

Planning Commissioners Roundtable Discussion

Editor's Note: The following are portions of a roundtable discussion that occurred through e-mail correspondence during January and February 1997. I want to thank the six planning commissioners (including Roger Lee / no photo) who participated and shared their insights. Our previous commissioners roundtable discussion can be found in PCJ #18 (Spring 1995)

Wayne Senville (Editor, PCJ):

Could you each introduce yourself: where do you live; what type of city, town, or county is it; what's your occupation; how long have you been on your planning commission?

Roger Lee:

I'm the Chairman of the Planning Board in Weston, Massachusetts, a suburb 12 miles from the center of Boston, but one that has been reasonably successful in maintaining a semblance of rural character despite that proximity to a major metropolitan area. I'm in my eighth year on the Board. I am a patent lawyer by profession.

Jim Hudspeth:

I live in Kitsap County, Washington at a place called Olalla. Olalla has a few stop signs, an elementary school, two small groceries, a feed store, a post office, one church and no bars.



Jim Hudspeth

Kitsap County is a peninsula on a peninsula. If a bird flies in a straight line in any

direction from where I live it will soon be over salt water. Kitsap County has a population of slightly over 200,000, roughly a third of which live in four incorporated cities, one of which is an entire island (very rich, exclusive, and rural).

I earn my living as a Certified Public Accountant, and have been on the county planning commission for roughly one year.

Jane McGookey:

I have been a Planning Commissioner for the City of Kentwood, Michigan, for one and a half years. I also serve on the Zoning Board of Appeals and have done so for the past four years.



Jane McGookey

I am a stay at home mom, but in my previous life I was a software engineer for an aerospace firm.

Kentwood's population is approximately 40,000 (doubled since 1967). Our community is urban/suburban with a 35-65% rental-owner occupied housing mix. Kentwood also contains one of the largest retail shopping districts in the state of Michigan.

Last year we approved a 300 acre, mixed use planned community. This residential development necessitated many changes to our zoning ordinance to allow for things like narrow streets, reduced setbacks, etc. This community has plans for its own elementary school, community build-

ing, small commercial district and community park, and will contain 570 single family units, 150 condominiums and 370 apartments.

Carl Kohn:

I reside in Carroll Valley, a rural borough ten miles south-



Carl Kohn

west of Gettysburg, Pennsylvania, yet but 90 minutes from Baltimore and Washington, D.C., to which some residents

commute. It is mostly hills bordering a small N-S highway, like a bowl, with one side a small ski resort and part of the bottom of the "bowl" a championship golf course. The homes vary in size, mostly on one-half acre lots. There is a relatively high growth in the borough, with 70 homes built this past year, all individually. I have been on the Carroll Valley Planning Commission for 16 months.

Kathy Sferra:

I've served on the Planning Board in Marshfield, Massa-



Kathy Sferra

chusetts for five years. Marshfield is a suburban community with a population of about 22,000, 32 square miles in size,

along the south shore of Massachusetts between Boston and Cape Cod. Portions of the

town are fairly rural while the shoreline areas are much more dense and experience severe storm damage during coastal storms. The town is experiencing a high level of residential growth which will likely accelerate due to planned transportation improvements in the next few years (mainly commuter rail). There has been little commercial or industrial growth in recent years, but I also expect that to pick up. I work as a professional planner for the Cape Cod Commission so I spend a lot of my time planning!

Charles Knoeckel:

I'm on the Planning Commission in Colorado Springs, Colorado, a rapidly growing city along the eastern slope of the Rocky Mountains. Our population is about 340,000; the metro area



Charles Knoeckel

adds about 100,000 more. We have mountains to the west, prairie to the east, and rapidly growing population centers, primarily to the north, along the front range of the mountains.

Wayne Senville:

Let me ask each of you to briefly describe the most difficult problem or issue that has faced your commission the past year. Has it been resolved — or is it an ongoing problem?

Jane McGookey:

During the update of our

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Master Plan last year it was very difficult to get the public involved. We scheduled several meetings (advertised in the local newspapers) to solicit residents' opinions; we had a very low turn-out. We are again looking for public input as we are reviewing our Zoning Ordinance.

Kathy Sferra:

To respond to Jane, I agree that it's hard to get the public out especially when there isn't anything controversial on the table. We had good success with scheduling neighborhood meetings for our master plan update. We had about ten different meetings in different villages within our community — mostly in local schools, churches, etc. They were very informal, with two commissioners and one of our staff.



We found that people wanted to talk about their immediate neighborhoods in detail, but had a harder time addressing townwide issues. Also, some communities have had good luck with planning charettes. I think this is a good tool for small towns, but we sensed that most people in our town (officials as well as the public) weren't willing to spend the time to commit 2 or 3 days discussing planning issues.

Charles Knoeckel:

One possibility would be to maintain a data base of neighborhood associations and community activists; you could then send notice of your

intent to them and solicit representatives and/or individuals to participate, or you could just invite those individuals who have previously expressed an interest in master plan (or whatever) issues to participate. The trick is to achieve a balance of perspectives/agendas among the various participants.

I don't think you can have too much public involvement in a democracy, but it can become unwieldy if not effectively managed. If it is not purposeful and guided to a specific end or question, it can be counterproductive at times.

Carl Kohn:

The biggest problem facing our planning commission is how legally to limit growth and take other measures in order to preserve the rather rural nature of the area, preserve wetlands, provide flood plain and greenway areas, avoid storm water and sewage problems, and protect the aquifer.

About thirty percent of the borough is sewered. Many lots fail the percolation test. The lots are almost all owned by individuals. A small number have been donated to the borough or have been obtained by the borough at tax-delinquent auctions. An ad hoc committee composed of members from the planning commission, the borough council, and the sewer and water authority is looking into ways to limit growth without doing a "takings" job on current lot owners.

Jim Hudspeth:

Clearly, the most difficult problem we face is coming to grips with too much growth and a very unpopular state growth management law. Roughly fifteen miles to our east, across Puget Sound, lies the city of Seattle. Approximately twenty miles to our south, across the Tacoma Nar-

rows, lies the city of Tacoma. Kitsap is a beautiful place. Historically it has also been a slow paced, low cost, low crime, easy living place. We have recently been "discovered." Some of our citizens see an opportunity to make serious



money selling land holdings; others are appalled at the prospect of unrestrained growth. We are a very divided community.

The first three meetings we had after I came on board were so contentious that we felt it necessary to have a uniformed, armed officer present. We were using various local auditoriums for meeting rooms and they were packed; standing room only. We have attempted to address the problems and the people have calmed down some, however, our difficulties are far from over.

Charles Knoeckel:

What is the essence of this state growth management law; what aspects make it unpopular? Does it take precedence over local laws dealing with similar issues?

Jim Hudspeth:

Our Growth Management Act essentially requires counties to plan over a 20 year horizon. At its heart is a concept called "concurrency." Simply put, concurrency means that we build roads, schools, sewers, etc. concurrent with the building of houses, apartments, etc. Some of our citizens don't want to do that.

Also, the Act requires that

we make a real distinction between urban and rural zones. Among other things, it permits no urban densities in rural zones. This has forced us to "downzone" much of the county. We now have a large number of very angry rural landholders; people who had bought 5, 10, 20, etc acres with the idea of "someday" dividing and selling at a profit.

The Act takes precedence over local laws, and has real teeth. If a county fails to comply, our Governor can impose sanctions — such as withholding tax revenues.

Kathy Sferra:

We are facing an explosion of applications to build houses on existing lots that are scattered throughout the community on streets which are woefully below town standards. In the past developers would come in and upgrade the streets without any oversight which created drainage, erosion, and other problems. We created a more formal process which requires abutter notification, a public hearing, and oversight by the Board. It has solved some problems, but the hearings are always very contentious.

Some residents don't want to see existing roads widened or paved and they don't want new houses on their streets. Other residents are tired of dirt roads and potholes. The Board gets put in the position of being the "bad guys" because we are requiring the road improvements. It's an ongoing problem. We try to be as consistent as possible in the standards that we require, but open ourselves to charges that we are being too rigid. Each hearing is an experience!

Roger Lee:

Our main problem is adopting bylaws and regulations that will preserve the rural character of our commu-

nity during a building boom in which very large homes (5,500 sq. ft.) of non-traditional architecture are being constructed at locations visible from our principal roads.

Charles Knoeckel:

There are a number of difficult growth-generated issues facing us. Colorado Springs generally tends to be a politically conservative community which puts great stock in private property rights and minimal government; consequently, minimally-regulated and ill-considered development is destroying many of the qualities that have made this a desirable place in which to live and which brought many people here in the first place. Certainly, the growth is inevitable, but the city has no overall master plan, no vision of its future, and, despite some preliminary attempts, has been largely unwilling to regulate development in order to preserve the beauty of its geographical setting and maintain its "quality of life."

In addition, a few years ago, the citizens of Colorado approved a constitutional amendment which limited increases in tax revenue. Consequently, the growth-generated tax revenue which would normally help pay for the increased costs to the city of this growth, is limited by a formula in the amendment; any amounts in excess of what the formula allows must be returned by the city annually, unless its retention is approved by a special referendum vote. One consequence of this is that the city has insufficient funds to adequately maintain its existing infrastructure, much less provide for the additional infrastructure required by growth.

Wayne Senville:

I want to switch the subject for now and ask about your

commission meetings. Is there anything your commission does that you find particularly useful?

Roger Lee:

We meet weekly, and this year we adopted a schedule of working on current business (e.g., subdivisions) only every other week, and reserving the other meetings for long range planning (e.g., working on new bylaws and regulations).

Carl Kohn:

The meetings of our planning commission run rather smoothly because a packet of materials is delivered to the members the Saturday morning before a meeting. The packet contains minutes of the previous meeting; informational and descriptive items and maps dealing with the topics to be discussed and acted upon; minutes of the previous borough council meeting; updates on zoning permits, building permits, and sewer permits; and appropriate articles from various journals.

Jane McGookey:

Our meetings had a tendency to run late usually after 10 pm and one time until 1:30 am (we start at 7:30 pm). Staff was reluctant to limit the number of cases we were reviewing in one evening so they now provide us an agenda with approximate times for each case. When the agenda is particularly heavy, the Chairman will also limit the amount of time a person (public, developer, commissioner) can speak. This method has helped both staff and the commission to be conscience of the workload which in turns keeps everyone more focused.

On the back of our agenda we provide a description of our public hearing format (*see following*). The chair makes reference to this so we don't use meeting time explaining this each time.

Public Hearing Format

1. *Staff Presentation* — Introduction of project, staff report and recommendation; Introduction of project representative
2. *Project Presentation* — By project representative
3. *Open Public Hearing*
4. *Close Public Hearing*
5. *Commission Discussion* — Requests for clarification to project representative, public or staff
6. *Commission Decision* — Options:

- a. *postpone decision* — table to date certain
- b. *reject proposal*
- c. *accept proposal*
- d. *accept proposal with conditions.*

Kathy Sferra:

Great idea. I'm going to suggest it to our staff this week.

Most people who come to a planning board hearing have never been there before and don't really know what to expect. At each of our public hearings we try to start with an explanation of who we are and

what the public hearing is all about. We use this as an opportunity to lay out some ground rules regarding who will speak and when. It's all too easy for a public hearing to get "out of control" ... but we try!

I think there is always room for improvement at meetings. Ours tend to be too long and can be difficult to keep on schedule. It's really hard to go to work when you've been out at a meeting until midnight — and I don't particularly think that good decisions are made at that hour.

Wayne Senville:

To what extent do planning commissioners get their questions about a project resolved before the meeting by speaking with staff about the project? Also, do you encourage developers to meet with citizen or neighborhood groups before the formal review process begins?

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Moving Meetings Along

by Ken Lerner, Assistant Editor

In order to help speed up meetings and expedite projects, many commissions use a "consent agenda." A consent agenda consists of projects that technically require commission approval, but are not controversial. Conditions of approval are typically worked out in advance between staff and the applicant. The consent agenda is usually placed near the start of the meeting, and is acted upon with a single motion to approve, without any discussion.

However, if any commissioner or member of the public has questions they would like to ask about a specific project, that project should be removed from the consent agenda and be considered as a regular agenda item.

The major advantage in using a consent agenda is that several projects can be combined into one agenda item, saving time in not having to go through a number of separate motions and votes. Applicants also appreciate consent agendas, since they know that their time at the commission meeting is likely to be limited and that they can go to the meeting with some degree of confidence as to the outcome.

Ken Lerner also serves as the Assistant Planning Director for the city of Burlington, Vermont.

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Kathy Sferra:

We do not speak to staff much about a project ahead of time. Sometimes when there are thorny questions or a lot of work to be done on a project we will ask staff to meet with the applicant and our engineer to work out the details. And I don't think we've ever had a situation where the developer and the neighborhood meets prior to the hearing (at least not that I'm aware of). I do know that developers will often approach individual abutters and try to "cut a deal" (e.g. by providing landscaping as screening) in order to gain their support at the public hearing.

Charles Knoeckel:

Some of us discuss items with staff during the week between our informal and formal meetings. Not only is this an invaluable time saver, but often opinions and background facts come out in these conversations that do not come out in the formal hearings. The staff is not only willing and able to answer questions and discuss issues before the meeting, but active-ly encourages it.

We also strongly encourage applicants and neighborhood groups to meet and discuss the issues well in advance of the public hearing. We have been known to postpone an item when we learn that opposing groups have not met, or have not met enough, to discuss their differences.

Wayne Senville:

If each of you had to name one thing, what has been the most frustrating experience you've had as a planning commissioner?

Roger Lee:

Seeing a development that

you approved with what you thought were conditions that would preserve the landscape (e.g., maintain wooded buffers along the new street) turn out to be an unmitigated disaster (e.g., with the buffer restrictions being ignored or legally avoided by supposed needs for driveways and septic fields).

Charles Knoeckel:

Roger, in Colorado Springs we have problems with lack of provision for follow-up inspection to ensure that development plan conditions of record



are adhered to. Often these violations will go unnoticed, but sometimes a neighborhood group will bring them to the city's attention. If they are caught in time, sometimes a certificate of occupancy can be denied until the conditions are satisfactorily met; but the problem is to catch the violations in time to do something about them.

Kathy Sferra:

For subdivisions we have a consulting firm that monitors construction on a regular basis and gives us written reports letting us know what's going well and what's not. Also some of the board members check up on active projects. We require conditions to be met before we release the security that state law requires that we hold for subdivisions. We have a few other projects that require long term monitoring of conditions — there is no set system and unfortunately we tend to rely an awful lot on the

memories of the current board members.

Jane McGookey:

My biggest frustration is that it seems that we are often crunched for time. We receive our information on the Friday before our Tuesday night meeting. Many times there are eight different cases scheduled for a meeting. We hold the public hearing portion for the first half of our meeting and then we have our work sessions. Sometimes the public hearings can be draining and (in my opinion) insufficient discussion occurs during the work sessions.

I'm interested to know how much preparation time planning commissioners are given to review the material prior to a meeting.

Kathy Sferra:

Our staff prepare a packet of materials for us the Friday before a Monday meeting. So we have over the weekend. Often it's necessary to go look at plans to have a real sense of what's proposed. We have meetings every other week and usually schedule an additional meeting when we need to have a work session, reserving that time for ourselves. We do find that whenever we schedule a work session, other business tries to creep onto the agenda!

Charles Knoeckel:

In Colorado Springs, we have a short informal meeting one week before our monthly formal meeting. At the informal we receive the final agenda and our information packets (generally 250 to 300 pages long) for the formal meeting, and are briefed by city planning staff on some of the more complex or controversial applications we are to consider. So, we have a full week to read the material, visit the sites in question, and contact city staff with preliminary



questions and to discuss underlying issues.

Kathy Sferra:

Yikes! Our packets are only about 25 pages long and that includes minutes of prior meetings.

Carl Kohn:

The most frustrating experience I have had as a planning commissioner is when the entire commission is asked to develop, comment upon, or act on something that could have been developed and presented by a subcommittee, thus saving a large amount of time in the monthly commission meeting. This leads to many items finally being deferred to the next meeting and sometimes abandoned because of the frustration of nine people under time constraints trying to write or rewrite something from scratch.

Kathy Sferra:

It's hard to name one since two great frustrations come to mind—

The first is sitting in public hearings and listening to abutters raise sincere and valid concerns about new developments in their neighborhoods — traffic, loss of open space, etc. — but not being able to do anything to address their concerns within the confines of Massachusetts subdivision law.

The second is trying to accomplish what all of the textbooks say is "good" planning — and running headlong into intense community oppo-

sition. Some recent examples that come to mind include a proposal to revitalize our downtown by permitting apartments above downtown businesses, several experiences with trying to tie cul-de-sacs into the community road network (people love cul-de-sacs!), and trying to encourage cluster subdivision.

Charles Knoeckel:

Probably my most frustrating experience is when the city's response to a given development is motivated by political considerations rather than good planning. This often results in recommendations by city planning staff that even they don't believe in. It also results, all too often, in carefully considered planning commission decisions being overturned on appeal to city council.

Wayne Senville:

Having asked about your most frustrating experiences, let me reverse the question and ask you about your most rewarding or positive experience as a planning commissioner.

Jim Hudspeth:

Being able to occasionally clear away the regulatory underbrush and actually see some light; expose some truth; get a meaningful vote that permits people to actually do something that is good for themselves and the community. That is fun!

Jane McGookey:

Being part of the process is the most rewarding for me.



Although not all of my suggestions are incorporated into a development I have had great satisfaction in helping to plan our community. I just think it is neat to see something go from a paper site plan to a completed project (building, neighborhood, etc).

Roger Lee:

We have adopted a flexible zoning bylaw under which much better planning of a subdivision is possible. We do not provide any density bonus to attract developers to the new bylaw, but we have found that the ability to depart from conventional dimensional requirements (e.g. frontage, setbacks, lot area) is attraction enough, and every new development since adoption two years ago has been done under the flexible bylaw. It gives our Board much more control over the subdivision, e.g., over no-touch buffers, but we are still learning how to make our conditions enforceable.

Carl Kohn:

The most positive experience I have had as a commissioner is the current revising of the Comprehensive Plan. By default, I am the one who does the initial editing and rewriting of each section of the Plan, as well as adding some new items related to the specific topic since the last revision ten years ago. What I have done is then brought to the total commission. All the comments, suggestions, modifications, and additions are discussed, and by consensus the material goes into a second draft, which I then submit to the commission. Usually a third draft completes the work on the specific section of the Comprehensive Plan.

Kathy Sferra:

We've been working on revising our master plan and in the last year we've held a

series of small neighborhood meetings all over town. It's been nice to get out of the public hearing setting and just sit around a table with a dozen or two residents and listen to their concerns. It's really reminded me of what a diverse community I live in. And its a chance for people to get to know us. So many times I hear people (in my community and others) talk about how "those government officials are in the developers' back pockets" or "on the take." In this community nothing could be further from the truth. I always hope that as people get to meet us — either in informal meetings or public hearings — they will realize that we're just trying to do the best we can.

Charles Knoeckel:

I think the most rewarding aspect of all this is when all interested parties, the applicant, the neighborhood groups and citizens, and city staff, all get together early in the process, share their concerns,



discuss and compromise, and come up with a plan that is in the best interests of all concerned, and of the city as a whole. This is an extraordinarily rare occurrence.

SUMMING UP

Kathy Sferra:

I'm struck by the fact that we are all planning for communities with very different sizes and different residential vs. commercial tax bases. What one of us might view as

slow growth might be exponential in another community. For example, I cannot even fathom reviewing a project of "570 single family units, 150 condominiums and 370 apartments" as Jane has. And we're all dealing with different governmental structures...

At the same time, we are all struggling to deal with growth related issues (of whatever magnitude). We all struggle with having adequate time to prepare for meetings as well as conduct them — the conflict between wanting meetings to end at a reasonable hour and letting the public feel as though they've been given an opportunity to speak their mind.

Jim Hudspeth:

What we are all dealing with is our restless nature, coupled with our desire to acquire and maintain something of beauty (remember, it is in the eye of the beholder). When we find a beautiful place we want to share it with our family and friends, and to brag about it to everyone else. Everyone else wants it too.

My wife hails from southwestern Minnesota. We were back there this summer. I was shocked and saddened to drive through once thriving small towns that are now in various stages of disintegration. The young people are leaving; going to places like Kitsap County, Phoenix, and Colorado Springs.

I don't believe we can solve this problem using a case by case approach. We need to approach it on a global basis, recognizing that the success of our southwestern Minnesota friends at maintaining their small towns reduces the pressure on our fragile resources in Kitsap County, Colorado Springs, Marshfield, etc. The effort we are making here is a start. I hope we continue it. ♦