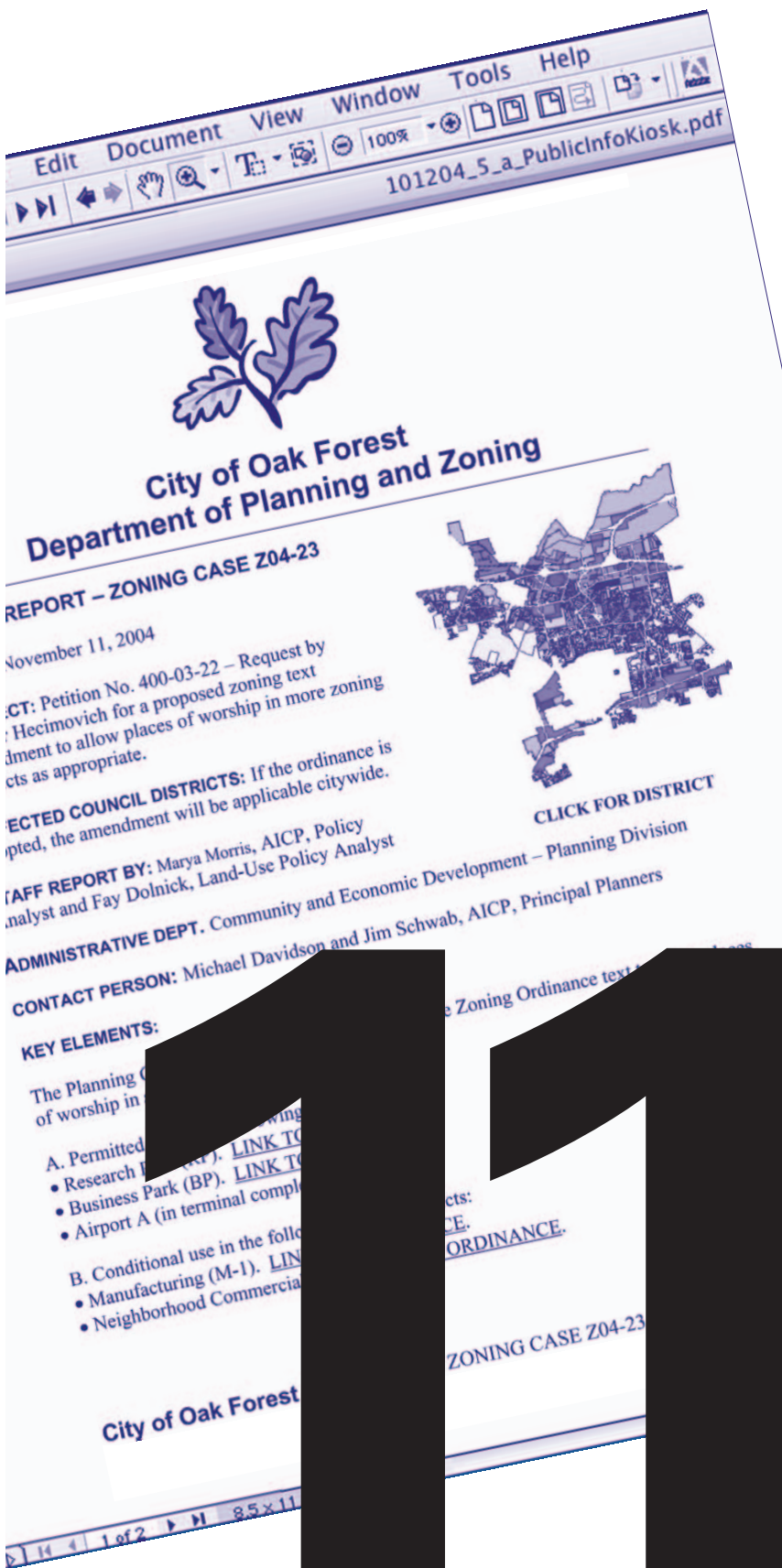


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PRACTICE BETTER STAFF REPORTS



Formatting and Writing the Staff Report

By Stuart Meck, FAICP, and Marya Morris, AICP

Writing staff reports on proposed developments and permit applications is a core skill of planning practice.

These are the reports a professional planner prepares that digest a particular development proposal or permit request; assess site conditions; relate the proposal to the comprehensive plan, subplans, and functional plans; and make a recommendation, all against the backdrop of local government policies and development code criteria. A good report concisely communicates vital information on development proposals to members of the planning commission, the local legislative body, the board of zoning appeals, the public, and the persons applying for any type of development permission. Considering how much time planners spend on them, their preparation is a topic about which there is surprisingly little written.

This issue of *Zoning Practice* attempts to fill that void by concentrating on the organization of a good report. A well-organized staff report can help shorten the reviewing authority's meeting and guide the outcome of the decision. If followed, it can also provide the necessary documentation and planning rationale should the decision be challenged in court. In addition, the Internet has facilitated technological efficiencies in the distribution and presentation of such information, which this article also discusses.

The ideal report provides an adequate amount of information for the board, commission, or other body to make a decision; for the public to be considered adequately informed; and for the applicant to determine what additional information it needs to submit or what changes it needs to make to the proposal in order to win approval. The best staff reports provide information in the most concise manner possible while meeting all associated requirements for review, disclosure, and notification. As with a business memorandum, the objective is to make clear what action the intended audience must take and in what time frame.

A local planning department's standard practice for preparing staff reports is developed over time by those who prepare reports and those who use them, namely professional planners and planning commissioners. Legal requirements, personal preferences, institutional memory, and changing technologies all play a role.

Several problems common to many staff reports include:

- poor organization and format
- mixing facts with subjective information
- excessive detail or inadequate detail
- unclear language.

◆◆◆ELEMENTS OF STAFF REPORTS◆◆◆

1. Cover sheet
2. Project description, including, if necessary, a legal description (required for a rezoning)
3. Factual information about the site and surrounding area, including:
 - ◆ the current zoning districts of the properties involved
 - ◆ description of the site, based on a site visit and survey by the planning staff
 - ◆ surrounding land use
 - ◆ recent land-use actions, including rezonings, conditional uses, and variances, affecting the area
 - ◆ existing and proposed public facilities serving the site, including sizes of water and sewer lines, and classification and condition of roads
 - ◆ identification of other services, such as public transit
 - ◆ traffic counts, if relevant
 - ◆ floodplain or wetlands information, if relevant
4. Staff analysis, including:
 - ◆ presentation of decision-making criteria from plans or development codes with comment on how the project meets or does not meet criteria (for rezonings, variances, conditional uses)
 - ◆ specialized impact analyses, if necessary
 - ◆ evaluation of consistency of proposed action with all applicable plans, ordinances, and regulations. This section would include statements of comprehensive plan map designations, written policies, and excerpts of relevant sections of ordinances and regulation
5. Description of information yet to be submitted
6. Comments from other agencies
7. Staff recommendations, including conditions, as appropriate
8. Maps displaying subject property
9. Photographs of the property, as appropriate
10. Information submitted by applicant (as attachments)
11. Written comments from citizens (as attachments)

ASK THE AUTHOR JOIN US ONLINE!

During December 13-23, go online to participate in our “Ask the Author” forum, an interactive feature of Zoning Practice. Stuart Meck, FAICP, and Marya Morris, AICP, will be available to answer questions about this article. Go to the APA website at www.planning.org and follow the links to the Ask the Author section. From there, just submit your questions about the article using an e-mail link. The authors will reply, posting the answers cumulatively on the website for the benefit of all subscribers. This feature will be available for selected issues of Zoning Practice at announced times. After each online discussion is closed, the answers will be saved in an online archive available through the APA Zoning Practice web pages.

About the Authors

Stuart Meck, FAICP, is a Senior Research Fellow with the APA Research Department. Marya Morris, AICP, is a Senior Research Associate. The materials contained in this report appeared in part in a proposed manual developed for the City of Anchorage, Alaska.

POOR ORGANIZATION AND FORMAT

Staff reports from all types and sizes of planning agencies tend to contain the same elements (see box). A chief difference between a good report and a bad report lies in how that information is organized and presented. Poorly organized reports include bits of information scattered throughout, which skips between facts, analysis, suggestions, commentary, and recommendations. Depending on who prepares the report in a given agency, the placement of data and information varies from report to report. A well-written and formatted staff report allows the reader to glean quickly the most important issues under consideration. It usually includes a cover sheet with pertinent information, sometimes presented in a form (see Figure 1) or under clear, bold subheadings. The full contents of the report are presented in distinct sections, each with bold headings as well.

Staff reports should be consistent in format, no matter which staff planner prepares them. The reader should expect to find the same elements in the same order in each type of report.

If the staff report concerns a single development permission, such as a rezoning or subdivision, and additional actions by other agencies need to be taken, the report should indicate what those actions are. For example, if the applicant is requesting a rezoning (which must be reviewed by the planning commission and approved by the legislative body), and a rezoning must precede a conditional use permit application or variance (which is approved by a board of zoning appeals), then the report should state that those subsequent approvals must follow.

For elected and appointed officials, there is limited time to review the staff reports, which therefore must get to the point

FIGURE 1. COMMON ELEMENTS ON STAFF REPORT COVER SHEETS

Project name	General location of subject property
Case number	Existing zoning
Report preparer's name	Surrounding zoning
Action requested	Existing land use
Applicant name	Surrounding land use
Property owner	Parcel size
Date of hearing	Comprehensive plan map designation, plus relevant policies

FIGURE 2. SAMPLE STAFF REPORT COVER SHEET WITH PROJECT SUMMARY

TO: Planning Commission

FROM: Planning Division

DATE: July 12, 2000

RE: CUP Randolph-Macon Women's College, 2601 Rivermont Avenue

SYNOPSIS: Randolph-Macon Women's College is petitioning for a Conditional Use Permit (CUP) to allow the expansion of the existing College into an adjacent existing subject structure for office use on a tract of about 0.7 acres, in an R-2, Single-Family Residential District, and an R-4, Multi-Family Residential District.

SUMMARY:

- Petition agrees with the General Plan.
- The College has existed in the community since 1893 with no reported problems; it now has a need for expansion.
- The subject structure will retain the appearance of a residence, but will change from a primarily residential use to an institutional use.

Source: City of Lynchburg, Virginia

quickly. Figure 2 is an example of a synopsis and summary from a staff report prepared by the Lynchburg, Virginia, Department of Community Planning and Development on a conditional use permit.

Some staff reports use matrices to present critical information relevant to the applica-

tion. Matrices, such as those shown in Figures 3 and 4 below, provide a quick and easy way for readers to gauge various proposals, such as a rezoning, conditional use, or variance, against standard zoning requirements or more subjective criteria contained in the zoning or subdivision code for such action.

FIGURE 3. ADJACENT LAND USE/ZONING SAMPLE MATRIX

	Existing Land Use	Existing Zoning
North	Sod Farm	FA-1 Larimer County
South	Agriculture	LMN (Gillespie PUD)
East	Sod	FarmFA-1 Larimer County
West	Undeveloped (Richards Lake PUD) and Ranchettes	LMN (Richards Lake PUD) and FA-1 Larimer County

The property was annexed into the city in 1984. At the time of annexation the property was zoned T (Transition). In 1994, the zoning was changed to RLP [Rural Land Plan] with a PUD [Planned Unit Development] designation. When the City was comprehensively rezoned in 1997, the designation was changed to LMN (Low Density Mixed Use Neighborhood). No other applications or development plans have been approved for this site.

Source: City of Fort Collins, Colorado

FIGURE 4. ZONING CONSISTENCY SAMPLE MATRIX

	Zoning Provision	Required	Provided
Minimum Lot Size	8.3F(1)	30,000 sq.ft.	17,000 sf
Minimum Lot Width	8.3F(2)	100'	85'
Minimum Front Building Setback (from Lake Street)	8.3G(1)	75'	15'
Minimum Corner Side Building Setback	8.3G(2)	40'	8'
Minimum Side Building Setback	8.3G(3)	12'	1'
Minimum Rear Building Setback	8.3G(4)	30'	105' (approx.)
Maximum Height	8.3H(1)	30'	20'
Maximum FAR	8.3H(2)	0.60	0.25

Source: Teska Associates

Figure 3 is an example from a Fort Collins, Colorado, staff report prepared in July 2001, on a request for approval of a 173-acre overall development plan for a mixed-use residential development. Here the staff report quickly digests surrounding zoning and land uses in a table, followed by a narrative that gives the history of the property.

Another example is the excerpt in Figure 4 from a report prepared by Teska Associates, a planning consulting firm in Evanston, Illinois, for a combination of rezoning, preliminary site plan review, and various zoning exceptions, to allow the construction of a 4,250-square-foot commercial building to be occupied by Starbucks Coffee (with outdoor seating and other retail tenants unknown at the time of application). The location is in the Village of Bloomingdale, Illinois, a suburb of Chicago,

in the special Old Town District. The matrix analysis demonstrates how the proposal departs from the requirements of the special zoning of the Old Town district.

The alternative to a matrix is to present these types of criteria, or simply the primary issues under consideration, in a question-and-answer format, where the questions are presented in italics with the answers in regular type. The following excerpt from an application for a rezoning from an R-1 low-density residential use to a 161-unit planned unit development on 7.25 acres in Minnetonka, Minnesota, shows how staff assessment of each criterion can be presented in the staff report.

Primary Issues

Does the development make provisions to increase the City's stock of affordable housing?
Yes. The applicant has agreed to contribute \$400,000 to the City for affordable housing. The City Council and [economic development

agency] would control how the money is used. . . . The applicant chose to make a monetary contribution rather than include affordable rental units in the project. Staff finds the \$400,000 contribution acceptable.

Does the project improve traffic safety along Minnetonka Boulevard?

Yes. The project would improve the Gizmo Lane/Minnetonka Boulevard intersection by shifting the intersection about 75 feet to the west. This shift increases its spacing from the Highway 169 off-ramp and improves its sight lines, as it is at the crest of the hill along Minnetonka Boulevard.

Would the Minnehaha Creek floodplain and wetland area be protected?

Yes. Significant conservation development techniques have been incorporated into the project. They include a minimum 50-foot-wide wetland buffer and conservation easement, stormwater infiltration basins, use of native landscape. . . , the establishment of a conservation management plan, and construction of a public trail, with overlooks. These are all elements that go beyond the basic requirements of the zoning code.

Would the project have an adverse impact on the existing neighborhood?

No. The project is not expected to have an adverse impact on the existing neighborhood. . . . Neighborhood impacts are avoided by orienting the buildings toward Highway 169, designing an apartment entrance off Gizmo Lane, . . . and by implementing an intensive landscape plan. . . . The aforementioned project would allow the neighborhood to remain in its present state.

Here is an example of an analysis of a conditional use permit for a church expansion:

1. Is the use required by the public need?

Yes. Churches and the related use are required to serve a growing population and the community.

2. Will the use be properly related to other land uses and transportation and service facilities in the vicinity?

Yes. The site is served by all required facilities and infrastructure. The site has accommodated the institutional church use for many years.

3. Will the use materially or adversely affect the health or safety of persons residing or working in the vicinity, or be detrimental to the public welfare or to property or improvements in the neighborhood?

No. If recommended performance standards and conditions are implemented as conditioned herein, the use would not adversely affect adjacent properties.

4. Will the use be contrary to the specific intent clauses or performance standards established for the District in which it is to be considered?

No. Subject church uses are Conditionally Permitted uses in the District. Conditions of approval must assure compatibility with surrounding land uses.

MIXING FACTS WITH SUBJECTIVE INFORMATION

Many staff reports share the common problem of mixing factual information with subjective information. The excerpt below, taken from the findings section of a staff report, illustrates this shortcoming typical of many reports: the report drafter has intermingled statements of fact with subjective assessments, analysis, and commentary that seems to contain recommended conditions for approval. Taken on its face, such language would make it difficult for both the applicant and the commissioner to know what action he or she could or should take.

The property is designated SR1 single-family development in the 2010 Plan but there is no opportunity for a road connection to either [Nesbitt] or [Maple Avenue]. There have been several non-residential development inquiries for this site but no application for these has even been submitted. The proposed condominium development could be an acceptable use if the proper protections for adjacent property are incorporated and if high-quality development standards are met.

In this example, the **fact** presented is: “The property is designated SR1 single-family development in the 2010 Plan . . .”

The **analysis** presented is: “no opportunity for a road connection.”

And the language that could constitute either **analysis** or a **recommendation**, includes: “condominium development could be an acceptable use,” “proper protections for adjacent property,” and “if high-quality development standards are met.”

It would take the reader several passes at the text to separate these elements. The upshot is that findings of facts, staff analysis, and recommendations should each be presented in separate sections of the report, with each highlighted by a heading.

EXCESSIVE DETAIL OR INADEQUATE DETAIL

Planners who prepare staff reports often unwittingly provide excessive information in an attempt to gear the report to all audiences and to cover all bases of potential inquiries from commissioners, applicants, and other users. Too much detail makes the report, which the members of the decision-making body often read shortly before the public meeting, hard to fathom. For example, in some staff reports APA reviewed, we found that copies of registered mail

receipts were included, when simply a listing of the addresses from which receipts had been returned (or not returned) would have sufficed.

In contrast, many reports often leave out vital information that could have a bearing on a planning commissioner’s decision to approve, deny, or conditionally approve a development project. This was the case where either a particular reviewing agency, such as the engineering department, had not provided comments, or a particular requirement of the application had yet to be completed (e.g., “Petitioner must provide a Master Drainage Plan.”). With the former, such omissions make it difficult for the reader to discern if a

Ideally, any standard requirements to which the developer will need to adhere should be addressed in a preapplication conference.

reviewing agency had indeed reviewed the proposal and determined it to have no effect on its interests (e.g., school district) or if they had reviewed it but had yet to provide comments for inclusion in the staff report. Thus, inadequate detail leaves questions hanging that may delay resolution of the approval or suggest that local government agencies are failing to complete timely and thorough reviews.

UNCLEAR LANGUAGE

Staff reports sometimes contain unclear language that makes it difficult for the applicant or the reviewing body to decipher exactly what standard is being applied or what action will be necessary to address the concerns raised in the report. The recommendations must provide clear guidance on what aspects of the proposal need to be revised, and by what date, for the proposal to be considered for approval. In the example below, the unclear language appears in italics. Just what exactly is expected of the applicant in this case?

Landscaping:

No preliminary landscaping plan has been provided with the Community Conference application. *It is likely that the plant materials chosen will be those that blend and complement those used with the Maple Street 1 Building (Phase 1).*

Along the south side of the parcel is a lineal planting strip comprised of coniferous trees (pines and cedars) and some deciduous trees mixed in. . . . *Care should be taken to see what could be done to preserve this lineal grouping of trees.*

A fair amount of existing landscaping in north and south parking lots will be eliminated in order to construct the new office building and parking structure. *Perhaps some of the landscaping that is currently in place can be reused or salvaged.* [emphasis supplied]

Many staff reports intermingle or in some cases confuse standard requirements, as contained in the development code, with comments or conditions for approval. Ideally, any standard requirements to which the developer will need to adhere should be addressed in a preapplication conference. Thus, if one of the conditions of approval in the staff report is the submission of a specific plan (e.g., a drainage plan), document, or other needed drawing or data that technically should have been included as part of the initial application but was not, then the application is in effect incomplete and is not ready for review by the planning commission. One could argue that inclusion of language describing such boilerplate requirements in the staff report serves simply as a reminder to the applicant that additional paperwork is still needed and to the commission that the requirement has not been overlooked by planning staff. The problem, however, is that the planning commission is perhaps being asked to make a decision on an application with vital information still pending.

In the staff report excerpt below, items 1, 4, and 8 are clearly standard requirements that should have been addressed by the applicant prior to the staff report’s completion. One wonders how the application got this far into public review without the requirements having been satisfied. Item 7 might be an initial submission requirement, or it might be left to the developer’s later discretion.

Comments on a PUD application by Public Works Department

1. A site drainage plan is required.
2. A 1 ft. no-access easement will be required along [Lovely Lakes Road] and [Planatown Lakes Parkway] since all direct access should come from the new public cul-de-sac street.

3. Please provide a notice from [Yahoo County] for any potential ROW that may be needed along [Wilbur Road].
4. A 5 ft. wide sidewalk will be required along one side of the interior street.
5. Project developer needs to show that the property denied access to the interior street has access to [Lovely Lakes Road] sufficient for the CA zoning on the property.
6. The proposed street needs a name.
7. The exterior boundary line of this plat is incorrect since it appears to include the "not a part" property.
8. Financial assurances will be required for public improvements.

Sometimes staff reports recommend the conditioning of approval based on a subsequent or forthcoming approval of another local government agency. The staff report should state a reasonable time limit in which the agency (e.g., the local public works department) must act on additional information after it has been provided by the developer. An example would be additional technical engineering or survey information to be provided on a final plat before it is recorded. Alternatively, the duration of this period could be incorporated into the zoning or subdivision regulations.

STAFF RECOMMENDATIONS

The staff report should analyze all of the information contained in it and make a recommendation to the appropriate public body against the backdrop of policies in the comprehensive plan and the decision-making criteria or standards in the development code. The recommendation is a concise statement of whether or not the decision-making body should approve, or recommend approval of, the application. Sometimes the recommendation will include conditions, where the zoning ordinance or subdivision regulations permit this. At other times, the recommendation may state one or several alternatives. For example, in a rezoning, the requested-use district or configuration of district boundaries may be inappropriate for the area or may conflict with the comprehensive plan. In such a case, an alternative that would be appropriate or not in conflict should be recommended.

Here is an excerpt from a City of Newark, Delaware, staff analysis. The case involves approval of a proposed annexation, establishment of municipal zoning, and approval of a subdivision and site plan.

The Planning Department believes the proposed Briarcreek annexation, with the adjoining parcels in Christine Manor, with RH and RS zoning does not conflict with the purposes or goals of Newark's comprehensive planning for the area. Although our comprehensive guidelines refer to detached and semi-detached uses at this Valley Road site and the plan includes townhomes, the overall site density is well within the range typical for single-family and semi-detached developments in the Newark area. In addition, the development plan for the site appears to meet the purposes of the City's site plan approval process to foster distinctiveness and excellence of site arrangement and design . . . including architectural design [and] associated with the natural environment including landscaping." The Department also notes that the proposed RH and RS zoning is compatible with the zoning of adjacent and nearby city communities as well as the zoning of Christine Manor [located in the unincorporated portion of New Castle County].

Noting the open space shown on the plan to be dedicated to the city of Newark "will contribute significantly to the City's parkland holdings," the staff report goes on to recommend to the municipal planning commission that it advise the city council to approve the annexation and the development.

An Ames, Iowa, planning staff report to its zoning board of adjustment offers a good example of how to incorporate conditions into a staff report. Here the request is for a conditional use permit to allow a stage, a 40-foot by 70-foot tent, and other equipment for a Baptist tent revival on agricultural land with a floodway overlay. The conditional use permit would be valid for eight days. The carefully written report presents a series of alternatives as follows.

Alternatives:

1. The Zoning Board of Adjustment may approve the Conditional Use Permit with the following stipulations:
 - A. That the approval of the tent revival in the floodway is conditioned upon the approval of the [State] Department of Natural Resources;
 - B. That the portable toilets shall be anchored to prevent them from being knocked over.
 - C. That the construction shall not commence before August 24, 2001, and that all structures and materials shall be removed by August 31, 2001.
2. The Zoning Board of Adjustment may deny this request for a Conditional Use Permit, stating the standards [for a permit] have not been met.

3. The Zoning Board of Adjustment may modify this request for a Conditional Use Permit and approve it with modified stipulations.
4. The Zoning Board of Adjustment may table this request for a Conditional Use Permit for additional information from the developer, City staff, or Iowa Department of Natural Resources.

The staff report ultimately recommended Alternative 1.

STAFF REPORTS ON THE WEBSITE

Local government websites have expanded quickly in the last five years to post general information, ordinances, downloadable forms and applications, fee-paying systems, and other items needed by the public. The costs of developing and operating local government websites have grown, but the public has come to expect them. Planners expect they will be more cost-effective to taxpayers in the long run because of reduced labor and printing costs.

Planning departments now routinely post a planning commission meeting calendar, agendas, and minutes, as well as draft and adopted ordinances and resolutions, press releases, monthly reports of development activity, public notices, draft and final plans, and annual reports.

Using the web to post staff reports for planning commissioners has allowed many planning departments to eliminate the costly and time-consuming step of photocopying and delivering hard copies of all staff reports to commission members in the days or weeks before a meeting. Commission members can be notified via e-mail when the documents are available and can download any of the material for reference at the meeting. Hard copies of the full report can still be provided to any member who prefers that.

Perhaps the greatest benefit of putting staff reports online is that they can be linked to other data sources, including digital photos, GIS maps, land-use maps, aerial maps with the subject site outlined on it, applicable zoning designations, and relevant plans to aid in the commissioners' decision making. The high volume of cases in many jurisdictions often makes site visits by all commissioners impractical. In lieu of a visit, multiple digital photos or short videos of the subject site can be linked to the online staff report. The pictures and video can illustrate the site's existing conditions and immediate vicinity and help commissioners envision what is proposed. The pictures can also be used to show

how the proposed use, rezoning, or plan amendment may affect traffic circulation, neighboring uses, and environmental conditions such as streams or trees.

CONCLUSION

Staff resources in planning departments are often stretched thin, and staff reports are often sent to commissioners and other recipients at the last possible minute prior to the deadline for a hearing. This leaves commissioners, applicants, and the public with a very narrow window of time to thoroughly review the report, absorb its contents, and consider appropriate action before the formal hearing. The well-researched, well-organized staff report will therefore be a key determinant of the efficiency of the development review process. Most importantly, such a report will ensure that relevant planning policies, development standards, and review criteria are identified in a systematic fashion and complied with.



NEWS BRIEFS

MASSACHUSETTS TOWN APPROVES RECORD IMPACT FEE FROM LOWE'S

By Rebecca Retzlaff

The developer of a Lowe's Home Improvement Store in Massachusetts has agreed to pay the town of Hadley \$410,000 to offset the impact of its new development. The payment was part of an approval by voters that permits rezoning 12.8 acres of a local buffalo farm for the new development. The payment is reported to be the largest community impact agreement in the state and the second largest in the country.

Residents of Hadley are concerned not only about the loss of farmland and increased traffic associated with the development but also about the implications of accepting a large sum of money in exchange for a rezoning decision. Hadley Neighbors for Sensible Development writes, "While we are glad to see the town receive some compensation for this gift to the landowner, we hope that the rezone doesn't set a bad precedent for Hadley's zoning future."

The vote was the fourth time the developer tried to win approval for the project. Paradigm Development of Colden, New York, offered no impact payments at the first vote in August 2003 but subsequently increased the proposed payments until voters approved the

agreement in the fourth attempt. The developer will also be required to make infrastructure upgrades and traffic safety improvements and to construct noise and visual buffers.

Some Hadley residents are concerned about the new development's impact on traffic along the town's main commercial road. The new development will be located less than one mile from a new Home Depot, and the two combined developments will lead to an estimated 50 to 80 percent traffic increase. David Elvin, a member of Hadley Neighbors, believes that the transportation improvements will do little to actually improve the traffic situation. "[The development will] add huge traffic volumes on a road that is not ready to handle it," he says.

The loss of farmland that will result from the development has also fueled concern. Hadley has some of the richest soil in the world, and much of this farmland has been under heavy development pressure in recent years. According to the American Farmland Trust (AFT), Massachusetts lost 18 percent of its farmland between 1982 and 1997. AFT named the Connecticut River Valley, where Hadley is located, one of the top 20 agricultural areas most threatened by development in 1997.

Elvin says the development also has raised concerns because the town lacks a comprehensive plan, has no planner on staff, and is not equipped to deal with developments of this intensity. "We are just not ready for the type of impact that this type of development would bring," he says.

Many residents question the implications of allowing large sums of money to be the deciding factor in zoning decisions. Environmental attorney Alexandra Dawson, chair of the town's conservation commission, says (speaking for herself) the question comes down to, "Do you want a rezoning? What do you have to pay for it?"

Although the developer brought the plan to the voters four times, the only change in each proposal was the amount of the impact payment. As Dawson points out, "[the decision] got pushed over the edge because of the money." She asks, "What are the implications of having your zoning for sale? It is putting in a curious way a huge amount of faith in the townspeople because it is adding huge amounts of cash that I am not sure we are ready for."

According to William Dwyer, the clerk for the town's planning board, payments intended to sway voters in favor of a development project are fairly common in Massachusetts. "It is not

unheard of," he says. "There is a case from the Supreme Judicial Court of Massachusetts [*Durand v. IDC Bellingham, LLC*, 793 N.E.2d 359 (Mass. 2003)], which says that a developer's cash commitment conditioned upon a zoning change is not a violation of public policy." Dwyer concedes that impact payments played a role in the outcome because "it persuaded people that it was in the municipal interest and their interest to vote yes."

To address the concerns about the loss of farmland, the need for planning, and the transportation impacts, approximately \$10,000 of the impact payment will be used for planning, \$25,000 for recreation, and \$375,000 for agricultural preservation. The conservation commission will use most of the money to purchase agricultural development rights. "The citizens group reaction is that it is a step in the right direction, but it is still not enough to cover the impact of the development," Elvin says. *Rebecca Retzlaff is a researcher with the American Planning Association and a Ph.D. candidate in urban planning and policy at the University of Illinois at Chicago.*

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CAN BETTER DECISIONS
RESULT FROM BETTER
STAFF REPORTS?

11

