

Delivering Better Plans

PLANNING TOOLS

THE PLAN IS CENTRAL TO YOUR WORK AS COMMISSIONERS. To be successful, plans need to inspire and create excitement. That means they need to be more than just a hundred pages of text and a few maps. Commissioners need to demand good quality plans from staff and consultants so they will be used.

Today's plans are highly visible and accessible, posted online for everyone. They must be inspirational, easy to use, and easy to understand. Although the purpose of the plans has not changed, the audience has. Documents have become more user-friendly by minimizing the use of planning jargon; making the text clear and concise; being enriched with maps, photos, and illustrations; presenting data in charts and graphs; and making them available—typically as PDFs—on the Internet.

Considerations for better text

Tell a compelling story. Make recommendations clear and understandable. Planning documents need to be readable, nontechnical, and easily referenced with clear recommendations and findings to serve the growing audiences who use them. Plans should not be considered technical manuals or overly complex and difficult-to-read regulations (that's what zoning is for).

TELL A STORY. Make clear what the community has to work with, what it wants, and what it needs to accomplish. Sufficient detail must be provided to an understanding of what is being recommended, but not so much as to dilute the message or inspiration.

A plan should make a compelling case for what it advocates; it is more than just an inventory of existing conditions and list of recommendations. If the story is not clearly understood, then all of the details, data, and additional text will not be convincing.

MAKE THE RECOMMENDATIONS CLEAR. Readers should not have to search for key recommendations. They should be clear, concise, easily understood, and prominently presented. Make the recommendation the lead sentence, rather than burying it in the body; the text that follows the recommendation should reinforce the rationale.

EXAMPLE: Use of photography

The cover of Mundelein, Illinois's *Comprehensive Plan* uses attractive photos to convey the special character of the community.

ESTABLISH A CADENCE. The text should provide some “sense of rhythm” or “content predictability” to help the reader comfortably navigate and read the document. The length of a paragraph, the frequency and use of subheadings, the sequence and train of thought as a plan is laid out—all of these represent components of cadence.

USE NONTECHNICAL LANGUAGE. A plan is not a technical manual. Convey major concepts and recommendations as clearly as possible. Do not eliminate all technical terms or information, but rather take care to provide common-language explanations and rationales. Such information can be placed in an appendix or accompanying report.

MAKE YOUR PLANS EASILY REFERENCED. Most people, even most planners, do not read a plan in one sitting. Readers tend to flip to different sections of a plan depending on what topic interests them. In a sense, a plan functions like a reference book, which is why we refer to good plans as being “referenceable” or “retrievable.”

The most effective way to make text referenceable is through the use of headings and subheadings. Rather than providing

VILLAGE OF MUNDELEIN • ADOPTED JULY 2011

COMPREHENSIVE PLAN

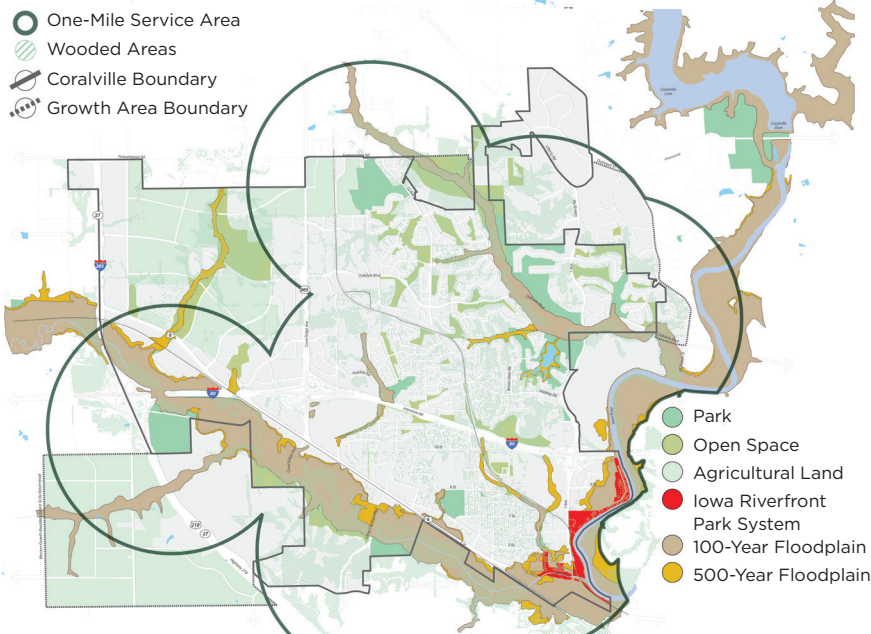


COURTESY HOUSEAL LAVIGNE ASSOCIATES

EXAMPLE: Conveying dense information graphically

Maps, like this one showing a community plan in the Coralville, Iowa, region, can quickly convey dense information, often in a manner superior to text.

CORALVILLE, IOWA COMMUNITY PLAN



COURTESY HOUSEAL LAVIGNE ASSOCIATES

pages of same-sized text, one paragraph after the next, plan subheadings highlight key topics within the text and break up the lengthier sections.

For instance, in a section on urban design, call attention to paragraphs focused on specific components, even if the subheading is for just one paragraph. “Street Trees,” “Gateways,” “Pedestrian Realm,” and “Lighting” are good examples. The reader can go to the section of greatest interest, or at least identify the key components, without having to extract the important points from dense pages of text. Another benefit of using headings and subheadings is that a table of contents in a PDF can provide hyperlinked bookmarks to each section.

Considerations for better graphics

Graphics are key to user-friendly, engaging plans. A document rich with photos, maps, charts, and supporting illustrations is more likely to be read and understood by a broader audience.

Avoid the preset defaults in the software of the planner’s toolbox — Word, Excel, ArcView, SketchUp, and the Adobe Creative

Suite (Illustrator, Photoshop, and InDesign). Encourage creativity and ask the authors to explore the capabilities of these tools.

Preparing maps

As geographic information systems become more robust with information and data, it is easy to add so much information to a map that it becomes cluttered or illegible. Limit the data to what is necessary for the figure. Think about maps in three levels: primary, secondary, and tertiary.

PRIMARY INFORMATION. This is the purpose of the graphic. On a land-use plan it would be land uses; on a transportation plan it might be the street hierarchy, traffic signals, and planned roads. Your primary layer of information should be the most noticeable, displayed in vibrant colors.

SECONDARY INFORMATION. The secondary information provides context and support and should not overshadow the primary information. This could be municipal boundaries, street names, railroads, rivers, or adjacent interstate highways. Secondary colors should be subdued or muted.

TERTIARY INFORMATION. The final layer contains other necessary information. It could be a north arrow, scale bar, or map title. Don’t let it be distracting—subtle works best.

Charts and graphs

A simple and easy-to-read chart can present information quickly and is visually interesting.

When creating charts and graphs, avoid the software’s default colors or themes. The plans should have a consistent color scheme for all of the charts and graphs, and the colors should complement existing elements, such as headings. For an integrated look, choose fonts that already exist or complement the text.

The key to preparing attractive charts is

simplicity. Like maps, charts contain different levels of information. A well-designed chart can replace a data table and store multiple layers of information that can satisfy even the most curious readers.

Conclusion

The difference between a run-of-the-mill plan and an effective, inspiring plan is forethought, understanding the

target audience, and utility. Keep those points in mind as your community creates its plans.

—John Houseal, AICP, and Devin Lavigne, AICP

Houseal and Lavigne are principals and cofounders of Houseal Lavigne Associates in Chicago. This is adapted from their article in PAS Memo, January/February 2012.

TO CREATE A GREAT PLAN:

1. TELL A STORY.
2. MAKE RECOMMENDATIONS STAND OUT.
3. ESTABLISH A CADENCE.
4. AVOID JARGON.
5. THINK OF THE PLAN AS A REFERENCE BOOK.
6. USE VECTOR GRAPHICS FOR MAPS WHEN POSSIBLE.
7. AVOID BLURRY IMAGES.
8. CLEAN UP YOUR MAPS.
9. SIMPLIFY CHARTS AND GRAPHS.

Planning Across Borders

BEST PRACTICES

MUNICIPAL BOUNDARIES CAN CREATE DAUNTING BARRIERS to effective planning, especially when they divide urban and rural jurisdictions.

Goals can be at cross purposes. Typically, cities seek room to expand, as well as efficient extension of future municipal utilities. To create room for expansion, cities tend to prefer that the land around them be reserved for agricultural or very low-density development. In contrast, the adjacent rural jurisdiction (typically a township or county) may seek to increase its tax base by promoting commercial or industrial development adjacent to the city. The prospect of residential development on the city's outskirts may also attract developers and buyers, combining easy access to the city's amenities and services with the lower taxes of the rural jurisdiction. Such conflicts seem ubiquitous and permanent in many regions, regardless of the pace of urban development.



"PAUL BUNYAN AND BABE STATUES" BY J. KELLY, WIKIMEDIA COMMONS

Bemidji, Minnesota, is famous for Paul Bunyan and Babe the Blue Ox, but it is also notable for its forward-thinking annexation planning.

Of course, it makes a big difference where the boundaries are located. In some states, primarily in the Sun Belt, cities are "elastic"—in other words, they can expand into unincorporated rural areas as the need dictates. More often, however, city boundaries are highly constrained by adjacent jurisdictions, whether these are other cities, villages, townships, or counties with planning and zoning authority.

Various methods have been used by urban and rural jurisdictions in working cooperatively across boundaries, including orderly annexation agreements, joint planning arrangements, and consistent zoning and subdivision standards. The planning commissions of these jurisdictions are often involved as members of joint planning boards or committees.

In most states, annexation is the means by which cities expand their boundaries. Annexation is inherently controversial—one jurisdiction ends up taking land from another—making cooperation difficult. According to the League of Minnesota Cities' *Handbook for Minnesota Cities*, "Annexation questions pose some of the most difficult technical and policy problems facing municipal officials. Annexations present such difficulties because sound, realistic facts and estimates regarding the financial and service implications of a proposed annexation are necessary. Annexation involves important policy questions relating to the welfare of the entire urban community, including both the city and surrounding land."

One technique that has achieved some success in Minnesota is orderly annexation: an agreement between a city and one or more rural townships on the timing and extent of

annexation. The city and the rural jurisdiction must agree to engage cooperatively in joint planning for the area into which the city hopes to expand. A joint planning board is usually established, with equal representation from each jurisdiction, sometimes supplemented by a nonvoting member representing the county.

The process, if successful, establishes a schedule of future annexations of land that is suitable for urban development and can be served by city utilities. It avoids piecemeal and often contentious annexations and gives local governments more time to prepare for changes in their land area, population, and tax base.

Orderly annexation agreements often include other provisions that address the loss of taxes that townships will experience—for example, a city may reimburse a township the amount of tax revenue yielded by an annexed parcel, with the reimbursement generally phased out over a period of 10 or more years.

One such arrangement is between the city of Sauk Rapids, a small city along the Mississippi River in the St. Cloud, Minnesota, metropolitan area, and its two adjoining townships, Sauk Rapids and Minden. The agreements establish joint planning boards and zoning ordinances for each township. Both ordinances include clear statements of purpose: "to maintain orderly and controlled development which does not conflict with the existing development plans of the City of Sauk Rapids nor the desire within the Township to preserve an agricultural and rural character."

Essentially, the areas will remain in agricultural zoning, at a density of one unit per 40 acres, until the city is ready to annex them. The agreements stipulate that the joint planning boards will not support rezonings to nonagricultural uses prior to annexation, and those parcels already zoned for nonagricultural use will require annexation prior to any further development.

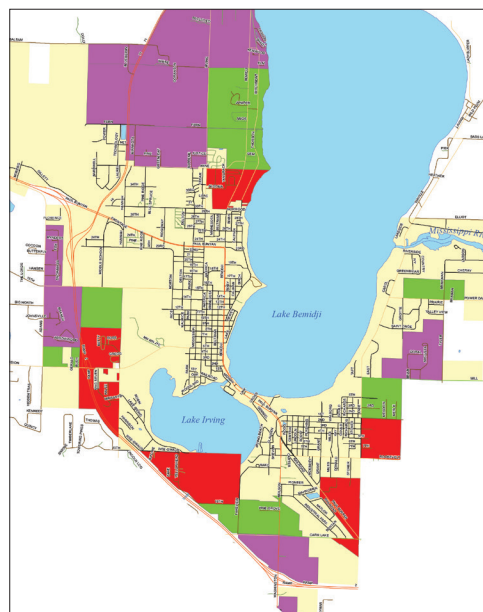
Sauk Rapids Community Development Director Todd Schultz explains that agreements with Sauk Rapids Township go

AREA COOPERATION

Orderly annexation agreements by Sauk Rapids, a small Minnesota city along the Mississippi River, and its two adjoining townships, Sauk Rapids and Minden, established joint planning boards and zoning ordinances for each township.

LEGEND

■	5-YEAR PHASE	
	NORTHERN TWP	412
	BEMIDJI TWP	186
	TOTAL	598
■	10-YEAR PHASE	
	NORTHERN TWP	498
	BEMIDJI TWP	186
	TOTAL	684
■	15-YEAR PHASE	
	NORTHERN TWP	361
	BEMIDJI TWP	463
	TOTAL	844
	City limits	



SOURCE: GREATER BEMIDJI AREA JOINT PLANNING BOARD

back to the late 1980s and have remained highly effective. “The city has never forcibly annexed anyone, except for some township ‘islands’ within the city that were absorbed about 25 years ago,” says Schultz.

Most joint planning boards only have jurisdiction over a designated annexation area, not the entire city or township. One more far-reaching approach is that of the Greater Bemidji Area Joint Planning Board, which represents a merger of planning and zoning services for three units of government—the city of Bemidji, Bemidji Township, and Northern Townships—together covering a 72-square-mile area. Bemidji is a regional center for north central Minnesota, with a state university, a regional hospital, a traditional downtown, and substantial resort and recreation development in the surrounding lake country.

Andrew Mack, AICP, former planner with the joint planning board, explains that the merger grew out of a typical contentious annexation process, with the state’s administrative law judge mediating between townships and city. Local decision makers asked, “Why can’t we solve these problems by sitting in the same room?”

The parties in the dispute formed a task force that led in 2005 to an orderly annexation agreement with three phases. In 2007

a single zoning and subdivision ordinance was adopted for all three jurisdictions, along with a joint powers agreement for planning and zoning services. The agreement established the eight-member JPB, composed of four members appointed by the city and two from each township.

Obtaining Better Coordination

While the legal and policy requirements differ widely among states, planners can encourage better cross-boundary coordination by:

- ▶ **Establishing incentives** for cooperative annexations, such as tax reimbursements for annexed areas
- ▶ **Establishing criteria for urban expansion** that are based on reasonable regional population and employment projections and are consistent with a city’s ability to provide services
- ▶ **Striving for consistency** with urban development standards, particularly in street and block standards, for areas slated for eventual annexation
- ▶ **Working persistently** over the long haul, in spite of the short-term conflicts that often seem to occur between neighbors.

A joint planning commission with 12 members was also established, with the same proportional split. The board acts as the decision-making organization, similar to a city council or town board, while the planning commission is advisory. In 2008, planning and zoning functions were centralized in the JPB, consolidating the separate city and township planning and zoning departments.

While this effort has been successful from a planning perspective—it has resulted in a land-use policy plan, a transportation plan, and joint zoning and subdivision ordinances—the annexation agreement has been harder to sustain. In 2012 a new town board in Bemidji Township attempted to withdraw from the organization because of landowner opposition to new water and sewer assessments needed to service lakeshore lots. As of early 2015, most aspects of the annexation agreement have been upheld in district court (although appeals continue), and the joint planning board is moving ahead with a full update of the entire district’s comprehensive plan.

Communities in other states have developed similar techniques for better coordination across boundaries. In Iowa, where planning and zoning authority rests solely with cities and counties, cities have subdivision authority—but not zoning authority—over a two-mile extraterritorial area. Intergovernmental agreements are encouraged in state law, and have proved effective in creating stable cooperative zoning arrangements for growth areas outside city boundaries.

In Washington, cross-boundary coordination takes place within an overarching state growth management framework under which high-growth counties work with cities to define the cities’ urban growth areas. “Interlocal agreements” between neighboring communities are used to establish the location and phasing of annexations, coordinated with the extension of city services, as well as consistent road design and subdivision standards.

—Suzanne Sutro Rhees, AICP

Rhees works for the Minnesota Department of Natural Resources. This article is adapted from the original, in Zoning Practice, January 2012.

New Rules for Regulating Cellular Towers

LAW

THE DRAMATIC INCREASE IN THE USE OF PERSONAL WIRELESS telecommunication services over the past few decades, and the resulting zoning conflicts over the siting of cellular towers and antennas, led Congress to adopt provisions governing how governments could regulate this new technology, and then to amend those provisions. The initial legislation, § 704(c)(7) of the Telecommunications Act of 1996, while titled “Preservation of Local Zoning Authority,” actually limited local zoning of cell towers and associated facilities in order to prevent arbitrary restrictions and capricious decision making.

While the TCA does expressly preserve state and local authority for regulating the placement, construction, or modification of personal wireless service facilities, it also establishes standards for and places limits on such regulations. Specifically, the regulation of the placement, construction, or modification of personal wireless service facilities by any state or local government may not: (1) prohibit or have the effect of prohibiting the provision of personal wireless services; (2) unreasonably discriminate among providers of functionally equivalent services; or (3) address potential effects of nonionizing electromagnetic radiation.

The TCA also established procedural safeguards on state or local government regulations of the placement, construction, or modification of personal wireless service facilities. Applications must be acted on within a reasonable period of time, denial of an application must be in writing, and denial of an application must be supported by substantial evidence contained in a written record.

Over the past few years, amendments to the TCA, Supreme Court rulings, and regulations issued by the Federal Communications Commission have established new substantive and procedural rules. Planning commissions need to be familiar with and follow these new rules, discussed below.

The Court weighs in

In 2013 and 2015, the U.S. Supreme Court issued rulings on procedural aspects of the TCA. The 2013 ruling, *City of Arlington, Texas v. FCC*, upheld the commission’s decision that the TCA had granted authority to issue its so-called “Shot Clock Ruling” governing the time in which a government must approve or deny a zoning application for a wireless facility (more on that below).

In January 2015, the Court’s ruling in *T-Mobile South, LLC v. City of Roswell, Ga.*, established that while the TCA requires governments to provide reasons when they deny applications to build cell phone towers, they are not required to provide their reasons for denying siting applications in the denial notice itself, or any other particular form, but may state those reasons with sufficient clarity in some other written record issued essentially contemporaneously with the denial. The decision stressed that providing the reasons for the denial in writing “at essentially the same time as it communicates its denial,” was critical, and so the Court easily found that the city of Roswell had failed to meet that requirement when it provided the reasons for its denial 28 days after denying the application.

In 2012, Congress amended the TCA to mandate local approval of certain applications for modification of “an existing wireless tower or base station.” The amendment requires

that a state or local government “may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station.” The amendment specifies that the term “eligible facilities request” means any request for modification of an existing wireless tower or base station that involves: (1) collocation of new transmission equipment; (2) removal of transmission equipment; or (3) replacement of transmission equipment.

The latest from the FCC

In October 2014, the FCC issued rules that addressed a number of zoning regulation issues concerning wireless facilities, including clarification of several aspects of the 2012 TCA amendment, the commission’s 2009 “Shot Clock” Rule, regulation of new wireless technologies, and compliance with review procedures under the National Environmental Policy Act of 1969 and Section 106 of the National Historic Preservation Act of 1966. The commission’s *Report and Order*, which provides the text (and an explanation) of the new rules, contains 155 pages. While we discuss some basic aspects of the new rules here, planning commissions should obtain a copy of this document and review it in detail with appropriate planning staff and legal counsel.

The 2014 rules contain several provisions that clarify the 2012 TCA amendment mandating approval of modifications to existing wireless facilities, including collocation. These include: specifying when a modification “substantially changes” the physical dimensions of a tower or base structure; providing that governments shall approve an application for a modification within 60 days unless the parties have agreed to toll that period or the application is incomplete; and deeming an application approved if the government fails to act within the requisite time period.

The 2014 rules also clarified the commission’s 2009 “Shot Clock Ruling,” which interpreted the TCA’s requirement that



PHOTO BY CAROLYN TORMA

Recent FCC regulations clarify the rules for siting new or modifying existing cell towers.

THE COMMISSIONER

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state and local governments act on zoning requests within “a reasonable period of time.” The 2009 ruling had interpreted that language as presumptively meaning within 90 days of the filing of a complete application for the colocation of a wireless facility (later reduced to 60 days) and within 150 days of the filing of a complete application for all other applications, including a new wireless facility.

The 2014 rules clarify that these time frames begin to run when an application is first submitted, not when it is deemed complete by the reviewing government. Further, a determination of incompleteness tolls (the clock is stopped until the reason for the stoppage is addressed) the shot clock only if the state or local government provides notice to the applicant in writing within 30 days of the application’s submission, specifically delineating all missing information. Following a submission in response to a determination of incompleteness, any subsequent determination that an application remains incomplete must be based solely on the applicant’s failure to supply missing information that was identified within the first 30 days.

It is critical that planning commissions recognize that while the commission’s 2009 “Shot Clock Ruling” allowed government 90 days to rule on an application for colocation, this 2014 rule on colocation has reduced the time for approval to 60 days.

Finally, planning commissions are well advised to consider the concise description of the new rules for zoning regulation of wireless facilities presented above to be, metaphorically, just the “tip of the iceberg.” The substantive and procedural rules and court rulings governing zoning approval of wireless facilities is complex and nuanced. Planning commissioners either need to understand those complexities themselves or receive competent guidance from those who do.

—Alan Weinstein

Weinstein has a joint appointment as professor of law and urban studies at Cleveland State University’s College of Law and College of Urban Affairs.



Boston Common, circa 1910



St. Augustine’s Plaza de la Constitución, circa 1880

COURTESY LIBRARY OF CONGRESS: LC-DIG-DET-4A03483 (ST. AUGUSTINE); LC-DIG-DET-4A24014 (BOSTON)

HISTORY

DUELING HISTORY. What is the oldest public park in the U.S.? This is a seemingly simple question without a clear answer. Many sources, including the National Park Service, would tell you that it is Boston Common. Established in 1634, the area was a pasture for cows and a military training ground. It was not until the late 18th century that Boston Common started to evolve into the park that we think of today. A lesser known contender lies more than 1,000 miles to the south. St. Augustine, Florida, is a Spanish settlement dating back to 1566. Like most Spanish cities, it contains a central public space called a plaza. The Plaza de la Constitución was constructed around 1600 to function as the city’s principal recreation and meeting space, according to the nomination of the city’s downtown to the National Register of Historic Places. While smaller in scale, St. Augustine’s plaza is older than Boston Common by nearly 30 years.

The debate may come down to what actually constitutes a park. Oxforddictionaries.com defines a park as “a large public green area in a town, used for recreation.” The definition is ambiguous enough to allow for plenty of debate on the subject, but arguments can be made in favor of either place.

—Ben Leitschuh

Leitschuh is APA’s education associate.

RESOURCE FINDER

The world is becoming more connected every day. Is your community ready to handle the next big push in telecommunications?

APA PUBLICATIONS

Federal Cell Tower Zoning: Key Points and Practical Suggestions

John W. Pestle

Zoning Practice, August 2011

planning.org/zoningpractice/2011/pdf/aug.pdf

Local Control and Wireless Facilities Siting

PAS QuickNotes No. 55

planning.org/pas/quicknotes/pdf/QN55.pdf

OTHER RESOURCES

Wireless Facilities: Managing the Approval Process to Protect Municipal Interests and Comply with State and Federal Law

Katherine B. Miller

<http://tinyurl.com/lvy8myq>

—Ben Leitschuh