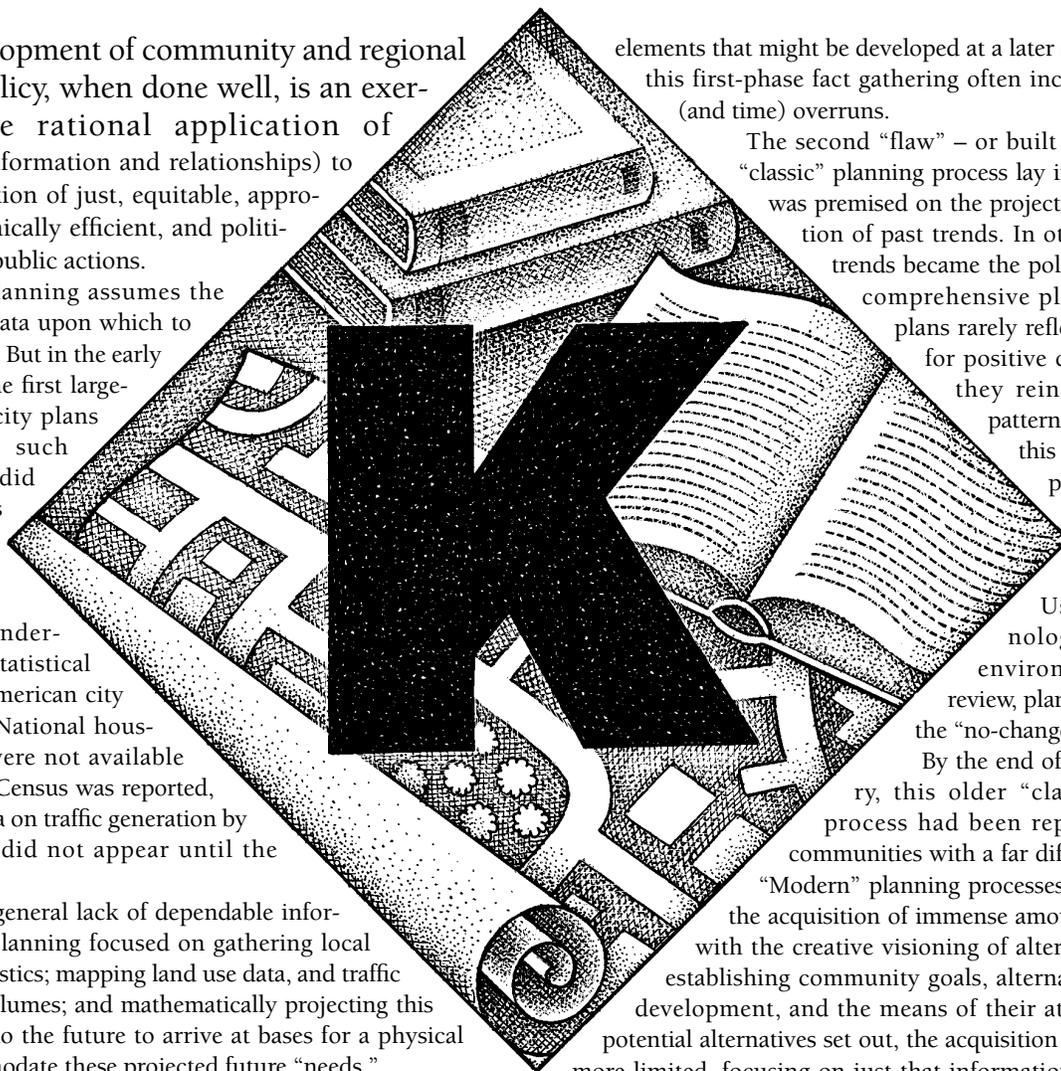
elements that might be developed at a later date. As a result, this first-phase fact gathering often incurred large cost (and time) overruns.

The second “flaw” – or built in bias – in the “classic” planning process lay in the fact that it was premised on the projection or continuation of past trends. In other words, past trends became the policy-bases for the comprehensive plan. As a result, plans rarely reflected any vision for positive change. Instead, they reinforced historic patterns. Unfortunately, this meant that local plans rarely addressed past inadequacies and injustices.

Using the terminology of modern environmental impact review, plans were based on the “no-change” scenario.

By the end of the 20th century, this older “classic” planning process had been replaced in many communities with a far different approach. “Modern” planning processes began not with the acquisition of immense amounts of data, but with the creative visioning of alternative futures – establishing community goals, alternative patterns of development, and the means of their attainment. With potential alternatives set out, the acquisition of data could be more limited, focusing on just that information needed to test these specific ideas. As a result, more time, money, and attention could be addressed to the goals of planning and plan implementation.

Knowledge of past development trends and current development statistics remains critically important. But most planners today complement this knowledge with an analysis of the cause-and-effect relationships between land qualities, population, land uses, and transportation. Most importantly, planners evaluate potential alternative future development patterns and their physical, social, economic, and environmental consequences. Responsible planning is a creative art using data from the past and knowledge of interrelationships to create new and better communities for the future.



A 1940 Census employee uses a punch machine to tally results by hand.

LAND SUBDIVISION

Land ownership and subdivision in America has long been subject to detailed legal requirements and procedures. That was certainly true during America's Colonial era, as each colony prescribed the steps needed to lawfully acquire and prove ownership of land. Procedures for "patenting" (i.e., lawfully acquiring by deed) land typically required that a warrant be obtained allowing the land to be surveyed, and that the resulting survey plat (including a description of the property's location, size, and ownership) be filed with the colony's land office. Procedures for transferring land parcels were also spelled out.

Through the nation's early decades, quite large and irregularly shaped parcels were common in the East, as ownership reflected large agricultural properties which were usually defined by natural features such as stream beds and ridges. However some urban areas (most notably New Haven and Philadelphia), as early as the 17th century, adopted rectangular grid street and property systems. The grid system would reach its zenith in New York City's Plan of 1811, which established a 25 by 100 foot land subdivision unit, re-sulting in city blocks 200 feet deep and 600 feet long – a pattern to be replicated in many newly developing cities.

As America expanded, Congress enacted the Land Ordinance of 1785, establishing the familiar Midwest pattern of one-mile square sections within thirty six square mile townships. Boundaries were aligned with the cardinal points of the compass. Within the grid, major streets were run along section lines and block lengths were commonly limited to 660 feet, one eighth of a section. The coming of the *Hundreds of towns in the Midwest were laid out in grids, as seen in this 1860 map of Urbana, Illinois.*



railroads altered this pattern to some extent, as railroad rights-of-way often ran diagonally across sections. Railroad companies established towns with gridiron streets parallel to these oblique rights-of-way for a few blocks at each side of the railroad station, beyond which the streets were adjusted to link up with the north-south, east-west overlying grid.

By the mid-19th century, many cities were adopting "Official Maps." An Official Map illustrated the location of all public buildings, public land, and the alignment of all current and proposed future major streets. After a city adopted an Official Map, permanent buildings were barred from being constructed in future street rights-of-way.

With the increased urbanization of the late 19th and early 20th century came abuses in land subdivision, including the platting of parcels too small to build upon or without access to a public street. New streets (especially where there was no Official Map) might also have rights-of-way varying widely from one property to the next. Recognizing the need for coordination, New Jersey, in 1913, became the first state to require that each land subdivision be referred to a local agency for an advisory review before the plat was filed.

The arrival of large scale suburban development in the 1920s led to the adoption by communities across the country of detailed subdivision controls. These regulations specified minimum property width, depth, and area; minimum frontage on a public street; and minimum right-of-way, paving widths, and street curvature for new streets. They also required the "dedication" of the land in street rights-of-way to the public. It was not long before communities were expanding this dedication requirement to include the giving of land for public parks to accommodate the recreational needs of new residents.

MAPS

Accurate and up-to-date maps are the foundation for all community and regional planning. The starting point for mapping has long been the display of streets and property lines on plats. But by the early 20th century a broad array of additional information was being incorporated into maps used in planning: topography, including slopes; geology, including soil types and qualities; hydrology, including drainage systems, floodplains, and wetland areas; current land-use patterns; and public utilities and facilities, including schools, police and fire stations, and parklands.

Groundbreaking metropolitan planning efforts, such as the 1909 Plan of Chicago overseen by Daniel Burnham, made effective use of this kind of resource and land use information. The Plan of Chicago also demonstrated the persuasive impact that well-presented mapped information could have – especially when combined with striking sketches and renderings. Information and recommendations displayed in this way enabled the public to more quickly grasp the nature of their city and region, and its needs. Indeed, over time, maps have been one of the key tools used by planners to convey information and persuade others.

Only a year before publication of the Plan of Chicago (though completely unrelated to it), the first comprehensive social survey of an American city was completed in Pittsburgh. Undertaken by the Russell Sage Foundation, the Pittsburgh Survey plotted social conditions of ethnicity, crime, health problems, and housing overcrowding on separate plat maps. These maps were then superimposed to identify multiple conditions applicable to a single location, suggesting relationships between these conditions and the physical qualities of the site. These Pittsburgh Survey “dot-maps” (a dot indicating the location of a social condition) were the early forerunners of today’s geographic information systems, and dramatically underscored how maps could be used to show

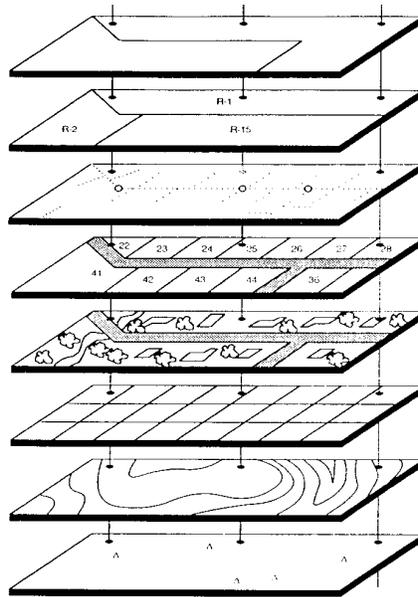
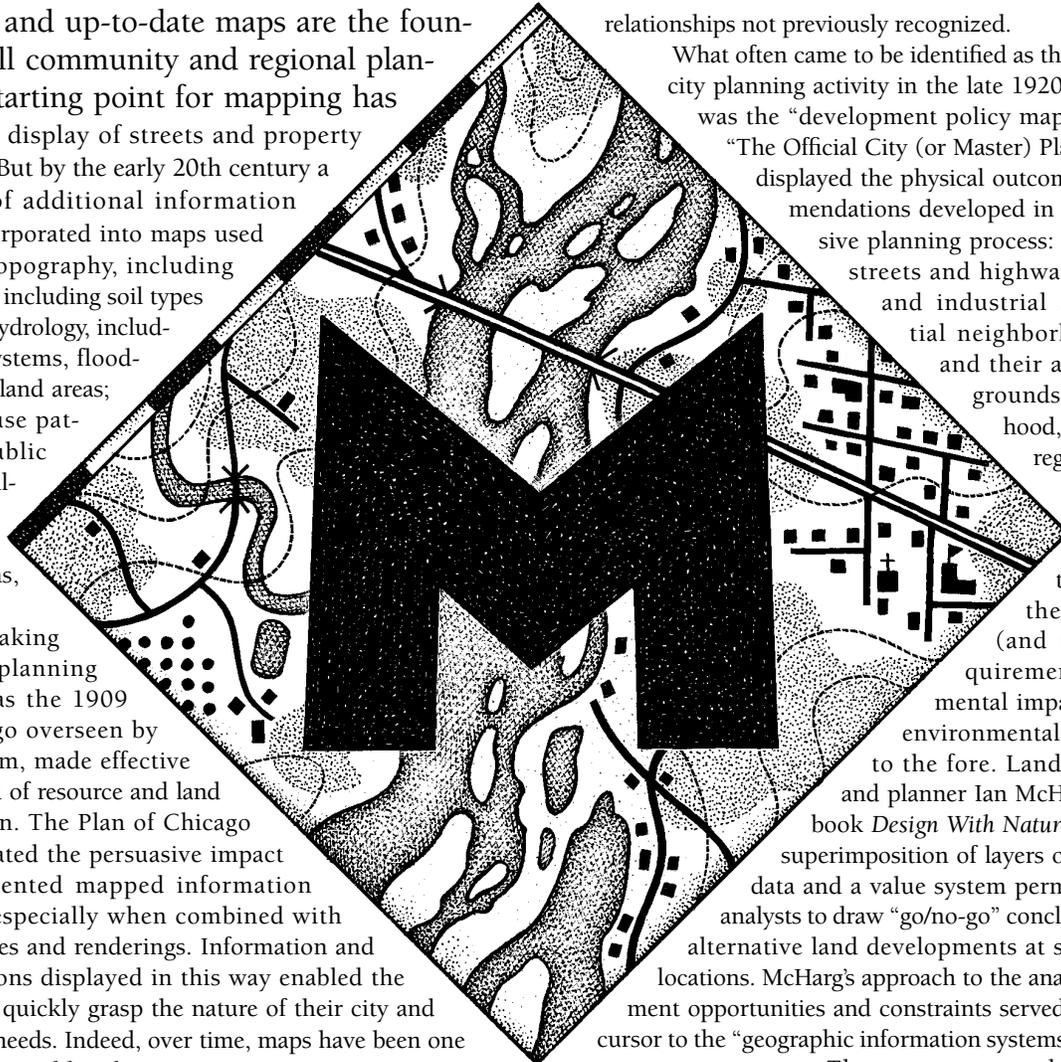
relationships not previously recognized.

What often came to be identified as the end product of city planning activity in the late 1920s and the 1930s was the “development policy map,” often termed “The Official City (or Master) Plan.” These maps displayed the physical outcome of the recommendations developed in the comprehensive planning process: proposed major streets and highways, commercial and industrial areas, residential neighborhoods, schools and their associated playgrounds, and neighborhood, community, and regional parks.

With the advent of the environmental movement in the early 1970s (and the federal requirement for environmental impact statements), environmental planning came to the fore. Landscape architect and planner Ian McHarg, in his 1969 book *Design With Nature*, advocated the superimposition of layers of environmental data and a value system permitting planning analysts to draw “go/no-go” conclusions regarding alternative land developments at specific mapped locations. McHarg’s approach to the analysis of development opportunities and constraints served as another precursor to the “geographic information systems” (GIS) of today.

The computer revolution of recent decades has allowed for the display of information in ways previously impossible. Geographic information systems are now in use in virtually every community, at some degree of sophistication. GIS allows planners to display their choice of a wide array of information (depending on the extent of the database) at a range of scales – from an individual parcel, to a neighborhood, to a city, to a watershed and beyond. Mapped information is also increasingly being displayed using new 3-D and visualization software, allowing planners to “walk through” or “fly over” neighborhoods and developments without leaving the office.

GIS makes use of “layers” of geographically related information. From Vermont GIS, Report to the Legislature (1989)



NEIGHBORHOOD

To community planners, the term “neighborhood” draws on ideas propounded in England by Ebenezer Howard at the end of the 19th century. Howard postulated a community of six interlinked neighborhoods (or “wards”) of about 5,000 people each, focused on an elementary school, bounded by major streets, and containing a variety of residential accommodations. Industry was located at the perimeter of the community. Commerce was focused on the community center, a few block walk from each neighborhood.

In Howard’s Garden City concept, communities were not permitted to grow beyond these limits. Each Garden City was to be bounded by a publicly owned greenbelt of agricultural land that could not be built upon. When population growth required additional accommodations, a new Garden City would be built.

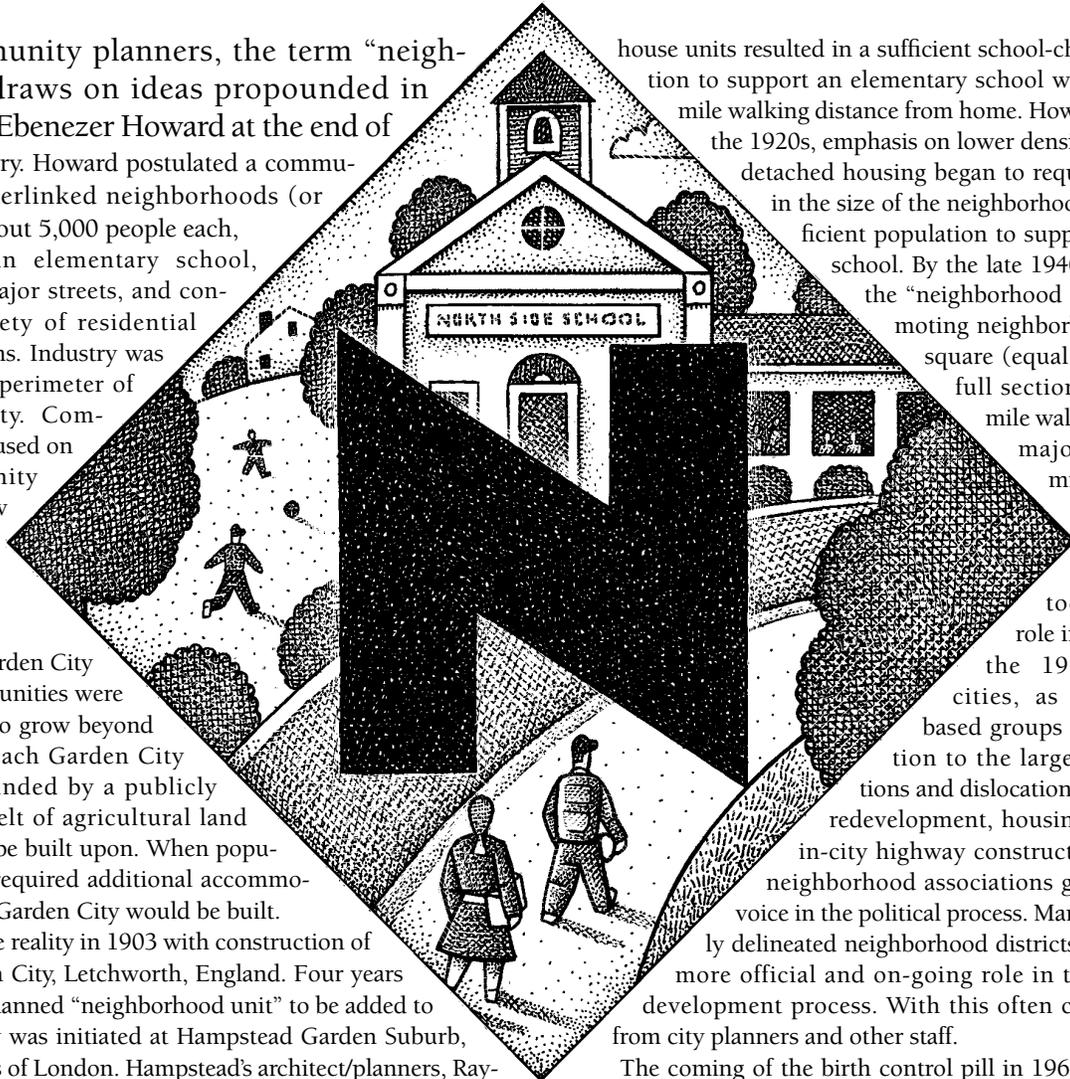
Idea became reality in 1903 with construction of the first Garden City, Letchworth, England. Four years later, the first planned “neighborhood unit” to be added to an existing city was initiated at Hampstead Garden Suburb, on the outskirts of London. Hampstead’s architect/planners, Raymond Unwin and Barry Parker, followed Howard’s neighborhood principles in bringing order, functional efficiency, and environmental beauty to a residence-focused organization of buildings, streets, public institutions, and open spaces. Construction of America’s first Garden Suburb, heavily influenced by Hampstead’s example, was begun in 1910 at Forest Hills Gardens, New York.

The major American adaptation of the British neighborhood idea, however, was rooted in the one-mile square land “section” system of the Midwest. Neighborhoods were based on quarter-sections (160 acres), with major streets bounding neighborhoods one-half mile apart, and no through traffic. Residential densities generated by apartment and row

house units resulted in a sufficient school-child-age population to support an elementary school within a quarter-mile walking distance from home. However, as early as the 1920s, emphasis on lower density single-family detached housing began to require an increase in the size of the neighborhood to assure sufficient population to support the walk-in school. By the late 1940s, advocates of the “neighborhood unit” were promoting neighborhoods one mile square (equal to 640 acres, a full section), with a half-mile walk to school, and major streets one mile apart on section lines.

Neighborhoods took on a new role in the 1950s and the 1960s in many cities, as neighborhood based groups led the opposition to the large-scale demolitions and dislocations resulting from redevelopment, housing projects, and in-city highway construction. Organized neighborhood associations gave residents a voice in the political process. Many cities officially delineated neighborhood districts, giving them a more official and on-going role in the community development process. With this often came assistance from city planners and other staff.

The coming of the birth control pill in 1960 and declining family size, in combination with continuing increases in the lot size of single-family dwellings, led to significantly lower “school-age-population-per-acre.” By the 1980s, this had made the walk-in elementary school unfeasible in most neighborhoods. As a result, little was left of the neighborhood unit idea except the definition of residential districts by bounding major streets. Yet at the very point at which the neighborhood concept seemed at its nadir, two related movements, “The New Urbanism” and “Smart Growth,” breathed new life into it by advocating denser, more diverse residential areas, with a mix of local retail shops and services, and a halt to low-density perimeter sprawl.



Forest Hills Gardens, New York, circa 1910.

OPEN SPACE

In the early 1850s, New York City's gridiron street system was continuing its northward expansion up Manhattan Island, unrelieved by open space reservations. Only two relatively small open spaces, Union Square and Washington Square, served Manhattan – at a time when urban residential densities were becoming acute due to the arrival of the first of many massive waves of European immigrants.

Based on a state authorization in 1856, a large area centered east/west on Manhattan Island and located beyond the northern edge of development was purchased to provide a great public “Central Park.” The plan for the park, by Frederick Law Olmsted, Sr., and Calvert Vaux, designated the park as a “greensward,” a district of the city intended to remain perpetually rural. In creating this planned reserve, the first large scale “natural” park in America, Olmsted and Vaux provided the model for hundreds of city parks to follow. The success of these parks also led to the creation of public park systems and their administrative park boards, board which laid the foundation for future city planning boards.

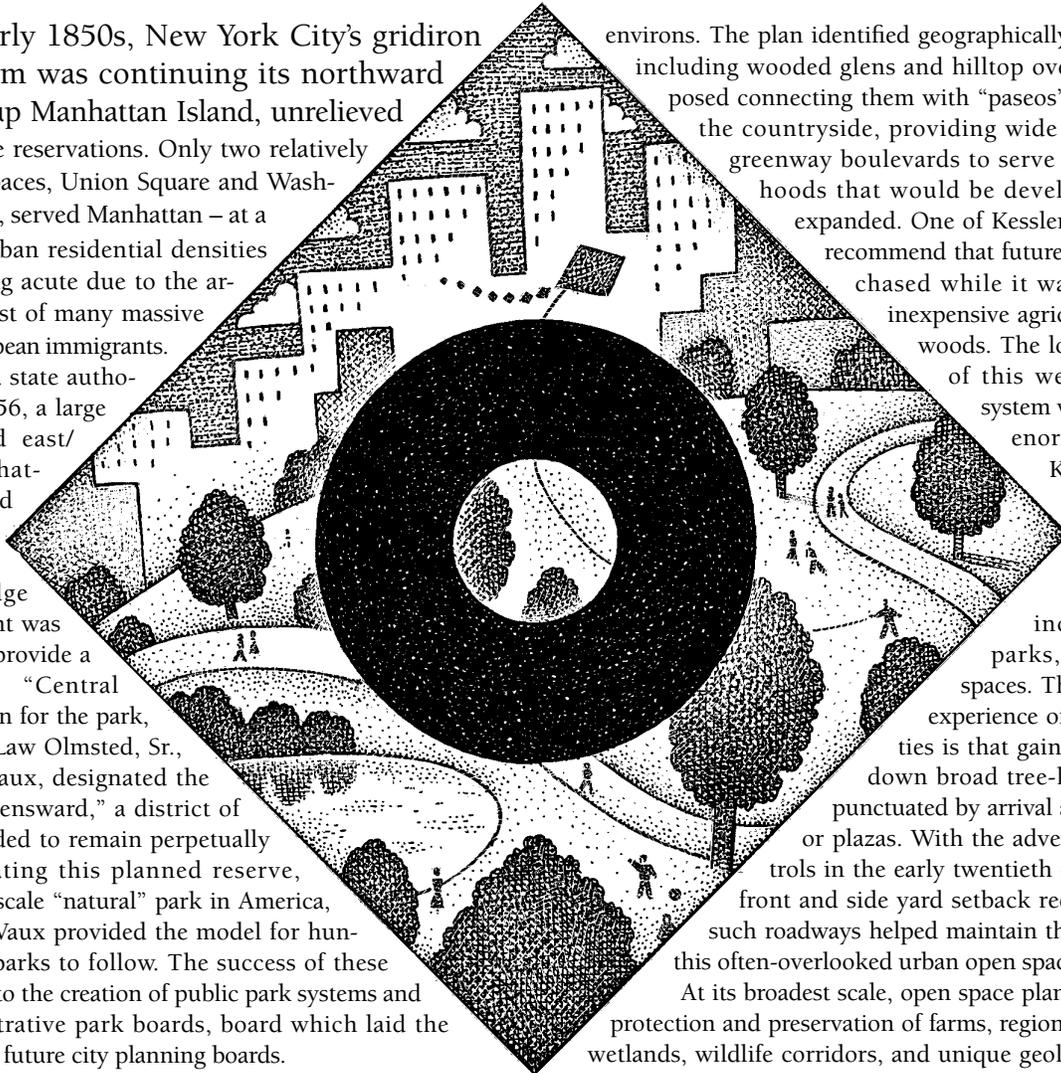
Recognizing that the great city parks were far removed from the residences of large numbers of the urban poor, noted housing reform advocate Jacob Riis promoted construction of small parks and playgrounds in New York City's tenement districts. Poverty Gap playground, built in 1889, was located in a gap in the wall of urban tenements created by demolition of deteriorated structures. Small city parks, such as Mulberry Bend, offered open space to residents of the city's poorest, most densely populated areas.

Acquisition of parkland at a regional scale was at the heart of landscape architect George Kessler's landmark 1893 plan for Kansas City, Missouri, and

environs. The plan identified geographically significant sites, including wooded glens and hilltop overlooks, and proposed connecting them with “paseos” running far into the countryside, providing wide lineal parks and greenway boulevards to serve future neighborhoods that would be developed as the city expanded. One of Kessler's insights was to recommend that future parkland be purchased while it was still relatively inexpensive agricultural lands and woods. The long-term “payoff” of this well-planned park system was (and remains) enormous, leading to Kansas City's reputation as “the city of parks and fountains.” Open spaces include not only parks, but also street spaces. The primary spatial experience of many communities is that gained by proceeding down broad tree-lined boulevards, punctuated by arrival at circles, squares, or plazas. With the advent of zoning controls in the early twentieth century, generous front and side yard setback requirements along such roadways helped maintain the spaciousness of this often-overlooked urban open space.

At its broadest scale, open space planning includes the protection and preservation of farms, regional woodlands and wetlands, wildlife corridors, and unique geological formations and topographic features. One of the most noteworthy, and long-

standing, large-scale open space planning efforts has involved Chicago's lakeshore. Commencing with the dedication of lakeshore properties to public use in the 1830s, reinforced by the preservation efforts of Aaron Montgomery Ward in the 1890s, and a focal point of the noted Chicago Plan of 1909, enhancement of the lakeshore remains a vital part of Chicago planning to this day. As in Kansas City, the benefits have been huge. City residents and visitors have been able to enjoy a priceless amenity, while the open space has served to create billions of dollars in real estate value within the city and region.



Mulberry Bend Park, opened in 1897, provided open space in one of the densest parts of New York City.

PUBLIC HEALTH & SAFETY

The belief that health and quality of life are shaped by the physical environment brought together public sanitation advocates, settlement house workers, architects, and landscape architects at the first American national conferences on city planning in 1909 and 1910. Public health advocates focused on improving waste disposal, assuring light and air to homes, providing clean food and water, and making available safe play areas. Supporters of the “City Beautiful” idea promoted construction of wide tree-lined boulevards and urban parks and plazas.

Common ground was found on key issues such as limiting building height. Public health advocates saw this as a way of assuring light and air to buildings and to the streets below, while City Beautiful proponents viewed height limits as a way of lending visual unity and human scale to the city.

Public health was at the heart of efforts by reformers in the mid-to-late 19th century to improve conditions in tenement housing. As a result of their advocacy, New York State and City passed a series of increasingly strict tenement house laws. The first of these, enacted in 1867, required that at least one toilet or privy be provided for every 20 people, to be connected to sewers where available. Subsequent laws set minimum standards for lot width, room size, and amount of light and ventilation.

The advent of the small electric motor made it possible for many structures originally built as warehouses or residences to be put to industrial use. This greatly increased the number of people in buildings with inadequate fire escapes. The consequences were tragically illustrated by the 1911 Triangle Fire in New York City, in which over 100 working

women perished. In response, New York and other cities established building occupancy and land use controls.

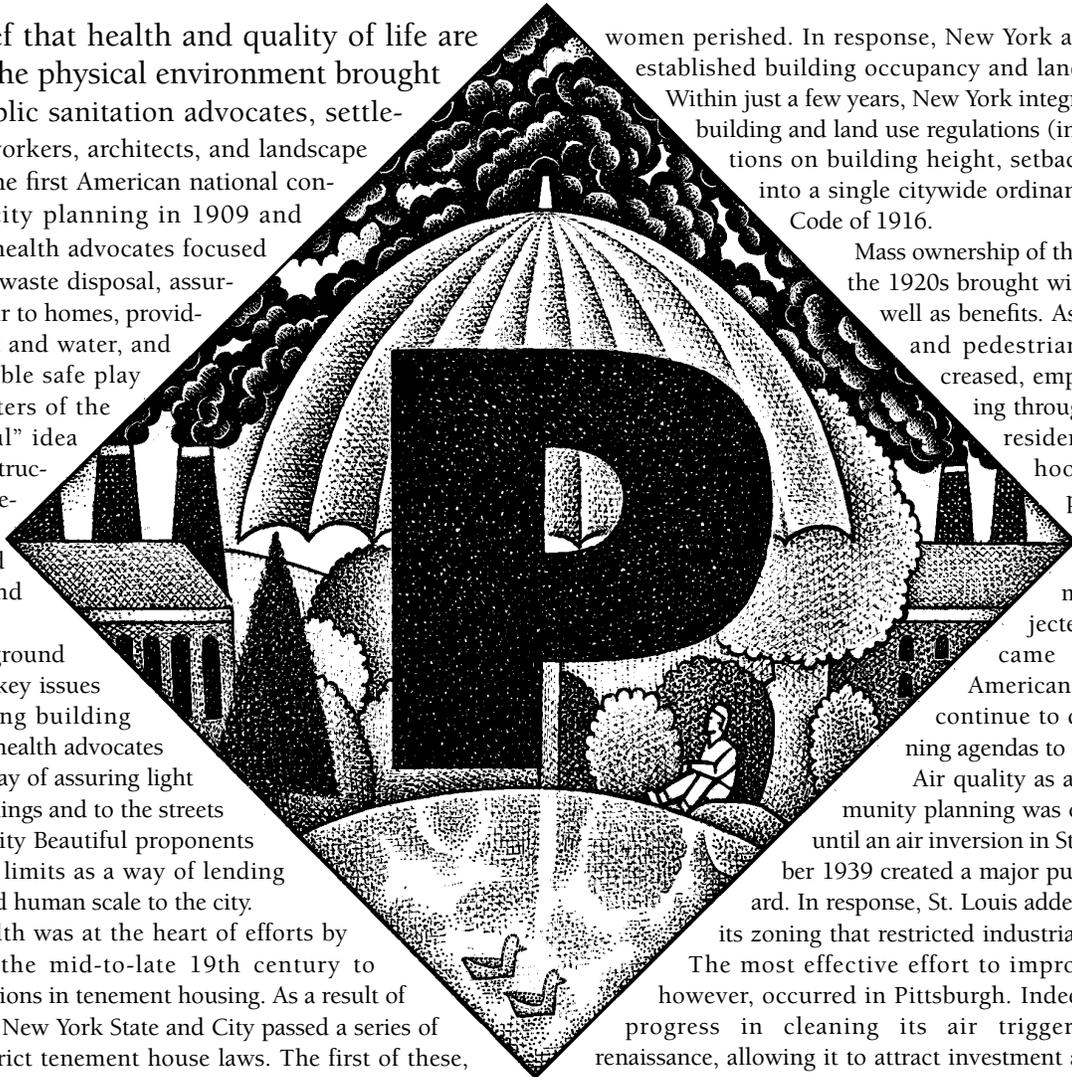
Within just a few years, New York integrated its various building and land use regulations (including restrictions on building height, setbacks, and yards) into a single citywide ordinance, the Zoning Code of 1916.

Mass ownership of the automobile in the 1920s brought with it dangers as well as benefits. As auto accidents and pedestrian fatalities increased, emphasis on keeping through-traffic out of residential neighborhoods, separating pedestrian and auto traffic, and accommodating projected future traffic came to dominate American planning (and continue to dominate planning agendas to this day).

Air quality as a factor in community planning was of little concern until an air inversion in St. Louis in October 1939 created a major public health hazard. In response, St. Louis added an element to its zoning that restricted industrial air emissions.

The most effective effort to improve air quality, however, occurred in Pittsburgh. Indeed, Pittsburgh's progress in cleaning its air triggered the city's renaissance, allowing it to attract investment and broaden its economic base.

The Environmental Protection Agency, created in 1970, implemented broad-scale federal programs to improve air and water quality, and spawned state and local environmental protection efforts. Large-scale regional threats to public health and safety, such as hurricanes, floods, and earthquakes led to creation of the Federal Emergency Management Administration to coordinate relief and reconstruction. The terrorist strikes of September 11, 2001, have lent a new urgency for planners (among others) to take into account public safety concerns.



Smog outbreaks occurred across the country during the 1940s. In the small industrial city of Donora, Pennsylvania, 20 residents were killed by a smog cloud in October 1948 (seen in this photo taken at noon). Pittsburgh Post-Gazette Archives, 2002, all rights reserved. Reprinted with permission.

QUIET

The American city of the 1890s was cacophonous. City streets were not only filthy, creating public health hazards, they were also noisy. Cobblestone or granite Belgian block streets rang out with the clang and thud of steel-shod wagon wheels and the shouts of draymen. With masonry buildings packed close together, and sound reverberating off the hard surfaces, noise was a constant factor in urban life. Not surprisingly “rural quiet” was one of the earliest, and most effective, sales pitches for suburban development.

Among the considerations in support of the separation of industrial and commercial areas from residential areas through land use zoning was noise avoidance, that is, isolating the residential environment from the noise of commercial and industrial operations. Similarly, the wide side yards and deep setbacks from the street called for in suburban zoning were based, in part, on providing residents with a quieter environment.

A major concern of community planning in the 1920s and 1930s was removal of through-traffic from residential neighborhoods to eliminate unwanted 24-hour-a-day sound. This was complemented with a preference for locating playgrounds and play areas conveniently near, not immediately adjacent to, residences. Locations on elementary school grounds often served well.

Quiet was also threatened by the increasing volume of auto commuters into the city. The “parkways” developed in the 1920s and 1930s were bordered by deep bands of trees, shrubs, and earth mounds, useful in damping the impact of heavy-traffic noise on surrounding areas. The early Interstate Highways also tried to maintain a more parkway-like design. But as traffic demand increased, including the growth in long haul trucking, wider roadways were con-

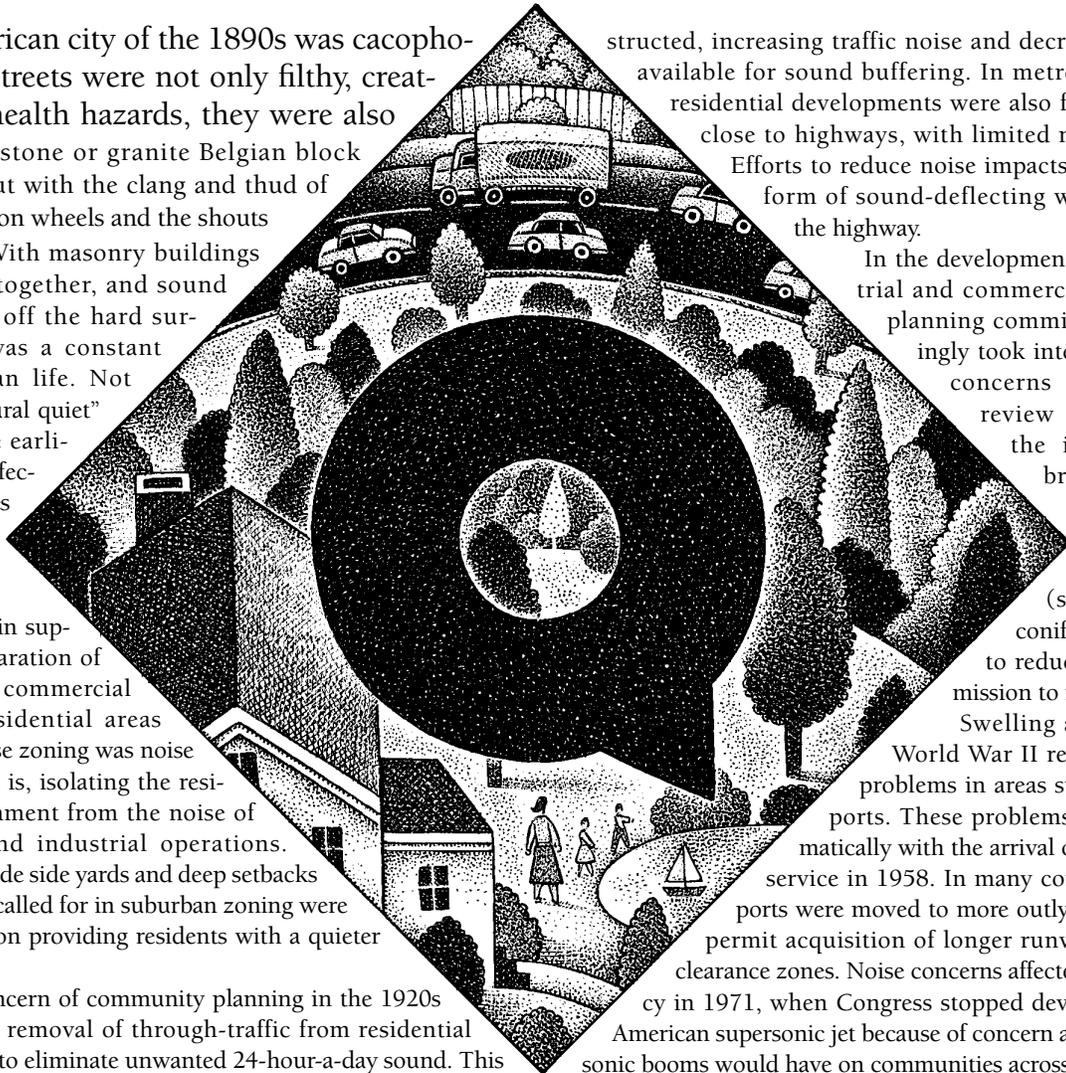
structed, increasing traffic noise and decreasing the area available for sound buffering. In metropolitan areas, residential developments were also frequently built close to highways, with limited natural buffers.

Efforts to reduce noise impacts often took the form of sound-deflecting walls bordering the highway.

In the development of new industrial and commercial areas, local planning commissions increasingly took into account noise concerns in site plan review by requiring the installation of broad perimeter bands of earth berming and plantings (such as dense conifers and shrubs) to reduce sound transmission to nearby homes.

Swelling air traffic after World War II resulted in noise problems in areas surrounding airports. These problems escalated dramatically with the arrival of long-range jet service in 1958. In many communities, airports were moved to more outlying locations to permit acquisition of longer runways and larger clearance zones. Noise concerns affected national policy in 1971, when Congress stopped development of an American supersonic jet because of concern about the impact sonic booms would have on communities across the country.

Noise remains a pervasive “quality of life” issue facing urban, suburban, and rural areas. While it no longer manifests itself in the clang of wagon wheels on cobblestone streets, it now comes in the form of highway and air traffic (as discussed above) as well as from a proliferating number of other sources: jet skis in lakefront areas; boom boxes and amplified music on downtown streets; and lawn mowers and leaf blowers in just about every suburban community – to name a few. Planning commissions are increasingly becoming expert in dealing with acoustical issues, as they work on noise ordinances and zoning strategies to keep their communities tolerably quiet.



A ubiquitous sight along our highways: the noise barrier.

REGIONAL PLANNING

Governor James Oglethorpe's 1733 plan for Savannah – America's first regional plan – set a framework for growth by providing for development by planned neighborhood units, focused on public squares, and edged by through streets. A key feature of the plan was the provision of public land reserves for future neighborhood additions. The plan also provided for Savannah's urban center to be bounded by small allotment gardens for growing food for family consumption. These gardens were, in turn, rimmed by a network of larger farm plots. Each grouping of ten farms shared a wood lot, providing fuel and game. Oglethorpe's recognition of the connection between agricultural production and urban vitality remains instructive for planners today.

The first modern city plan of a regional nature was George Kessler's 1893 metropolitan parks plan for Kansas City, Missouri (see "O is for Open Space" in *PCJ* #47). Coincidentally, 1893 also saw the opening of Chicago's Columbian Exposition, which inspired The City Beautiful Movement in America and provided the impetus for the landmark 1909 Plan of Chicago. The Chicago Plan proposed acquisition of vast areas for future park and forest preserves and a regional road system.

Following a devastating flood in 1913, the State of Ohio authorized creation of the nation's first regional functional authority: the Miami Valley Conservancy District.¹ The District operated within an "overlay zone" that ran through communities in the region. The State authorized the District to plan; to build and own flood control works; to tax property to pay for these undertakings; and to control land use for flood plain management purposes.

In the 1920s, regional planning was often equated with county

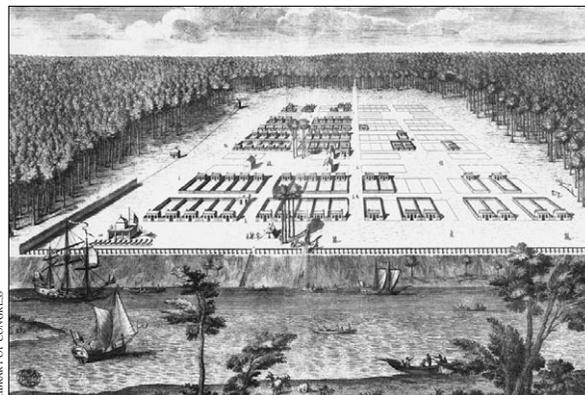
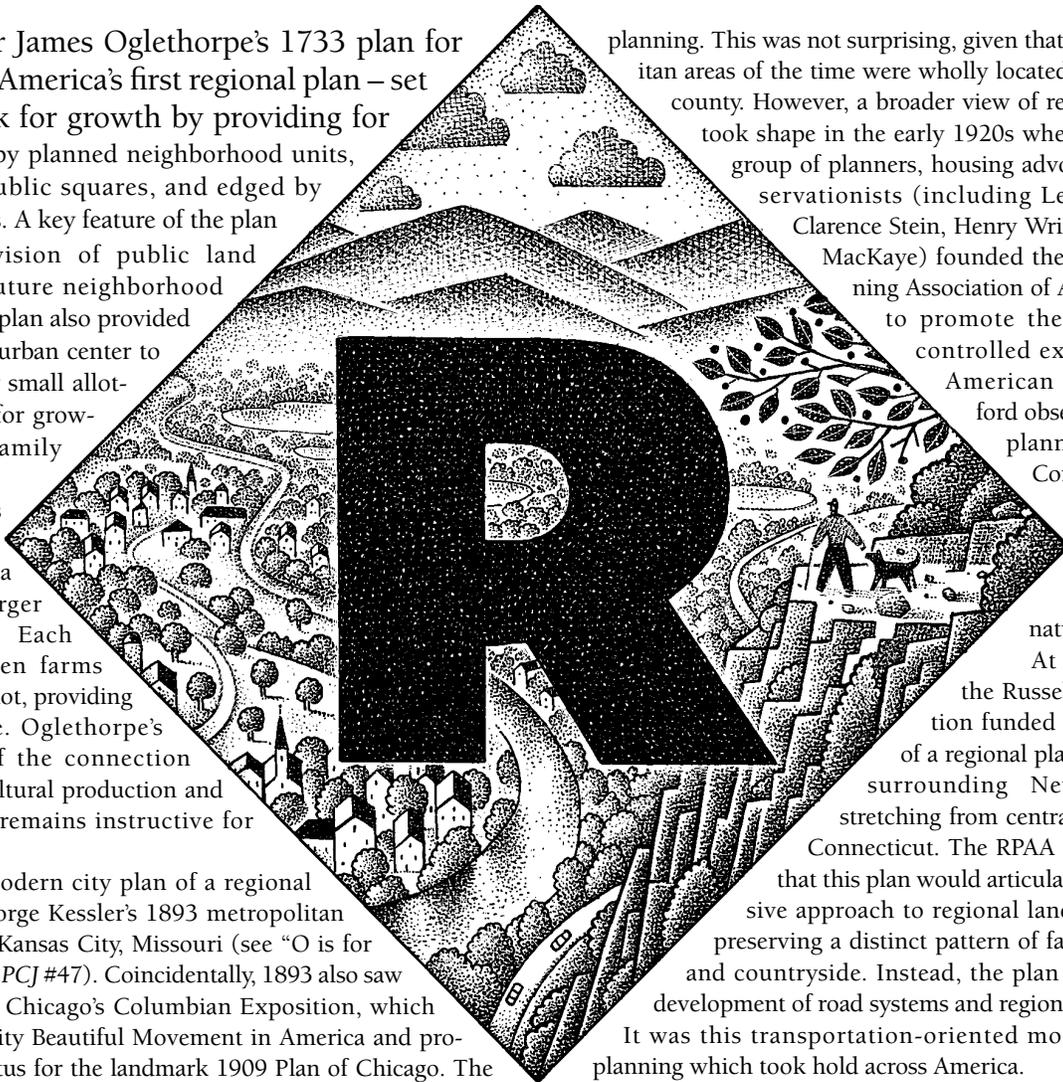
¹ The Miami Valley area of southwestern Ohio also led the way with another regional planning first: the adoption of the nation's first "fair-share" housing plan in 1970. See "I is for Inclusionary" in *PCJ* #46.

planning. This was not surprising, given that most metropolitan areas of the time were wholly located within a single county. However, a broader view of regional planning took shape in the early 1920s when an influential group of planners, housing advocates, and conservationists (including Lewis Mumford, Clarence Stein, Henry Wright, and Benton MacKaye) founded the Regional Planning Association of America (RPAA) to promote the designed and controlled expansion of the American city. As Mumford observed: "Regional planning is the New Conservation – the conservation of human values hand-in-hand with natural resources."² At the same time, the Russell Sage Foundation funded the preparation of a regional plan for a vast area surrounding New York City, stretching from central New Jersey to Connecticut. The RPAA had great hopes that this plan would articulate a comprehensive approach to regional land use planning, preserving a distinct pattern of farmland, village, and countryside. Instead, the plan focused on the development of road systems and regional park reserves.

It was this transportation-oriented model of regional planning which took hold across America.

One of the most significant federal actions in support of regional planning occurred in 1969 with the issuance of "Circular A-95" by the U.S. Office of Management and Budget. "Circular A-95" was designed to implement the Intergovernmental Cooperation Act of 1968, which recognized the need for "sound and orderly development of all areas, both urban and rural." A-95 required all requests for federal categorical grants (nearly 150 programs) to be reviewed by area-wide planning agencies for consistency with regional plans. Although rescinded by President Reagan in 1982, the A-95 review process lives on in many states which provide their own mechanisms for such review.

² From Mumford's 1926 essay, "Regions — To Live In," republished in Donald Miller's *The Lewis Mumford Reader* (Pantheon Books, New York 1986).



A view of Savannah, March 29, 1734.

TAKINGS

“No person shall be ... deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.”

— *The Constitution of the United States, Amendments, Article V*

State and local governments have long been empowered to acquire private property for public purposes so long as compensation is paid. However, in the 1920s, cities and towns began using land subdivision controls to require the “dedication” (giving) of streets to the public – without compensation – when land was subdivided.

Courts uniformly found no “taking” requiring compensation in such situations. They pointed out that there was no public coercion since it was the landowner who initiated the request to subdivide. They also stressed that the dedication involved only a portion of a landowner’s property and did not deprive the owner of substantially all its value. This rationale was followed in the 1930s to uphold subdivision requirements for the dedication of parkland.

The courts also upheld a broad array of land use regulations designed to protect public health and safety. While these regulations did not involve the direct public use of private property, they did have significant impacts by limiting the extent and density of development – and precluding potentially more lucrative land uses. Among the early restrictions upheld by the Supreme Court: building height limits; bans on locating certain uses in or near residential areas; and building setback lines. Most notably, the Court upheld comprehensive zoning – laying the way for the explosive growth in local zoning across the country. *Euclid vs. Ambler*, 1926.

After more than four decades of silence, the Supreme Court returned to the land use arena in 1978. At issue was New York City’s historic designation of Grand Central Terminal, which prevented Penn Central from constructing an office tower over the Terminal. The Court held there was no “taking,” as Penn Central could earn a reasonable return on the existing Terminal, and from

development rights the city made transferable to nearby sites. *Penn Central Transportation Co. v. New York City*.

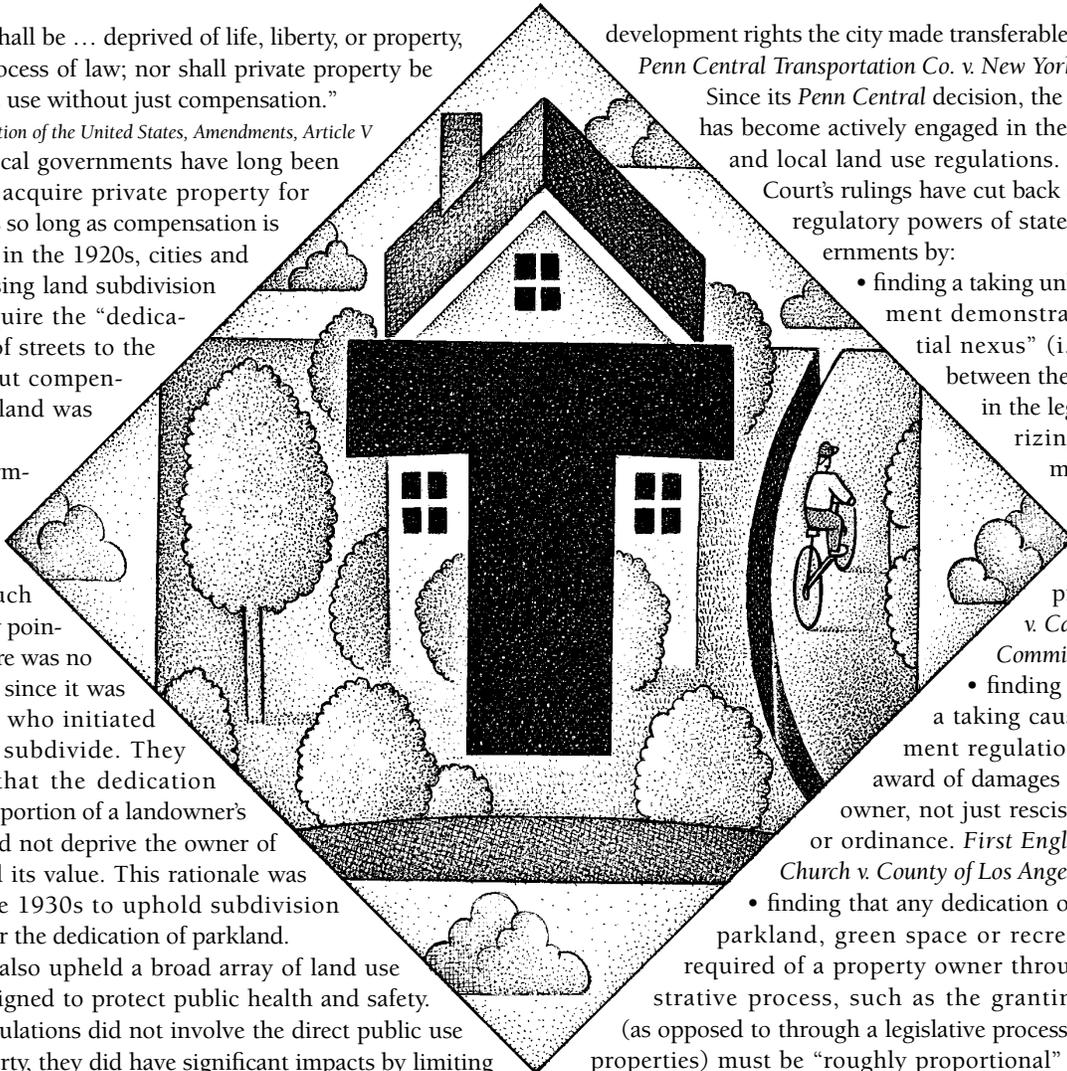
Since its *Penn Central* decision, the Supreme Court has become actively engaged in the review of state and local land use regulations. In general, the Court’s rulings have cut back on the land use regulatory powers of state and local governments by:

- finding a taking unless the government demonstrates an “essential nexus” (i.e., close link) between the purpose stated in the legislation authorizing the government’s action and the particular constraint on private property. *Nollan v. California Coastal Commission*, 1987.
- finding the remedy for a taking caused by government regulation includes the award of damages to the property owner, not just rescission of the law or ordinance. *First English Evangelical Church v. County of Los Angeles*, 1987.

• finding that any dedication of land (e.g., for parkland, green space or recreational paths) required of a property owner through an administrative process, such as the granting of a permit (as opposed to through a legislative process affecting many properties) must be “roughly proportional” to the impacts specifically caused by the new development. *Dolan v. City of Tigard*, 1994.

However, the Supreme Court has held that a moratorium on development pending completion of a long-range plan does not necessarily result in a taking, especially if the moratorium is of limited duration. *Tahoe Sierra Preservation Council v. Tahoe Regional Planning Agency*, 2002.

In the past decade, efforts (mostly unsuccessful) have been made in state legislatures and in Congress to define a “taking” as any public action that reduces property value beyond a specified low percentage, and to require payment by the public for “lost” value above this level. The potential impact of such legislation on the ability of governments to regulate land use would be enormous.



The Supreme Court found no “taking” in New York’s prohibiting construction of an office tower above Grand Central Terminal.

URBAN SPRAWL

The term “urban sprawl” commonly denotes a condition of unplanned, uncoordinated, and generally low density development spreading outward from the city center.

Sprawl is not just a modern phenomenon. In a sense, American sprawl began with the horse drawn omnibus of the 1830s, which permitted the more well-to-do to escape the center city for more country-like surroundings, where they could reside in detached homes bounded by small grass plots and gardens. This outward dispersion accelerated with the widespread arrival of the steam railroad in the 1850s. Suburban villages sprang up along the rail lines. The introduction of the electric trolley car in the 1880s permitted an even larger segment of the population to leave the center city behind, as trolley car lines followed major streets to the edges of the city.

The suburban expansions of the late 19th century, however, did not totally encircle the city. Being rail-based, the overall pattern was one of a few routes radiating out from the city center (where commerce and industry were still located), with residential development focused within a few blocks of either side of the transit line. This left huge swaths of open space between the rail lines.

The nature of American sprawl changed radically with the coming of the inexpensive automobile in the 1920s. No longer limited to close proximity to major streets and trolley lines, low density development expanded to previously inaccessible areas, often “leapfrogging” over undeveloped areas to more distant locations. Independent suburban villages, with their own land subdivision, planning, and zoning authorities, grew rapidly.

Land speculation drove the engine of regional development. Lacking regional government planning and controls, each of the plethora of small units of local government legislated as it saw fit to meet its own interests. Often this

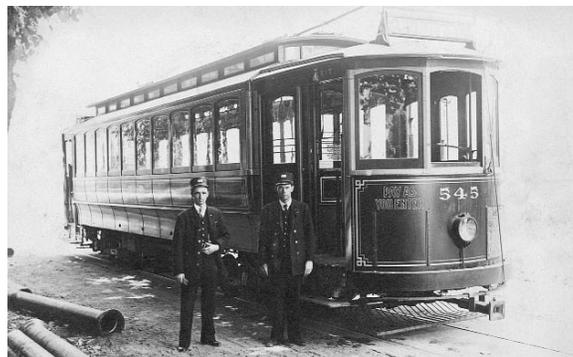
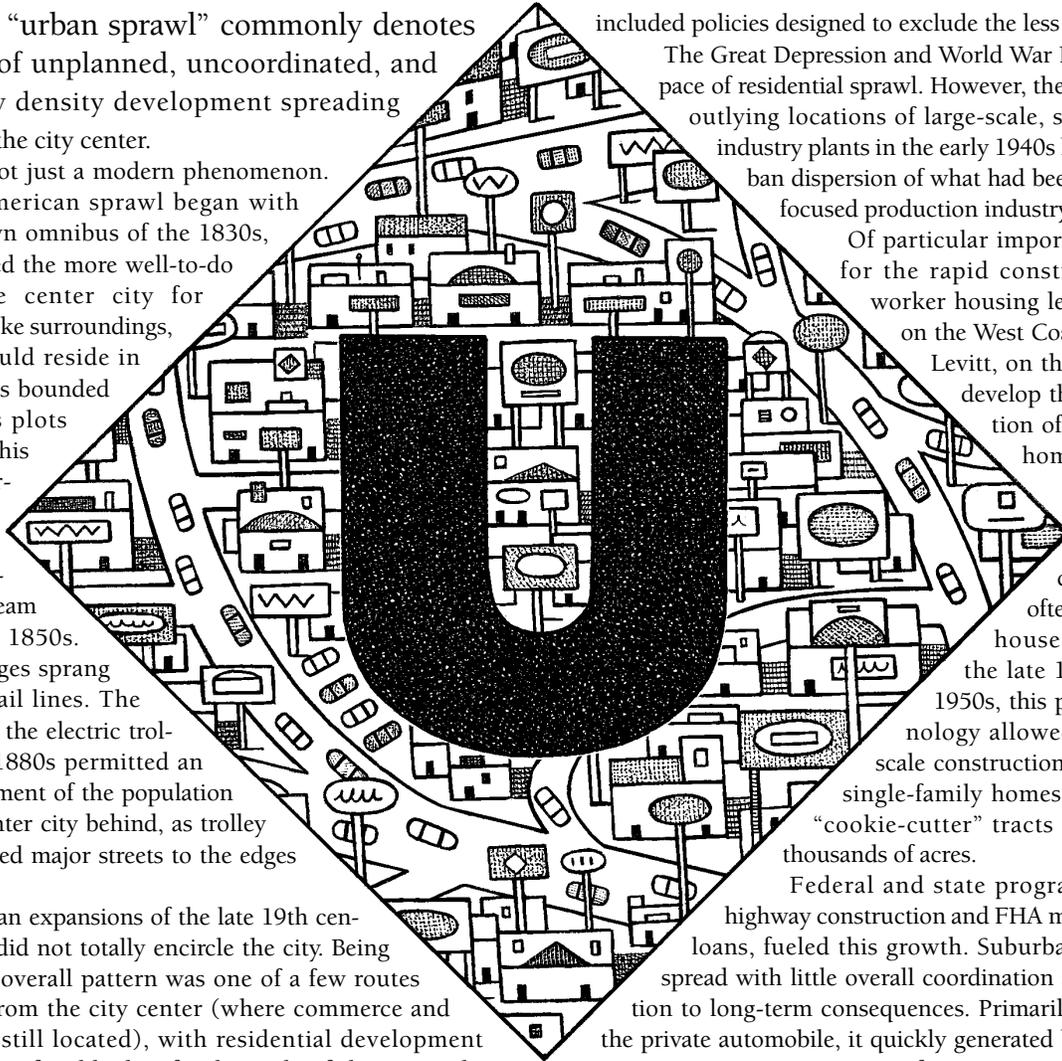
included policies designed to exclude the less well-to-do.

The Great Depression and World War II dampened the pace of residential sprawl. However, the construction in outlying locations of large-scale, single-story war industry plants in the early 1940s led to the suburban dispersion of what had been a central-city-focused production industry.

Of particular importance, the need for the rapid construction of war worker housing led Edgar Kaiser, on the West Coast, and William Levitt, on the East Coast, to develop the mass production of homes (before, home construction had been in the hands of individual craftsmen, and often produced one house at a time). By the late 1940s and early 1950s, this production technology allowed for the large-scale construction of hundreds of single-family homes at a time, with “cookie-cutter” tracts extending over thousands of acres.

Federal and state programs, especially highway construction and FHA mortgage-insured loans, fueled this growth. Suburban development spread with little overall coordination and scant attention to long-term consequences. Primarily dependent on the private automobile, it quickly generated both traffic congestion requiring immense sums for its temporary amelioration and perimeter regional shopping centers accessible only by car.

By the end of the 20th century, sprawl had reshaped metropolitan areas across America. While central cities still remained a focal point for government, financial, and large corporation daytime office workers (and night-time theater goers), they had been drained of newer production industries, and of middle- and upper-income residents. As development continued to disperse, a new demarcation even emerged: inner suburbs versus outer suburbs, with inner suburbs starting to face a loss of economic vitality as commerce and population relocated to even more peripheral locations. Ominously, America’s entire sprawling, auto-centric development pattern remained precariously dependent on foreign oil.



The electric trolley helped open the way for rapid suburban expansion. Ironically, trolleys (and light rail) are making a comeback today in strengthening urban cores.

VISION

Many of America's early planners were people of vision whose creative imaginations continue to make our cities livable and memorable. In 1791, Pierre Charles L'Enfant envisioned an immense, world-class national capital on the Potomac. L'Enfant's plan included broad diagonal avenues cutting through a grid of streets. Key intersections of avenues and streets provided settings for monuments and fountains.

In 1901, a team of planners led by Daniel Hudson Burnham undertook a vast extension of the original plan, continuing L'Enfant's central axis to the west, and reorienting it to pass through the Washington Monument. This created sites for the Lincoln and Jefferson Memorials at the end of grand axes.¹

Without vision in carrying the L'Enfant Plan forward, the Washington Mall would have continued to be cluttered with private interest activities, and the Washington Monument would be overlooking a vast Potomac River mud flat (referred to by turn-of-the-century politicians as "that Godforsaken swamp!"). Instead, the Mall today provides a wonderful heart to our capital city, while the mud flat is parkland providing the sites for the Lincoln Memorial and Reflecting Pools, and more recently, the Vietnam and Korean Veterans Memorials. Planners of vision see potential; those without vision see only the swamp.

In the 1850's, Frederick Law Olmsted, Sr. and Calvert Vaux built on the creative vision of New York City's civic leaders who had purchased (for \$5,000,000!) a site for an immense "central park." Olmsted and Vaux planned for the recreation and public health needs of a future city of millions, designing a park that quickly became a national model. Central Park provided for separation of traffic types, huge "natural" greens, and the careful placement of perimeter walls, interior

¹ The 1901 plan for Washington, D.C. is often referred to as the McMillan Plan, after Senator James McMillan of Michigan who chaired the Commission which oversaw this remarkable planning effort.

depressions, and tree plantings to assure the isolation of visitors within this "Greensward" from the city immediately beyond.

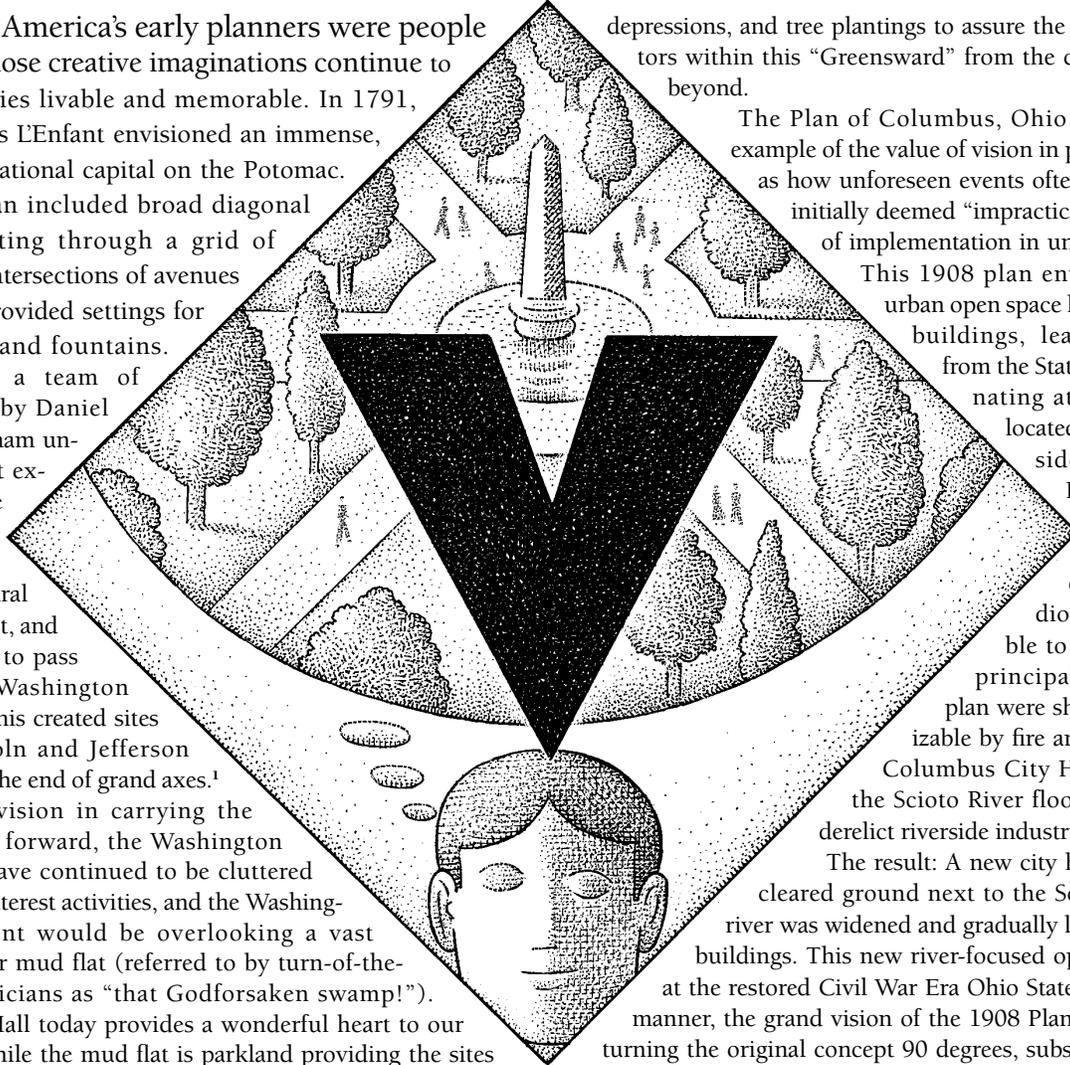
The Plan of Columbus, Ohio is an excellent example of the value of vision in planning (as well as how unforeseen events often permit visions initially deemed "impractical" to be capable of implementation in unexpected ways).

This 1908 plan envisioned a new urban open space lined with public buildings, leading downhill from the State Capitol, terminating at a new armory located at the opposite side of the Scioto River. The plan was immediately denounced as too grandiose and impossible to realize. But the principal visions of the plan were shortly made realizable by fire and flood: the old Columbus City Hall burned and the Scioto River flooded, destroying derelict riverside industrial buildings.

The result: A new city hall was built on cleared ground next to the Scioto River. The river was widened and gradually lined with public buildings. This new river-focused open space ended at the restored Civil War Era Ohio State Armory. In this manner, the grand vision of the 1908 Plan was realized by turning the original concept 90 degrees, substituting city hall for the state capitol, a historic armory for a new one, and water for grassed esplanade. Indeed, the Columbus Civic Center was ultimately realized at a scale more than nine times as large as proposed in 1908!

In more modern times, visionary planning can be seen in the 1962 town plan for Reston, Virginia, a brilliantly conceived vision of "urbanism in the countryside;" in the 1979 Capital Center Plan for Providence, Rhode Island, which set the framework for the revitalization of that city and

for such amenities as the recently completed Waterplace Park; and in comparable planning efforts across the country. Vision is imagination capable of inspiring planners and builders to respect the works of today, while moving forward with greater visions of the community of tomorrow.



View of the axes of the Mall, from the McMillan Plan for Washington, D.C.

WATER

Prior to the 1750s, water was provided to residences in America by onsite wells or by water sellers who went door-to-door delivering water from nearby rivers or springs. Although Bethlehem, Pennsylvania can lay claim to the first pumped and piped water system in America (1754), it was not until 1801 that Philadelphia completed the first major community-wide waterworks. Philadelphia constructed its system largely in response to devastating epidemics in 1793 and 1798. In fact, epidemics (coupled with the need to control fires in dense urban centers), precipitated the development of many municipal water systems.

Until the 19th century, individual residential cesspools and the pail system for removal of waste from privy pits were the predominant means for waste collection and removal. The introduction of the water closet and piped water supply resulted in overflowing private cesspools. This motivated construction of community-wide collection systems to carry away sewage – to rivers and streams. Unfortunately, this remedy often shifted the pollutants to the water intakes of communities downstream.

Solutions emerged in the development of filtration systems. The first slow sand filters for sewage were initiated in Poughkeepsie, New York in 1870. The next step forward, the intermittent filtration of sewage on sand beds (permitting air to enter initiating biological action and producing a clear and odorless effluent), was first used in a municipal system in Reading, Pennsylvania in 1908. By World War I, most of the largest cities in America had water filtration systems, chemical water treatment facilities, and sewage filtration plants. Nevertheless, until 1940 more than half of America's communities failed to treat their sewage in any way before dumping it into a river or stream.

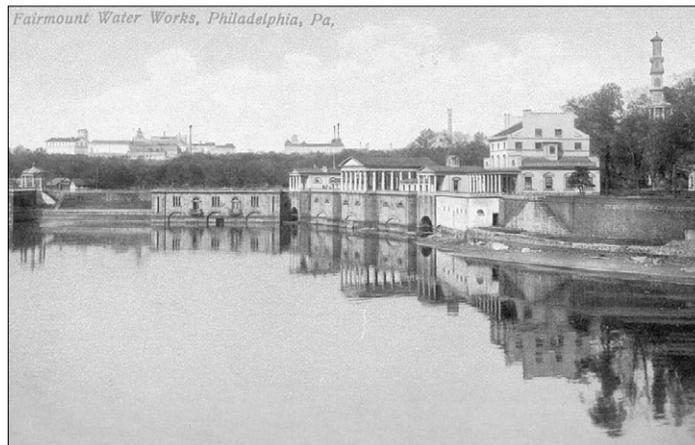
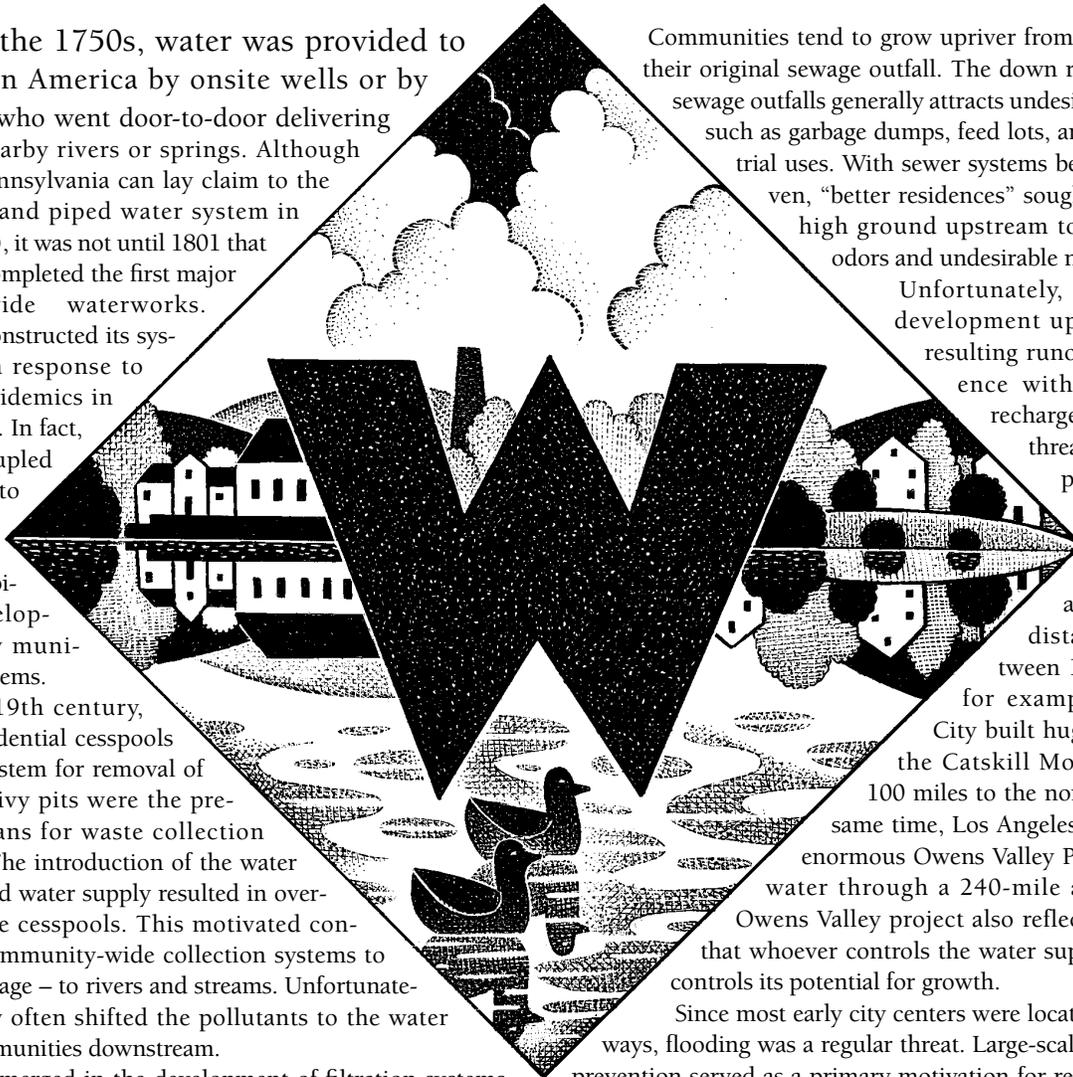
Communities tend to grow upriver from the location of their original sewage outfall. The down river location of sewage outfalls generally attracts undesirable neighbors such as garbage dumps, feed lots, and heavy industrial uses. With sewer systems being gravity-driven, “better residences” sought sewer-served high ground upstream to avoid sewage odors and undesirable nearby uses.

Unfortunately, the spread of development upriver, with its resulting runoff and interference with local aquifer recharge areas, posed a threat to water supplies. As a result, cities sought water sources often a considerable distance away. Between 1905 and 1914, for example, New York City built huge reservoirs in the Catskill Mountains, some 100 miles to the north. Around the same time, Los Angeles undertook the enormous Owens Valley Project, carrying water through a 240-mile aqueduct. The Owens Valley project also reflected the truism that whoever controls the water supply of a region controls its potential for growth.

Since most early city centers were located along waterways, flooding was a regular threat. Large-scale regional flood prevention served as a primary motivation for regional planning in America. At the local level, many modern subdivision control ordinances include requirements for the retention and slow

release of storm waters in new developments (often through dry basins or ponds on site). This has minimized flood damage to neighboring and downstream properties.

Federal and state clean water laws have helped ensure the supply of clean and safe drinking water. One way has been through the protection and preservation of wetlands and aquifer recharge areas, an approach that has also provided valuable refuges for migrating waterfowl.



The magnificent Fairmount Water Works in Philadelphia, built between 1812 and 1822, still graces the Schuylkill River.

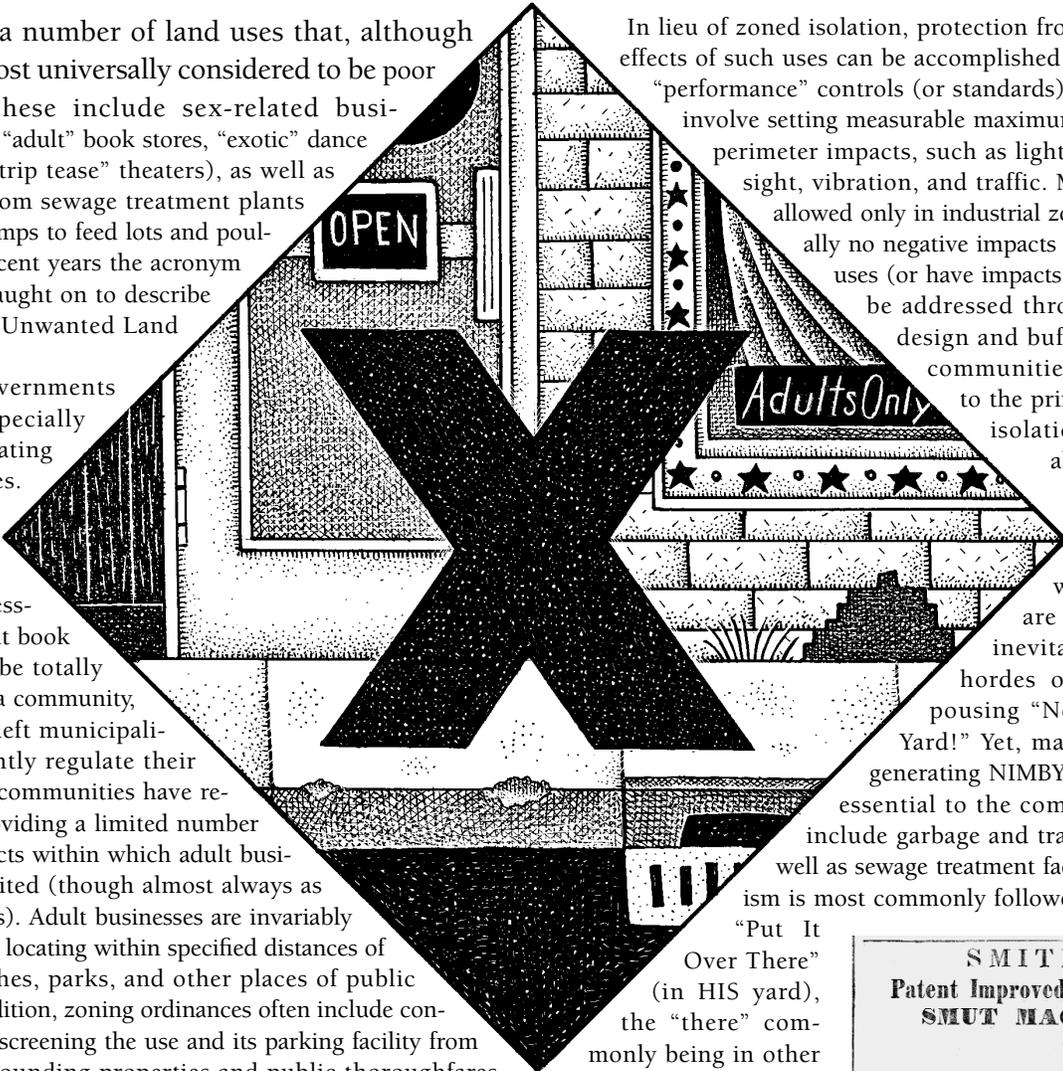
"X-RATED" LAND USES

There are a number of land uses that, although legal, are almost universally considered to be poor neighbors. These include sex-related businesses (such as "adult" book stores, "exotic" dance studios, and "strip tease" theaters), as well as uses ranging from sewage treatment plants and garbage dumps to feed lots and poultry farms. In recent years the acronym "LULUs" has caught on to describe these "Locally Unwanted Land Uses."

Local governments have been especially active in combating sex businesses. While the U.S. Supreme Court has held that sex businesses, such as adult book stores, cannot be totally excluded from a community, the Court has left municipalities free to tightly regulate their location. Most communities have responded by providing a limited number of zoning districts within which adult businesses can be sited (though almost always as conditional uses). Adult businesses are invariably prohibited from locating within specified distances of schools, churches, parks, and other places of public assembly. In addition, zoning ordinances often include conditions such as screening the use and its parking facility from view from surrounding properties and public thoroughfares.

Editor's Note: for more on the regulation of sex businesses, see Terence R. Boga's "Zoning Adult Entertainment Businesses," on page 12 of this issue.

Early American land use controls often focused on what might be considered the "X-rated" land uses of their day: fat trying plants, tar boiling facilities, dead animal disposal lots, slaughter houses, garbage dumps, and industrial production facilities. The principal issue was the location of these uses in relation to residential areas and places of public congregation. The most common local government response was to isolate all such uses, allowing them only in limited geographic areas, identified as "industrial" zones. Interestingly, however, early 20th century "model" zoning ordinances did not prohibit offices, retail sales, or even residential uses, from locating within industrial zones. The justification for this, in theory, was that if the owners and occupants didn't mind having "X-rated" uses for neighbors, they should not be barred from locating in such zones. As the 20th century wore on, however, zoning codes increasingly came to prohibit business and residence uses in industrial zones.



In lieu of zoned isolation, protection from the negative effects of such uses can be accomplished through use of "performance" controls (or standards). Such controls involve setting measurable maximum standards for perimeter impacts, such as light, sound, smell, sight, vibration, and traffic. Many uses now allowed only in industrial zones have virtually no negative impacts on surrounding uses (or have impacts that could well be addressed through good site design and buffers). Yet most communities still adhere to the principle of zoned isolation formulated almost a century ago.

Public discussion of where LULUs are to be located inevitably brings out hordes of NIMBYs espousing "Not In My Back Yard!" Yet, many of the uses generating NIMBY opposition are essential to the community. These include garbage and trash disposal, as well as sewage treatment facilities. NIMBYism is most commonly followed by PIOTism,

"Put It Over There" (in HIS yard), the "there" commonly being in other communities or in or near lower-income neighborhoods. Some have suggested (undoubtedly as a hypothetical fantasy!) that if each residential neighborhood had to treat and dispose its own waste within its own geographic confines, we would very quickly have effective recycling, resource conservation, and environmental protection programs.

An earlier era: when smut machines were for cleaning wheat, not displaying obscene pictures.

**SMITH'S
Patent Improved Ventilating
SMUT MACHINE.**

THE ABOVE may be seen at our Store, and it is believed to be the best Smut Machine in use.

The following is one from many certificates at hand.

This may certify that we have used one of L. Smith's Smut Machines about one year, and we are satisfied that it does the work required in a better manner, and with greater despatch, than any machine we have ever used. We have used it for cleaning over 200,000 bushels of wheat, and that without any repairs, and it is now in first rate order.

Signed, JOHN HOUSE,
JOHN N. WILLARD,
Troy, N. Y.

Burlington Agricultural Warehouse, and Store.
August 29, 1849. PIERCE & DAVEY. w9w6

YOUTH

Concerns for the health and safety of children were central components of ideal urban structure theories of the early twentieth century. Ebenezer Howard's Garden City, promoted in his book *Tomorrow, a Peaceful Path to Real Reform* (1898), consisted of six "neighborhood units" bounded by through-traffic streets, each with a central elementary school located just a few blocks from the furthest residence. Forest Hills Gardens, Long Island, New York (1910+), was the first American test of this school-child-focused neighborhood idea. See *N is for Neighborhood*.

The culture shock of World War I brought on not only the wild excesses of the Jazz Age of the 1920s, but also a heightened perception of youth as the promise and salvation of the future. In the planned neighborhood developments of the 1920s, elementary schools were centrally located within easy walking distance of their student population.

The 1920s was also the first decade to feel the severe negative impact of the automobile, with thousands of school-age children being killed by motorists.¹ In response, there was a movement to reduce or eliminate all through-traffic in new suburban developments. At Radburn (Fair Lawn, New Jersey) this emphasis on child safety resulted in the total separation of vehicular and pedestrian pathways. Here elementary-school-age children could walk from home to school through center-block parks without walking along or across a street.

The educational and recreational needs of older children were provided for in the 1920s

¹ While the number of miles traveled in motor vehicles was about 10 times lower in the mid-1920s than today, the annual death rate per vehicle mile traveled (VMT) was much higher (approximately 18 per 100 million VMT in 1925, compared to 1.7 per 100 million VMT in 1997). From, "Motor-Vehicle Safety: A 20th Century Public Health Achievement," *MMWR* 1999; 48:369-374 (Centers for Disease Control).

in the siting of large, architecturally impressive, central high schools and their organized-sports fields. These schools became integral components of town and city centers.

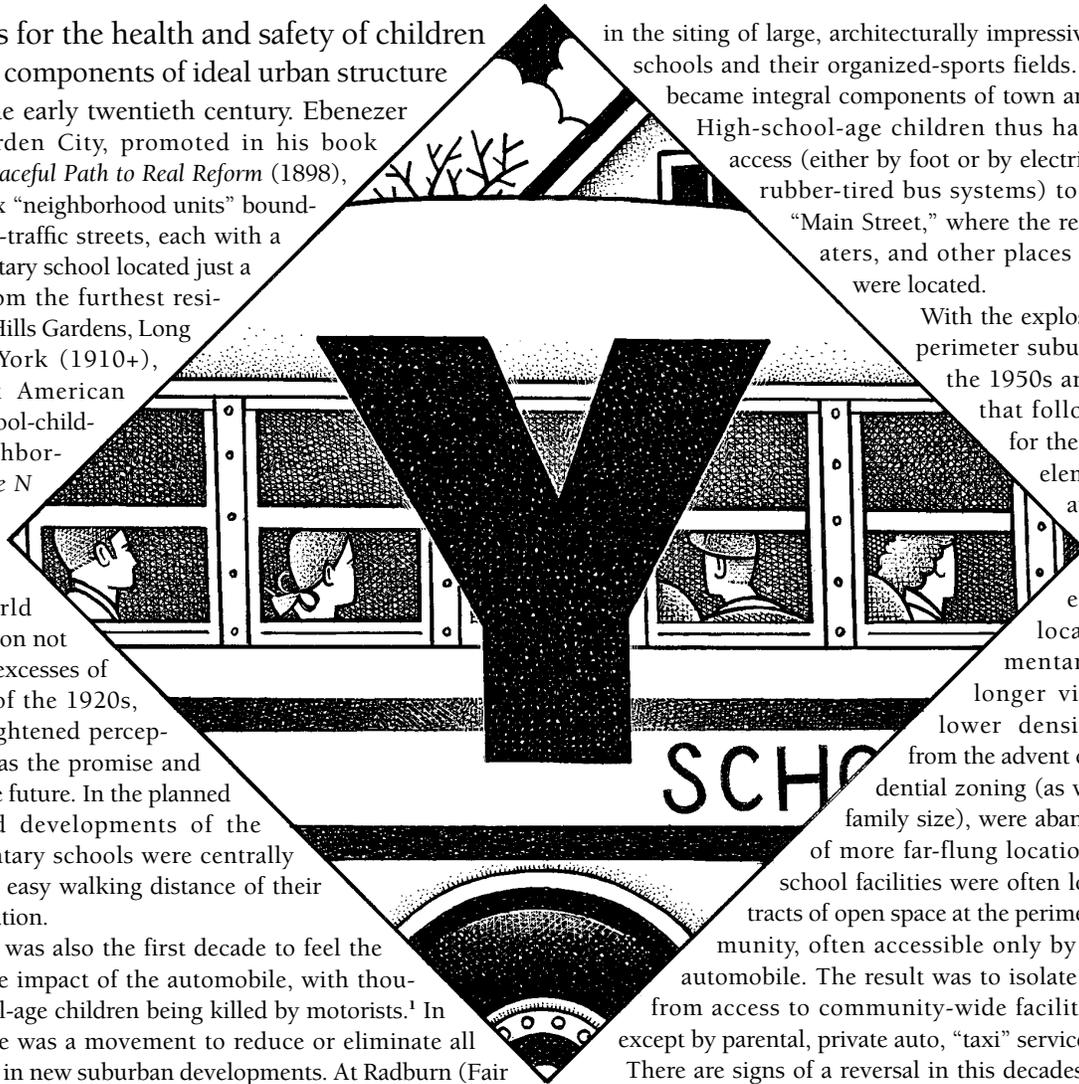
High-school-age children thus had after-school access (either by foot or by electric trolley car or rubber-tired bus systems) to downtown or "Main Street," where the retail shops, theaters, and other places of amusement were located.

With the explosive unplanned perimeter suburban sprawl of the 1950s and the decades that followed, concern for the life patterns of elementary-school and high-school age children became less evident. Safe

local walk-in elementary schools, no longer viable with the lower densities resulting from the advent of large-lot residential zoning (as well as reduced family size), were abandoned in favor of more far-flung locations. New high-school facilities were often located on large tracts of open space at the perimeter of the community, often accessible only by school bus or automobile. The result was to isolate older children from access to community-wide facilities and events except by parental, private auto, "taxi" service.

There are signs of a reversal in this decades long trend, as proponents of "New Urbanism" and "Smart Growth" advocate for higher density residential areas, permitting reclamation of the walk-in local elementary school, and increased provision of transit service, enabling older students to access central areas of the community without need for their own car.

The growing number of "safe routes to school" programs also highlight a renewed interest in enabling young people to walk or bike to school. These programs are not only designed to provide health and safety benefits, but to better connect children with their communities and with the natural environment.



Architecturally impressive, centrally located high schools were common before World War II – as in Fairhaven, Massachusetts.

ZONING

The first modern American public land use zoning restriction was enacted in San Francisco in 1867 to constrain the location of obnoxious uses. Los Angeles, in 1909, applied land use controls to an immense area it had annexed, sparking a series of lawsuits that culminated in the U.S. Supreme Court's 1915 ruling in *Hadacheck v. Sebastian*. The Court upheld the City's prohibition of brickyards in a residentially zoned district, despite the fact that the brickyard in question predated the residential development.

While California cities explored land use controls, in the East the focus was on control of building height, bulk, and yards. Actions to limit the height of buildings and to vary these heights by zones taken in Massachusetts were found to be constitutional by the Supreme Court in *Welch v. Swasey* in 1909. This was followed three years later by the Court's clearly implied approval of building setback controls in *Eubank v. Richmond*.

In the early decades of the 20th century, New York City was faced with construction of tall buildings that cut off light and air to the streets below and to surrounding buildings. It also experienced an invasion of manufacturing uses into areas that were predominantly residential and business in character. In response, in 1916, New York enacted the first "comprehensive zoning code." It utilized the three geographically zoned elements that the U.S. Supreme Court previously acted on (building height, setbacks and yards, and land use) and combined them in a single ordinance that included the entire area of jurisdiction. This combination of factors still defines "comprehensive zoning."

Most communities hesitated to follow New York's lead in adopting comprehensive zoning because the circumstances of the *Hadacheck* case included an immediate threat to public health as well as the land use zoning issue. Would the Court have

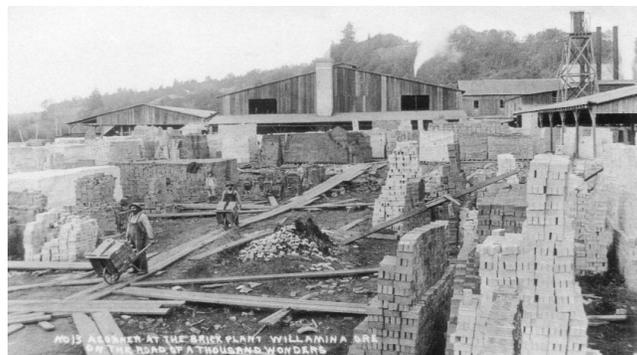
approved the Los Angeles zoning if the brickyard in question had not also been a direct threat to the health of neighbors?

In 1926, in *Euclid v. Ambler*, a case without a direct health threat issue, the Supreme Court supported comprehensive zoning, including the creation of single-family residential districts. With the Supreme Court's ruling, comprehensive zoning spread across America, and single-family-only districts became the preferred zoning for new residential development.

Spatial segregation of uses over ever-increasing distances became a major characteristic of American zoning. This often resulted in rings of increasingly low density single-family residential zones as one moved outward from the city center, along with widely separated retail and employment areas. This pattern yielded physical and social isolation by income, inability to support walk-in elementary schools, and immense infrastructure costs.

In the past decade (as noted in "Y" is for Youth) a counter-current has emerged. The "New Urbanism" and "Smart Growth" movements have sought to promote infill and mixed use development. Instead of serving to segregate and isolate land uses, zoning codes are being redesigned to foster development of neighborhoods of mixed land uses and varied life styles and income, often at higher densities.

Also of note, a sort of "parallel universe" of land use controls that predate governmental land use controls has expanded in the form of private covenants and restrictions applied to properties in most new developments. What these rules prohibit is already of greater consequence to many Americans than what is set out in the local zoning ordinance.¹



Brick plants and yards were among the uses controlled by early land use regulations. Photo of brick plant in Willamina, Oregon, taken in 1912. Copyright Yamhill County Historical Society; reprinted with permission.

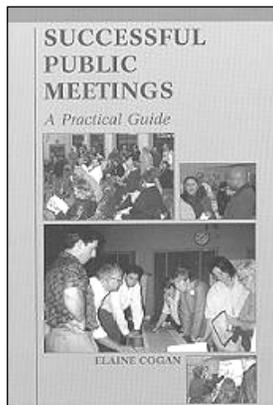
NOTES

NOTES

A SHORT READING LIST

From the Editor of the Planning Commissioners Journal:

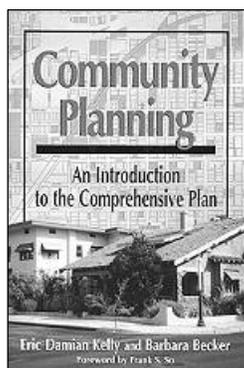
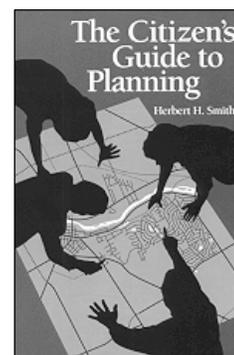
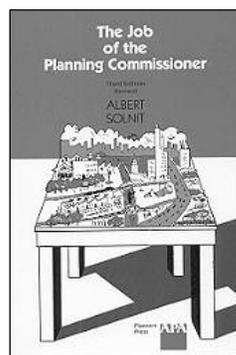
For those of you new to the planning commission who would like to learn more about the role of the commissioner, or about planning, I thought it might be helpful to recommend a few books. As a cautionary note, the following is only a sampling of the many good books you can find dealing with planning issues. I urge you to also speak with your planning director and fellow commissioners to find out what books they've found most useful.



Most of the books listed below are in print. We suggest you search online. Besides sites such as Amazon.com, a number of the books will be available through the American Planning Association bookstore.

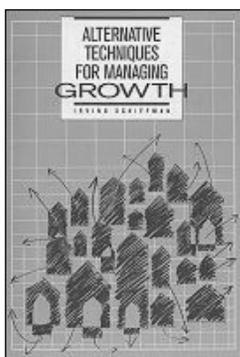
If you've read the *Planning Commissioners Journal*, you're already familiar with Elaine Cogan who for many years wrote the "The Effective Planning Commissioner" column. If you're interested in further exploring many of the topics she covers in her column, you'll want to obtain a copy of her excellent book, *Successful Public Meetings: A Practical Guide*.

The Job of the Planning Commissioner, by the late Albert Solnit, and *The Citizens Guide to Planning*, by Herbert H. Smith, are two well-organized books that provide a good overview of the planning process and the planning commissions role in it. *The Job of the Planning Commissioner* has especially helpful chapters on understanding the language of planning and zoning (containing short explanations of a number of terms you'll run into) and on the importance of due process. *The Citizens Guide* includes thorough introductions to the role of the master plan, and key plan implementation tools: zoning, subdivision regulation, and capital improvement programs (topics also covered in Solnit's book).



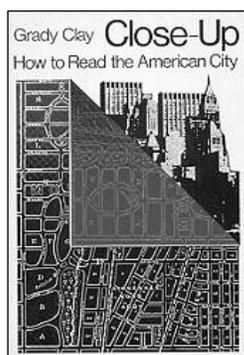
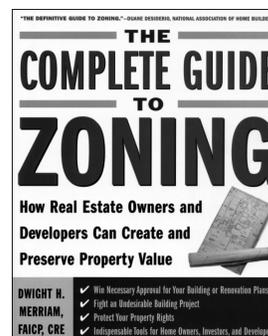
Community Planning: An Introduction to the Comprehensive Plan, by Eric Damian Kelly and Barbara Becker, provides a detailed look at the comprehensive planning process, focusing on how plans are prepared, what they deal with, and how they can be implemented. While the book is formatted, in part, for classroom use (each chapter includes follow up exercises and group discussion questions), it's the kind of resource your planning department may want to have in its library (and, if your department doesn't have a library, consider starting one!).

A SHORT READING LIST



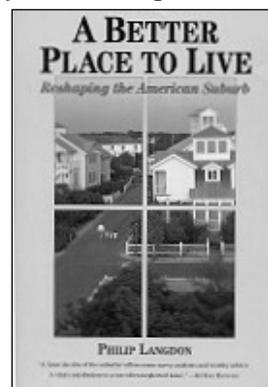
Looking for a good summary of various approaches to controlling growth? We recommend Irving Schiffman's *Alternative Techniques for Managing Growth*. The book is divided into short sections explaining thirty different techniques (ranging from Adequate public facilities ordinances to Zero lot line housing), including a brief description of how each technique works, followed by a summary of its potential benefits and limitations. While written primarily for a California audience, this book will also be of value to those living outside the Golden State.

Ever think a lawyer could write an engaging, easy-to-read book about development applications and zoning hearings? We'll just take a look at noted land use lawyer Dwight Merriam's *The Complete Guide to Zoning: How Real Estate Owners and Developers Can Create and Preserve Property Value*. It's an insightful look at how the development review process works. While written primarily for those applying for permits, planning commissioners will learn much in just 250 pages from Merriam (who, we're proud to say, also wrote several articles for the *Planning Commissioners Journal*, including "Procedural Due Process in Practice" and "Taking Aim at Takings Claims").



One of the first "planning" books I stumbled across years ago -- but a book just as relevant today -- is Grady Clay's *Close-Up: How to Read the American City*. Clay spent many years as a reporter and editor for the *Louisville Courier-Journal*. In *Close-Up*, Clay explores how cities are laid out, how different parts of the city work, and, most importantly, how people use cities. A very well-written, illustrated, and engaging book.

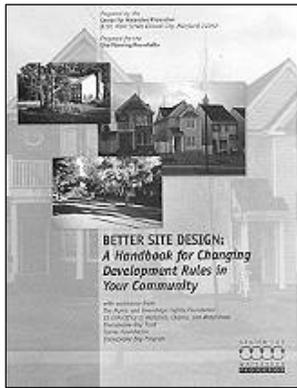
For an excellent look at American suburban development trends, take a look at Philip Langdon's *A Better Place to Live: Reshaping the American Suburb*. Much of the book examines how planners and architects have been trying to respond to sprawl and come up with better forms of suburban development. Langdon condensed some of the principal points made in his book for a *PCJ* article, "New Development, Traditional Patterns."



Former Seattle planning commissioner and real estate developer David Sucher hones in on small steps that can be taken to create better, more pleasant urban environments in his delightful, amply illustrated, short book (really more of a visual guide) *City Comforts: How to Build an Urban Village*. Planning commissioners will find many practical ideas and suggestions. Plus the book is simply fun to read.



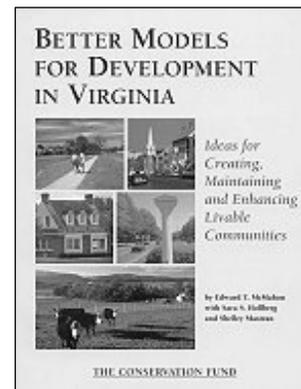
A SHORT READING LIST



Beth Humstone has contributed more than a dozen articles to the *Planning Commissioners Journal*. She's also co-authored with Julie Campoli two books we'd highly recommend. The first is titled, *Visualizing Density*. It focuses on the important question of what density looks like on the ground. Excellent aerial photos by Alex MacLean will help you better understand how different levels of density might best fit in your city or town.

Another collaborative effort of the Humstone-Campoli-MacLean trio is *Above and Beyond*, which looks at how land development patterns have been changing, especially in smaller cities and towns, and in rural areas. The authors also explore ways in which planners can respond and better plan for growth.

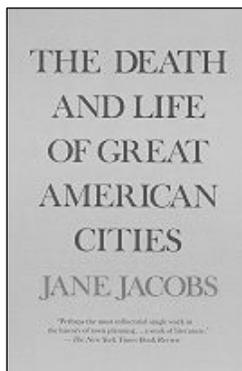
If you've enjoyed reading any of the two dozen articles Edward McMahon has written for the *Planning Commissioners Journal*, you'll appreciate his *Better Models for Commercial Development*, published by The Conservation Fund in partnership with the Planning Commissioners Journal and the Smart Growth Network. This booklet offer great ideas (and photos) that will help your community in its efforts to get well-designed commercial development. Check online as it may still be available as a free download.



Also by McMahon, *Green Infrastructure: Linking Landscapes to Communities*, co-authored with Mark Benedict. The book expands on one of the key themes McMahon has covered in the *PCJ* -- the critical role that land protection and management play in the health of our communities -- and in our quality of life.

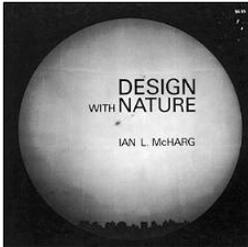
More Reading Ideas ...

We invited visitors to our PlannersWeb site to submit their list of the planning-related books they would most highly recommend. The following six books received the most recommendations:

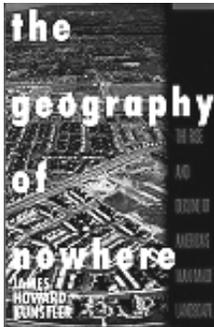


1. *The Death and Life of Great American Cities*, by Jane Jacobs. It's not hard to understand why this was the top recommended book by participants in our survey. Jacobs' 1961 text has been one of the most influential in the field of planning. It is chock full of insights into how the built environment works, with an especially strong focus on the role of pedestrian oriented streets in shaping neighborhoods. While much of Jacobs' book is focused on big cities, many of her points will have value even for those who live in small towns or suburban areas.

A SHORT READING LIST



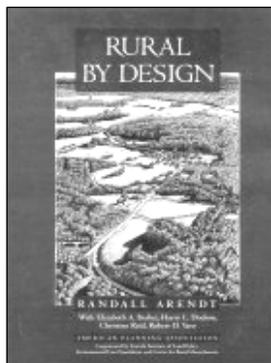
2. ***Design With Nature***, by Ian McHarg. One of the landmark works on how land use planning can take into account ecological considerations. McHarg pioneered in the use of environmental overlays to demonstrate how development can be sited while minimizing negative impacts on valuable areas, such as woodlands, wetlands, prime agricultural soils, and water resources. He also helped design The Woodlands in Texas, the first ecologically-based American new town.



3. ***The Geography of Nowhere***, by James Howard Kunstler. This is a modern day jeremiad against the way the built environment has evolved in the last few decades. As Kunstler asserts, “Eighty percent of everything ever built in America has been built in the last fifty years, and most of it is depressing, brutal, ugly, unhealthy, and spiritually degrading.” This is a highly opinionated book, but one that will resonate with many readers. As one former planning commissioner who recommended the book commented, “Insightful, hard-hitting book that describes post-WW II development in the U.S.: isolated uses through zoning, poor design, and suburban sprawl.”

4. ***City: Rediscovering the Center***, by William H. Whyte. Another “classic” in the field of planning. As one planning commissioner succinctly observed in recommending the book, “absolutely fascinating in its simplicity and common sense.” The late William H. Whyte pioneered in studying how built environments are actually used, and how this often differed sharply from what designers expected. Whyte’s ideas have been at the heart of the mission of Project for Public Spaces, whose staff prepared an excellent series of short articles for the *Planning Commissioners Journal* in 2011 and 2012.

5. ***Visions for a New American Dream***, by Anton C. Nelessen. Like William Whyte, Nelessen has focused on discovering what people really think of their environment. He developed a “visual preference survey” method for seeking to quantify aesthetic preferences, as he explained in “Understanding & Making Use of People’s Visual Preferences,” an article published in the *Planning Comm’rs Journal’s* March/April 1993 issue. In this book, Nelessen details how planners can involve citizens in developing a vision for their community. As one planning director noted in recommending Nelessen’s book, “A wonderful, in-depth, yet readable ‘tour de force’ of the best in land use planning principles.”



6. ***Rural by Design***, by Randall Arendt. An excellent, well-illustrated and written, resource for planners dealing with development in rural and outlying suburban areas. Arendt sets out a process designed to preserve valuable open space and natural areas, while accommodating development. Also by Arendt is another insightful book, *Growing Greener: Putting Conservation into Local Plans and Ordinances*. Excerpts from *Growing Greener* were included in the Winter 1999 issue of the *Planning Commissioners Journal*.

CONTRIBUTORS TO THE GUIDE

Many of the contributors to the Guide are (or were) planning commissioners who took the time to participate in one of our Roundtable discussions, or submitted a short article for publication in the *Planning Commissioners Journal*. Other contributors include professional planners and our regular columnists. For more information about contributors, search under the article title listed in the Guide on our PlannersWeb site: www.plannersweb.com.

We did want to make special note below of those *Planning Commissioners Journal* authors who are most frequently quoted in the Guide.

The late **David J. Allor, FAICP**, was for many years a professor of urban planning at the University of Cincinnati's School of Planning. He was also the author of *The Planning Commissioners Guide: Processes for Reasoning Together* (published by APA Planners Press).

Carolyn L. Braun, AICP, is long-time planning director for the City of Anoka, Minnesota. She is a past president of the Minnesota Chapter of the APA. Braun has also served as a planning commissioner for thirteen years, eight as chair.

Michael Chandler, PhD, for many years taught planning and worked as a community planning extension specialist at Virginia Tech in Blacksburg. Chandler developed state and national planning education programs, including the Virginia Certified Planning Commissioners Program. He is past president of both the Virginia Chapter of the APA and the Virginia Citizens' Planning Association, and is a former member of the Blacksburg Town Council.

Elaine Cogan is a founding partner of the Portland, Oregon, planning and communications firm of Cogan Owens Cogan. She has been a consultant to many communities undertaking strategic planning or visioning processes. Cogan is also author of *Now that You're On Board: How to Survive ... and Thrive ... as a Planning Commissioner* (published by us) and *Successful Public Meetings* (published by APA Planners Press).

C. Gregory Dale, FAICP, is a founding partner of the planning and zoning firm of McBride Dale Clarion in Cincinnati, Ohio. Dale has managed planning projects and conducted training for planning officials throughout the country. He is also a former president of the Ohio Chapter of the American Planning Association.

Laurence Gerckens, FAICP, has served as national historian for the American Institute of Certified Planners, and was a founder of The Society for American City and Regional Planning History. He is emeritus professor at The Ohio State University, and has also taught urban planning history at Michigan State University, Kansas State University, and Goucher College.

The late **Perry Norton** served as the first executive director of the American Institute of Planners in the 1950's. He also taught for many years at New York University. After retiring, Norton moderated one of the first online planners discussion groups in the mid-1980s.

The late **Fred Riggins** served as chairman of the Phoenix, Arizona, Planning Commission. His "Suggested Do's & Don'ts" have been re-titled in his honor. The "Riggins Rules" were brought to our attention by Bev Moody of the Arizona Department of Commerce.