

**WELCOME TO THE
2016 ANNUAL
PLANNING COMMISSION
RETREAT**

WEDNESDAY, APRIL 20, 2016

6:00P.M.-9:00P.M.

HELD IN THE
FREDERICK COUNTY
BOARD OF SUPERVISORS ROOM



2016

**PLANNING COMMISSION
RETREAT AGENDA**



RETREAT AGENDA

"It is the mission of the Planning Commission to fairly and impartially represent the citizens of the County on all planning issues brought before the Commission; and in so doing apply all applicable policies, ordinances, and laws, to bring about effective recommendations to the Board of Supervisors in support of the Comprehensive Plan and the citizens of our county."

-Adopted by the Planning Commission March 5, 2014

- 6:00 p.m. Welcome and introductions**
June Wilmot, Mike Ruddy
- 6:05 p.m. Planning Commission Topics (Part 1)**
A roundtable discussion – Items identified by Commissioners and Staff introduced and placed on the table for discussion. This is your opportunity to introduce items that you would like to see discussed. Things we do, things we don't do, things you have seen elsewhere, and things you have seen in the articles.
Facilitators: Roger Thomas, Chuck Dunlap
- 6:30 p.m. Planning Commission Business**
Presentation and discussion on fundamental Planning Commission roles in the review and analysis of Conditional Use Permits, Rezoning applications, including Proffer Condition Amendments, and an update on the latest proffer legislation.
Guest Presenter: Mr. John Foote
- 7:30 p.m. Break**
- 7:40 p.m. Transportation Topics**
A quick-fire review of transportation plans, projects, applications, and issues. What is the future of transportation in Frederick County?
John Bishop (and VDOT guest)
- 8:10 p.m. State of the County - Applications and Planning Area Analysis**
- 8:15 p.m. The 2035 Comprehensive Plan update**
The Comprehensive Plan (general)
The 2035 update
Planning Commissioners role
Communication and public outreach
Chris Mohn, Candice Perkins, Mike Ruddy
- 8:45 p.m. Planning Commission Topics (Part 2)**
A roundtable discussion – continuation of the discussion of items the Commissioners introduced and placed on the table, and any other items.
- 9:00 p.m. Closing remarks**
June Wilmot



Planning Commission Topics (Parts 1 & 2)

A roundtable discussion – Items identified by Commissioners and Staff introduced and placed on the table for discussion. This is your opportunity to introduce items that you would like to see discussed. Things we do, things we don't do, things you have seen elsewhere, and things you have seen in the articles.

This is anticipated to be a rolling agenda item, in that we will roll from one topic to the next and will continue this discussion at the end of the evening's agenda.

Several items have previously been identified that include:

- Conditional Use Permits.
- Rezoning applications.
- Commission and Board communication.
- Planning Commission work sessions.
 - Should we use this tool more often for larger more complicated rezoning applications?
- Status of transportation improvements in the County.
 - Such as the I-81 interchange project.
- Future of transportation credits/ proffers.
- Transfer of Development Rights (TDR) implementation.
- What are issues of concern for BOS members?
- Additional items...



6:30 pm Session

Introduction: June Wilmot, Chairman

Planning Commission Business

Presentation and discussion on fundamental Planning Commission roles in the review and analysis of Conditional Use Permits, Rezoning applications, including Proffer Condition Amendments, and an update on the latest proffer legislation.

Guest Presenter: Mr. John Foote

Proffer Legislation background - SB 549

SB 549 -

Conditional zoning. Provides that no locality shall (i) request or accept any unreasonable proffer in connection with a rezoning or a proffer condition amendment as a condition of approval of a new residential development or new residential use or (ii) deny any rezoning application, including an application for amendment to an existing proffer, for a new residential development or new residential use where such denial is based on an applicant's failure or refusal to submit, or remain subject to, an unreasonable proffer. A proffer shall be deemed unreasonable unless it addresses an impact that is specifically attributable to a proposed new residential development or other new residential use applied for. An offsite proffer shall be deemed unreasonable pursuant to the above unless it addresses an impact to an off-site public facility such that (a) the new residential development or new residential use creates a need, or an identifiable portion of a need, for one or more public facility improvements in excess of existing public facility capacity at the time of the rezoning or proffer condition amendment and (b) each such new residential development or new residential use applied for receives a direct and material benefit from a proffer made with respect to any such public facility improvements. In any action in which a locality has denied a rezoning or an amendment to an existing proffer and the aggrieved applicant proves by a preponderance of the evidence that it refused or failed to submit, or remain subject to, an unreasonable proffer that it has proven was suggested, requested, or required, formally or informally, by the locality, the court shall presume, absent clear and convincing evidence to the contrary, that such refusal or failure was the controlling basis for the denial.



7:40 pm Session

John Bishop (and VDOT Guest)

Transportation Topics

A quick-fire review of transportation plans, projects, applications, and issues.

A. Activities Overview

Mr. Bishop will give an overview of current and ongoing transportation activities. This overview will contain such items as an update on revenue sharing projects and applications, rezoning and masterplan activities, grant activities, MPO activities and various other items. In addition he will be giving an overview on the status of Route 37 efforts as well as VDOT projects in the County such as the Exit 310 project and Sulphur Springs Road.

- a. Revenue Sharing
 - i. Project updates
- b. Grant Activities
- c. Rezoning and Masterplans
- d. MPO Activities
- e. Citizen Concerns

B. New Initiatives

Mr. Bishop will discuss the results of new initiatives taken on in the past year such as the new group developing safety related projects and improving communications, the very successful citizen transportation forum that was held, and upcoming studies.

- a. Safety Project Development
- b. Citizen meetings
- c. Upcoming Studies

C. House Bill 2

Finally, Mr. Bishop will close with a review of the House Bill 2 process to date. He will note what was learned during the process. He will then review the next application cycle. Expected changes and the current draft application list will be discussed.

- a. Round 1
 - i. System Development participation
 - ii. Applications
 - iii. Results
- b. Round 2, and looking forward
 - i. Projects in the hopper
 - ii. Key developments



8:10 pm Session

Presenters: Candice Perkins, Mike Ruddy

State of the County

- Applications and Planning Area Analysis



8:15 pm Session

Presenters: Chris Mohn, Candice Perkins, Mike Ruddy

The 2035 Comprehensive Plan Update

The Comprehensive Plan (general)

The Code of Virginia, 15.2-2230, states "At least once every five years the comprehensive plan shall be reviewed by the local planning commission to determine whether it is advisable to amend the plan". The importance of the Comprehensive Plan is further described in the attached document, Managing growth and development in Virginia: A review of the tools available to localities. This publication was prepared by the Virginia Chapter of the American Planning Association, October 2015.

The 2035 update

The three-phase approach and schedule for the 5-year review and update of the 2030 Comprehensive Plan was initiated in the summer of 2015. The first phase was completed in September and the second phase was concluded in March, 2016. As we move onto the final and third phase we have the opportunity to further describe the process to date and the important public outreach part of the 2035 Update.

The three-phase approach to the schedule outline was followed and is provided for your information.

Phase 1

July/August/September – CPPC review and update of Appendix II; Background Analyses and Supporting Studies.

- Overview & Demographic Analysis (July)
- Economic Analysis (August)
- Land Use Analysis; including SWSA needs analysis with FCSA strategies, and C&I analysis of the 25/75 Ratio throughout the County (September)



During each of the above months, Staff prepared a draft update to the relevant parts of Appendix II and presented them to the CPPC for their review and endorsement during the corresponding month.

This phase of the Update is to be completed by September 30, 2015

Status: Completed on time

Phase 2

October/November/December – CPPC and Blue Ribbon Group review and update of key sections of the Plan, including;

- Residential Development, Business Development, Transportation, and Natural Resources, Historical Resources, and Public Facilities (FCSA, FCPS, Parks and Rec).

During this Phase, Staff worked with the Blue Ribbon Panel to evaluate and update the above elements of the plan to ensure that the plan is accurate and relevant, and proactive in its approach to meeting the future needs of the Community. The Blue Ribbon Panel was made up of community members, in a similar approach to how the 2030 Plan was created. At the conclusion of this phase, a draft version of the 2030 Comprehensive Plan will be available.

This phase of the Update is to be completed by December 31, 2015

Status: Completed at March 14, 2016 CPPC meeting

At this time the drafts completed by the working groups and endorsed by the CPPC have been forwarded to outside editors for their editorial review. It is the intent of this review to ensure that the draft is grammatically correct and consistent in its tone to reflect a document that speaks Frederick County.

Phase 3

April/May – Planning Commission Review of 2035 Update (PC Retreat April 20, 2016), followed by Board of Supervisors direction to move forward with additional public outreach.

May/June – Additional public outreach and community meetings.

This will be achieved through a combination of community meetings, held at between 3-5 locations within the County, and a coordinated web-based approach



using the resources of the Public Information Officer; it is the intent of this outreach to solicit input from the public on the plan in general, key sections of the plan, any more significant issues and adjustments that have been identified to date by the Blue Ribbon Panels, and any particular issues the Board of Supervisors may desire additional input on.

Targeted outreach will also occur to all of those supporting resources identified in each section of the draft plan.

July/August – CPPC/PC/BOS Joint work session to review results of public input and any adjustments made to draft.

September/October – PC & BOS Public Hearing Process and Approval

Planning Commissioners role

Communication and public outreach



Facilitators: Roger Thomas, Vice-Chairman, and Chuck Dunlap

Planning Commission Topics (Part 2)

A roundtable discussion – A continuation of the discussion of items the Commissioners introduced and placed on the table, and any other items.

This is your opportunity to introduce items that you would like to see discussed. Things we do, things we don't do, things you have seen elsewhere, and things you have seen in the articles.

As noted previously, this is anticipated to be a rolling agenda item, in that we will roll from one topic to the next and will continue this discussion at the end of the evening's agenda.

Several items have previously been identified that include:

- Conditional Use Permits.
- Rezoning applications.
- Commission and Board communication.
- Planning Commission work sessions.
 - Should we use this tool more often for larger more complicated rezoning applications?
- Status of transportation improvements in the County.
 - Such as the I-81 interchange project.
- Future of transportation credits/ proffers.
- Transfer of Development Rights (TDR) implementation.
- What are issues of concern for BOS members?
- Additional items...



SUPPLEMENTAL ARTICLES:

1. SB - 549 Conditional zoning; provisions applicable to certain rezoning proffers.
2. Managing Growth and Development in Virginia: A Review of the Tools Available to Localities.
 - a. Section I – Introduction
 - b. Section II – The Comprehensive Plan
3. Planning Magazine February 2016 – Could you Bnb my neighbor
4. Planning Magazine April 2016 – The 21st Century Comprehensive Plan

VIRGINIA ACTS OF ASSEMBLY -- 2016 SESSION

CHAPTER 322

An Act to amend the Code of Virginia by adding a section numbered 15.2-2303.4, relating to conditional zoning.

[S 549]

Approved March 8, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 15.2-2303.4 as follows:

§ 15.2-2303.4. Provisions applicable to certain conditional rezoning proffers.

A. For purposes of this section, unless the context requires a different meaning:

"New residential development" means any construction or building expansion on residentially zoned property, including a residential component of a mixed-use development, that results in either one or more additional residential dwelling units or, otherwise, fewer residential dwelling units, beyond what may be permitted by right under the then-existing zoning of the property, when such new residential development requires a rezoning or proffer condition amendment.

"New residential use" means any use of residentially zoned property that requires a rezoning or that requires a proffer condition amendment to allow for new residential development.

"Offsite proffer" means a proffer addressing an impact outside the boundaries of the property to be developed and shall include all cash proffers.

"Onsite proffer" means a proffer addressing an impact within the boundaries of the property to be developed and shall not include any cash proffers.

"Proffer condition amendment" means an amendment to an existing proffer statement applicable to a property or properties.

"Public facilities" means public transportation facilities, public safety facilities, public school facilities, or public parks.

"Public facility improvement" means an offsite public transportation facility improvement, a public safety facility improvement, a public school facility improvement, or an improvement to or construction of a public park. No public facility improvement shall include any operating expense of an existing public facility, such as ordinary maintenance or repair, or any capital improvement to an existing public facility, such as a renovation or technology upgrade, that does not expand the capacity of such facility. For purposes of this section, the term "public park" shall include playgrounds and other recreational facilities.

"Public safety facility improvement" means construction of new law-enforcement, fire, emergency medical, and rescue facilities or expansion of existing public safety facilities, to include all buildings, structures, parking, and other costs directly related thereto.

"Public school facility improvement" means construction of new primary and secondary public schools or expansion of existing primary and secondary public schools, to include all buildings, structures, parking, and other costs directly related thereto.

"Public transportation facility improvement" means (i) construction of new roads; (ii) improvement or expansion of existing roads and related appurtenances as required by applicable standards of the Virginia Department of Transportation, or the applicable standards of a locality; and (iii) construction, improvement, or expansion of buildings, structures, parking, and other facilities directly related to transit.

"Residentially zoned property" means property zoned or proposed to be zoned for either single-family or multifamily housing.

"Small area comprehensive plan" means that portion of a comprehensive plan adopted pursuant to § 15.2-2223 that is specifically applicable to a delineated area within a locality rather than the locality as a whole.

B. Notwithstanding any other provision of law, general or special, no locality shall (i) request or accept any unreasonable proffer, as described in subsection C, in connection with a rezoning or a proffer condition amendment as a condition of approval of a new residential development or new residential use or (ii) deny any rezoning application or proffer condition amendment for a new residential development or new residential use where such denial is based in whole or in part on an applicant's failure or refusal to submit an unreasonable proffer or proffer condition amendment.

C. Notwithstanding any other provision of law, general or special, (i) as used in this chapter, a proffer, or proffer condition amendment, whether onsite or offsite, offered voluntarily pursuant to § 15.2-2297, 15.2-2298, 15.2-2303, or 15.2-2303.1, shall be deemed unreasonable unless it addresses an impact that is specifically attributable to a proposed new residential development or other new residential use applied for and (ii) an offsite proffer shall be deemed unreasonable pursuant to

subdivision (i) unless it addresses an impact to an offsite public facility, such that (a) the new residential development or new residential use creates a need, or an identifiable portion of a need, for one or more public facility improvements in excess of existing public facility capacity at the time of the rezoning or proffer condition amendment and (b) each such new residential development or new residential use applied for receives a direct and material benefit from a proffer made with respect to any such public facility improvements. For the purposes of this section, a locality may base its assessment of public facility capacity on the projected impacts specifically attributable to the new residential development or new residential use.

D. Notwithstanding any other provision of law, general or special:

1. Actions brought to contest the action of a locality in violation of this section shall be brought only by the aggrieved applicant or the owner of the property subject to a rezoning or proffer condition amendment pursuant to subsection F of § 15.2-2285.

2. In any action in which a locality has denied a rezoning or an amendment to an existing proffer and the aggrieved applicant proves by a preponderance of the evidence that it refused or failed to submit an unreasonable proffer or proffer condition amendment that it has proven was suggested, requested, or required by the locality, the court shall presume, absent clear and convincing evidence to the contrary, that such refusal or failure was the controlling basis for the denial.

3. In any successful action brought pursuant to this section contesting an action of a locality in violation of this section, the applicant may be entitled to an award of reasonable attorney fees and costs and to an order remanding the matter to the governing body with a direction to approve the rezoning or proffer condition amendment without the inclusion of any unreasonable proffer. If the locality fails or refuses to approve the rezoning or proffer condition amendment within a reasonable time not to exceed 90 days from the date of the court's order to do so, the court shall enjoin the locality from interfering with the use of the property as applied for without the unreasonable proffer. Upon remand to the local governing body pursuant to this subsection, the requirements of § 15.2-2204 shall not apply.

E. The provisions of this section shall not apply to any new residential development or new residential use occurring within any of the following areas: (i) an approved small area comprehensive plan in which the delineated area is designated as a revitalization area, encompasses mass transit as defined in § 33.2-100, includes mixed use development, and allows a density of at least 3.0 floor area ratio in a portion thereof; (ii) an approved small area comprehensive plan that encompasses an existing or planned Metrorail station, or is adjacent to a Metrorail station located in a neighboring locality, and allows additional density within the vicinity of such existing or planned station; or (iii) an approved service district created pursuant to § 15.2-2400 that encompasses an existing or planned Metrorail station.

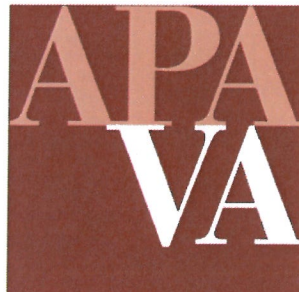
2. That this act shall be construed as supplementary to any existing provisions limiting or curtailing proffers or proffer condition amendments for new residential development or new residential use that are consistent with its terms and shall be construed to supersede any existing statutory provision with respect to proffers or proffer condition amendments for new residential development or new residential use that are inconsistent with its terms.

3. That this act is prospective only and shall not be construed to apply to any application for rezoning filed prior to July 1, 2016, or to any application for a proffer condition amendment amending a rezoning for which the application was filed prior to that date.

Managing Growth and Development in Virginia: A Review of the Tools Available to Localities

October 2015

*Prepared By
The Virginia Chapter of
The American Planning Association*



Managing Growth and Development in Virginia: A Review of the Tools Available to Localities

Section I Introduction

Planning is a multi-faceted process localities use to prepare for change. In many respects, it is like the sequencing of steps and activities people and organizations have used for centuries to prepare for the future. Accordingly, it is important to realize that planning is an activity as old as humankind itself. Indeed, the capacity of the human mind to project beyond present reality helps explain, at least in part, civilization's steady march forward. Thus, it is appropriate to view planning as a way of thinking, as well as a process, and is used by individuals, institutions, businesses and communities alike for their various endeavors. Community planning is often associated with preparations for population expansion, but it is also needed for areas that are seeking to revitalize decaying neighborhoods and/or preserve historic areas, open space and farmland. In Virginia, community planning is primarily the responsibility of local governments. Thus, this report focuses on the tools that are legally available to localities to plan for change of all kinds.

The practice of land use planning in Virginia can be traced to the English settlement at Jamestown, 400 years ago. The fort that sprang up along the James River in 1607 was, in many respects, a planned community. The schematic that became Jamestown featured principles long associated with the 20th century planning technique known as PUDs, or Planned Unit Developments. Planning concerns influencing the Jamestown of 1607 included security issues, access and internal movement considerations, the use and preservation of indigenous natural resources, the procurement and storage of drinking water, the collection and disposal of waste, as well as discernment regarding the location of residential areas within the fort in relationship to needed processing and manufacturing enterprises. On this latter point, standards governing the minimum distance separating residential areas from processing and manufacturing operations, as well as outdoor privies, were established and strictly enforced. In short, the settlement at Jamestown was designed, constructed and managed with full consideration given to the well-being and general welfare needs of its inhabitants.

Addressing the public safety, convenience and welfare needs of all Virginians is a fundamental reason the state of Virginia has mandated that all local governments plan for the future. The Code of Virginia, specifically Title 15.2, Chapter 22, outlines the legislative intent of the state with respect to the laws and statutes every county, town and city must follow regarding the planning, zoning and subdivision of land within its political boundaries. The declaration of legislative intent (§[15.2-2200](#)), as noted below, provides Virginia's network of local governments with explicit guidance:

"This chapter is intended to encourage localities to improve the public health, safety, convenience, and welfare of their citizens and to plan for the future development of communities to the end that transportation systems be carefully planned; that new community centers be developed with adequate highway, utility, health, educational, and recreational facilities; that the need for mineral resources and the needs of agriculture, industry, and business be recognized in future growth; that the concerns of military installations be recognized and taken into account in consideration of future development of areas immediately surrounding installations and that where practical, installation commanders shall be consulted on such matters by local officials; that residential areas be provided with healthy surroundings for family life; that agricultural and forestal land be preserved; and that the growth of the community be consonant with the efficient and economical use of public funds."

This is viewed by many localities as a broad mandate to use not only the tools specified in subsequent sections of state code, but also to look beyond for innovative tools to accomplish some or all of these outcomes. One currently popular 21st century planning technique—form-based coding—is an example. Another recent tool being used more frequently is visualization software that permits local citizens and planners to “see” what plans and development proposals will “look” like. A third relatively recent and useful tool is scenario planning which allows for citizens and decision-makers to analyze how outcomes may change if the parameters of plans and projects change. None of these relatively new tools and techniques are enumerated in state code, yet each is available and potentially valuable to all of Virginia’s localities in their efforts to achieve the outcomes specified in [§15.2-2200](#). During the 2013 General Assembly session, this section of State Code was amended for the first time since 1997 and requires any local planning commission to consult with the commander of a military installation for development proposals that are immediately surrounding the installation.

Section II

The Comprehensive Plan

Description

A Comprehensive Plan enables local government officials and citizens to anticipate and deal constructively with changes occurring within the community. Though formats vary from jurisdiction to jurisdiction, the Comprehensive Plan is a broad effort to address a wide range of community issues and concerns, and to understand the important relationships between each part of a community. Typical topics addressed in a Comprehensive Plan include the analysis of population change, land use and economic trends, natural and environmental features, housing, transportation systems and community facilities and services.

The Process of Planning. Planning is the process by which a community seeks to manage present conditions and provide for future needs. Though most often associated with guiding future land development, local government planning efforts can also include such activities as planning for public and private infrastructure, public facilities and service needs, historic preservation, the environment and economic development. While the planning process can take many forms, some of its most important steps include:

- Collection and analysis of information;
- Development of objectives;
- Formulation of goals and recommendations;
- Consideration of alternative courses of action;
- Adoption of a plan; and
- Adoption of measures to implement the plan.

The local planning commission is responsible for drafting and developing the plan, while the local governing body is required to adopt a comprehensive plan.

The Reasons for Planning. Localities in Virginia plan for two major reasons. One is that state law mandates that every local government in Virginia prepare and adopt a Comprehensive Plan ([§15.2-2223](#)). In turn, the state code ([§15.2-2224](#)) identifies four primary tools communities can use to implement local plans (The Official Map, Subdivision Regulations, Zoning, and Capital Improvements Program). These four primary tools will be described in the following section of this report, along with the many other major tools that derive from, or are meant to supplement these primary tools. During the 2014 General Assembly session [§15.2-2223](#) was amended to require localities to take into consideration how to align transportation infrastructure and facilities with affordable, accessible housing and community services when developing the transportation component of the Comprehensive Plan.

The other major reason Virginia localities undertake planning is to prepare for and cope with change. Change is inevitable, and whether it is a positive or negative force may depend on the effectiveness of the locality's planning efforts in managing change. Planning can be used to guide and coordinate the changes the locality is experiencing by providing for:

- The wise use of land and resources;

- A suitable environment for people to live in;
- Anticipated future needs;
- Beneficial development patterns; and,
- The most cost-effective use of tax dollars.

The Comprehensive Plan is the foundation for all decision-making in matters involving land use planning and growth management. Planning is necessary if a community wants to manage its future. In the absence of monitoring or guidance, change will occur haphazardly without any assessment being made of its impact on the whole community. Planning gives local government the means and opportunity to establish its own community development goals and objectives, and to enact policies, ordinances and programs necessary to attain them. The planning process also gives citizens an opportunity to participate in the development of local plans, thus increasing the likelihood that the plan reflects the ideas of the community.

A solid Comprehensive Plan features a descriptive text complete with goals, policies and strategies linked to different aspects of community life. An effective Comprehensive Plan also includes a series of maps, plats and charts focused on existing land uses as well as proposed future land uses. Taken as a whole, the Comprehensive Plan should present, in words, analysis and visuals of the present as well as the locality's preferred future, which the Comprehensive Plan is meant to achieve.

Authority

The authority for comprehensive planning in Virginia is found in [§15.2-2223](#). According to the code, the local planning commission shall prepare and recommend a comprehensive plan for the physical development of the territory within its jurisdiction. The Code calls for the Comprehensive Plan to be made with the purpose of

"...guiding and accomplishing a coordinated, adjusted and harmonious development of the territory which will, in accordance with present and probable future needs and resources, best promote the health, safety, morals, order, convenience, prosperity and general welfare of the inhabitants..."

Required Elements

In addition, the code **mandates** that the plan designate the general and approximate location, character and extent of each feature shown on the plan and indicate where existing lands or facilities are to be extended, widened, removed, relocated, vacated, narrowed, abandoned or changed in use as the case may be.

The code also **mandates** that the Comprehensive Plan show the locality's long-range recommendations for the general development of the territory covered by the plan. In addition, the Comprehensive Plan **must** contain the following elements or chapters:

- A transportation plan that designates a system of transportation infrastructure needs and recommendations that include new and expanded facilities. Upon request, the Virginia Department of Transportation (VDOT) is required to provide localities with technical assistance in preparing the transportation plan. This portion of the Comprehensive Plan must be in conformance with the Commonwealth Transportation Board's Statewide Transportation

Plan and the Six-Year Improvement Program. Localities shall consult with VDOT to assure conformance. During the 2013 General Assembly, legislation passed clearly indicating VDOT was required to provide comments to proposed changes to comprehensive plans within 90 days or less of submission of the plan to VDOT. Previously VDOT and a locality could mutually agree on a deadline outside of 90 days.

- A map showing road improvements and transportation improvements, including cost estimates of the road and transportation improvements to the extent that VDOT can supply the information.
- Designated areas in the locality for the implementation of measures to promote the construction and maintenance of affordable housing.
- Any locality located in Tidewater, as defined in [§62.1-44.15:68](#), must incorporate guidance developed by VIMS for coastal resource management. (See [§15.2-2223.2](#))
- For localities within the Hampton Roads Planning District Commission all plan reviews and updates after July 1, 2015 must incorporate strategies to combat projected sea-level rise and recurrent flooding. The reviews must also be coordinated with other HRPDC localities. (See [§ 15.2-2223.3](#))

The mandated transportation elements of the Comprehensive Plan must be reviewed by the Virginia Department of Transportation prior to adoption by the governing body of a locality. For Planning District 8 localities, during the VDOT review, the agency must recommend specific transportation improvements necessary to ameliorate congestion. Those recommendations are to be given to the locality, the Northern Virginia Transportation Authority and the Commonwealth Transportation Board. (See [§ 15.2-2222.1](#))

The Transportation Act of 2007 ([HB3202](#)) made significant additions to the Code mandates for comprehensive plans with the establishment of **Urban Development Areas (UDA's)**. One of the stated goals of the Transportation Act of 2007 was to more clearly link transportation and land use decisions and with respect to the UDA mandate to reduce development sprawl with its attendant unsustainable investments in transportation infrastructure. Together with subsequent General Assembly actions in 2009, 2010 and 2011, a number of mandates were added. However, in the 2012 session, the Assembly eliminated the mandate that fast-growing localities include UDA's in their Comprehensive Plan. The designation is now optional for all localities; however, if a locality chooses to create Urban Development Areas, then the following rules apply:

1) Key Definitions

- a) Commercial - property devoted to usual and customary business purposes for the sale of goods and services and includes, but is not limited to, retail operations, hotels, motels and offices; does not include residential dwelling units, including apartments and condominiums, or agricultural or forestal production, or manufacturing, processing, assembling, storing, warehousing or distributing.
- b) Developable acreage - solely for the purposes of calculating density within the UDA, means land that is not included in (i) existing parks, rights-of-way of arterial and collector streets, railways and public utilities and (ii) other existing public lands and facilities.

2) Requirements for UDAs

- a) Appropriate for higher density development due to:

- (1) Proximity to transportation facilities;
 - (2) Availability of public or community water and sewer systems; or
 - (3) Proximity to a city, town or developed area.
- b) Provide for commercial and residential densities that are appropriate for development on the developable acreage.
 - (1) Residential densities per developable acreage: Four single family residences; six townhouses; or 12 apartments.
 - (2) Commercial densities per acre: 0.4 floor area ratio.
 - (3) Any proportional combination of residential and commercial.
- c) Sufficient size to meet projected residential and commercial growth for at least 10 years and no more than 20 years.
 - (1) Based on official estimates of the Weldon Cooper Center for Public Service of the University of Virginia or official projections of the Virginia Employment Commission or the U.S. Bureau of the Census or other projections required for federal transportation planning purposes.
 - (2) Growth may be phased within the UDA.
 - (3) May be used for redevelopment or infill development to the extent possible.
- d) Boundaries and size reexamined and, if necessary, revised every five years.
 - (1) In conjunction with the review of the comprehensive plan.
 - (2) In accordance with the most recent available population growth estimates and projections.

3) *Incentives for UDAs*

- a) Local comprehensive plan must describe financial and other incentives for development in the UDA.
- b) Federal, state and local funding for new or expanded facilities for transportation, housing, water and sewer, economic development and other public infrastructure should be focused in the UDA, if possible.
- c) Development in the UDA may be exempt from local road impact fees.
- d) No county shall limit or prohibit development pursuant to existing zoning based solely on the fact that the property is located outside the UDA.

4) *Other Requirements of UDA's*

- a) A locality may certify that its comprehensive plan satisfies the UDA requirements.
- b) A county may designate one or more UDA's within any incorporated town if the town's UDA requirements are the same as that of the county.
- c) A portion of one or more UDA's must be designated as a receiving area in any transfer of development rights program.
- d) When establishing their UDA, a locality must consult with adjacent localities and the relevant planning district commission or metropolitan planning organization.
- e) Local comprehensive plans must incorporate principles of traditional neighborhood design within the UDA, which may include but need not be limited to:
 - (1) Pedestrian-friendly road design.
 - (2) Interconnection of new local streets with existing local streets and roads.
 - (3) Connectivity of road and pedestrian networks.
 - (4) Preservation of natural areas.

- (5) Mixed-use neighborhoods, including mixed housing types with affordable housing to meet the projected family income distributions of future residential growth.
- (6) Reduction of front and side yard building setbacks.
- (7) Reduction of subdivision street widths and turning radii at subdivision street intersections.

Elective Elements

The code provides that a Comprehensive Plan also may include chapters or elements devoted to the following:

- Designated areas for various land uses including residential, business, industrial, agricultural, conservation and other uses.
- A system of community service facilities such as parks, schools, public buildings, hospitals, community centers, waterworks, sewage disposal and the like.
- Historical areas and areas for urban renewal or other treatment.
- Areas for the implementation of groundwater protection measures.
- Areas for locating existing or proposed recycling centers.
- Areas for locating military bases, military installations, military airports and their adjacent safety areas.

It is important to note that the code, [§15.2-2224](#), permits the planning commission to study an extensive list of subjects and topics when preparing a Comprehensive Plan. In fact, the statute concludes with the statement that the commission may study (in addition to the ones listed) “any other matters relating to the subject matter and the general purpose of the comprehensive plan.”

Accordingly, the Comprehensive Plan should be viewed as an important and legally significant policy document by the local governing body and community alike. Section [15.2-2232](#) of the state code, which is discussed elsewhere in this report, provides the Comprehensive Plan with its legal standing. The significance the commonwealth attaches to Comprehensive Plans is evidenced by the requirement that all local plans be reviewed at least once every five years (§[15.2-2230](#)) to determine if any amendments are needed, and that the plan serve as a basis for any subsequent zoning that may occur in the locality. It is the local planning commission that is vested with the role of being the “champion” of the adopted Comprehensive Plan and its actions and recommendations should be based in considerable measure on the contents of the Comprehensive Plan.

Implementation

In 1975, the Virginia General Assembly passed legislation mandating that every local government, if it had not already done so, appoint a local planning commission by July 1, 1976; prepare and adopt a subdivision ordinance by July 1, 1977; and prepare and adopt a Comprehensive Plan by July 1, 1980. To date, nearly every locality in Virginia has satisfied this mandate. Indeed, the Comprehensive Plan has matured and gained stature over the past 30 years. Rather than being a “feel good” document with bland and generalized goals, the modern Comprehensive Plan features specific strategies for specific land use issues, including detailed action agendas designed to implement the plan in a sequential and predictable manner. For example, the City of Williamsburg’s plan focuses on the city’s historical character and its contribution to the community’s attractiveness as a tourist

destination. The Rockingham County Comprehensive Plan, conversely, is oriented to sustaining the community's rural character in order to enhance the county's standing as Virginia's most productive and most profitable agricultural community. Both plans are oriented and structured to function as a policy guide for local decision makers. Both plans, as do many others across the state, portray in both pictures and words a desired future for the community and the steps and actions the respective localities must take to make that future happen.

Limitations

Awareness, accountability and content are three significant challenges associated with Comprehensive Plans. For example, the mandate to plan is not universally understood, nor is there general awareness about the scope and purpose of a Comprehensive Plan. Educating the public and local decision makers about the role a Comprehensive Plan can and should play in the community is an ongoing challenge.

Keeping the Comprehensive Plan up to date and eliminating inconsistencies between the plan and the primary tools of plan implementation must be afforded a higher priority if plans are to be accountable. In like fashion, making sure local decision makers refer to and use the Comprehensive Plan when making land use, zoning and public investment decisions must become the norm.

To remain relevant, the scope and content of the Comprehensive Plan must evolve to reflect the opportunities and challenges of the 21st century and of the specific needs and aspirations of the citizens of each individual community. Accordingly, it is incumbent upon the executive and legislative branches of state government to work in tandem when adjustments and modifications are made to the state code affecting local government planning and zoning authority. Open and forthright dialogue with local governments should also take place before any significant adjustments to the enabling statutes are made.

Enhancements

A locality can enhance and strengthen their Comprehensive Plan by reviewing the plan as required by state law and updating the plan on a regular basis. Another worthwhile enhancement is to correlate the tools of plan implementation with the Plan. Adding an implementation schedule to the Comprehensive Plan also increases the likelihood of the plan being followed and used by local decision makers. Other suggestions worth considering include adding elements concerning regional issues and actions and adding a section focused on the local and regional economy.

The Transportation Act of 2007 was intended in part to give greater attention and detail regarding the relationship of transportation infrastructure to the quality and character of local land use and urban form. As localities endeavor to implement these changes, the strengths and shortcomings of this legislation will become evident and needed adjustments can be pursued. One enhancement is to provide more detail about the future mobility network in relation to buildings and land uses and tying investments in it to anticipated development.

Some localities have developed interesting innovations in comprehensive planning, including using "benchmarks" and quality of life "indicators" as well as level of service measures and goals to measure progress toward meeting goals and taking a longer 50-year view into the future in order to identify issues and opportunities that do not appear within a shorter time horizon. One substantial advantage of establishing level of service measures in the Comprehensive Plan is that it reduces the

subjectivity involved in reviewing the public and private improvements associated with development proposals.

The Comprehensive Plan must balance having excessive detail that limits flexibility in an uncertain future with providing substantive guidance for decision-makers. As each community is unique, so must be the Plan – off-the-shelf “cookie cutter” approaches to a Comprehensive Plan do not serve well the long term growth and development of communities. Establishing metrics within plans allows frequent snapshots of progress toward implementation and in that manner keeps the adopted plan in front of local decision makers and the public. Some localities add implementation progress reports as a part of the planning commission’s annual report to the governing body. Regardless of the methods used, preventing the Comprehensive Plan from becoming a coffee table book—pretty cover to look at, but rarely opened—is important to maintaining both its currency and relevance.

Could You Bnb My Neighbor?

A planner's take on the sharing economy. By Jeffrey Goodman

SINCE I LIVE IN NEW ORLEANS, I live near a bar. People are always walking by my house to this bar, so perhaps one day I start offering beer to passersby from my porch. Maybe I sell a beer or two—I could always use the money—and people here have always sold drinks as a hustle during Mardi Gras, so what is the difference?

Perhaps eventually I sell beer all the time and people start coming to my house instead of the bar and maybe I pick up a sponsorship and a little press. Soon, people are coming from miles around to my house, spending money at shops in my neighborhood; everything's great. If I were then to go my local alcohol board, or my zoning board, or my neighborhood association, and argue that since my house-bar is so popular, the rules need to be rewritten to accommodate me—well, I would be run out of town on a rail.

Yet in some ways, this is the path taken in regulating another controversial industry: short-term rentals. Backed by billions of investment dollars and an aggressive strategy of “disruption” that favors expansion above cooperation, companies like Airbnb, VRBO, and others have generated as much controversy as they have profits, stubbornly resisting cities' attempts to rein the industry in.

Of course, what these platforms offer is nothing new; home owners have taken in lodgers since the first settlement of cities. But with such a huge scope—over 34,000 cities on Airbnb alone—how do we balance the potential benefits of these businesses with their real impacts on our communities?

Opposing narratives

Because the debate over short-term rentals intersects with so many issues—the role of government, what constitutes a business, the rights of neighbors, and on and on—attempts at regulation can generate impassioned responses from hosts and residents alike. These narratives can be difficult for planners to reconcile.

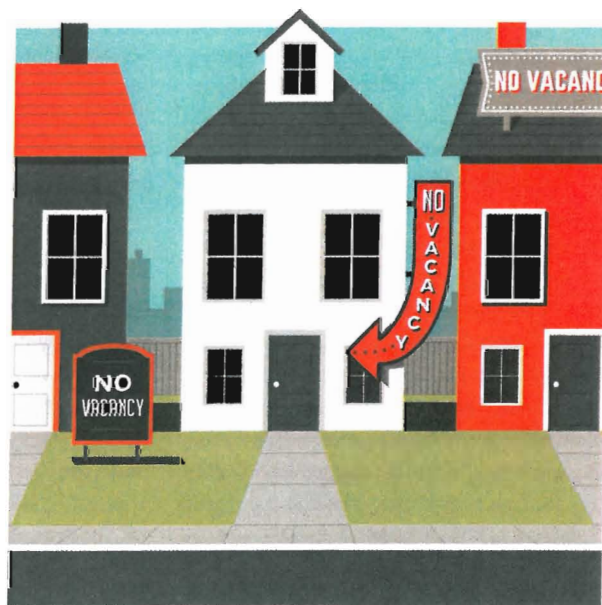
In the view of short-term renters, hosting has been a great boon for individuals to make a little extra money, for neighborhoods to see tourist dollars, and for cities to promote tourism. The kindly old woman with a bedroom to let to excited millennials: This is the narrative that Airbnb and others focus on when expanding and promoting their services.

Regarding a San Francisco ballot measure, an Airbnb spokesperson was quoted in the *Wall Street Journal* as saying, “This initiative, at the end of the day, is an attack on the middle class of San Francisco, who share their homes to help make ends meet. Home-sharing in this city is a lifeline for thousands.”

However, to opponents, Airbnb's hoodie-and-flip-flops vibe obscures a \$25 billion behemoth whose business model has depended on ignoring local regulations in the name of growth and profit. Abetted by these platforms, hosts flout safety, housing, and zoning codes, turn quiet homes into

frat parties, drive up rent by displacing residents, outcompete bed-and-breakfasts, and fail to pay their share of taxes.

The narrative of opponents focuses on the absentee landlord with a portfolio of crash pads for bachelor parties; they say this is the reality ignored by Airbnb that planners have to clean up. As one exasperated neighbor in Austin told a *New York Times* reporter, “[Hosts] are leveraging our neighborhood for their profit,





Ultimately, despite all the hype about the so-called “sharing economy,” short-term rentals are fundamentally a commercial use, one that cities have regulated successfully in the past as bed-and-breakfasts, inns, motels, hotels, or SROs.

telling people to come stay in this beautiful place . . . and they are making people miserable.”

These competing identities have meant particularly contentious fights over regulation. In San Francisco, a proposed short-term rental ordinance led to 12-hour public meetings, allegations of vote tampering, and a \$9 million proposition fight. (Though Airbnb and the other short-term rental companies prevailed in the end, Airbnb’s ad campaign for the proposition essentially told San Franciscans where they could stick the tax money the company pays. People were not amused.)

There is no monolithic “short-term host” but a spectrum of users (couch-surfing holdovers, empty nesters, young couples, and, yes, speculators and profiteers) and a spectrum of uses (occasional hosting, seasonal hosting, and, yes, the faux-hotel.) All of them, to some degree or another, have taken advantage of a regulatory Wild West in order to make money without proper oversight and without proper accountability.

Getting past the noise

In order to regulate an industry effectively, planners need to understand how these platforms are being used and by whom, and what kinds of impacts they have on neighborhoods.

This is somewhat easier said than done; Airbnb and other companies do not freely release data, citing privacy concerns. When they do use data, the companies present a glowing picture of their

activity, one that seems irresistible: Airbnb guests stay twice as long and spend twice as much as a typical visitor, with nearly half of all spending occurring in local neighborhoods.

According to the company, more than half of its hosts are “low to moderate income” and say hosting helped them stay in their homes. In New York City, Airbnb claims to have generated \$632 million in economic activity in one year alone. Opponents note, however, that the company has no reason to release numbers that paint their activity and their tactics in a negative light.

In order to get a clearer picture of the realities on the ground, researchers have had to rely on other means of gathering information, largely by “scraping” the public listings of these websites. (Airbnb, in turn, claims that this type of data collection is flawed.) Another option is to sue for access to the data, which is what the New York State Attorney General did, discovering that as many as 72 percent of Airbnb reservations violated New York law. Despite an effort to be “open and transparent” with cities, even under subpoena Airbnb only releases anonymized data to city governments—no addresses, no names.

Either by automated tools or through simple spreadsheets, trolling through Airbnb can give planners at least a broad outline of their local market, from average price per night (useful in calculating tax revenue) to the characteristics of the units available, like number of bedrooms, amenities, and safety

equipment. Even a general map view can help planners see which neighborhoods are most affected or need greater enforcement.

Using these approaches, researchers have undercut Airbnb's narrative. The *Real Deal*, a New York-based real estate journal, found short-term rentals caused residents of some neighborhoods to pay up to an extra \$825 a year in rent by removing units from the market. In New Orleans, far from helping a broad group of residents, nearly 50 percent of all bookings came from just six percent of listings, with some hosts making hundreds of thousands of dollars from dozens of properties without paying a cent in occupancy tax, according to one report.

While Airbnb claims that hosts, on average, book only six days a month, that average conceals a huge spectrum from abandoned listings to faux-hotels. Using the number of reviews as a proxy for activity, planners can start to separate the mom-and-pops from the professionals.

More damningly, some reports cut at the heart of Airbnb's supposed benefits: tourism dollars. San Francisco's Office of Economic Analysis, considering the reduction of long-term residents and housing caused by full-time hosting, wrote that for every 1,000 units lost to short-term tourist rentals, the city's economy loses more than \$250 million each year, far exceeding the benefit from visitor spending and hotel taxes.

This is not to say short-term rentals are all bad or all good, just that the reality of these marketplaces is complex. Planners have to get into the data, fragmented though it may be, in order to begin to categorize activity for regulation.

How to regulate?

For planners, the way forward with regulation is a three-part process.

PART 1

ESTABLISH A BASELINE LEVEL OF SAFETY AND ACCOUNTABILITY. In its Terms of Service, Airbnb is very clear, repeatedly, that the hosts on its platform are 100 percent responsible for following local laws on everything from safety and zoning to taxation and sex offender registries. While any short-term rental should have to conform to local building, occupancy, health, and safety codes, it is up to the local planner to ensure properties are compliant.

The safety of guests, hosts, and neighbors is the highest priority in regulating the short-term rental market. Airbnb and other companies, as part of their response to local pushback about safety, have adopted a policy of assisted self-policing for their hosts by offering free smoke detectors or fill-in-the-blank emergency plans. But a host does not actually need to prove the existence or operation of any safety feature in order to list. When I created a test

listing, I was able to simply click "Next."

Similarly, Airbnb has slowly evolved on the issue of insurance, shifting some responsibility away from the hosts. In late 2015, the company augmented a "million dollar host guarantee" to protect against damage caused by its service—which does not cover personal liability, shared or common areas (a big issue for condos) and is specifically described as "not insurance"—to a limited million-dollar policy backed by Lloyd's of London. This system creates a strange network of legal entanglements as Airbnb is both the policyholder and claims administrator for local hosts, who themselves have their own separate insurance.

But because many home insurance companies consider short-term renting a commercial use—and thus not covered under the standard policies—hosts may find themselves at the center of a huge and complicated fight that would make a trial lawyer drool; if a guest booked on Airbnb burns down a condo building and a firefighter is injured in the process, how is that legal mess going to sort itself out? Additionally, any damages and liabilities beyond a million dollars—assuming Airbnb even pays out—will fall on the hosts. The easiest solution is to require short-term renters to carry the appropriate insurance, one that specifically covers their activity and their level of risk.

But being a good host also means taking steps to avoid imposing on your neighbors' quality of life. No one wants to deal with loud guests, or litter, or parking issues, whether from a long-term or a short-term tenant.

Beyond strengthening and enforcing existing nuisance laws, some cities such as Portland, Oregon, and Santa Monica, California, have tried to include more direct accountability into their regulations; basic ideas like having hosts give out contact information to neighbors to report bad guests or only allowing owner-occupied rentals. In this scheme, serial offenders could face punishments that disincentivize their behavior, such as the loss of short-term rental or commercial permits, escalating fines, or code enforcement actions.

Ultimately, despite all the hype about the so-called "sharing economy," short-term rentals are fundamentally a commercial use, one that cities have regulated successfully in the past as bed-and-breakfasts, inns, motels, hotels, or SROs. In places that have traditional bed-and-breakfasts, innkeepers complain that competing with unregulated Airbnb units harms them doubly—as small-business owners and as residents.

Since the act of hosting is the same regardless of how a unit is booked, then the issues—from safety to zoning to garbage fees to taxes—are as well. Planners should simply hold a short-term rental unit to the same standards as any other similar business.

Where Does Airbnb Pay its Share?

Airbnb, as part of a "Community Compact" released in November 2015, promises to now "pay its 'fair share' of hotel and tourist taxes in cities that have them" though the mechanism for doing so, or the way for cities to participate, remains unclear. In most places, the company relies on hosts to pay all taxes, but agreements in a handful of cities and states require the company to collect and remit taxes, chiefly hotel or transient occupancy taxes (as high as 14.5 percent), but also sales and tourism development taxes. The locations are:

Malibu, California
Oakland, California
Palo Alto, California
San Diego
San Francisco
San Jose, California
Santa Clara, California
Santa Monica, California
Chicago
Florida
Multnomah County and Portland, Oregon
North Carolina
Philadelphia
Phoenix
Rhode Island
Washington State
Washington, D.C.
SOURCE: AIRBNB.COM

Durango's Street Segment Cap

IN ORDER TO MITIGATE the effects of short-term rentals and preserve housing availability, Durango's Land Use and Development Code creates density limits for these rentals in residential zones. Only one permit is allowed per street segment. (For corner lots, the permit counts against both adjacent street segments and the intersection.) While there is no citywide cap on permits, there is a maximum number of permits available in residential districts.

★ PERMITTED VACATION RENTAL
 ✖ NOT ALLOWED TO HAVE A VACATION RENTAL
 ■ AFFECTED STREET SEGMENT(S)
 ■ OTHER STREET SEGMENTS



STREET FRONTAGE



AVENUE FRONTAGE



CORNER FRONTAGE

SOURCE: DURANGO PLANNING DEPARTMENT

PART 2

MOVE PAST SIMPLY YES OR NO. When pressure to “do something” about short-term rentals comes down from City Hall or up from neighbors, the debate is often framed as a yes or no, “anything goes” or “not in my backyard.” The answer will be probably be somewhere in between, and while it can be a laborious process, tailoring regulation to your city’s particular situation can pay dividends.

As I learned at last year’s APA conference in Seattle, the experience of a few Colorado destinations can serve as examples of adapting regulation to local needs.

Durango, a small city that serves as a regional center for the Four Corners, faced tremendous housing pressures after growing

rapidly over the past decade. With vacancy rates dipping below one percent in some neighborhoods, and rents high and incomes flat, groups like college students, retirees, and service industry workers had increasingly limited options within the city.

At the same time, Durango welcomes thousands of tourists each year, drawn to the nearby natural beauty, redeveloped downtown, and seasonal festivals. Short-term rentals catered to some visitors, and the popularity (and notoriety) of these units led Durango’s city government to develop new regulation. Through research and a series of community meetings, Durango’s planners were able to identify three main areas that needed addressing in their city: impacts on tourism, impacts on neighborhoods, and—most important—impacts on housing.

A neighborhood encompassing much of the downtown and the local university had an especially tight market, and neighbors expressed concern about “dark blocks,” where the spread of short-term rentals on specific streets left few permanent residents.

Durango’s solution limits the density of allowed short-term units within groups of blocks, effectively preventing clustering while still accepting the use as permissible. By making a determination that preserving housing availability was the ultimate community goal, one that both transcended and intersected with short-term renting, Durango’s planners could fit the discussion over Airbnb units into a larger narrative about the future of their city.

Aspen had a different problem: empty units. A world-famous destination with seasonal ebbs and flows of tourists, the city is burdened by a hodgepodge of residential properties—condos, ski villages, second homes—that sit disused much of the year. By legalizing and standardizing requirements for short-term rentals, Aspen’s planners were able to enhance the city’s tourist economy while still maintaining control over important issues like permitting, taxation, and safety of individual units.

Both Durango and Aspen found the key to controlling these concerns was treating short-term rentals as small businesses, allowing them to justify the use of their regulatory tools like zoning and licensing in ways that were consistent, understandable, and enforceable.

PART 3

ENSURE ENFORCEMENT ON THE GROUND AND ONLINE. For short-term rentals, as for anything, regulation is only as good as its enforcement. Cities have struggled in this regard, creating huge opportunities for abuse while frustrating city officials and neighbors alike when long-debated ordinances do little to quiet complaints.

Though it is often spoken of as one concept, the short-term rental industry is really made up of two interrelated markets. One is the multitude of local hosts that interact directly with neighbors. They have to navigate (or disregard) local ordinances and are, even as absentee investors, a part of the community.

The other market, the listing companies like Airbnb and VRBO, has been harder to engage in enforcement efforts or tax collection, repeatedly pushing all responsibility to local hosts and governments.

This policy line—that Airbnb, despite any illegal activity on its site, is essentially blameless—results in awkward complications for enforcement. In New Orleans, for example, Airbnb has a special tab on its website giving tips about how hosts can follow city rules: get a permit, pay your taxes, report nuisances, etc. What it leaves

out is telling: that renting for less than 30 days is illegal.

Instead of either confirming permit holders or hard-wiring the law into their business—and thus cutting down the amount of activity that violates local rules—Airbnb punts. It makes it so that a host would have to manually set a minimum stay of 30 days on the Airbnb platform to be compliant—no proof of permit needed.

In other major cities, new short-term rental ordinances become undone by flaws in enforcement. In San Francisco, a much-discussed ordinance only led to 282 applications—out of 6,000 listings—in the first three months, with only 27 units delisted for bad behavior—evidence, critics say, that the self-policing and self-reporting model pushed by Airbnb (and the mayor's office) is deeply flawed.

In Austin, after a *New York Times* expose found some party houses continue to rage on even after racking up 60 code violations, finger-pointing ensued: Airbnb blames the city for allowing serial violators to continue operation, while Austinites wonder why Airbnb keeps letting the houses list.

A simple option, like requiring a listing company to match a permit number to a city database in order to list, would immediately curb many of the worst abuses and reduce the number of listings that need monitoring. Unable to convince Airbnb to collaborate on such a system and frustrated by only one in 10 hosts having permits, Portland, Oregon, threatened fining all the listing companies \$500 per violation per day for every listing that was not permitted. (Though the city has yet to fully curb illegal listings on Airbnb, Portland did sue Homeaway for \$2.5 million for refusing to pay lodging taxes and ensuring proper permit inspections.) The enforcement officer's message was clear: If a city goes through the hassle of writing a new ordinance, why should anyone without a permit be allowed on these sites?

At the end of the day, the antagonistic system—this sharing economy Wild West in place today—simply does not work for city governments to enforce their laws, does not help legitimate hosts compete with “bad actors,” and, ultimately, does not allow Airbnb and other short-term rental companies to live up to their own rhetoric of “belonging everywhere.”

Rental units need to be fairly treated as a business, regulations need to be tailored to each city's unique situation, and enforcement needs to hold everyone accountable. Whether in Silicon Valley or Main Street USA, the old adage is still true: Good fences make good neighbors. ■

Jeffrey Goodman is an urban planner and graphic designer based in New Orleans. His work focuses on the sharing economy, community participation, and data-driven regulation. He has contracted with both the city of New Orleans and Airbnb, and advised researchers on short-term rentals in San Francisco, Portland, New Orleans, and New York. Contact him through JBGoodman.com.

RENT YOUR DRIVEWAY *By Kristen Pope*

Rooms to rent on Airbnb, VRBO, and other sites aren't the only things up for grabs in many urban neighborhoods. Another hot commodity going to the highest bidder: parking spaces.

Innovative app developers came up with a solution to this dilemma by creating a slew of apps to rent out spaces to parking-hungry drivers. However, app designers soon discovered a hitch: It was illegal in many locations.

Most of these early apps and parking space brokers worked on the premise that a driver about to leave their public, on-street parking space would log on and let other app users know the location of the soon-to-be-vacant spot, giving another user first dibs (for a fee) on snagging the spot. The new parker's fee, typically between \$5 and \$30, would be split between the departing motorist and the app company.

Since many of these apps were essentially renting out public, on-street parking spaces, municipalities worked quickly to block them. In San Francisco the big players were MonkeyParking, Sweetch, and ParkModo, and the city attorney sent several such apps cease-and-desist letters in 2014, threatening to fine drivers up to \$300 and the companies up to \$2,500 per violation. The letters also noted a lawsuit was imminent if the apps continued operation in the city.

Then a new—legal—wave of apps came to the city, including SpotHero, ParqEx, and ParkWhiz, allowing people to rent or exchange private parking spaces, including those in parking garages. Paul Rose, chief spokesperson for the San Francisco Municipal Transportation Agency, notes these transactions aren't a concern if they don't impinge on public safety.

“Any [safety] concerns will come out of blocking the right of way, preventing people from walking on the sidewalks, or if parking going on in a driveway causes people to walk out into the street,” he says.

However, the transaction itself isn't an issue for the agency. “[If] they're leasing spaces that are a part of private property, that's not something that we would necessarily get involved in,” Rose says.

Likewise, Boston officials aren't too concerned about apps that rent out private property. Public property, however, is another matter. In 2014, the city passed an ordinance effectively banning the Haystack app, which let users notify other users—who paid a fee—when they were about to leave a public parking space. The app claimed it was in the business of exchanging information rather than selling public property, but the city disagreed.

However, as long as apps comply with city regulations, they're not a problem, according to the Boston Press Office, which said, “Generally, parking apps that allow a private property owner to rent his or her parking space facilitate a private transaction that does not implicate the city's rules and regulations.”

Portland, Oregon, has a far more restrictive policy than Boston or San Francisco. Its zoning rules deem residential neighborhoods—all single-family and most multifamily zones—unfit for many types of commercial activity, including renting out parking spots.

However, Jill Grenda, supervising planner for Portland's Bureau of Development Services, notes that enforcement is driven by complaints. “Like any other zoning violation, it's a complaint-driven enforcement system,” she says. “So the city wouldn't know about it unless a grumpy neighbor called our code enforcement line and said, ‘My neighbor has different people parking in their driveway every single day, and I know because I live next door. Can you come and investigate?’”

Kristen Pope is a Jackson, Wyoming-based freelance writer and editor who writes about planning, science, conservation, and the outdoors, among other topics. Visit her at kpoppe.com.

WELCOME TO THE NEW GENERATION.

FOR MORE THAN 100 YEARS, planners have been making big plans for their cities. Plans have certainly evolved a great deal in that time, but never so much as in the past five to 10 years. Community engagement has gotten more robust, GIS and other technologies have altered the plan-making landscape, and there's much more—and more varied—data available to planners than ever before. Then there are the game-changing global shifts like climate change and the prevalence of social media—the list goes on.

These realities are changing not only the process and outcomes of comp planning, but the document itself. It's true that plans do some of the same things they've always done: shape land-use and transportation patterns, conserve natural resources, and create great communities. But now, they're doing a lot more.

If we had to characterize how it's evolving, we'd say that the 21st century plan is a departure from traditional "sit-on-the-shelf" plans in three major ways: its substance, its role in communities, and the form that it takes. Read on to see planners' and writers' takes on this new generation, and their list of the communities leading the way.

—THE EDITORS

SUBSTANCE

16–21

Comp plans are addressing new challenges more creatively than ever before, say **Ben Herman** and **Darcie White**.

ROLE

22–27

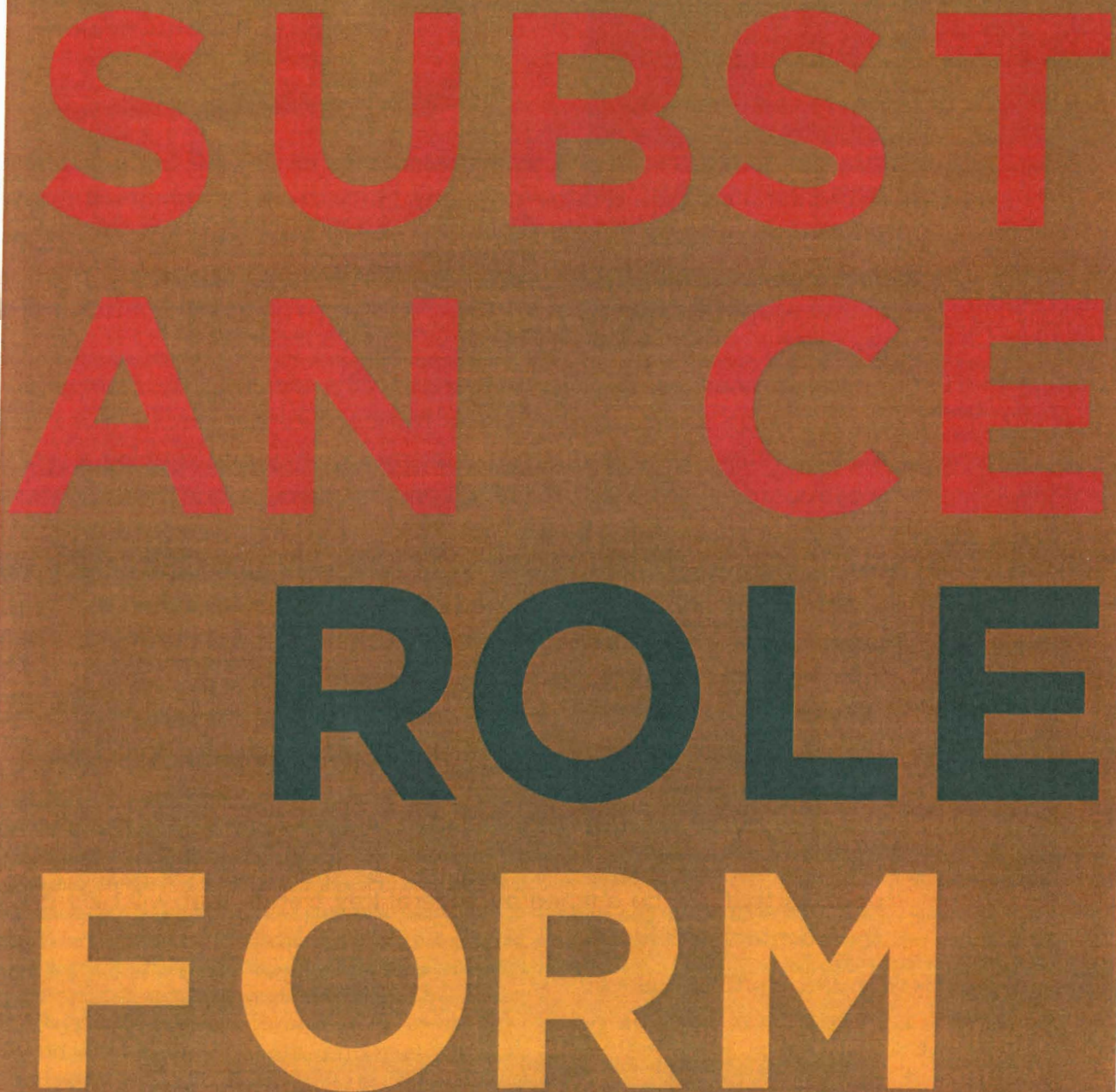
Silvia Vargas and **Nancy O'Neill** explore comp plans' expanding influence. **David Rouse's** sidebar looks at standards for sustainable outcomes.

FORM

28–31

Say goodbye to three-ring binders on a shelf. Plans today are living documents. **Ryan Holeywell** tells us what's next.

THE 21ST CENTURY COMPREHENSIVE PLAN



SUBSTANCE
AN CE
ROLE
FORM



SUBST AN CE

By
BEN HERMAN,
FAICP,
and
DARCIE WHITE,
AICP

IT'S BEEN A LITTLE OVER FIVE YEARS since the start of APA's Sustaining Places Initiative (see sidebar on p. 26). In that time, a significant number of new or updated comprehensive plans have been completed that continue to define the framework for the 21st century plan. The content of many of these plans is a departure from plans that came before them.

First, they cover new topics: sustainability, social equity, energy, climate change, and adaptation are all front and center, and land use and transportation are much better integrated. They also employ a more creative structure based on themes and big ideas, rather than the more traditional organization by elements such as housing, land use, environment, or transportation. Not all do, of course—Raleigh and Seattle are examples of forward-thinking communities that retained an element-based structure in their recent plans, but they did so in a manner that addresses 21st century challenges and opportunities.

Finally, comprehensive plans of today are far more results-focused than ever before, with more emphasis on setting desired outcomes and tracking progress.

As we move into the early decades of a new century, planners and their communities are crafting a new generation of comp plans and updates that will be shaped by several key trends that will help drive their content and focus.



Evolving challenges and opportunities

While comprehensive plans will continue to address traditional planning topics, they are also tackling new and evolving challenges:

- Equity, health, and income disparity
- Meeting the needs of changing populations
- Climate adaptation and mitigation, as well as planning for energy needs of the future
- Resilience and the dynamic and unpredictable pace of change

Increasingly, these challenges are being addressed through the lenses of sustainability and resilience, rather than as stand-alone issues. Although resilience has been characterized by many as the “next generation” of sustainability, a 2015 Post Carbon Institute publication entitled *Six Foundations for Community Resilience* suggests that one way of looking at sustainability and resilience is as two different frameworks for achieving the same goal: organizing how we interact with the world around us and with each other in ways that can continue indefinitely.

Take Seattle’s 2035 *Comprehensive Plan* update (2035.seattle.gov), slated for adoption in 2016. It is structured around four core values that guide the goals and policies in the plan: Race and Social Equity, Environmental Stewardship, Economic Opportunity and Security, and Community. Longmont, Colorado’s draft policy framework (www.EnvisionLongmont.com), also slated for adoption this year, is organized around six guiding principles that address responsible stewardship of resources (environmental, historic, financial), community health and adaptability, and access to services and opportunities, among others.

Both plans not only take on big issues like the environment and equity, but use them as framing concepts. Sustainability and resilience are interwoven throughout. “After experiencing the devastation of the floods in 2013,” says Erin Fosdick, AICP, a senior planner with the city of Longmont, “we began to understand that community resiliency is a critical component to consider. Using the framework of the comprehensive plan, we’ve been able to expand these conversations, for example, by helping people understand that we’re talking about more than environmental quality, hazard mitigation, and disaster preparedness. We are truly looking at the big picture—how all the interrelated things covered in our plan, including sustainability and resiliency, move us closer to our desired vision.”

A key opportunity associated with this approach is the ability to generate discussion at the local level about what it means



Community members see themselves as plan stakeholders when they know they are part of a greater whole.

6 Foundations for Community Resilience

Numerous resilience frameworks and tools for building community resilience are available, but no single approach will likely work for all communities. For its part, The Post Carbon Institute identifies six foundations as essential—no matter where or how resilience-building efforts are undertaken, or which challenges are of most concern locally. The foundations support building community resilience.

- 1 PEOPLE.** The power to envision the future of the community and build its resilience resides with community members.
- 2 SYSTEMS THINKING.** Systems thinking is essential for understanding the complex, interrelated crises now unfolding and what they mean for our similarly complex communities.
- 3 ADAPTABILITY.** A community that adapts to change is resilient. But because communities and the challenges we face are dynamic, adaptation is an ongoing process.
- 4 TRANSFORMABILITY.** Some challenges are so big that it’s not possible for the community to simply adapt; fundamental, transformative changes may be necessary.
- 5 SUSTAINABILITY.** Community resilience is not sustainable if it serves only us, and only at this point in time; it needs to work for other communities, future generations, and the ecosystems on which we all depend.
- 6 COURAGE.** As individuals and as a community, we need courage to confront challenging issues and take responsibility for our collective future.

SOURCE: SIX FOUNDATIONS FOR BUILDING COMMUNITY RESILIENCE, POST CARBON INSTITUTE 2015; SIXFOUNDATIONS.ORG.

GLOBAL IMPACT OF THE COMPACT OF MAYORS

Cities are where some of the most effective and immediate climate actions take place. In the U.S. 122 cities have signed on; there are 452 worldwide.

WATCH:

tinyurl.com/jupxvrh

VIDEO

'We are truly looking at the big picture—how all the interrelated things covered in our plan, including sustainability and resiliency, move us closer to our desired vision.'

— ERIN FOSDICK,
AICP, SENIOR
PLANNER,
LONGMONT,
COLORADO

to be a sustainable and resilient community, and the importance of strengthening cross-linkages between the two as part of the planning process. A sustainable community is resilient and a resilient community is sustainable. This interdependence shows up in overlapping goals, policies, and metrics being addressed in today's comprehensive plans, which seek to:

FOSTER inclusivity and equity through attention to issues of cultural and racial diversity, affordability, gentrification, and homelessness.

ADAPT to a changing climate by planning for development and infrastructure that can withstand major disruptions due to flooding, wildfire, sea-level rise, or other catastrophic events without failure of critical systems.

REDUCE greenhouse gas emissions through expanded use of renewable energy, reduced reliance on single occupant automobiles, and mitigation of the urban heat island effect.

MINIMIZE future risk to people and property.

PROMOTE emergency preparedness, reducing impacts from future crises on populations, infrastructure, and institutions.

ENCOURAGE community health and wellness and improve health outcomes (e.g., rates of disease and obesity) through expanded access to health and human services, healthy food, and opportunities to lead active lifestyles.

PROVIDE a range of housing options to meet the needs of all ages, income levels, and abilities, including strategies to address affordable housing and homelessness.

IMPROVE access to services by aligning future housing, employment, and services with investments in multimodal transportation systems.

PROTECT the natural environment by preserving important resource areas.

ENHANCE food security through preservation of agricultural lands and expanded support for local and regional food production, sales, and processing.

FOSTER economic diversification at a local and regional scale.

PROMOTE a culture of transparency, accountability, and fiscal sustainability by aligning plan policies with budgets and capital investment plans.

While this shift toward a more integrated approach is being driven in part by increased awareness at all levels, it also gets a big boost from initiatives such as the Rockefeller Foundation's 100 Resilient Cities Network, which is focused on helping communities become more resilient to the physical, social, and economic challenges of the 21st century. Also influential is the Compact of Mayors, a coalition of the leaders of 452 cities who have pledged to reduce and prepare for the impacts of climate change.

Both of these efforts, and others, are compelling elected officials to publicly commit to taking action to address new and emerging challenges. The role of the comprehensive plan in establishing a policy foundation for these actions is being defined right now, as the next generation of plans begins to take shape.

Boulder, Colorado, known for its innovative planning practices and its landmark approach to growth management, is in the process of preparing an update to the *Boulder Valley Comprehensive Plan*. At the same time, the city is preparing a resilience assessment and strategy, with help from the 100 Resilient Cities initiative. The resilience strategy will be fully integrated with the plan update, which is expected to be complete in 2016. The update will build on the legacy of the plan that has been in place since the 1980s, but is adding several areas of enhanced focus, including climate, energy, and resilience; housing/jobs balance and the need for middle income housing; and urban form.

Boulder and other communities at the forefront of working to reduce climate impacts—Portland, Oregon, is another notable example—have had sustainability or climate action plans in place for many years. As a result, their recent comprehensive plan updates look to align policies and recommended actions between targeted resiliency and climate initiatives and their comprehensive plans, and continue to seek new and innovative ways to become more sustainable and resilient.

The vast majority of communities, however, do not have sustainability or climate action plans in place. Newly initiated plan update processes coupled

with the desire to advance the community's understanding of 21st century issues related to sustainability and resilience will provide new opportunities to address these policy choices and new models will continue to emerge.

One of the most important considerations for these emerging models will be their ability to withstand political change over time. The most effective plans and policies are ones that have—and maintain—broad support. It is important to recognize that establishing an aggressive greenhouse gas reduction, affordable housing, or other kind of target may not be realistic in all communities today—or in the future. As such, planners must be prepared to discuss a range of possible approaches to advance local sustainability and resilience initiatives and to help make the case as to why they are important.

Accountability and measurement

Effective planning can be defined as the transformation of knowledge into action. With the axiom that “what gets measured gets done” in mind, cutting-edge plans can make this transformation possible by defining their community's desired outcomes and linking them to measureable metrics that assess the results of plan policies and implementation.

These kinds of plans make it clear how the community's planning vision will be defined, measured, and acted upon. That helps planners, decision makers, and stakeholders understand more clearly the effectiveness of action strategies so that they can adapt and revise them to meet adopted goals.

Imagine Austin, the Austin, Texas, comprehensive plan (austintexas.gov), adopted in 2012, links policies, goals, metrics, and actions in its chapter on Implementation and Measuring Success. The city charter requires that the planning commission and staff provide an annual report to city council about the implementation of the comprehensive plan, including metrics to track progress.

Similarly, the 2013 Norfolk, Virginia, comprehensive plan, *planNorfolk2030*, (norfolk.gov) contains 11 elements, each of which highlights key issues facing the community, along with goals, desired outcomes, and metrics and actions for each. “Because we're measuring progress all the time, it's really resulted in the plan being more of a living document,” says George M. Homewood, AICP, the city's planning director. “We've changed some of the initial metrics to reflect the reality of the community, and to help better inform us about the effectiveness

of the actions in the plan. This approach has been a real game-changer for us not only in terms of the plan's effectiveness, but also the level of participation by other city departments.”

Continuous improvement

Traditionally, a comprehensive plan is revisited every five years or so and generally left untouched in the interim. In today's planning environment, the plan is never really “done,” as communities need to remain nimble to be able to respond to ever-changing circumstances. Also, with an increasing focus on implementation and measuring progress, many communities are continually evaluating the effectiveness of strategies and adjusting them as needed.

Since the adoption of *Imagine Austin*, city staff members have focused on strategic implementation efforts, with eight priority programs providing the structure and direction needed to implement the plan. Each priority program has a lead department, cross-disciplinary team, community partners, and a work plan that is reviewed and revised on an annual basis.

In Fort Collins, Colorado, following the adoption of its last major plan update in 2011, known as *Plan Fort Collins*, (fcgov.com/planfortcollins) the city made major changes to its organizational structure by combining economic health, environmental services, and social sustainability departments under one umbrella—the Sustainability Services Area. The city has just completed strategic action plans for each of the three departments to implement key initiatives of its comprehensive plan.

LAND-USE CHANGE REQUEST SITES

Using this interactive map, see what may be in store for the major update to the *Boulder Valley Comprehensive Plan*.

EXPLORE:

tinyurl.com/zq975lv

MAP

‘Because we're measuring progress all the time, it's really resulted in the plan being more of a living document. We've changed some of the initial metrics to reflect the reality of the community, and to help better inform us about the effectiveness of the actions in the plan. This approach has been a real game-changer for us not only in terms of the plan's effectiveness, but also the level of participation by other city departments.’

—GEORGE M. HOMEWOOD, AICP, PLANNING DIRECTOR,
NORFOLK, VIRGINIA

Place-based design

While incorporating design into comp plans is not a new idea, what is changing is an increased focus on plans that make areas more livable, more vibrant, and more people-oriented. Particularly as planners are increasingly being asked to manage change through increased density and urbanization, plans will need to provide more clarity about the desired future form and shape of their community. New technologies help. They illustrate desired patterns, at varying scales—from the structure and form of the entire city to that of its districts, neighborhoods, and corridors.

One trend in comprehensive plans that has gained momentum over the past few years is the concept of form-based or place-based land-use plans. Place-based planning is a way to shape the future of the city by concentrating on the look, feel, form, and character of places instead of conventional categories of land use.

Portland, Oregon's draft comprehensive plan update (portlandoregon.gov/bps/68411), slated for adoption early in 2016, includes an Urban Design Framework diagram that identifies centers and corridors (areas that are expected to grow and change) within the city's physical context. The framework supports the evolution of the city by illustrating the linkages and relationships between various elements of the built and natural environment through a network of place types: centers, corridors, transit station areas, city greenways, urban habitat corridors, and employment areas. It also identifies a set of "pattern areas"—broad geographies that are defined by existing patterns of natural and built features, such as the central city, neighborhoods, and inner-ring districts, and provides basic urban design characteristics and comparisons for different types of centers, corridors, and other features.

A sustainable community
is **RESILIENT** and
a resilient community
is **SUSTAINABLE**.

A City's Form Matters

Portland, Oregon's Urban Design Framework shows how the Vision and Guiding Principles in the *2035 Comprehensive Plan* are reflected in the location and form of future change. It brings urban design objectives to the ground and details how the city will achieve them.



CENTERS

Places with concentrations of commercial and community services, housing, gathering places, and transit. Centers provide services to surrounding neighborhoods and are a focus of housing and job growth.



CORRIDORS

Major city streets with new growth offer critical multimodal connections to centers, commercial services, jobs, and housing options.



TRANSIT STATION AREAS

Station areas along high-capacity transit lines connect people to important areas of residential, employment, and urban development.



CITY GREENWAYS

A system of distinctive pedestrian-and bicycle-friendly streets and trails, enhanced by tree canopy and stormwater facilities that expand transportation and recreational opportunities across the city.



URBAN HABITAT CORRIDORS

A system of natural and built areas that provide safe, healthy places for residents and migratory fish and wildlife species that live in and move through the city.



EMPLOYMENT AREAS

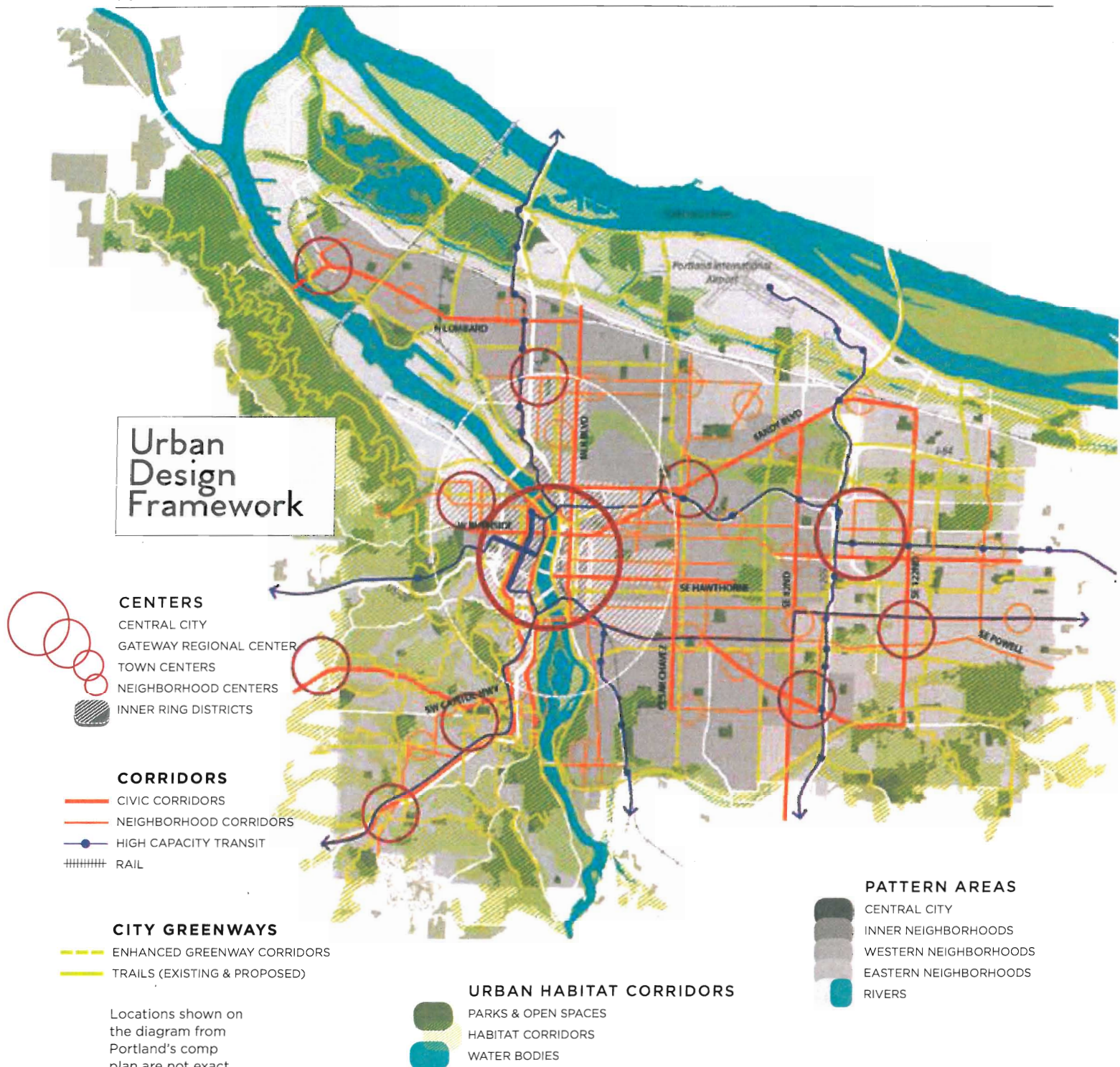
Diverse and growing areas of employment host a variety of business sectors in different parts of the city.



PATTERN AREAS

Portland's broad geographies are defined by existing patterns of natural and built features.

SOURCE: PORTLAND'S 2035 COMPREHENSIVE PLAN RECOMMENDED DRAFT, AUGUST 2015



What's next?

The current generation of plans is breaking new ground in addressing the goals of the Sustaining Places Initiative to help communities of all sizes achieve sustainable outcomes. Looking to the future, new challenges—global economic shifts, energy innovations, and emerging transportation technologies such as driverless vehicles and autonomous delivery systems—will need to be addressed

in community plans. The comprehensive plan will continue to evolve and will have an increasingly important role as the central unifying document for communities to address the challenges and opportunities of the 21st century.

Ben Herman is a senior consultant with Clarion Associates, a national planning firm based in Denver. He served on APA's Sustaining Places Task Force and Plan Standards Working Group. Darcie White is a director with Clarion Associates. Her practice focuses primarily on comprehensive planning.

A large, stylized letter 'R' in a dark green color, set against a brown rectangular background. The 'R' is composed of a solid dark green shape with a brown outline, giving it a layered or cut-out appearance. It is positioned in the top left corner of the page.

ROLE

By SILVIA VARGAS,
AICP, LEED AP, and
NANCY O'NEILL,
AICP, LEED GA

UNTIL ABOUT THE MIDDLE OF THE LAST DECADE, the role of the comprehensive plan was still seen primarily as managing community growth through land-use policy. But that's changing, with a whole new generation of plans taking on much more expansive and influential roles.

Following the global recession, budget cuts, the increasing need for cities to operate efficiently, and an upward tick in partnership development, the function of the comprehensive plan changed in significant ways. Indeed, cities, counties, and regions are now not only using comprehensive plans for new purposes, they are also increasingly recognizing the intrinsic value of the planning process itself. And as always, cities continue to use plans to respond to shifting demographics and preferences that dictate where people and jobs want to locate.

So what is the role of the comprehensive plan of the 21st century? Several trends are helping to redefine this evolving document.

PIECING THE PUZZLE TOGETHER

Today's comp plans are more than high-level policy documents, often tackling issues at multiple scales simultaneously. This new generation of plans is bringing various types of community plans together.

That is just what the recently adopted *PlanLafayette* (tinyurl.com/pqajj3v) does. One of the smallest parishes in Louisiana, Lafayette has experienced robust economic growth over the last two decades, and

Downtown Action Plan

Lafayette's plan for its center city, part of its comprehensive plan effort, focuses on the character of public spaces. Additionally, three small area plans model urban, suburban, and rural areas.

BUILDING INTERFACE

The interface of the building at the end frontage line, particularly on the ground-level facade and the surface treatment of its setback (if any). Also takes into account the ratio of building height to street width to create a sense of enclosure for the outdoor room.

FRONTAGE LINE

Front and side (on corner parcels) property lines interfacing with the public right-of-way.



PUBLIC FRONTAGE

Consists of a pedestrian walkway (sidewalk) nearest to the frontage line, and the furnishing zone between the walkway and the curb.

THE THOROUGHFARE

The area between the curbs consisting of driving lanes, bicycle lanes, parking lanes, and medians.

The overall comprehensive plan vision is necessarily complemented with an incremental, targeted, and more detailed effort on the ground. The synergy of this effort involves neighborhoods, businesses, and public agencies that can deliver projects that the community can see and say, "We want more of that."

—CATIE GILBERT,
PLANNING
MANAGER,
COMPREHENSIVE
PLAN OFFICE,
LAFAYETTE,
LOUISIANA

SOURCE: DEVELOPMENT + DESIGN CENTER, DOWNTOWN DEVELOPMENT AUTHORITY, LAFAYETTE DOWNTOWN ACTION PLAN

has attracted many new residents, students, and visitors to the community. But most of the growth has occurred in the areas surrounding the city core, and these areas are growing faster than the city.

This is one of the reasons why *PlanLafayette* includes a Downtown Action Plan that examines questions about development and public space character in the core of the city. The action plan asks, “What do we need to do to draw attractive, convenient new residential development and amenities to downtown?” and “How can we create better, more vibrant public spaces for people to enjoy throughout downtown?”

Also folded into the *PlanLafayette* process was the development of three small area plans that provide a planning model for urban, suburban, and rural parts of Lafayette Parish. Priorities set by the community during the plan’s visioning stage served as the foundation for these smaller-scale plans, which are given the weight of policy by being integrated into the comprehensive plan.

The *Seattle Comprehensive Plan* (and ongoing *Seattle 2035* update) (2035.seattle.gov) takes a different multiscale planning approach. That plan includes an Urban Village Strategy that identifies specific areas where growth can be concentrated to “build on successful aspects of the city’s existing urban character” and a Neighborhood Planning element that incorporates 33 neighborhood-tailored plans to “make the Comprehensive Plan relevant at a local level.”

Likewise, the 2015 comprehensive plan for Southlake, Texas, *Southlake 2030* (cityofsouthlake.com/index.aspx?NID=524), contains fine-grain elements such as a Public Art Master Plan and a Wayfinding Sign System Plan, which identifies key destinations throughout the city, recommends sign design concepts, identifies potential sign locations, and provides a priority installation list.

“I think that this two-pronged planning approach is critical, especially in communities that do not have a long planning history,” says Cathie Gilbert, planning manager of the newly formed Comprehensive Plan Office in Lafayette. “The overall comprehensive plan vision is necessarily complemented with an incremental, targeted, and more detailed effort on the ground. The synergy of this effort involves neighborhoods, businesses, and public agencies that can deliver projects that the community can see and say, ‘We want more of that.’”

Local governments are also leveraging planning

processes to identify interface points between the comprehensive plan and other existing or ongoing planning efforts like mobility plans and parks and recreation master plans. In these cases, the role of the comprehensive plan is to integrate those separate efforts into a cohesive, interconnected framework of policies and actions.

In the recent preparation of *Plan Houston* (planhouston.org)—Houston’s first citywide planning framework, which was approved just last year—nearly 150 independent plans, visions, and studies were reviewed and evaluated for alignment with the city’s vision, goals, and strategies. *CONNECT Our Future* (connectourfuture.org), a planning framework for guiding growth and investment in the bistate, 14-county region surrounding Charlotte, North Carolina, incorporates and coordinates dozens of studies prepared by eight different work groups.

And the ongoing *Imagine Boston 2030* (imagine.boston.gov) process assumes a similar role: It seeks to reconcile a number of major planning efforts, ranging from the City’s Climate Action Plan to a High School Redesign initiative. The list goes on.

Momentum for movement

These days, citizens are more hands-on in the planning process and are more invested in its outcomes. Dwindling municipal budgets are making the public take a greater interest in understanding how money is being spent, and in keeping local governments accountable for producing concrete results that align with the comprehensive plan. This, in turn, is leading to plans that are increasingly action- and project-oriented, as well as more performance-focused.

Back to *Plan Houston*. Its implementation will rely on two mechanisms: An annual work plan—prepared with input from the mayor, city council, city departments, and the public—will identify major project priorities for each budget year, assign responsibilities, and set project schedules. And a series of performance indicators will track progress and inform both policy making and the preparation of the annual work plan.

In South Lake, Texas, a Strategic Management System (cityofsouthlake.com/DocumentCenter/View/4573), adapted from business and industry’s “Balanced Scorecard” tool, governs and monitors the activities of the city and helps to maintain alignment with its comprehensive plan. The SMS guides the way the city does business and helps determine

how time and resources are invested. Finally, it gives the city a framework for demonstrating results in a measurable way through the publication of an easy-to-read annual “dashboard report.”

“Our Planning Department has expanded its traditional role by linking its comprehensive plan to the city’s strategic management system,” says Ken Baker, AICP, planning director for the city of South Lake. The associated measurement tools ensure timeliness and accountability, he adds.

Tracking and demonstrating progress also helps maintain planning momentum after adoption. Planners know that the hard work really begins once the plan is adopted—but keeping up the pace, excitement, and engagement that drove the planning process can be a challenge. Tools such as Houston’s annual work program and South Lake’s dashboard report, tied to the cities’ comp plans, are essential in showcasing incremental success and keeping those plans fresh and at the forefront of the public’s mind.

There are other tools for monitoring, coordinating, and communicating progress on plan implementation. The need has grown in recent years as it becomes more urgent for planners to deal with rapid change and engage the public in creative ways.

- The Lafayette Consolidated Government honors its comprehensive plan (and identifies next steps) annually during PlanLafayette Week. Stakeholders host events and national planning experts are frequent guest speakers.
- Austin’s interdepartmental work groups meet once a year to establish priorities and assess progress vis-a-vis the performance metrics established in *Imagine Austin*. The city also hosts an educational speaker series for residents, a practice it began during the planning process.
- In addition to preparing an annual progress report, the Washington, D.C. Office of Planning has developed a database to track completion of action items from the *District of Columbia Comprehensive Plan* (planning.dc.gov/page/comprehensive-plan) and to coordinate more efficiently with other agencies involved in plan implementation.
- Philadelphia issues online annual reports on

‘The [planning] commission staff is very interested in not only completing District Plans but seeing to their implementation, working closely with various organizations and city agencies to see recommendations come to fruition.’

—ELEANOR SHARPE, DEPUTY EXECUTIVE DIRECTOR,
PHILADELPHIA PLANNING COMMISSION

its plan, *Philadelphia 2035* (phila2035.org), but those reports also can be distributed as calendars for the upcoming year: an original way to inform and keep reminding the public of what has been done and what is coming up. “The [planning] commission staff is very interested in not only completing district plans but seeing to their implementation, working closely with various organizations and city agencies to see recommendations come to fruition. The calendar allows the city to mark progress of all district plans and present a status update that keeps the public interested and engaged,” says Eleanor Sharpe, deputy executive director of the Philadelphia Planning Commission.

Nexus to budgeting

Increasingly, the new generation of comp plans are helping communities do fiscal planning, driving the development of capital improvement plans and municipal budgets. That function helps everyone understand the return on investment of both public and private projects and prioritize spending.

The Philadelphia City Planning Commission coordinates the development of a six-year capital program and budget. Philadelphia’s Planning Commission is fairly unique in that it is chartered to prepare and recommend an annual capital program and budget.

That process typically entails considerable inter-agency coordination and partnership with the city’s Budget Office and other operating agencies, with the end result ensuring that public investments are consistent with the physical development goals of the comprehensive plan, notes John Haak, AICP, director of Planning Policy and Analysis. The district plans contained in *Philadelphia 2035* play a key role in prioritizing those expenditures.

In Raleigh, North Carolina, the *2030 Comprehensive Plan* (www.raleighnc.gov/cp) requires major

A NEW STANDARD FOR COMPREHENSIVE PLANS *By David Rouse, AICP*

APA launched the Sustaining Places initiative in 2010 to define the role of planning in addressing the sustainability of human settlement. This initiative has focused on the role of the local comprehensive plan as the leading policy document and tool to help communities of all sizes achieve sustainable outcomes.

One major result is the Comprehensive Plan Standards for Sustaining Places. The standards draw on research of best practices from leading contemporary plans and the testing of the draft standards with pilot communities, providing a framework for advancing sustainability through the processes, substance, and outcomes of comprehensive plans.

The standards, outlined and explained in *Sustaining Places: Best Practices for Comprehensive Plans* (PAS 578), consist of interrelated components, each supported by a set of best practices.

PRINCIPLES. Normative statements of intent that underlie a comprehensive plan's overall strategy and provide substantive direction for integrating sustainability into the plan: Livable Built Environment, Harmony with Nature, Resilient Economy, Interwoven Equity, Healthy Community, Responsible Regionalism.

PROCESSES. Planning activities that take place during the preparation of a comprehensive plan and define how it will be implemented: Authentic Participation and Accountable Implementation.

ATTRIBUTES. Plan-making design standards that shape the contents and format of comprehensive plans: Consistent Content and Coordinated Characteristics.

BEST PRACTICES. Planning action tools employed by communities to activate the desired principles, processes, and attributes of their comprehensive plans. There are 85 in all, such as planning for the provision and protection of green infrastructure (Harmony with Nature principle); establishing implementation indicators, benchmarks, and targets (Accountable Implementation process); and using plan formats that go beyond paper (Coordinated Characteristics attribute).

"Memphis and Shelby County have benefited from using the standards as a guide for the regional plan," says John Zeenah, AICP, program manager for the *Mid-South Regional Greenprint & Sustainability Plan*. That Tennessee region was one of 10 pilot communities where the standards were tested and refined. "[They] have been a valuable tool for project planners

to evaluate how effectively the vision addresses sustainability best practices," he says.

What's next

Building on the experience and success of the pilot communities, the APA board in September 2015 approved the establishment of a voluntary program to recognize exemplary plans that meet the standards, successfully integrating sustainability into their comprehensive plans.

A one-year pilot of the Comprehensive Plan Standards Recognition Program is under way. Watch for details—and see how your community can participate—at planning.org/sustainingplaces/compplanstandards.

David Rouse is APA's director of research. He was a member of APA's Sustaining Places Task Force and coauthored *Sustaining Places: Best Practices for Comprehensive Plans*.

PILOT COMMUNITIES

Auburn, Washington
Foxborough, Massachusetts
Goshen, Indiana
Memphis/Shelby County, Tennessee
New Hanover County, North Carolina
Oklahoma City, Oklahoma
Rock Island, Illinois
Seattle
Savona, New York
Wheeling, West Virginia

RESOURCES

FROM APA
Comprehensive Plan Standards for Sustaining Places: planning.org/sustainingplaces/compplanstandards

Sustaining Places: The Role of the Comprehensive Plan (PAS Report 567, 2012): planning.org/store/product/?ProductCode=BOOK_P567

Sustaining Places: Best Practices for Comprehensive Plans (PAS Report 578, 2015): planning.org/store/product/?ProductCode=BOOK_P578



capital projects "not tied to immediate life safety or capacity deficiencies" to undergo ROI analysis. Analysis of a project's return on investment is an important element of the city's CIP criteria.

Wichita-Sedgwick County in Kansas makes clear the connection between the comprehensive plan and the budget: Its

new plan is explicitly framed as a Community Investments Plan (tinyurl.com/arpe8zy)—"a policy framework to guide future public investments in municipal buildings and infrastructure" in an era of diminishing revenues and increasing fiscal constraints. The plan introduces a trilevel evaluation process to facilitate decision making on new, upgrade, or replacement projects that includes detailed project analysis; project selection and funding; and capital improvement programming.

The Government Finance Officers Association acknowledges the role of comprehensive plans in capital improvement planning and recommends, among other things, that:

- Plans should provide a vision for capital project plans and investments.
- Local governments should make capital project investment decisions consistent with their comprehensive plans.
- Local finance officers should be part of the comprehensive planning process from the onset, to ensure a balance between aspirations and fiscal realities.

Local governments also use the comprehensive plan process to kick-start projects and engage community members as partners in implementation. Shrinking or stagnant fiscal budgets, combined with increasing service costs, mean that communities need those partnerships more than ever.

When concerns about obsolescence and disinvestment in Lafayette's older neighborhoods and commercial corridors emerged as one of the community's top priorities during the planning process, the Lafayette Consolidated Government launched Project Front Yard to bring together individuals, businesses, government, and media partners in promoting community beautification through education. The project takes its lead from more than 40 action items—some individual, some collective—spelled out in *PlanLafayette*, including litter removal programs, river cleanup days, education initiatives, public art programs, and gateway revitalization and improved streetscape efforts.

In its first year, Project Front Yard attracted local and regional business partners, including over \$1 million in in-kind media coverage from 14 local media outlets, which has helped to mobilize the

community to participate in tree planting, litter collection, and storm drain cleanup events. Since it was adopted, the program has even picked up regional momentum, gaining adoption in neighboring Acadia, Iberia, and St. Martin Parishes.

Platform for dialogue and building trust

Finally, local governments are increasingly appreciating the usefulness of the planning process as a backdrop for open, honest conversations about difficult community issues. These conversations help launch good relationships that can lead to more systematic consultations, continued beyond plan adoption. In Lafayette, the city-parish commitment to ongoing community engagement and visible, on-the-ground-improvements is helping to build trust.

Communities are also recognizing the need to involve broader audiences in the planning process to ensure equitable and full representation of the issues, as well as to strengthen the credibility of the process and get buy-in for adoption and implementation. For Portland, Oregon's 2035 *Comprehensive Plan* (portlandoregon.gov/bps/57352) process, staff set up neighborhood "drop-in" sessions for residents to come learn, at their convenience, how plan changes might affect them. A Comp Plan Helpline fields call from citizens, and the plan's mobile- and tablet-friendly Map App, which allows users to see proposed land-use and zoning designations and details about transportation projects on a parcel-by-parcel basis, has been viewed more than 120,000 times.

Open communication in an iterative planning process has become especially critical in building trust with the community, especially to show process participants how their input is used and assimilated at each step. Portland staff used a database to track comments received on each draft plan product. The database is updated after each public outreach event. The compiled public input and comments is made available to the public and advisory committees on an ongoing basis, while the staff briefs commissions and officials on how the project responds to public feedback. Planners are now getting ready to roll out an interactive, searchable version of the database using GIS, which will allow the public to review comments on specific sites or areas of the city. ■

Silvia E. Vargas is a senior associate at WRT, and Nancy O'Neill is an associate there. Alyssa Garcia, a WRT intern and a graduate student at the University of Pennsylvania in City and Regional Planning, provided research assistance.

'Our Planning Department has expanded its traditional role by linking its comprehensive plan to the city's strategic management system.'

—KEW BAKER,
AICP,
PLANNING
DIRECTOR,
SOUTH LAKE,
TEXAS



FORM

By RYAN
HOLEYWELL

FOR YEARS, COMPREHENSIVE PLANS—whether they're produced by municipalities, regional organizations, or other entities—have had a pretty standard format: They're placed in a three-ring binder that sits on the shelf. An identical PDF will usually appear on a government website.

Today, for better or worse, that's still the standard. But in a few places, planners are taking a different approach.

Take Charlotte, North Carolina. When officials there won federal funding to develop a regional growth plan, they knew they had to do something different from the status quo if they wanted their work to be relevant.

"We didn't want just a paper copy of something," says Michelle Nance, AICP, planning director of the Centralina Council of Governments, which represents the greater Charlotte area. "A PDF is static. It just didn't seem right for us, with the variety of communities we've come to represent."

When CCOG set about developing an ambitious new growth plan—spanning 14 counties across two states—it took a different approach: the plan, which debuted in March 2015, is entirely digital, living online at connectourfuture.org.

Visitors can examine regional priorities like "improve air quality" or "increase transportation choices," then drill down to learn more about



the strategies the region is implementing to achieve them. The site also has a dashboard where visitors can see the area's progress on a slew of different metrics using data pulled into an easy-to-understand graphic interface.

The hope is that the format will make it easier for different constituencies to focus on their specific priorities. "Because each of our communities is very different, we knew we wanted it to be interactive," Nance says. "It had to be relevant to so many different types of users."

A new movement

Across the country, planning departments are starting to rethink the way they present their work, realizing that cumbersome PDFs may be alienating their communities.

"This is definitely something I've been thinking a ton about over the last few years," says Manisha Gadia Bewtra, AICP, analytical services manager with the Metropolitan Area Planning Council, which serves the Boston area. "Why are we doing things in a way that doesn't help people consume information?"

Bewtra and a growing number of other planners are increasingly frustrated with the limitations of

old-school PDF and paper documents. Her organization recently helped develop a plan for downtown Lynn, Massachusetts (dtl.mapc.org/What_We_Learned/Downtown_Planning.html) which had no print component whatsoever. The move initially required officials to embrace a new way of thinking, but ultimately, it made for an easier, more coherent presentation of information, Bewtra says.

"One thing I'd say to planners," she says, "is that they shouldn't be afraid to do experimentation."

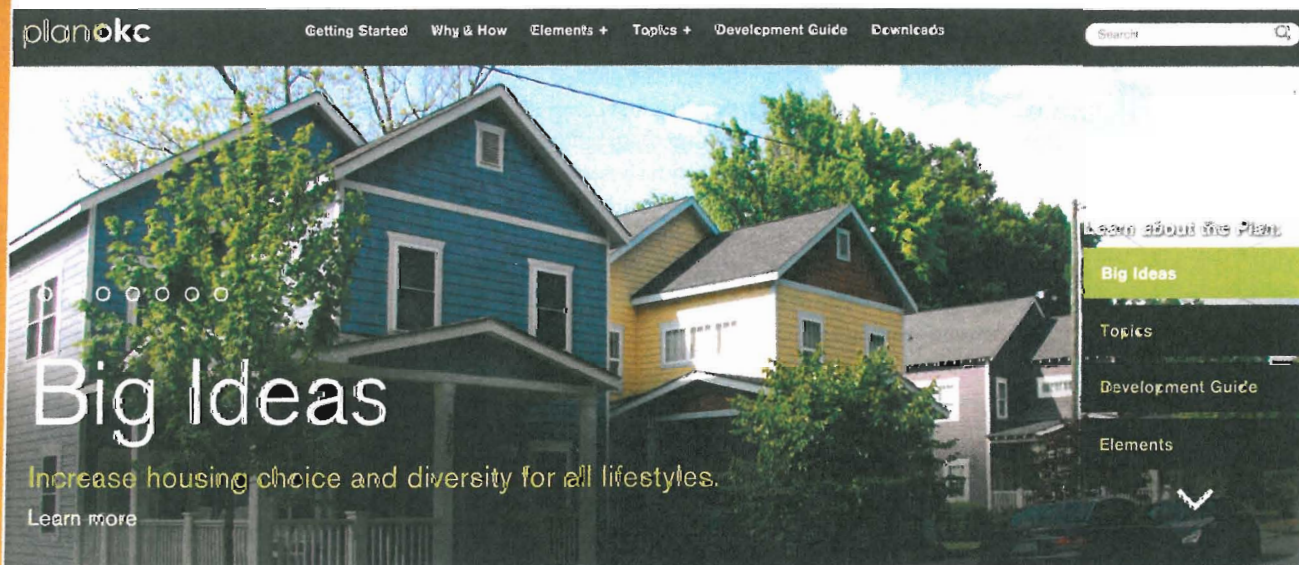
Ease of use

Communities switching to digital plans see several benefits. For starters: It's good public relations. PDFs come off as dated. A smartly designed website, meanwhile, can provide help with branding. Web-based plans can also be more accessible to the public, since they're most likely to be discovered through Internet searches (generally, information within a PDF is hard to find unless you know where that file is located). "If something's not on the web," Bewtra asks rhetorically, "does it really exist?"

A digital plan can be easier to navigate, says program planner Geoff Butler, AICP, of Oklahoma City. He also believes that his city's council members and planning commission members—who all have tab-

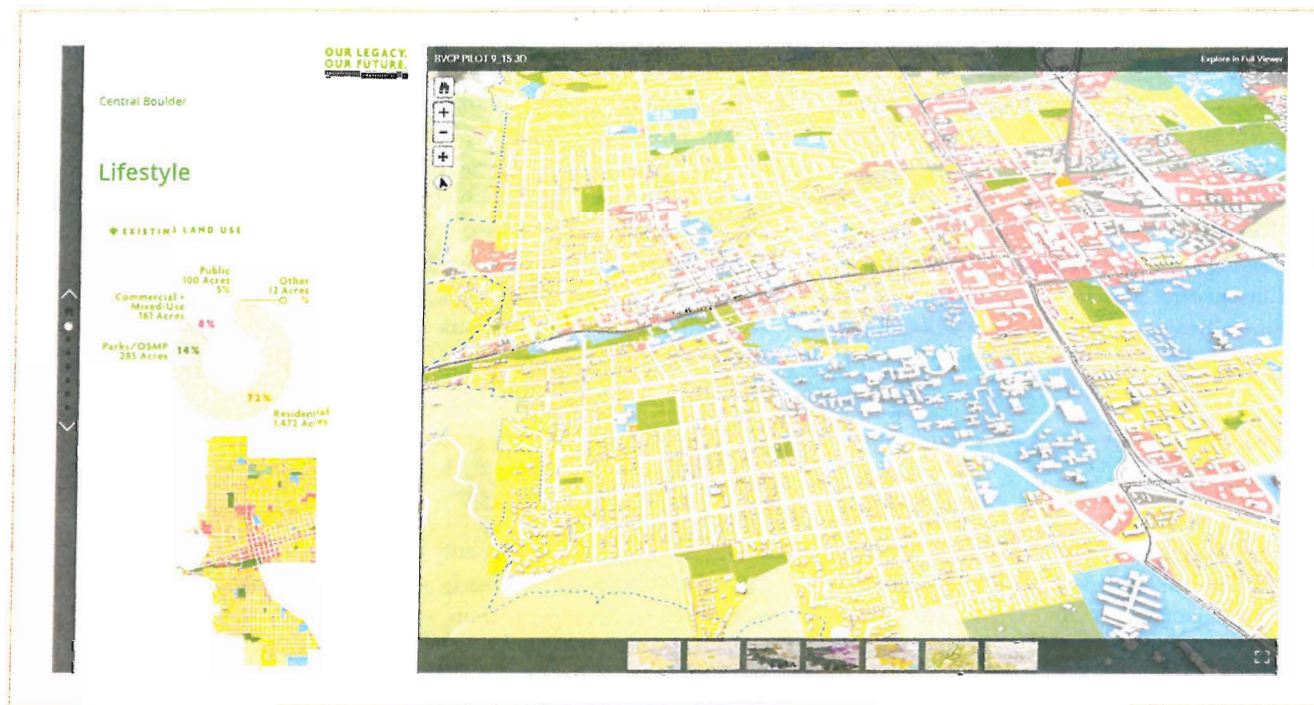
'One thing I'd say to planners is that they shouldn't be afraid to do experimentation.'

—MANISHA
GADIA BEWTRA,
AICP,
ANALYTICAL
SERVICES
MANAGER,
METROPOLITAN
AREA PLANNING
COUNCIL,
BOSTON



Planokc.org

Oklahoma City's new comprehensive plan homes in on seven big ideas. The website was designed with help from Sasaki Associates.



GIS software firm Esri is experimenting with creating 3-D models of cities that can be displayed online within communities' comprehensive plans. This is a screenshot of its template for Boulder, Colorado.

'What I see in the future for the comprehensive plan . . . is live data feeds that can be used in your planning efforts.'

—SHANNON MCELVANEY, GLOBAL COMMUNITY DEVELOPMENT MANAGER, ESRI

lets—are more likely to regularly use his city's new comprehensive plan if they don't have to carry it around in a cumbersome binder. "You can do two clicks and see what the city's doing about transit and all the initiatives around it," Butler says. "It's a big, thick document if you go through the printed version." *Planokc* (planokc.org), the city's first comp plan since 1977, was approved last July.

Navigability and portability not only help elected and appointed officials stay informed themselves, but is also a great outreach tool. So, when Joe Constituent asks what the city is doing about transit, an official can just pull out his or her phone, click on the "transit" icon, and show him.

Next generation tools

But where the movement is really poised to shake things up is by giving developers, planners, and citizens access to next-generation tools.

"We want to move away from the comprehensive plan as a static PDF," says Shannon McElvaney, global community development manager at GIS software company Esri. "What I see in the future for the comprehensive plan . . . is live data feeds that can be used in your planning efforts."

In Boulder, for example, Esri has created 3-D representations of city plans that could be included

in its comprehensive plan, which is currently being updated. "It's been really well received by the public," McElvaney says. "Anybody doing planning and development can look at the context of where they're building."

Esri is also experimenting with how to more dynamically represent form-based codes that may appear in general plans and other documents. Those visualizations could be accessed from any web browser.

And in Houston, the city's first-ever comprehensive plan (planhouston.org) includes a tool that allows visitors to input an address or draw a polygon on a map and see all the existing plans—produced by the city or other entities—that include that location. So far the tool contains more than 200 plans.

Making the switch

Communities that embrace the new method frequently tout their ability to continuously update a plan so that residents can see progress or so that plans can be tweaked more quickly.

"Given the constant development pressure the city is under, it gives us the ability to respond more quickly to development issues," says Vince Papsidero Jr., FAICP, planning director in Dublin, Ohio, which is among the communities taking this next-genera-

tion, digital focus to its comprehensive plan update.

In Houston, the plan is online, along with an annual implementation document (which was set to go live last month), that outlines how, exactly, Houston will achieve its goals. Residents will also be able to view various indicators. "We want to remain flexible," says Jennifer Ostlind, AICP, deputy assistant director of Houston's planning department. "We know priorities change. We have a framework. So in that sense, a website is much easier to update regularly."

Yet the ease of updates comes with an obligation to keep the web-based content fresh.

"It requires a big commitment," notes Jeff Reichman, principal at January Advisors, a consulting firm that helped with the digital presentation of Houston's new plan. "Any time you set up a new website, you're committing to keeping it up to date. People don't want to see old information."

A study released last year by Planetizen found that 53 percent of the planning department websites they looked at had been visibly updated in the last 30 days. At the other end of the spectrum, 18 percent hadn't posted new information in six months.

Reichman can't say exactly how often cities should update the information on their plan's webpage, but it's important to keep it fresh by communicating community members' input and highlight planning department work related to the plan.

Reichman and his team also had to coordinate closely with Houston's IT staff on how to present the plan. The city planning staff wanted the digital plan to look different from that of other city-produced webpages to convey the idea that it was something new. That meant a whole different set of procedures to build and maintain the site.

But others say creating and maintaining an online plan doesn't have to be a cumbersome process. "This is something the average planner with a little bit of web design training can undertake," says Bewtra, the Boston planner. "Obviously people understand there are things you can do with a large budget . . . but you can do quite a bit with a lean budget as well."

Potential pitfalls

Still, roadblocks can arise. Bewtra says there's a risk that the type of visually appealing widgets used to provide live updates within a plan could become defunct or face glitches over time. Stakeholders need to clearly decide who's responsible for website upkeep.

She also notes an even broader concern: the risk

that the web just feels more ephemeral than print. "You can't anticipate completely how information will be viewed in the coming years," she says. In other words, planners need to figure out how to archive and maintain their web-based plans for posterity.

Case in point: The last time Boulder updated its general plan, it presented the information online with lots of hyperlinks and searchable functionality. But when the city later revamped its entire website, much of that work vanished. "That's one of the challenges you find with things being fully embedded," says Lesli Ellis, AICP CEP, Boulder's comprehensive planning manager. "If you make changes to your system, you have to have update the plan too."

Reichman said one easy way to avoid this is to give the plan its own website that's separate from the rest of the city website. *Plan Houston's* website is supported by the same staff that maintains the city's website, "but it's not folded into the same Internet behemoth," Reichman says, which may protect it from any wholesale changes that occur to the city's website in the future.

Print lives on

Despite the shift to online presentations, print documents aren't dead quite yet.

The Centralina COG, for example, is among several planning departments that developed a magazine-style document to share with stakeholders and local elected leaders who "like to show it off," says Nance, the council's planning director. Those types of resources are also useful for community members who aren't comfortable with the Internet but still want to be informed about planning. "There are some folks who just don't operate that way," she says.

In Houston, the planning department knew from the onset that it wanted its plan to be housed online. But the city staff soon realized there wasn't an exact legal mechanism in place for the city council to approve a website. It had to develop a more traditional PDF as well, simply so the council could have a document to vote on.

And in Oklahoma City, even though the vision was always to have the plan appear on a dynamic website, the process began with creating a traditional print document as a way to help planners think about how to organize it. "It's distinct," says Butler of a physical document or a static PDF. "You know the beginning and the end and you can send it through the planning commission and city council." ■

Ryan Holeywell is senior editor for Rice University's *Kinder Institute for Urban Research*.