

Yikes, There's a Tourist in Town

PLANNING TOOLS

MANY COMMUNITIES ATTRACT AT LEAST SOME VISITORS, AND planners (and planning commissioners) should be aware of the implications and opportunities that may result. U.S. residents took more than 1.7 billion trips within the country in 2014, and direct spending on leisure travel by domestic and international travelers totaled \$645 billion, according to the U.S. Travel Association.

Planning for tourism

Tourist activity of such national magnitude has planning implications. The impacts of tourism can be beneficial if planned and managed, and extremely damaging if left without controls. Key economic benefits for local governments include new direct and indirect tax revenue and increased local employment.

Tourism has its costs, too, including the need to provide affordable housing for community support staff such as police, fire, and health workers, as well as tourism operations staff including hotel and motel workers, waiters, and visitor bureau front counter representatives. Then there is the challenge of managing traffic congestion, parking congestion, littering, public toilets, seasonal homes and their attendant vacancy, and drugs, vice, and crime.

A community tourism planning team should represent many diverse interests: local government agencies, tourism-related businesses, local business organizations, nonprofit

and nongovernmental organizations, community safety personnel, and community members.

One useful tourism planning tool is the strategic community development assessment. The results of the assessment can give an indication of how a community is positioned with respect to the ongoing social, physical, and economic impacts of tourism and help ascertain if it is appropriate to develop tourism any further, if at all.

The data used in the assessment is gathered through interviews with key community informants and through observations made in the community. Analyses of three key dimensions—supply, demand, and consequence—strategically measure the community situation. Narratives provide background information related to the assessment results in each dimension and conclude with recommended interventions.

Policy implementation tools

Because tourism is viewed as a business and economic activity, there can be a tension between fostering tourism growth and development while maintaining community sustainability and livability. Incentives and regulations are used to achieve the necessary balance.

INCENTIVES. Options include tax incentives, grants and loans, financing, technical assistance, regulatory and procedural relief, labor force development, and quality in community amenities. Investment



Historic architecture is a tourist attraction in many communities. Buildings such as Mies van der Rohe's Crown Hall in Chicago can accommodate large numbers of visitors, while his Farnsworth House in rural Illinois requires restricted access to the former summer home.



incentives are commonly used to persuade businesses to locate or remain in the jurisdiction rather than relocate.

Kentucky's Tourism Development Act and Tourism Development Loan Program was the first of its kind in the U.S. This legislation allows developers of new or expanding tourism projects to recover up to 25 percent of development costs over a 10-year term. Projects constructed on state, federal, and national park and forest lands are eligible to recover up to 50 percent of development costs over a 20-year term. An expanding attraction receives the incentive on increased sales tax revenue due to the expansion. Eligible projects include cultural or historical sites, recreation or entertainment facilities, areas of scenic beauty or distinctive natural phenomena, entertainment destination centers, Kentucky crafts and products centers, theme restaurant destinations, and lodging.

Asheville, North Carolina's Economic Development Incentives Policy stimulates private-sector investment, economic growth, and job creation by offering economic development grants to companies and industries seeking to relocate and expand business. It establishes a consistent manner for the city's participation in the development of business activity that will have a significant, positive economic effect. The city's Industrial Development Grant program provides a five-year grant to an industry, including tourism projects drawing from outside a 100-mile radius, based on the amount of new capital investment.

To encourage downtown revitalization, Blyth, California, has implemented a Storefront Improvement Rebate Program to fund architectural and aesthetic improvements to commercial buildings. New and existing businesses can obtain a 50 percent match, up to a maximum of \$20,000, for construction-related improvements, and a 25 percent match with a \$10,000 maximum for improvements to vacant structures.

REGULATIONS. Zoning is an important

tool to guide and control tourism development. Other influential regulations include density bonuses for developer-provided public amenity or social housing, development permitting, parking, signage, urban design, and architectural character bylaws and ordinances.

One example is the Danish village of Solvang, California (pop. 5,500), which attracts more than a million visitors each year. To maintain its special character in the face of modern development, Solvang has adopted a general plan and zoning regulations designed to protect the village core while promoting tourism. A board of architectural review reviews all new developments in the village area.

Tourism development can benefit from the combination of incentives and regulation in unexpected ways. Within a commercial zone, local governments can establish business improvement areas or districts and create district associations of business owners. These associations receive annual operating and program grants, which are a return of its own tax dollars. Such associations often use the grants to improve image recognition through branded signage and streetscaping, thus creating an attractive tourism destination.

Meeting the challenge

What makes for successful tourism at a community scale? Successful tourism accomplishes at least three things. First, it generates positive experiences for visitors—ones that are unique and fulfill or surpass trip expectations. Second, it provides economic and social benefits to the host community. Third, it is sustainable; the carrying capacity of the destination is not breached.

Incentives could be used to attract and continue investment in the destination, whereas regulations might be used to impose development controls so as to flatten or do away with "boom-and-bust" patterns, help conserve the local environ-

ment, and discourage obnoxious behavior.

New models of destination growth and development that are embedded with the notion of sustainability have emerged in recent years. Sustainable tourism that optimizes the interests and benefits of all those involved—hosts, guests, developers, and the environment—over the long term is the result of proactive local government leadership and deliberate policy choices.

Whistler, British Columbia, has taken on the sustainability challenge. The resort, with a resident population of 9,800, hosted the 2010 Winter Olympic alpine ski events. It has explicitly adopted tourism as its economic base, and recently adopted a comprehensive sustainability plan to maintain future sustainability as a tourism destination. The economic strategy enhances

Whistler's economy in the context of the regional economy and addresses Whistler's business climate and workforce as well as implications of trends on existing and emerging economic sectors.

Tourism is a unique economic activity in that consumers come to a destination to experience and participate in the attractions and services offered by the destination. Thus visitors place additional loads on host communities. Besides the physical infrastructure and public service demands, there is also an intangible demand for hospitality placed on every community member. This demand comes from visitors and those community businesses that directly benefit from tourism. This makes the linkages between tourism and the community complex and far-reaching. Planners and commissioners would do well to include an element in their long-range planning to project desirable future scenarios for tourism in their community.

—Michael E. Kelly, AICP

Kelly is a planning consultant working in private practice (community-tourism.net) from his home community of Duncan on Vancouver Island in British Columbia. This article is adapted from the original that appeared in PAS Memo, September/October 2009.

Successful tourism generates positive experiences for visitors, provides economic and social benefits to the host community, and is sustainable.



PART ONE OF A TWO-PART SERIES: DATA FOR COMMISSIONERS

Using Planning Data Wisely

BEST PRACTICES

CAN YOU CONCEIVE OF A PLAUSIBLE SET OF CONDITIONS UNDER which a government or business would do planning without data? This article looks at data and decision making for land-use planning.

The 80-year-old *Journal of the American Planning Association* could not exist without its articles based on data. In the last 10 years the federal government has rediscovered “evidence-based planning” or “performance-based measurement,” concepts that have been the bedrock of academic teaching and research and of government rhetoric and practice. Anyone involved in urban and regional planning knows what data is and why it is important.

But data is so important that it’s worth reminding ourselves of that fact occasionally. Not only does there seem to be a renewed interest in making decisions on public investments and policies based on an evaluation and public discussion of its findings, but advances in computer technology are making huge increases in both the availability of data and the ability for officials, planners, and the public to mine, interpret, and discuss it.

There are many challenges related to collecting, cleaning, reducing, and maintaining data. This brief article leaves them to technical experts. It focuses instead on a problem more relevant to planning commissioners: sorting the wheat from the chaff to make defensible and presumably good decisions about planning policy in a reasonable amount of time. It does not dig into data details, but provides a framework for thinking about aspects of data that should be of concern to planning commissioners:

EVALUATING the relevance and quality of the data

REDUCING the huge banquet of data to a consumable and satisfying plateful

FINDING the critical link between data, analysis, and interpretation

MANAGING the data pigs so that they get out of the muddy wallow and find truffles.

Definitions

‘Without data, you’re just another person with an opinion.’

—W. EDWARDS DEMING

DATA IS INFORMATION. Technicians who work with data often imply that data is quantitative and measurable with numbers (e.g., housing units, parking spaces). But data can be qualitative, usually in the form of a descriptive statement (e.g., I don’t want new multifamily units in my neighborhood). Paradoxically, qualitative data can be counted (e.g., 60 percent of the people surveyed at the open house said they don’t want new multifamily units in their neighborhood).

Data is raw information, and usually needs reduction (synthesis) and analysis; it always needs interpretation. Data is an input; interpretations of its analysis are the output. If data “speaks for itself,” it is only because the system being evaluated and the decision being made is relatively simple, and there already exists a consensus on normative issues. It is not uncommon, however, for data to be ambiguous. For example, housing prices are rising: Is that good (an indicator of economic development) or bad (an indicator of declining affordability)?

Context: data for what?

Data alone is not the answer, but it is critical to arriving at a good one. All descriptions of rational decision making are some variation of this process:

DEFINE THE PROBLEM, the decision that needs making, the range of possible solutions (alternatives), and the criteria for evaluating alternatives.

ASSEMBLE INFORMATION (data) that addresses the criteria (i.e., evidence-based decision making).

EVALUATE/INTERPRET the data.

DISCUSS the results and make decisions.

The first three steps are typically done by technicians, with direction from decision makers (e.g., elected officials and the citizens they represent); in the last step,

the decision makers take over. Although the steps appear sequential, in practice they are iterative (e.g., the last step directs technicians back to the second or third for more data and analysis). For example, the first step may be improved by data (e.g., information about criteria and measurements that have been used in other places to address a similar problem), so the second step does not always strictly follow the first.

In other words, decide what you want to achieve. Next, obtain data about how well various alternatives achieve those things. Then analyze the data, and finally, interpret the results. That's the theory.

Practical data

'What gets measured gets managed.'

—PETER DRUCKER,
MANAGEMENT CONSULTANT

DATA IS EVERYWHERE. New innovations in the collection, synthesis, and presentation of data have made it easier than ever to find information for answering planning questions. There are many ways to organize the major sources: by source (public or private); by topic (e.g., demographics, land coverage), by geography (national, state, local), by time period, by cost (free or paid). The Resource Finder provides a list of frequently used data sources for planning.

Planning commissioners have a significant role in balancing private and public objectives in planning, while the private sector does most development in the U.S. To achieve this balance, commissioners often want some assessment of what the market is likely to do in the absence of changes in public policy.

This requires data about demand for new development, the supply of existing development, and the supply of land for building or redevelopment and for new development.

Assess demand

A key land-use question is the kind and amount of development that the market is likely to produce. On the residential side, demographic data is the most important

factor in demand projections. Prior to 2008, the U.S. Census (published once per decade) provided the most up-to-date demographics information. But the time lag between data collection and publication, and the long interval between publications, meant the data was not suited for dependable demand analyses. Now, the U.S. Census Bureau publishes the American Community Survey, which presents household data for one-, three-, and five-year samples. Other private sources (e.g., Claritas) provide estimates and forecasts based on census data.

Assess supply

Demand interacts with supply. The most useful data about local land supply comes from local departments: the planning and development department for building permits and the assessor's office for parcel level data. Innovations in data storage and presentation (GIS) have made it possible to merge these two datasets into one database with parcel level data on land value, improvement value, and planned development activity—an invaluable resource when assessing the supply of buildable land.

Another option is to use a paid service, like CoStar, which provides a lot of information (including sales data) for a full

inventory of properties and spaces, both available and leased.

Describing and evaluating possible development

Demand, supply, prices, and policies interact to determine future development. Many futures are possible; none is certain. Each would have different impacts. How can one simulate, estimate, and describe the performance of each alternative? Many tools are available to describe those futures with maps and tables. One example: Envision Tomorrow (envision-tomorrow.org). While not strictly a data source itself, it is a tool for organizing, analyzing, and presenting data.

So what's a commissioner to do about data?

In the next issue of *The Commissioner*, the authors will provide advice on seeking, using, and understanding data.

—Terry Moore, FAICP; Alexandra Reese; and Ali Danko

Moore, a consultant, helped create ECONorthwest. His research and publications cover project management, the connection of land use and transportation, growth management, and economic development, among others. Reese is an associate at ECONorthwest. She specializes in economic development and business economics. Her particular interest is in the application of sustainability in economic development. Danko, an economic analyst at ECONorthwest, assisted with the research.



Data about demand, supply, and policies can drive development decisions.

The Legal Standard for Stating Reasons for Decisions

LAW

THE FEDERAL TELECOMMUNICATIONS ACT OF 1996 WAS DESIGNED to strike a balance between two competing goals: (1) to facilitate the growth of new telecommunications technology, primarily wireless/cellular telephone service, and (2) to maintain substantial local control over siting cellular towers. Thus, the TCA retained local zoning authority for cellular towers and associated facilities, but imposed several substantive and procedural requirements in order to prevent local zoning authorities from imposing arbitrary restrictions and engaging in capricious decision making.

One of those requirements provides that any decision “to deny a request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record.” In *T-Mobile South, LLC v. City of Roswell, Georgia*, the Supreme Court in 2015 clarified what was required to meet two procedural aspects of this requirement. The Court held that while “localities must provide or make available their reasons . . . those reasons need not appear in the written denial letter or notice provided by the locality. Instead, the locality’s reasons may appear in some other written record so long as the reasons are sufficiently clear and are provided or made accessible to the applicant essentially contemporaneously with the written denial letter or notice.”

City of Roswell resolved a split among the federal Circuit Courts of Appeal as to what was required to meet the “in writing” requirement. Prior to *City of Roswell*, the majority of circuit courts that had addressed the issue required that a locality provide the reasons for denying an application in the same “writing” that informed the applicant of the denial. Rejecting the majority view, the Supreme Court in *City of Roswell* agreed with two circuit courts that had read the “in writing” requirement more broadly so as to accept any written document, provided it stated the reasons for the denial. While the Court noted that no particular format for the written reasons must be followed, and localities may rely on detailed meeting minutes to supply the reasons, it also highlighted the practical benefits of issuing a separate statement of reasons rather than relying on a voluminous record. The Court stressed, however, “these reasons need not be elaborate or even sophisticated, but rather . . . simply clear enough to enable judicial review.”

The Court also ruled that because an applicant has only 30 days after denial to seek judicial review under the Act, the locality must issue its reasons “at essentially the same time as it communicates its denial” so as to not impair either the applicant’s decision to file suit or the court’s subsequent review. The Court wrote, “This rule ought not to unduly burden localities given the range of ways in which localities can provide their reasons.”

Applying these rules to the case at hand, the Court found that while the city had complied with the “in writing” requirement by providing its reasons for denial in the form of detailed minutes of a city council meeting, it had failed to meet the “essentially the same time” requirement when it provided the reasons for its denial 26 days after denying the application. The Court did not decide, however, what an appropriate remedy would be for violating this requirement or whether the principle of harmless error would apply, leaving those questions to be decided by the Eleventh Circuit on remand. In the nine months after the Court’s ruling in *City of Roswell*, a number of lower federal court decisions addressed one or more of the issues for which the Court did not supply clear guidance: the “essentially contemporaneous with” and “in writing” requirements as well as whether a failure to meet those requirements should be considered to be “harmless error” that would not require a court to fashion a remedy.

The Court provided little guidance on what would satisfy the “essentially contemporaneous with” requirement, other than to find that a 26-day delay failed to meet that re-



The federal Telecommunications Act of 1996 that facilitates the growth of wireless/cellular telephone service was the basis for the court case regarding decisions.

quirement in light of the 30-day deadline for a denied applicant to file an appeal. To date, only three lower courts have addressed the issue, ruling that delays in issuing a decision “in writing” of two days and of six days met the Court’s “essentially contemporaneous” requirement, while a delay of 24 days was found not to meet that requirement. Obviously, the best approach to ensure meeting this requirement is to recognize that less (delay) is more (protection) if you’re challenged, and to adopt procedures to ensure that a decision “in writing” is provided to the applicant within the shortest possible time after the decision is made.

There have been more lower court decisions on what is needed to meet the “in writing” requirement, but many of these decisions simply found that local government failed to meet the requirement because it failed to supply the reasons for its decision as the TCA requires. When government has supplied the reasons for its decision, courts to date have been fairly liberal in deciding whether the “in writing” requirement was met. Not surprisingly, a court found that “detailed meeting

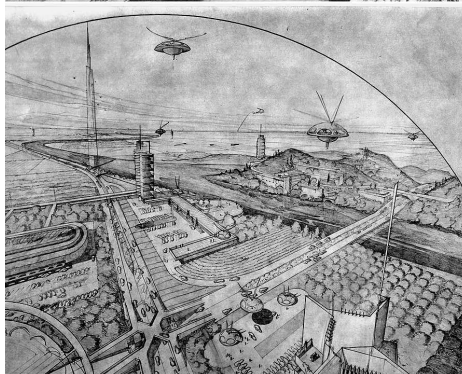
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minutes” met the requirement, but another court, citing the underlying purpose of the requirement, found that a DVD recording met the “in writing” requirement despite the fact that there was no “writing.” Another court found that filing the written decision in the county record book and zoning department files where it was available for public review met the requirement. It is important to note, however, that these liberal interpretations of the “in writing” requirement are coming from federal district courts and it would certainly be wise to exercise caution about following such rulings until they have been upheld at the Court of Appeals level. As with the “contemporaneous” requirement, it does not take much effort to ensure that you provide applicants with a “writing” that explains the reasons for your permitting decision.

Finally, while the TCA provides clear instruction for judicial review of local decisions, it is silent as to the appropriate remedy when a court finds a local decision to be in error. Many courts, however, have ruled that injunctive relief—i.e., ordering local government to issue a permit—is appropriate when government has improperly denied a permit. Two lower court rulings have addressed this issue in the context of failures to satisfy the “in writing” or “contemporaneously” requirement. In one case, after finding that government had not provided its decision “in writing” at the same time as it denied the permit, the court ruled that failure was mere harmless error because the applicant had fully participated in the decision-making process, was well aware of the reasons for the denial, and thus was not prejudiced by the delay in receiving a copy of the minutes. But in the other ruling, where the failure to meet the “in writing” requirement was due to the government not providing the reasons for the denial, the court found that failure was not harmless error and ordered that government issue the permit.

—Alan Weinstein

Weinstein has a joint appointment as professor of Law & Urban Studies at Cleveland State University's College of Law and College of Urban Affairs.



Frank Lloyd Wright's sketches from his plan for Broadacre City.

HISTORY

THE ARCHITECTURAL PLANNER

Daniel Burnham, Le Corbusier, Pierre Charles L'Enfant, and Edmund Bacon are the familiar names of some of

the most famous planners. They are also the names of some of the world's most famous architects. The history of urban planning in American cities is intertwined with the history of American architecture. While the first academic programs in urban planning were developed in the 1920s and '30s at Harvard and MIT, many students, including Bacon and Ian McHarg, still chose to pursue degrees in architecture and design instead. In fact, some of the most prominent plans, like the plans for Chicago and Washington D.C., were created by architects. Even Frank Lloyd Wright, who is famous for his designs of single-family homes, dabbled in planning. His futurist plan for Broadacre City, detailed in his 1958 book, *The Living City*, envisioned a suburban oasis dominated by cars and personal helicopters. It is important to understand the profession of planning is relatively young compared to the related fields of architecture and engineering. More than 90 years after the first planning program opened its doors at Harvard, planners still come from a variety of educational backgrounds.

—Ben Leitschuh

Leitschuh is APA's education associate.

RESOURCE FINDER

Using data to inform planning decisions is essential, but can be an overwhelming task. While there are lots of potential sources for data, where do you start?

APA RESOURCE

Data-Driven: Leveraging the potential of big data for planning

Mary Hammon
Planning, April 2015

WEB RESOURCES

Big data, smart cities and city planning

Dialogues in Human Geography 3(3) 274-279
Michael Batt
complexcity.info/files/2013/12/BATTY-DHG-2013.pdf

Proceedings from the 2014 Workshops on Big Data and Urban Informatics, University of Illinois at Chicago

urbanbigdata.uic.edu/proceedings

U.S. government open data

data.gov

U.S. Census Bureau: demographics

census.gov

U.S. Bureau of Labor Statistics: labor market activity

bls.gov

U.S. Bureau of Economic Analysis: economic activity

bea.gov

U.S. Department of Housing and Urban Development: housing

hud.gov

Federal Reserve Bank of St. Louis: economic activity data

research.stlouisfed.org

Brookings Institution, Metropolitan Policy Program, Interactive Features:

visualizations of economic development indicators in the U.S.
brookings.edu/about/programs/metro/interactive-features

Lincoln Institute of Land Policy Resources

and Tools: a range of urban planning and policy data and tools, including historical census data not available online through U.S. Census Bureau.
lincolnst.edu/resources

PAID SERVICES

Claritas, Nielsen SiteReports: packaged U.S. demographic and market data, historical and projected.
claritas.com/site-reports/Default.jsp

CoStar Group: data on over 4.5 million commercial real estate properties
costar.com

IMPLAN: economic activity data and modeling with a focus on input-output analysis
implan.com

—Ben Leitschuh