

# TC



The Commissioner • A Publication of the American Planning Association • Winter 2011

- 1 APA in Multiple Media
- 3 Nonconforming Uses: Part Two 4 Development in Brookline, Massachusetts
- 6 Planning Commission Absenteeism 10 Resource Finder
- 11 Commissioner's Voice 12 Conservation and Beautification

**APA in Multiple Media Roberta Rewers** Have you ever been asked to explain what you do as a planning commissioner? The planning commission does not automatically conjure up a mental picture like other professionals such as a doctor, teacher, or firefighter. Communicating about your role as a planning commission and about the importance of planning in our communities is even more important since we lack that mental picture.

*continued on page 2*

*Michael Johnson, APA's new media coordinator, records a live program for later delivery on the APA website.*



Carolyn Toma

*continued from page 1*

Nearly six years ago, APA's Board of Directors approved a communications plan designed to increase awareness about APA, planning, and planners. Since the communications plan was put into action, APA has engaged in numerous ways to "tell the planning story" and get the word out about planning to a variety of audiences—members, appointed or elected officials, and engaged citizens.

Much has changed in the media landscape in a few short years. So-called "traditional" print publications have merged, decreased in length, or ceased to exist. New online forms of communication, from blogs to social media networks, have been created, providing an opportunity to engage in direct conversations with our audience.

APA is taking advantage of many new online communication channels to better facilitate planning conversations with our members and other individuals. The following provides a quick overview of APA's online communication channels.

### Blogs

A blog provides entries about news, commentary, video, or other information on a specific subject matter. The entries are displayed in reverse-chronological order and provide an opportunity for readers to leave comments and connect with other readers. Readers can visit the blog on the host website or subscribe using RSS (real simple syndication) which will update an RSS aggregator (such as Google Reader) every time a new blog entry has been posted. Using an aggregator benefits the reader in that new blog entries will be brought directly to the reader—no more hunting around and daily checking to find updates.

APA currently has three subject specific blogs:

*Sustaining Places* explores the role of planning in sustaining places and how places themselves sustain life and civilizations.

*Policy News for Planners* provides important updates about legislative efforts that have an impact on planning practices.

*2010 Census and Planners* provides an overview of the data and information generated from the most recent census and how planners can use that data.

If you'd like to join the conversation, you can find APA's blogs at [www.planning.org/multimedia/blogs](http://www.planning.org/multimedia/blogs).

### Social Media

Social media differs from "traditional" media outlets in that anyone can participate in the conversation. The number and type of social media outlets available expands on a daily basis. As a user of social media you can find outlets to share photographs or videos, upload your own podcasts, create a wiki, start a blog, or begin tweeting.

There are so many social media outlets currently available that it would be difficult for APA to maintain a presence on every outlet. APA currently participates in three social media outlets that make the most sense for connecting with its members and others interested in planning.

**Twitter** is a microblogging website. Standard messages or "tweets" can only be 140 characters long. Tweets typically provide quick information and link users to a website for additional information. If you sign up for a Twitter account you can follow organizations, friends, and celebrities. APA uses Twitter to provide news, important reminders, and information to followers interested in planning. You can follow APA on Twitter, too. APA's Twitter handle is [APA\\_Planning](#).

**Facebook** started as a social networking site for college students. In 2006, the site was opened to non-college users. Today, more than 500 million active users are currently on Facebook.

Become a fan of APA on Facebook. APA's fan page provides quick updates on research projects, new publications, conferences, and training, as well as other news geared toward planners.

**LinkedIn** is a professional social media networking site that has approximately 80 million members. Users can post their employment and education information and join various groups of their liking.

APA's group page on LinkedIn provides an opportunity for planners around the country to connect and share information. Any member of the group can begin a discussion or post news items. Recent LinkedIn discussions have focused on asking for input on a new ordinance, how to use social media for planning outreach, or asking other group members for examples of a code.

### Multimedia

In addition to participating in social media sites, APA also produces its own podcasts and videos as a way to offer a more personal planning conversation. The podcasts and videos provide an opportunity to connect listeners and viewers with APA Planners Press authors, planning experts, and researchers.



*The [www.planning.org/multimedia](http://www.planning.org/multimedia) section of APA's website keeps you informed of all new media postings.*

APA also produces podcasts from its popular *Tuesdays at APA* series so members unable to attend can hear from the experts and researchers that present at this monthly forum.

Videos capture a variety of events and lectures and bring them directly to the viewer's desktop. A lot of videos are produced during APA's National Planning Conference when so many planning experts are assembled in one location. The videos provide an opportunity to not only hear from planning experts, but to see them as well.

APA's podcasts and videos are available on APA's website at [www.planning.org/multimedia](http://www.planning.org/multimedia). Videos can also be found on APA's YouTube channel.

Today there are so many opportunities for communicating with a variety of audiences. APA uses a variety of communication outlets from traditional print media to online media and social networks to connect with our members, engage in conversations, and help introduce new audiences to planning. By continually telling the planning story through numerous channels, APA is working to increase awareness about planners and planning.

## Nonconforming Uses: Part Two

Deborah M. Rosenthal, AICP



Carolyn Torma

**N**onconforming use ordinances seek to encourage replacement of nonconforming buildings and uses over time, preferably through natural market forces.

*This continues the article that appeared in the Fall 2010 issue.*

### Termination and Amortization

Nonconforming use ordinances seek to encourage replacement of nonconforming buildings and uses over time, preferably through natural market forces. Most ordinances prohibit reconstruction of structures that are destroyed or damaged by more than a specified percentage, usually 50 percent. This rule can be unpopular and hard to enforce, especially after natural disasters. However, it serves an important public purpose, such as making sure homes are rebuilt to current safety standards after a major flood event. Local governments should assist owners in meeting the new rules; many owners may have been unaware that their homes were nonconforming before the disaster. Destruction or replacement is commonly used to terminate nonconforming structures. Nonconforming lots are almost impossible to correct, unless the same owner acquires an adjacent parcel. If allowed by state law, many communities provide for automatic merger of substandard lots when they come into common ownership as a solution.

In contrast to structures, nonconforming uses are generally permitted to continue indefinitely unless abandoned. However, in most states, local governments are allowed—not required—to set a time limit for termination of nonconforming activities. Known as the amortization period, it is short or long, depending on the size of the owner's investment and the harm caused by the use. The

legal test is generally whether the length of the time imposes a substantial and unfair loss on the landowner when compared to the public benefit, including the need to avoid physical harm to neighbors.

The most common short amortization period is for terminating billboards, where investment is relatively small and profits high. Consequently, Congress and some state legislatures adopted prohibitions on amortizing certain billboards and other uses. Other ordinances may give high-investment uses, like manufacturing plants, up to 10 or 20 years before the use must end. Legal in most states, amortization periods, if of appropriate duration, are often controversial because they can require profitable businesses to cease operations. Typically, amortization ordinances immediately depress the property value because of the impact on the owner's expectation of continued use.

### Variances and Conditional Use Permits

A legal, nonconforming structure requires no variance to be lawful under changed zoning. However, a structure that was illegal when built can become legal retroactively through a variance. This is a simple way to address uncertainties, while assuring the local agency that it complies with current rules. However, in most jurisdictions, variances cannot legitimize disallowed activities as opposed to structures. In some places, a conditional use permit would serve the purpose, unless the use is completely excluded in the zone. Variances and conditional use permits can allow expansion of nonconforming uses where there are no adverse public effects.

### Takings and Vested Rights

Owners whose property is made nonconforming often file a takings complaint under the Fifth Amendment to the U.S. Constitution or their state constitution. However, as long as the property owner retains some legal use of the property and the financial loss is not disproportionate, adopting a new zoning ordinance is unlikely to be a taking.

There are circumstances where takings law, and the related concept of vested rights, come into play. To qualify as legal, the activity or structure must have existed on the date of the zone change. In most states, the owner must have vested the right to continued use by obtaining a permit and making substantial expenditures. Rules vary from state to state; generally, the preliminary activities, even coupled with intent, are not enough to vest a nonconforming use. However, if the right to continued use is vested under state law, the local government must comply with its own ordinances and state law when applying a zone change to an existing use, or face liability.

### Due Process

The right to continue existing uses is protected by state and federal law. While the local government can change zoning and declare a use or structure nonconforming, it must follow due process. An owner who abandons a nonconforming use or structure, or who was denied a permit, should be allowed to appeal administratively to the planning commission and final decision makers. Where appropriate, the owner should be able to apply for an after-the-fact variance or conditional use permit.

Even if not required, it is prudent to notify owners individually when proposed zone changes will make their property nonconforming, especially with amortization periods.

### Plan Carefully

Consider zone change impacts carefully. Often the change affects a few structures in minor ways. However, nonconforming use ordinances could prevent necessary, normal building function change. With amortization periods, owners may decide not to invest in maintenance because they will not recoup costs. Property insurance is harder to get when reconstruction is not permitted after catastrophic loss; business operations may cease. Without an amortization period, nonconforming uses function as a monopoly, increasing property value due to exclusive use in the area and delaying use conversion anticipated by the zone change.

Depending on the percentage of nonconforming uses and structures, the planning commission may consider mixed use zones that incorporate, rather than exclude, compatible existing uses. Conditional uses can be designed to encourage mixed supportive uses customized to the neighborhood. Finally, the planning commission must explain its reasons for new directions, without leaving the existing uses behind. Legal tools are available for aggressive action to change the future of an area, or for gentle encouragement of the market to act.



# Brookline, Massachusetts, Planning Board Members Leave Imprint on Development

Brookline Planning & Community Development Department



Karen Finucan Clarkson



Children's Hospital Boston

**D**esigned to serve primarily as an advisory body to the town's Zoning Board of Appeals, the Brookline Planning Board uses its position to influence development in this built-out suburb on Boston's western edge. "Part of our job is to work out the details, to reach some sort of compromise, to come up with a solution so a project can ultimately go forward to the Zoning Board of Appeals," says planning board chair Mark J. Zarrillo, AICP.

Established in 1914 as a panel of five, the board recently was expanded to seven members, at least one of which must be an urban planner, says Jeff Levine, AICP, Brookline's planning director. The town's Board of Selectmen appoints planning board members to staggered five-year terms. The planning board's most senior member has served roughly 20 years, according to Levine. "It's good to have someone on the board with some historic knowledge," he says.

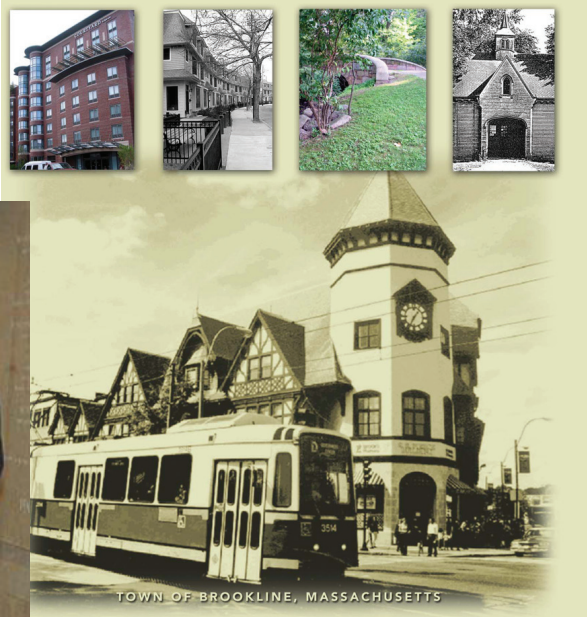
Like the town's first planning board chairman—Frederick Law Olmsted, Jr.—Zarrillo is a landscape architect. "I'm honored to sit on the planning board that he started," says Zarrillo.

Brookline's planning board meets twice a week—on Wednesday mornings and Thursday evenings—for several hours. Sign and facade applications, which the board has the statutory power to decide on, are considered at the morning meeting.

Because the planning board has a seat on several ad hoc boards in town—such as the Housing Advisory Board and Climate Action Committee—and design advisory teams for major development projects, some members attend as many as 10 meetings a month. That level of commitment, combined with a lack of compensation, "can make it a challenge to get members," says Levine.

Among its duties is the approval of the town's capital improvements and comprehensive plans. "The town administrator's office does most of the heavy lifting on the CIP, so board members only have to review it, make changes, and sign off on it," says Levine.





*Clockwise: St. Aiden's is a mixed income housing development in which John F. Kennedy's boyhood church is preserved along with open space. The Brookline Planning Board (from left): Jonathan Simpson, Jerry Kampler, Steve Heikin, and Mark Zarrillo (missing are Steve Kanes and Linda Hamlin). Cover of the Brookline Plan. Brookline Place is a proposed large medical office building.*

## In Search of Compromise and Consensus in Brookline?

"There's a new way of doing business and some developers get it and some don't," says Mark J. Zarrillo, AICP, chair of Brookline's planning board. Compromise is key in a community where open-space, historic-preservation, and affordable-housing groups are known to take issue with development proposals.

"Perhaps the biggest thing the planning board wrestles with is the fact that Brookline is built out and, as a result, wherever in town someone wants to build, people tend to get upset, sometimes legitimately and sometimes because change is hard," says Jeff Levine, AICP, the town's planning director.

Brookline's Zoning By-Law guides planning board members. "It's called an approval process, not a denial process," says Zarrillo. "Most people approach the process in a spirit of compromise, willing to work out the details necessary for approval."

Here is an example of their win-win approach. Zarrillo explains how a developer wanted to build multifamily housing on land occupied by a Victorian house. "In the end, instead of tearing it down, he moved the house off the property while he constructed 12 new units. Then, he moved the house back to the property and placed it on a new foundation," he says. "What the historic preservation folks got was an old house. What the developer got were new units to sell. What the housing folks got were two affordable units."

There are pockets where development is possible. The owner of Hancock Village, a post-World War II community developed for returning soldiers and their families, has been talking about doubling the size of the nearly 800-unit neighborhood. "The zoning, put in place when originally developed, allows for more development than was built," says Levine. "But, there's concern about the impact additional development will have on the community, particularly the schools, which are overcrowded."

Hancock Village is in the board's future, according to Levine, who acknowledges that it's been difficult establishing a dialogue between residents and the developer. "The feeling is that they [the residents] can either come along for the ride and help shape it or oppose it and not have any influence, as there clearly will be significant new development there."

Another top issue is environmental sustainability, says Zarrillo. Town Meeting members recently amended the building code to require that all new homes be 20 percent more energy efficient. "We still need to do something with older, existing structures," says Zarrillo, "so that they can catch up. We need to move beyond new construction and municipal buildings, which really are just a drop in the bucket."

Brookline's comprehensive plan is updated every 15 years or so, according to Levine. The planning board approved the most recent plan in 2005.

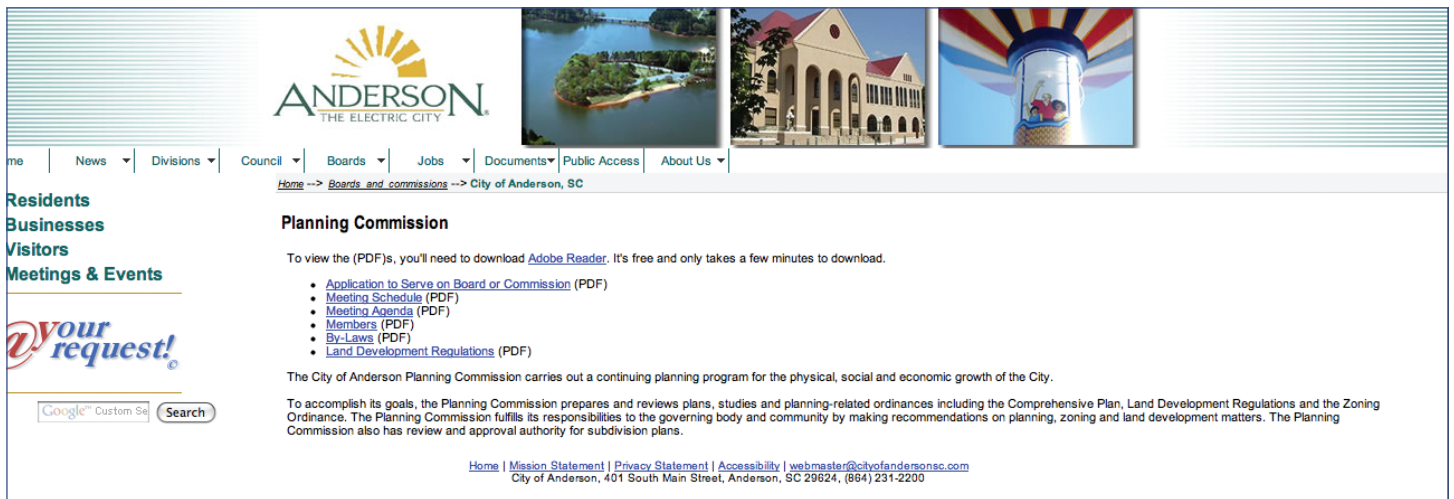
While the planning board does not have the power to amend the Brookline Zoning By-Law, it does "opine on zoning amendments proposed to the Town Meeting and, occasionally, proposes zoning amendments of its own," says Levine. In November, Town Meeting members considered five zoning by-law amendments dealing with issues pertaining to residential parking, a solar overlay district, and wireless telecommunication antennas and towers, among others.

The planning board plays a vital role in protecting community character as it has the authority to adopt design guidelines for specific parts of the town and to appoint design advisory teams to assist in the review of projects that may significantly affect the look and feel of an area.

"I think most people would agree that the planning board does a really good job, not in the sense that everyone likes every decision," says Zarrillo, "but that the decisions are balanced and fair and take into consideration what neighbors want."

# Planning Commission

## Absenteeism



By Ann Dillemoth, AICP

**D**

oes your commission suffer from absenteeism? If planning commissioners begin missing meetings on a regular basis, this can become a problem. Most obviously, absent members threaten the achievement of quorum, the number of members legally required to be present for the valid transaction of business.

Even if meeting quorum is not jeopardized by absent commissioners, however, attendance issues can still cause difficulties. If one commissioner is chronically absent, it can become more difficult to meet quorum if other members cannot attend a meeting. And if absent commissioners have missed a public hearing or workshop discussion of a particular development application or rezoning proposal, they have missed the chance to add their insights, experiences, and opinions to the discussion—and they might lack the knowledge needed to make informed decisions regarding that issue when it comes time to vote.

Some city or town councils especially appreciate input received from all commission members. Greg Thomas, AICP, director of the community development department in Cleveland, Tennessee, recalls that city council members approached him asking, "Where are all the commissioners?" after seeing several commission reports with only six members of the full nine-member board represented. The council wanted to be sure that all members of the commission were able to weigh in on development proposals.

Does chronic absenteeism tend to be a problem for planning commissions across the country? It is hard to say in the absence of planning commission attendance surveys, but anecdotal evidence suggests that most commissioners are fully committed to their positions. Martha Semmes, AICP, former director of planning and zoning in Purcellville, Virginia, and currently town administrator for Middleburg, Virginia, estimates that commission meeting attendance was 100 percent about 95 percent of the time (though a long commute for some commissioners results in occasional tardiness). Bob Hunter, FAICP, the executive director of Florida's Hillsborough County Planning Commission for more than 20 years, remembers attendance issues as rarely being a problem. The last member to miss an excessive number of meetings eventually resigned after being chronically underinformed, which irritated his fellow commissioners.

As Hunter explains, "Most commissioners take their positions very seriously and understand the significance of being absent. These volunteers give freely of their time because of a genuine interest in planning matters and a strong desire to serve their community, and they hold their fellow members to the same high standards."

**City of Milpitas**  
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**Planning Commission (PC)** [Agendas & Minutes](#)

The Planning Commission consists of seven members (Milpitas citizens and registered voters) and one Alternate member, appointed by the City Council to staggered terms of three years each. Members serve with a stipend of \$25 per meeting and cannot hold any other public office or position in the City while serving as members of the Commission. The Commission regularly meets on the second and fourth Wednesday of each month, but may hold additional meetings. Meetings are held at 7:00 p.m. in the Council Chambers, Milpitas City Hall, 455 E. Calaveras Boulevard.

The Planning Commission shall have all powers and duties imposed upon a planning commission and zoning agency by the Planning and Zoning Law of the State, subject to the provisions of the City Municipal Code, and shall act as the advisory agency pursuant to the Subdivision Map Act of the State. In addition, the Planning Commission shall consider the overall architectural development, including color and material of exteriors, of all commercial and industrial districts and all developments in residential districts for which a use permit or architectural review permit is required. The Commission also plays a role in the administration of the City Zoning Ordinance and Subdivision Ordinance.

**The Commission Reviews and Acts Upon the Following:**

1. General Plan and General Plan amendments;
2. Neighborhood and specific area plans;
3. Environmental impact reports and negative declarations;
4. Tentative subdivision maps;
5. Planned Development permit applications for developments;
6. Subdivision Ordinance exceptions;
7. Zoning and subdivision Ordinance amendments
8. Special studies and reports

**Documentation:**

- 2009 Commission Accomplishments
- 2010 Commission Accomplishments
- Commission By-Laws

**Meets:**  
7:00 p.m. on the 2nd and 4th Wednesday of the month at the City Hall Council Chambers, 455 East Calaveras Boulevard, Milpitas, CA 95035. (408) 586-3279.

**Staff Liaison:**  
James Lindsay, Planning & Neighborhood Services Director (586-3273)  
Sheldon Ahlberg, Senior Planner (586-3278)

**Recording Secretary:**  
Yvonne Andrade, Office Specialist (586-3275)

**Commission Members:**

 <b>Cliff Williams</b> Chair Term Expires: December, 2010 <a href="#">View My Calendar</a>	 <b>Sudhir Mandal</b> Vice Chair Term Expires: December, 2010 <a href="#">View My Calendar</a>	 <b>Gurdev Sandhu</b> Commissioner Term Expires: December, 2012 <a href="#">View My Calendar</a>
 <b>Lawrence Ciardella</b> Commissioner Term Expires: December, 2011 <a href="#">View My Calendar</a>	 <b>Mark Tiernan</b> Commissioner Term Expires: December, 2012 <a href="#">View My Calendar</a>	 <b>Noella Tabladillo</b> Commissioner Term Expires: December, 2011 <a href="#">View My Calendar</a>
 <b>Steve Tao</b> Commissioner Term Expires: December, 2012 <a href="#">View My Calendar</a>	 <b>John Luk</b> Alternate Member Term Expires: December, 2012	

'Most commissioners take their positions very seriously and understand the significance of being absent. These volunteers give freely of their time because of a genuine interest in planning matters and a strong desire to serve their community ...'

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**Planning Commission**

The Lafayette Planning Commission is comprised of seven citizen members. Members serve 4 year terms. Members are appointed by the City Council, with the Chairperson and Vice Chair elected by the membership in July of each year. Two members of the Commission serve as liaisons to the Lafayette Open Space Advisory Committee and Historic Preservation Board. [Contact the Planning Commission.](#)

The Planning Commission has the primary responsibility for approving the City's Comprehensive Plan. This document includes City policy statements on annexation, growth, transportation, economic development, parks and open space and the environment.

The Commission advises the City Council on annexations, zoning, subdivisions, architectural and site plan reviews. It is the deciding body on special use review applications. The Commission also recommends revisions to the City's Development and Zoning Code.

The Commission represents the community in land use decisions, including subdivision, zoning, and architectural review. Their most important task is to ensure that development complies with the goals and policies of the Comprehensive Plan and the City's development regulations.

Commissioners are provided with continuing education on such topics as planning basics, legal issues, water, open space and parkland, affordable housing, and practical advice on how to work together as a team. In addition, they may attend land use conferences in Denver and field trips to neighboring communities to observe the good and bad in neighborhood planning techniques.

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Contact: Karen Westover,  
Planning Manager  
Contact Email  
Hours: 8:00 a.m. to 5:00 p.m.

continued on page 8



**WELD COUNTY COLORADO**  
Department of Planning Services

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**Planning & Zoning**  
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Board of Adjustment  
**Planning Commission**  
Rural Task Force  
Utilities Advisory Board  
Building Department  
Code Compliance  
Planning Department  
Weld County Right to Farm

**Planning Commission**  
The Planning Commission board consists of nine members. The Board of County Commissioners determine six (6) geographic areas and appoint one (1) member from each of the geographic areas. Three of the Planning Commission members are appointed at-large by the Board of County Commissioners. The term of office is for three (3) years.  
The Planning Commission members are primarily concerned with land use planning. They must consider not only those factors related to an individual parcel of land, but also how the use of the land affects the surrounding area and the community as a whole.  
The Planning Commission meets at 1:30 p.m. on the 1st Tuesday of each month. The meetings are located in the Planning Hearing Room at 918 10th Street, Greeley, Colorado.  
**Weld County Planning Commission Members**  
**3yr Terms Expiring July 31**

Erich Ehrlich District 1	Bill Hall District 2
Alexander Zauder District 3	Nick Berryman District 4
Roy Spitzer District 5	Robert Grand District 6
Thomas Holton - Chair At Large	Jason Maxey At Large
Mark Lawley - Vice Chair At Large	

To view a map of the districts, please click here.

**Contact Information**  
**Planning and Building Department**  
1555 N 17th Ave  
Greeley, CO 80631  
phone: (970) 353-6100x3540  
fax: (970) 304-6498

**Agendas**  
PC Agenda - January 4, 2011  
PC Agenda - December 7, 2010  
PC Agenda - November 2, 2010  
PC Agenda - October 5, 2010  
PC Agenda - September 7, 2010  
PC Agenda - August 3, 2010  
PC Agenda - July 6, 2010  
PC Agenda - June 1, 2010  
PC Agenda - May 18, 2010  
PC Agenda - May 4, 2010  
PC Agenda - April 6, 2010  
PC Agenda - March 16, 2010  
PC Agenda - March 2, 2010  
PC Agenda - February 2, 2010  
PC Agenda - January 19, 2010  
PC Agenda - January 5, 2010

**Minutes**  
PC Minutes - December 7, 2010  
PC Minutes - November 2, 2010  
PC Minutes - October 5, 2010  
PC Minutes - September 7, 2010  
PC Minutes - August 3, 2010  
PC Minutes - July 6, 2010  
PC Minutes - June 1, 2010  
PC Minutes - May 18, 2010  
PC Minutes - May 4, 2010  
PC Minutes - April 6, 2010  
PC Minutes - March 16, 2010  
PC Minutes - March 2, 2010  
PC Minutes - February 2, 2010  
PC Minutes - January 19, 2010  
PC Minutes - January 5, 2010

**Bylaws**  
Planning Commission Bylaws

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Though meeting attendance might not be a problem in your community, it is still a good idea to have policies and practices in place to address this issue should it arise.

Though meeting attendance might not be a problem in your community, it is still a good idea to have policies and practices in place to address this issue should it arise. According to Stephen Sizemore, AICP, a planner, land-use attorney, and senior associate at Clarion Associates, it is important to start at the beginning by appointing members who are committed to the commission's business. Sizemore suggests using an application process to fill vacant commission positions, noting that "the effort to obtain and fill out an application shows some commitment to serve on the commission." Asking applicants to state their interest in and reasons for applying to serve on the planning commission is helpful, and Sizemore also suggests providing applicants with a summary of commission responsibilities—including meeting attendance requirements—and having them sign a statement of commitment to those responsibilities.

Educating both potential and current planning commission members about their responsibilities is essential. Starting off on the right foot by making sure commission applicants are aware of the commitment that will be required of them is important. Semmes notes that in Purcellville, the time commitment required by membership on the planning commission is significantly greater than for other town boards. The town council holds interviews for applicants to all town boards, and uses that opportunity to let prospective commission members know about the extensive time commitment that will be necessary. For current planning commission members, Sizemore suggests reminding them of their responsibilities through annual workshops covering commission procedures and rules. In addition, the commission chair can take a proactive role in addressing attendance issues by discussing any emerging attendance problems with the individual in question.



# Sample Planning Commission Attendance Provisions

The minutes shall show the members in attendance at each meeting and the reason for absence submitted by any member. The Commission shall recommend to the governing body the removal for cause of any member who has not attended at least 60% of the meetings in the previous twelve months or is absent from three (3) consecutive meetings without adequate reason.

—City of Anderson, South Carolina  
Planning Commission Rules of Procedure, Article IV, Section 3.

Any member who is absent from four consecutive regular meetings or six regular meetings in a six-month period shall receive a notification from the Chairperson of the Planning Commission advising the member of his/her absences. Any member who is absent from eight regular meetings in a six-month period or six consecutive regular meetings shall be subject to dismissal as a member of the Planning Commission by the City Council of Lafayette, Colorado. The City Council of Lafayette, Colorado, shall be notified of any member of the Lafayette Planning Commission who is absent from eight regular meetings in a six-month period and/or any member who is absent from six regular consecutive meetings. By majority vote of the Planning Commission, any absent member may be granted an excused absence.

—City of Lafayette, Colorado  
Planning Commission Bylaws, Section 1

Commissioners are expected to arrive on time and be present for the entire meeting. Commissioners are important City officials whose actions and decisions impact the quality of life in the city. Therefore, only in rare, unavoidable circumstances should Commissioners miss meetings or workshops. If a Planning Commissioner misses three (3) meetings or workshops during a calendar year, the Secretary shall forward this information to the City Clerk to request Council review of the Commissioner's attendance record. The purpose of this review will be to determine any extraordinary reasons or other explanations for the Commissioner's absence. The said review will be held during a regularly scheduled City Council meeting and at the conclusion of said review the City Council will hold a vote to determine if the Planning Commissioner should be removed from office.

—City of Milpitas, California  
Planning Commission Bylaws, Section 7.04

The other major step a community can take to address this issue is to adopt attendance policies as part of the ordinance creating the commission or the commission's bylaws or rules of procedure. By putting something on the books, the commission has a policy in place to address this issue if it should ever arise. Some municipalities have adopted general standards of procedure for all boards and commissions that cover the planning commission as well, but more often than not an attendance provision must be added to the planning commission's specific bylaws.

Members who fail to attend three (3) meetings in a twelve month period shall automatically forfeit appointment, and the City Council shall promptly fill each vacancy. Any member with extenuating circumstances shall present same to the City Clerk for consideration by City Council. Members are required to notify the City Clerk's Office in advance of the meeting of any absence. Chairmen shall also be subject to the same rule and shall notify the City Clerk's Office of intended absences from scheduled meetings."

—City of O'Fallon, Illinois  
Resolution No. 2005-107, Article VII, Section 10

Regarding meetings at which official minutes are taken, Commission members should not miss more than three consecutive meetings, nor four or more meetings in any 16-meeting period. If either situation should occur, the Commission officers may discuss it with the affected Commission member. If sufficient improvement in attendance does not occur within a reasonable time, the Chair may recommend to the Mayor and City Council that the affected Commission member be removed from office. Commission members are encouraged to call or e-mail the Planning and Zoning Department and Commission Chair prior to any meeting at which they expect to be absent or tardy. The Planning Department shall keep attendance records and report to the Chair if an attendance problem appears to have developed.

—City of Punta Gorda, Florida  
Planning Commission Bylaws, Part 1

A. Members of the Planning Commission are required to faithfully attend Planning Commission meetings.

B. If any member misses three consecutive meetings or misses more than 50% of the meetings in any three month period, the Planning Commission shall recommend to the Board of County Commissioners that the Board ask the member to show cause why he should not be removed for his failure to faithfully attend the meetings of the Planning Commission. The Board of County Commissioners, for good cause shown, may determine that the cause of the absence was excusable and that no action should be considered.

C. It shall be the duty of the Secretary to record the attendance of each member, notify the Chairman if any member has failed to faithfully attend pursuant to paragraph "B" above and to place any hearing regarding attendance of a member on the Planning Commission Agenda. The matter shall be the last item of business on the agenda.

—Weld County, Colorado  
Bylaws, Weld County Planning Commission, Article VII

Attendance policies tend to include two parts: establishment of the permissible extent of absences, and the consequences of exceeding that limit. Different communities use a number of different standards for permissible absences (see sidebar for sample ordinance provisions). Some set a limit only on "unexcused" absences—but Sizemore believes this to be ineffective, as commission chairs may be reluctant to question whether an excuse is truly justifiable. Further, even if the absence is justified, the commissioner is still missing meetings and the process suffers from this lack of participation. Sizemore suggests setting a simple limit of no more than  $x$  consecutive meetings missed (e.g., three) or more than  $x$  percent of meetings in a specified period missed (e.g., 50 percent of meetings in a six-month period).

*continued on page 10*

continued from page 9

As for the consequences of excessive absences, some attendance rules provide that the member's position automatically becomes vacant and subject to filling, while others simply require that the matter be reported by the commission chair to the appointing body and left at that. Hunter emphasizes the importance of strong attendance and enforcement mechanisms that are not left to the discretion of commissioners and are clearly laid out in commission bylaws, because in his experience commissioners can be reluctant to take action against one of their own.

It is important that members let the commission chair or planning staff know about anticipated absences so that measures can be taken to assure quorum is met.

Hunter also, however, approves of clauses that provide for "extenuating circumstances," such as accidents or illnesses; in such cases, the planning commission may by motion provide for an exception. Judith Martin, past president of the Minneapolis Planning Commission on which she served for 15 years, also considers it important to account for unforeseen circumstances or preexisting plans. Commissioners do volunteer their time, and many work to balance busy schedules with their commission duties. It is important that attendance provisions offer some flexibility but still set appropriate standards.

A few additional practices can also help commissions weather the occasional absence. It is important that members let the commission chair or planning staff know about anticipated absences so that, if necessary, measures can be taken to assure quorum is met. Martin also speaks to the importance of keeping absent members up-to-date on important information they might have missed: "If someone is expected to vote on an issue but had missed that meeting, we made an effort to inform that member about the issue and catch them up to speed." As she concludes, "It's really all about common sense—and a little can go a long way!"

## Sustainability and Planning

The United Nations convened the World Commission on Environment and Development in 1983. The report—commonly referred to as the Bruntland Commission Report, in recognition of the leadership role of its chair, Gro Harlem Brundtland, the former Norwegian prime minister—defined sustainability and its goals. Since then, interest in the meaning and implementation of sustainability has grown around the world.

### APA Publications

#### APA's Sustaining Places Initiative

[www.planning.org/sustainingplaces](http://www.planning.org/sustainingplaces)

Follow the *Sustaining Places* blog at <http://blogs.planning.org/sustainability>.

#### Embracing Sustainability in Community Plans

Benjamin A. Herman

*Planning*, April 2010

#### Green Community

Susan Piedmont-Palladino and Timothy Mennel, editors

APA Planners Press, 2009

#### Planning the Urban Forest

James C. Schwab, AICP

PAS Report 555, 2009

### Web Resources

#### Partnership for Sustainable Communities

[www.p4sc.org](http://www.p4sc.org).

*Sustainable Communities* Magazine (new!)

[http://issuu.com/p4sc/docs/sustainable\\_communities/1?mode=a\\_p](http://issuu.com/p4sc/docs/sustainable_communities/1?mode=a_p)

#### 2011 National Planning Conference

April 9–12, Boston

[www.planning.org/conference](http://www.planning.org/conference)

The conference has two focused events that look at sustainability and planning.

▲ *Sustainability Research Informing Practice Forum*

▲ *Sustainability and the Comprehensive Plan Track*

### APAPlanningBooks.com

#### Sustainability and Big Cities

APA and Lincoln Institute of Land Policy  
CD-ROM Training Package, 2007

#### Monetizing Sustainability

AICP CD-ROM Training Package, 2009

#### Quest for Green Communities

AICP CD-ROM Training Package, 2009



## Audio Web Conferences

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June 8, 2011

For all planning officials. In the meantime, check out APA's new blog, *Sustaining Places*. Learn about the wide array of work going on in sustainability planning.

<http://blogs.planning.org/sustainability>

### 2011 Planning Law Review

June 29, 2011

For planning commissioners, planners, and officials

## More information and registration

[www.planning.org/audioconference/  
index.htm](http://www.planning.org/audioconference/index.htm)

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## It's Good to Be Us



J.H. Rumpp, Jr., AICP  
Town of Dedham, Massachusetts,  
Zoning Board of Appeals

**T**he Town of Contentment (now Dedham), Massachusetts, is quite different today than when it was founded in 1635. Our town's history includes development of the first manmade waterpower canal and construction of an early shopping mall, and it is home to the oldest wood-framed structure in the country.

The 1960s brought sprawling development along the Route 1 and railroad corridors, paving acres of wetlands for car dealerships, strip malls, and chain retailers. Over the past 20 years, the elected officials of Dedham have rezoned large areas along the highway corridor to require significant interior landscaping, preservation of open space, and roadway and parking improvements. Developers have recently completed a 675,000-square-foot high-end retail development that by all accounts has been a fiscal success and provided an economic boost for the town.

In addition to the improvements in the highway business district, planners and community groups have focused on revitalizing the historic downtown center. Dedham Square, the traditional heart of the community, has historically provided small-scale retail and services to travelers, residents, and county employees. The central business district consists of approximately 14 acres of land with a high concentration of small businesses and county government uses, but has not seen significant investment or upgrade in more than 50 years.

The town recently began consideration of necessary improvements to maximize the development potential, improve traffic flow, and enhance the visual character of the square. Key to this improvement project was the designation of a municipally owned Priority Development Site that would anchor an improvement program by attracting large-scale private development to an undeveloped site at the edge of the square. The hope is that development of this important parcel would result in job creation, business growth opportunities, and expanded housing options through a mixed use project that would serve as a gateway to the square.

The town was recently awarded a \$1.3 million Public Works and Economic Development grant from the state to fund traffic and streetscape improvements associated with the overall improvement plan. With widespread community support and involvement, Dedham Square appears poised to make significant improvements. In addition, residents have recently approved construction of two new schools and an athletic complex. As Dedham approaches its 375th anniversary, it is clear that planning efforts and local involvement have provided the catalyst to modernize the heart of the downtown area, attract new businesses, and improve services. The efforts of our community planners, town officials, and local community groups, for the most part all volunteers, have created an improved sense of place, modernized aging infrastructure, and are upgrading the educational facilities. It truly is a good place to be.

## Conservation and Beautification

If the American landscape looks different—and cleaner—than it did 60 years ago, Lady Bird Johnson, first lady to President Lyndon Johnson, deserves credit. In the first year Johnson was in office, Lady Bird identified “conservation and beautification” as her areas of concern. Her definition was broader than mere pretty scenery as she focused on issues of urban decay, clean water, pollution, and transportation, as well as the wildflower planting for which she is best remembered.

In 1965 President Johnson convened the White House Conference on Natural Beauty chaired by Laurance S. Rockefeller. The charge to the group was to address automobile junkyards, to explore placing utilities underground, to remove tax penalties for supporting conservation, to plant trees, and to encourage the development of local beautification programs.

Lady Bird also took a strong interest in the Highway Beautification Act of 1965, which controlled outdoor advertising along interstate highways and removed or screened junkyards. In her advocacy for native flowers, plants, and trees, she was in step with current conservation thinking about environmental restoration. She challenged her contemporaries at the White House conference with these words: “Can a great democratic society generate the drive to plan, and having planned, execute projects of great natural beauty?”



Frank Wolfe/Wikimedia Commons

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**Rana Salzmann** is the APA knowledge management associate. She wrote the resource finder on page 10.

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