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Hurricane Sandy Elevates the Importance of Mitigation Planning *Darrin Punchard, AICP*

Days before Hurricane Sandy made landfall along the East Coast of the United States, the late season “superstorm” spawned abundant discussion on the effects of climate change, sea level rise, and what has since been described as the “new normal” with regard to increasing incidents of extreme weather. In its devastating aftermath, many continue to wonder if we—as a society—will answer Mother Nature’s latest wake-up call.

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*Flooding is
especially difficult
during recovery
because damage is
so widespread.*



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While the damage and total loss figures from Sandy continue to be counted, the lessons learned along coastal areas of New Jersey, New York, and Connecticut are harsh and painfully clear. These lessons will likely serve to reshape coastal development patterns throughout the tristate region. The Federal Emergency Management Agency (FEMA) has already begun developing and promoting updated flood hazard maps with advisory base flood elevations; these are intended to assist local officials and property owners to rebuild structures to heights deemed more appropriate than current regulatory maps and development standards. State and local officials are engaging their communities in discussions regarding long-term recovery and redevelopment decisions. In some areas, residents are questioning the sense of rebuilding.

What lesson does Sandy hold for communities outside the tristate area? More than anything, it reinforces the need for possible—dare we say foreseeable—natural hazard events to be more seriously considered in local planning and community development decisions. As planners and commissioners we must do better in communicating hazard risks to local leaders and decision makers; we must become stronger advocates for practices and policies that minimize these risks both today and in the future.

FEMA has already begun developing and promoting updated flood hazard maps with advisory base flood elevations.

In recent years the notion of keeping natural hazards from becoming natural disasters has gained considerable national momentum. This is due, in part, to increases in the frequency, severity, and costs of high-profile disaster events, but also to a major planning initiative launched by FEMA in response to the Disaster Mitigation Act of 2000. Since 2001, more than 27,000 com-

munities nationwide have adopted local hazard mitigation plans in conformance with FEMA requirements, the goals of which are to reduce risk from potential natural events such as hurricanes, floods, earthquakes, and wildfires.

Local hazard mitigation plans must be updated and approved by FEMA every five years in order for communities to remain eligible for federal hazard mitigation grant funds. Not surprisingly, most plans are geared toward regulatory compliance and the implementation of structural, grant-funded projects to correct mistakes of the past (for example, elevating, acquiring, or relocating flood-prone buildings, improving drainage systems, and other engineered solutions). The nonstructural measures recommended in these plans tend to include actions that support disaster preparedness and response activities. To date, little emphasis has been placed on what can be regarded as the most sustainable and most cost-effective hazard mitigation technique available to communities—that is, hazard avoidance through land-use planning.

In 2010, a research report for the National Oceanic and Atmospheric Administration (NOAA) Coastal Services Center identified the perceived barriers to hazard and resiliency planning among planners. First and foremost these barriers included the lack of public support or political will, noting that “planners’ work agendas are subject to external influence from elected officials and other community leaders” and that the demand for work on hazard resiliency is “minimal in most communities.” Other barriers cited included

limited budgets, competing priorities, limited actionable data, disconnects between emergency planners and planners, existing development and private property rights, and bias in favor of growth.

The consequences of Hurricane Sandy have removed some of these barriers along the Jersey Shore and other heavily impacted communities. The possible risk, as described in the risk assessment portion of existing local hazard mitigation plans, became the foreseeable risk, and then regrettably became the reality. The lesson here? Communities need not wait for a catastrophic event to take action.

Natural hazards present difficult problems and difficult solutions. Planners and commissioners should begin by considering the following:

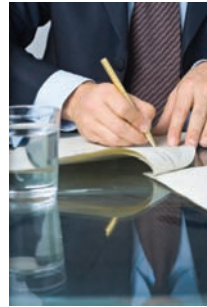
- Assess natural hazards and existing community vulnerabilities. Get fully engaged in the development and implementation of the local hazard mitigation plan, and routinely seek opportunities to integrate mitigation into the devices and processes that guide community development. For example, begin by completing APA’s Safe Growth Audit.
- Build support for mitigation with local elected and appointed leaders by more effectively communicating not only hazard risks, but the benefits of resilience in a way that resonates with local public and private sector interests. Sell mitigation as good business practice, with investment returns that go beyond loss avoidance and contribute to other social, economic, and environmental policies.
- Make disaster prevention a core value of the community. Incorporate it into existing public agendas, vision, or mission statements, and into the goals or objectives of other plans and procedures. Empower local planning staff to vigorously consider natural hazards in their plan and project reviews.
- In planning for hazard risks, consider future conditions based on anticipated changes to the physical environment and natural systems. For example, require higher levels of protection (i.e., “freeboard”) for new development in flood hazard areas that could see an increase in FEMA base flood elevations due to urbanization, increased runoff, changing precipitation patterns, or sea level rise.
- Achieving true community resilience requires a sustained, holistic approach that includes a mix of structural and nonstructural measures for risk reduction. Solutions should be tailored to the community and not simply rely on minimum federal or state standards; they are more apt to be implemented if they are designed to achieve multiple community benefits.
- Expand predisaster mitigation planning to include postdisaster redevelopment issues. Plan for various disaster scenarios by establishing a framework and process for local decision making following an event, and adopt postdisaster recovery and redevelopment policies that are consistent with other plans well in advance.

In considering the above, planners and commissions should take advantage of the growing wealth of information and resources for local mitigation planning provided by federal agencies including FEMA and NOAA, State Hazard Mitigation Officers, nongovernmental organizations such as The Nature Conservancy, and professional associations such as APA and the Natural Hazard Mitigation Association. They should replicate best practices from comparable communities, as many case studies have been documented by these groups.

Human nature has long discounted risk by embracing the perception of “it can’t happen here.” Nevertheless, Mother Nature continues to prove millions of us wrong. Given the accessibility of data, tools, and technical resources, as well as the diplomatic skills to apply them, planning is positioned to respond and answer her latest call.

Public Notice and the Planning Commission

Mark White, AICP



Planning commissions are often called upon to balance demands for quick action and a desire to minimize controversy with legal notice requirements.

State zoning and land development laws require public notice to protect the due process rights of stakeholders and to allow the public to vet important development issues. Notice can also bring key stakeholders to the table for public discussion, which can improve the quality of legislation. Complying with these requirements sometimes requires the planning commission to defer action, and the community or applicants to incur expenses to communicate a proposed action. While the desire to avoid the administrative burdens and costs of notice is understandable, the failure to adequately notify the public has ethical, political, and legal consequences.

Notice is a key legal requirement for many zoning and land-use actions. This article focuses on legal notice requirements in the zoning and land development context. It addresses when notice is required, the type of notice required, and what happens if you fail to provide adequate notice.

When Is Notice Required?

The type of notice required depends on the type of action the commission is taking. In addition to statutory requirements, some actions may require notice due to procedural due process requirements in the state and federal constitutions. A substantial change to an application may require additional notice. In addition, the community can always provide more notice than the statute requires.

Legislative actions, such as text amendments or rezoning, usually require publication. If the action involves a specific property, such as a rezoning, state law normally requires mailed notice to nearby property owners. For actions that affect your entire community—such as a comprehensive overhaul of your zoning regulations—state law usually does not require an individual mailed notice.

Discretionary, quasi-judicial actions—such as special/conditional use permits, variances, and appeals—do not usually require communitywide (such as published) notice. However, state law may require notice to surrounding property owners. In addition, the applicant is entitled to notice of any meeting where the planning commission takes action that affects the applicant's property rights.

Public notice is not usually required for administrative or ministerial actions such as building permits or certificates of occupancy. However, statutes may require some notice for subdivision plat applications. These are usually considered ministerial—at least for final plats—but may require planning commission action and a public notice.

Types of Notice

State enabling legislation will dictate the kind of public notice required. For legislative actions, publication in a newspaper of general circulation is usually required. For actions that involve a specific property (such as a rezoning), the statute may also require mailed notice. In addition, some statutes require notice by certified mail. Some statutes may also require notice to be posted on a sign or in a public place. Some state laws increasingly take advantage of the Internet, and may allow or require notice by e-mail or posting on a website.

What Should the Notice Say?

State statutes may prescribe the contents of a notice—for example, the time and place of the meeting and a brief description of the property. If state law is silent, make sure that the notice fairly and sufficiently informs interested parties about the nature and character of the action. At a minimum, this should include the date, time, and place of the hearing, and what the hearing is about.

What Happens if You Don't Properly Notify?

In some states, substantial compliance with statutory notice is all that is required. However, in some states, any defect in notice invalidates any decision made at the meeting. This can occur if the notice is improperly written, not communicated properly,

or provided for an insufficient number of days. One possible exemption is actual notice. In some states, a person who actually attends a meeting cannot complain later in court about a technical notice defect.

Conclusion

Notice is an important element of most procedures that involve the planning commission. There are several key things to consider when providing notice:

1. *Check your state law.* Notice requirements differ from state to state. Your state may require more or less notice than is normally required.
2. *You can always provide more notice than the statute requires.* Communities often do this out of fairness, public relations, and to avoid due process claims later on.
3. *Provide the right kind of notice.* If state law requires certified mail, then regular mail or e-mail will not suffice.
4. *Provide timely notice.* If state law requires at least 15 days' notice, then a notice provided 14 days before your meeting does not suffice.
5. *Improper notice can invalidate your decision.* In some states, any defect in notice—such as improper type or insufficient time—can result in a court decision that voids any action taken at the meeting.



Nashville Planning Commission

Starting third from left: Andree LeQuire; Greg Adkins; Derrick Dalton; James McLean, chair; Rick Bernhardt, Planning Department executive director; Stewart Clifton; Hunter Gee; Judy Cummings (partially obscured); Phil Ponder; and Phil Claiborne. Absent: Jeff Haynes

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Planning Commission of Nashville and Davidson County, Tennessee

Karen Finucan Clarkson

he mayor and council rely heavily on agencies and boards,” says Stewart Clifton, vice chair of the planning commission of the Metropolitan Government of Nashville & Davidson County, Tennessee. That’s not necessarily a surprise given that the council is composed of 40 elected members with varying backgrounds and priorities. “As a result, we get some unsophisticated, albeit passionate, input as well as some that’s thoughtful and insightful.”

In the end, the planning commission’s job is to ignore the politics and “take a long-term, as opposed to short-term, view of things,” says Richard C. Bernhardt, FAICP, executive director of the Metro Planning Department. The commission has, in Bernhardt’s opinion, been successful. “The council follows the commission’s recommendation over 90 percent of the time,” he notes. It takes a two-thirds majority, or 27 votes, for the council to override commission decisions.

That doesn’t mean planning commissioners aren’t lobbied. “It is not illegal for us to have informational contact with anyone—citizens, neighborhood groups, proponents, or developers,” says

Clifton. “It is, however, totally unethical to make up your mind without hearing from all parties.”

That point is emphasized during an informal orientation for new planning commissioners. “There are two sides to every issue and they need to hear them before committing,” says Bernhardt, who stresses to commissioners “the importance of the general plan and having a vision for the future. . . . We show them decisions that are good and what the results are.”

Ten members comprise the Metro Planning Commission. Two, the mayor and the chair of the Planning and Zoning Committee of the Metropolitan Council, are charter members. The mayor, who usually names a designee to sit in for him, appoints the eight other commissioners, who are confirmed by the council and serve four-year, staggered terms without compensation. There is no term limit, though when it comes to reappointment, the mayor “looks at attendance and whether they function as workable members, not obstacles,” says Bernhardt.

“Mayors typically strive for diversity—racial, social, and geographic—though it’s not required,” says the executive director. “There’s usually a balance between neighborhood and development interests.”

Commissioners’ backgrounds and knowledge of planning and development vary, though Clifton notes “an increasing trend toward the appointment of those with knowledge or credentials, which can be problematic. . . . Many people, especially architects, have to recuse themselves.”

The Metro Planning Commission meets twice a month for about two or three hours, beginning at 4 p.m. A consent agenda is followed by 15 to 20 action items. “During the heat of things in ’06 and ’07, there would be more items and meetings could go four or five hours,” says Bernhardt.

The commission’s vice chair estimates he spends an additional hour or so preparing for each meeting. “We get everything—agenda, staff analysis—six days ahead,” he says. “We do rely on the experience of staff because although we’re commissioners, we’re all busy people with jobs.”

That reliance on staff doesn’t always equate to approval of staff recommendations. Each commissioner brings something different to the table, notes Bernhardt, “and their best decisions come when they receive input from their fellow commissioners. I don’t expect them to simply rubber-stamp staff reports.”

Planning Issues in Nashville and Davidson County, Tennessee

A boomtown in the 1960s and '70s, Nashville witnessed “unimpeded development that was not well planned,” says Stewart Clifton, vice chair of the planning commission of the Metropolitan Government of Nashville & Davidson County. Nearly half a century later, the community has “committed itself to sustainability and walkability.”

That commitment becomes apparent when one examines the recent efforts and decisions of the planning commission. The community’s new form-based downtown zoning code, adopted in February 2010, “moves the focus away from land use to community character and results in more walkable, more diverse—in terms of income—development,” says Richard C. Bernhardt, FAICP, executive director of the Metro Planning Department. “The commission, through its work on the zoning code, has had a major impact.”

That impact includes a virtual elimination of requests for variances in the downtown. During 28 months before the code was adopted, all of the \$176 million in development required a variance. In the 28 months since, there’s been \$544 million in development without a single variance, according to Bernhardt.

“We always look at ways to further development in downtown, where the infrastructure is,” says Clifton. “We’ve had tremendous success transforming middle-class neighborhoods—some historic, others not but still dense—into places where people want to live. Unfortunately, we have no real answer to gentrification.”

The council and commission were able to come together recently on the adoption of a redistricting plan. “The commission came up with several options and got a plan adopted unanimously through the council,” says Bernhardt. “It was an open and engaged process between council members and neighborhoods.”

Neighborhood plans, of which there are 14, now rely on community character as opposed to land use. “The commission was instrumental in engaging and educating the community on the benefits of planning” as part of the creation of a *Community Character Manual* in 2008, according to Bernhardt. Based on the look and feel of neighborhoods, centers, corridors, and open spaces, this planning approach

The form-based code resulted in a reshaping of downtown Nashville. In this view of downtown from across the river, apartments are visible on the fringes of the center city.



(Left) Nashville’s character is a mixture of new and old. Historic preservation is an important planning goal for maintaining residential character. (Right) The Gulch is a former industrial area adjacent to the railroad. The area has been redeveloped into multiple uses the last few years.



All photos courtesy Metro Nashville Planning Department

establishes guidelines for the form of the built environment in categories ranging from untouched natural land to intense urban centers.

Development of a new general plan—Nashville 2040—will occupy commissioners’ time over the next two and a half years. While Clifton finds the prospect of plan development “exciting,” he appreciates the responsibility. “We have the opportunity to engage the community in a well thought-out manner . . . and come up with a plan that isn’t just about growth but the quality of growth we want in our community.”

Running Planning Commission Meetings

C. Gregory Dale, FAICP; Benjamin A. Herman, FAICP; and Anne F. McBride, FAICP

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ppropriately run meetings are critical to the work of the planning commissioner. Planning principles must be respected, citizens treated fairly, and the credibility and integrity of the commission protected. They must also embody appropriate ethical principles. Most important, they must be conducted in such a way that good decisions are made and documented.

How do commissioners conduct meetings that have people walking out saying, “They did a nice job of running that meeting”? Given how complicated and controversial zoning decisions can be, how do commissioners run efficient and fair meetings with decisions that legitimately reflect the balancing of private property rights and the public interest that is the essence of good planning and zoning?

To begin we offer several cautions:

- Different states and local jurisdictions have different laws and rules of procedure that set requirements that commissioners may or may not be able to modify. Work with your staff or legal counsel to understand what rules are already in place.
- Depending on your jurisdiction, different types of decisions may have different procedural requirements. For example, the rules that apply to a commission acting in a purely advisory capacity, such as on zoning changes, may be different than when a commission is acting in a final decision-making capacity, such as on final plan approvals.
- This article explains procedures involving applications for development approvals of various kinds. Planning commissioners may have other types of meetings, such as general planning meetings or educational meetings, but when there is an application process involved, requirements for due process apply. Commissioners need to be careful about complying with the different kinds of procedural requirements.

- The way in which commissions conduct a meeting may depend on other factors, such as how controversial a matter is or how much is on the agenda. While the same laws and rules apply to everyone, common sense would suggest that a meeting with two people in attendance may have a different tone than a meeting with 200 people. This article is most helpful for running large, contentious meetings.



Planning commission meetings should be held in a location that conveys an official governmental setting, such as the city council chambers.

- Many commissions have procedures that are effective, efficient, legally defensible, and have worked well for years. The ideas here may cause you to rethink how you run meetings, or they may provide reassurance that your meeting procedures are in good shape.
- Treat all parties equally. The tips here apply to applicants, proponents, opponents, and neutral parties. While certain matters such as time limits might vary depending on whether one is an applicant or not, the process should not favor one side or another.
- Finally, we suggest a balancing of formality with user-friendliness. On the one hand, these meetings are serious business with real consequences for the community and for citizens. On the other hand, planning commissions are citizen-based boards; the public expects citizen-based boards to be user-friendly. As you think about how to formalize certain procedures, do not lose sight of welcoming people to the process, especially those who might be intimidated by public meetings.

Know Your Job

Probably the single most important thing: It is not your job to hear applications and decide whether you like them or think they are a good idea. Your job is to consider the application, hear fact-based public testimony and comments, and make a determination as to whether relevant standards and policies are met by that application. This means that you must understand what those relevant standards and policies are, and you must structure your meeting to get relevant information. Keep these in mind—standards and facts that are relevant to those standards—and your meetings can be more purposeful. With that core purpose in mind, everything else should fall into place.

The Right Space: Room Layout

Everyone has to work with the space that is available, but think about projecting the right image. This is an official government meeting with an official function. Meeting participants must clearly see that this is official and serious business, not just an informal meeting for chat and discussion. The room should reflect the seriousness of the function. Certain signifiers of formality, such as the local government seal and city, state, and U.S. flags, can help to project a sense of official business. For most communities this simply means using the space that the elected officials use, but for other, especially smaller or rural communities, without good space, more creativity is needed to look official.

Consider how the applicant and public are going to interact with the commission and what that means in terms of space. Specifically, it is important that there be a clear place where applicants and the public will come to speak. Having a formal place, such as a podium with a microphone, is necessary as a way to manage testimony.

First Impressions: Handouts and Sign-in Sheet

Many people who come to a commission meeting are there for the first time with little idea of how the meeting will be run. Their first exposure to the meeting signals how things will be handled. Before or as they enter the room, provide a place to sign in. The sign-in sheet serves several functions. First, it is obviously a record of who attends. Second, it is a notification tool for future events—letting people know that they will be notified of future meetings is a citizen-friendly practice and shows that the commission is going above and beyond legal requirements to keep people informed. Finally, the sign-in sheet can be used as a meeting management tool; attendees indicate whether they intend to speak or not so that the chair can manage the time.

Your job is to consider the application, hear fact-based public testimony and comments, and make a determination as to whether relevant standards and policies are met by that application.

Copies of the meeting agenda and staff reports should also be available for the public at sign-in. We recommend having a meeting guide available that explains how the meetings are conducted. This can be included on the agenda, so that everyone has a basic idea of what to expect.

Meeting Leadership: The Role of the Chair

The chair is critical to running a strong and effective meeting.

The chair's tone should balance the need for firm meeting management with a welcoming attitude. There should be no doubt that the chair is in control of the meeting, and a firm hand must be demonstrated to keep the meeting in control. At the same time, citizens should feel welcome and not intimidated to the point of not speaking up.

This raises a more general question about the role of the chair. Specifically, the commission and the chair should consider the question of whether by agreeing to serve in this leadership position the chair agrees to focus more on running an effective meeting and less on influencing the outcome. Many chairs approach their job as facilitators of fair and effective decision making and deliberately avoid taking substantive positions on matters before them. We urge the chair to go out of his or her way to avoid using the position as a bully pulpit and focus more on following procedures, managing public comment

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well, and deliberating decisions fairly. The “chair as meeting manager” helps greatly in protecting the integrity of the process. Chairs who advocate for pro or con positions do not project the image of a neutral facilitator. The commission should discuss the role of the chair relative to substantive positions and decide how the chair should approach his or her role.

This does not mean that the chair does not get to vote on matters before the commission—he or she will still serve as a full member but should typically focus on ensuring that the meeting is running smoothly rather than actively discussing.

Getting Off on the Right Foot: Opening the Meeting

The meeting opening sets the tone for how it will be conducted.

One way to start the meeting off on the right foot is to say the Pledge of Allegiance. This is a subtle but powerful way to set an official tone and create some sense of commonality and community.

Depending on the size and complexity of the meeting, the chair should explain how the meeting will be run. Anxious citizens will be assured that they have an opportunity to comment and participate.

Finally, provide a clear sense of how the commission will progress through the agenda.

Image and Impression: Comportment and Attentiveness

Be aware of the image the commission projects during a meeting. People pick up on cues that form their impressions of meetings. The following ideas are common-sense courtesy but are worth noting:

- Think about how you dress for a meeting. Most people no longer have the expectation of seeing commissioners in suits, but don't dress too casually.
- Think about body language and eye contact. Meetings can be long and trying, but each person who speaks has the right to expect your attention.
- Avoid side conversations. When commissioner whispers to another commissioner, the audience notices the inattention and naturally wonders what the secret is.

Two Stages of a Meeting: Fact Finding and Deliberation

As a general matter, it is important to distinguish between the fact-finding portion of a meeting and the deliberative stage. During the period of the meeting where the staff, applicant, and other interested parties are presenting comments, the commission should be in a neutral, fact-finding mindset. Clarifying questions by the commission during or after staff, applicant, or citizen com-



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Opening a planning commission meeting with the Pledge of Allegiance can set an appropriate formal, as well as communal tone

ments are appropriate, but they should be just that—clarifying questions. Commissioners should avoid stating or taking positions or offering compromises and certainly should not be negotiating at this stage. Commissioners should keep and demonstrate an open mind until the last person has had a chance to comment. It is terribly frustrating for citizens to feel that by the time they had a chance to talk, the commission has made up its mind. As the meeting progresses through staff, applicant, and citizen comment as described below, commissioners should work hard to keep an open mind and to demonstrate an unbiased attitude to the audience. The commission will have a chance for full deliberation and discussion at the appropriate time.

Fact Finding 1: Staff Presentation

For those commissions with professional planning or zoning staff, think carefully about how best to use that staff during the meeting, especially on individual applications. In most communities the staff prepare written reports, and having staff present oral summaries of these reports can be a great way to set the stage for the discussion. The staff presentations should focus on:

- Basic facts about the proposed application, the subject property, and the surrounding area
- Relevant provisions in the land-use regulations, especially the standards that apply to the application
- Relevant planning policies that apply to the application, such as comprehensive plan provisions
- Any recommendations for the planning commission to consider
- Any additional information the commission should seek during the public comment period

Fact Finding 2: Applicant Presentation

Once the staff have presented their reports, typically the applicant presents next. Here, meeting management is important. Many commissions allow applicants to present their application with no time limit in the interest of being thorough. This often results in a multihour parade of experts.

While commissions need a full understanding of the application, it is also important for the chair to set expectations of applicant presentations, including reasonable time limits. Applicants may have a longer presentation, but do not simply turn the meeting over to the applicant.

Make sure that the applicant focuses on things that are relevant to the decision-making process, such as code standards and the community plan; discourage a purely marketing presentation.

It is essential for the commission to ask clarifying questions as needed. Frame those questions within the context of the applicable standards. It is natural to be curious, but the more focused and relevant to the decision questions are, the more efficient the meeting.

How to deal with expert comments? The commission often hears technical presentations dealing with traffic impacts, stormwater management, landscape design, and others. The commission should not be intimidated by technical testimony nor defer to applicant experts just because of their training and credentials. Good experts who are experienced with planning commissions are comfortable communicating in educated lay terms, and commissioners have the right to expect that these experts answer their questions in an understandable and credible way.

Fact Finding 3: Public Comments

Assume there is a large crowd present and that they have strong feelings and opinions. How does the commission manage this portion of the agenda? What keeps it under control? Our suggested tips:

- Most important, no one speaks who is not recognized by the chair, whether it be other commissioners, staff, applicants, or members of the public.
- Require people to come to a podium (or table) to speak. Require them to give their name. Allow no anonymous comments.
- Encourage fact-based comments related to standards. Public comments expressing general opposition without reasons are not especially helpful.
- Encourage explanations of why there is opposition and encourage comments linked to particular standards.
- Set reasonable time limits. Use the sign-in sheet to designate speaking preferences, and explain why there are time limits—ensuring everyone's right to speak.
- Discourage duplicative testimony.
- Encourage group spokespersons and reward such spokespersons with extra time.
- Prohibit vexatious testimony. Personal attacks are unacceptable and should not be tolerated.
- Be helpful, to a limit. When people make baseless or irrelevant comments, the chair should gently ask questions that encourage relevant explanation. Most citizens are not skilled public speakers and simply do not understand the process. People can have important things to say and want to feel their opinion matters. For example, when people say that they think a proposal is a bad idea, ask them why they think that; when they say that traffic is already congested, ask them to explain that further.

Arriving at a Decision: Commission Deliberation

Keep the fact-finding phase separate from the deliberative phase. Up until the last person has spoken, the commission presents an unbiased image. Once that last person has spoken, the commission should enter into the deliberative phase. In some cases this means closing the public hearing portion of the meet-

ing; in other cases it is simply making clear that the commission is moving into the deliberative phase. The chair makes clear that comment period is complete and that the public and applicants must watch quietly, unless the commission requests further clarifications (this occurs only in limited instances).

Depending on the application, the deliberative phase can be very short and simple, or very difficult. It can be messy looking, but it should have a purposeful approach. Some ideas to consider:

- Unless your commission is bound by rules of procedure (such as Robert's Rules of Order) that require a motion to be on the floor before discussion can occur (which we think is a bad idea), allow some time for commissioners to give preliminary reactions and comments about what they heard during the meeting, including what they think is the most relevant and credible information.
- This is a "feeling out" process: the objective is to arrive at least at a majority consensus, and allowing time for commissioners to share impressions is helpful. Consensus may come quickly or more deliberative work may be needed.
- Ensure that all commissioners have a chance to ask questions and express their thoughts. Don't allow one person to dominate—and make sure that person is not you!



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A well-run meeting anticipates accessibility needs for all attendees.

- This is a deliberation, not negotiation. Keeping the deliberative phase separate from the fact-finding phase helps avoid the tendency to negotiate with the applicant. While it is appropriate to apply a certain amount of problemsolving to the process, the commission's job is to advise or decide. Avoid negotiating deals.
- Keep an open mind, even if you change it. Avoid staking out positions and simply defending your position. The deliberative process can reveal things you missed or that other commissioners heard differently.

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- A unanimous decision is nice but is not necessary. Trying to achieve unanimity can result in unnecessary conflict and a watered-down, unwanted decision. Respect each other, but understand you can agree on some matters and not others.
- Next, one commissioner should frame a motion, supported by findings and proposed conditions, that represents a majority position. This is a commission motion, not your own individual motion.
- Once a motion is on the floor, with findings and proposed conditions, refine the motion if necessary, working within procedural requirements. Don't let parliamentary procedures get in the way of a motion that truly reflects the best of the commission. A skillful chair then brings the discussion to a timely and fair decision. The chair's primary role is to facilitate the process, not to control the outcome.
- Take care with conditions. Most commissions have the ability to add conditions of approval, but do so judiciously. Remember conditions require enforcement so staff resources matter. Avoid "overconditioning" approvals simply to make them appear palatable to opponents.
- Restate the motion clearly prior to voting. Avoid last-minute snafus about exactly what is being voted on.

Conclusion

Meeting management requires skilled commissioners. Your job is to act as fact- and standard-based decision makers or advisers. You must be aware of your conduct and the subtle signals you project. You must be wise, fair, and effective leaders. Commissioners must keep their cool under extreme pressure. But above all, you must treat all participants with respect and genuine care so people walk out of the meeting feeling good about their local government.

This is an excerpt from the forthcoming APA Planners Press book, *Planning Commissioner's Guide*, available April 2013 at APAPlanningBooks.com

Bicycle Planning

A widespread change is under way as a new generation turns to bicycling as a viable transportation mode. Explore how communities prepare for more commuter and recreational bicyclists.

Books

Urban Bikeway Design Guide, 2nd edition
National Association of City Transportation Officials, 2012

Periodicals and Reports

Five Essential Elements of a Bicycle-Friendly Community
Nicole Wynands
Planning, May/June 2012

Websites

Association of Pedestrian and Bicycle Professionals
www.apbp.org

League of American Bicyclists
Bicycle Friendly Community Program
www.bicyclefriendlycommunity.org

Pedestrian and Bicycle Information Center (PBIC)
www.bicyclinginfo.org



Carolyn Toma

Complete Streets

Barbara McCann and Suzanne Rynne, AICP
PAS Report no. 559

Innovations in Bicycle Transportation

Greg Griffin, AICP
Practicing Planner, September 2011

Ride Then Decide

Sarah Rhodes
Planning, December 2012

Upcoming Audio/Web Conference

Pedestrian and Bicycle Planning
June 5, 2013
4:00–5:00 p.m., ET
www.planning.org/audioconference



American Planning Association

Planning's Response to Hurricane Sandy

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For the second time in the past 10 years, American coastal communities have been devastated by massive hurricanes. Throughout the days of October 22 to 29, 2012, tropical storm Sandy grew into a hurricane, flooding communities throughout New Jersey and New York.

How have planners and the American Planning Association responded to this disaster? Planning is forward thinking and planners are not first responders, so how do they contribute? The answer is simple, even if the work to be done is not—rebuilding in more resilient ways.

Building on the coalition of partners developed after Hurricanes Katrina and Rita, the American Planning Association began developing a broad response strategy. APA CEO Paul Farmer, FAICP, opened conversations immediately with APA New Jersey Chapter President, Charles Latini, Jr., AICP, and APA New York Metro Chapter President, James Rausse, AICP. Living in the affected areas, Latini and Rausse provided and continue to provide assessment of impacts and needs.

APA also put social media into action and made Sandy's aftermath the focus of its blog, *Recovery News* (<http://blogs.planning.org/postdisaster>). Drawing upon APA's wide network, the blog provides updates on news and resources. In video interviews, the blog also called upon the expertise of planners such as Gavin Smith, executive director of the Coastal Hazard Center (part of the Department of Homeland Security's Centers for Excellence). Other interviews (being posted in January) include Chad Berginnis, executive director of the Association of State Floodplain Managers, explaining changes in federal flood insurance that will affect Sandy recovery, and Doug Marcy of NOAA's Coastal Services Center, explaining how planners can use NOAA's Digital Coast tools to further recovery goals.

Latini and Rausse also helped set the agenda for how planning issues would be approached. *Recovery News* reported on their article for the *Newark Star-Ledger*, in which they wrote: "We can't afford more Sandys, so let's rebuild intelligently." Latini and Rausse point out that damages from Sandy are estimated at more than \$68 billion in New Jersey and New York alone. Given changing weather patterns, increased coastal development, and the likelihood of more frequent catastrophic storms, they urge communities to think beyond cleanup to developing long-term strategies to make them less prone to disasters.

According to the authors, "We must consider not only the standards of construction for the thousands of damaged and destroyed homes and businesses along the New Jersey coast, Lower Manhattan, Staten Island and elsewhere, but whether previous development on barrier islands should be rebuilt at all."

The APA Hazards Planning Research Center is in the midst of editing a substantial overhaul of the definitive guide to *Planning for Post-Disaster Recovery and Reconstruction* (PAS 483/484, published in 1998). Two sessions at the 2013 National Planning Conference in Chicago will delve into the new guide and current practice. More immediate assistance is provided. Chapters 3 through 5 of the current publication are available for free on FEMA's website, and selected segments are posted on the APA website at www.planning.org/research/postdisaster. In addition, FEMA has available on its site all of PAS Report No. 560 (2010), *Hazard Mitigation: Integrating Best Practices into Planning*.

Perhaps the most valuable contribution planning, planners, and APA can make is to facilitate communication and resources. For example, APA has participated in broader discussions with FEMA, representatives of the Netherlands Embassy, and the Association of State Floodplain Managers, and met face-to-face with regional and local agencies on rebuilding efforts. APA is also working with the New York Metro and New Jersey chapters to plan a series of recovery workshops in the two states, using the expert team that is also developing the new PAS Report. These are anticipated to occur at the end of February. In the meantime, two members of that team (Laurie Johnson and I) will present a two-hour workshop at the New Jersey APA conference in New Brunswick on February 1, as well as in New York City the day before.

Now that the immediate needs of hurricane-stricken residents have been addressed, APA efforts at the national and chapter level are beginning to focus on communities most in need of professional planning assistance. Discussions are under way concerning planning assistance teams for targeted communities.

Follow planning efforts on *Recovery News*. Avail yourself and your communities of resources on the Planning for Post-Disaster Recovery site at www.planning.org/research/postdisaster. And for those who wish to support recovery efforts financially, consider a donation to the APA Foundation (www.planning.org/foundation) or a charity working in the New York-New Jersey region.

T The Street as a Model for the City

The 1893 Columbian Exposition in Chicago introduced Americans to the City Beautiful movement and its grandly designed streets and classical buildings. As the profession of city planning emerged during the first decades of the 20th century, its early leaders saw the popular “world fairs” as an opportunity to educate the public and influential citizens about what some termed the “social economy” of city building and management.



Missouri History Museum, St. Louis

To this end, the St. Louis Louisiana Purchase Exposition of 1904 created a Palace of Education. With exhibits on public health, social work, recreation, etc., it also included a surprising outdoor exhibit called the model street, which proved immensely popular with exposition goers.

The official guidebook to the fair described “The Model Street (as) an exhibit of the Municipal Improvement Section of the Department of Social Economy, the plan being to create higher standards of street equipment and city arrangement . . . the object

being to illustrate the highest ideals that have been realized along particular lines by the most advanced cities in the world.”

The four-block city street was located in front of the main entrance and served a practical role as well. Among the buildings lining the street was the fair’s emergency hospital, while the popular playground served as the center for lost children, tended to by a playground matron.

Karen Finucan Clarkson is a public information consultant and journalist in Bethesda, Maryland. She wrote the article on pages 4 and 5.

C. Gregory Dale and **Anne F. McBride** are principals in the planning firm McBride Dale Clarion in Cincinnati. Benjamin A. Herman is a principal of the planning firm Clarion Associates in Fort Collins, Colorado. They are the authors of the upcoming APA publication, *The Planning Commissioner’s Guide*. An excerpt of the book appears on pages 6 to 10.

Darrin Punchard is a senior project manager with AECOM in Boston. He serves on the Executive Committee for APA’s Hazard Mitigation and Disaster Recovery Planning Interest Group, and on the Board of Directors for the Natural Hazard Mitigation Association. He wrote the article on pages 1 and 2.

Rana Salzmann is the APA manager of content strategy. She wrote the resource finder on page 10.

James C. Schwab is a senior research associate and manager of APA’s Hazards Planning Research Center. He is coeditor of *Zoning Practice* and numerous Planning Advisory Service reports on hazards. He provides an update on recovery after Hurricane Sandy on page 11.

Carolyn Torma is the editor of *The Commissioner* and APA’s director of education and citizen engagement. She wrote the article on page 12.

Mark White is a planner, attorney, and principal in the firm of White & Smith, LLC. He wrote the article on page 3.