

Planning Commission Workshop

City and Borough of Haines


Department of Community and Economic Development

Division of Community and Regional Affairs

April 2019


Introductions and format of the workshop


 **Overview of various topics**

 **Provides opportunities for discussion and contributions from the whole group**



Introductions and format of the workshop

 Will not read every slide; some are for information purposes

 Some topics may get more attention, based on the group



Topics being covered



Introduction to
planning



Planning Commission
Overview



How the Commission
operates



How the Commission
makes decisions



Comprehensive Plan



Plan implementation



Introduction to planning

What is Planning?

Everyone plans.

Planning is an activity that touches just about every aspect of life. Individuals plan their day, friends plan hunting trips, families plan for major purchases, and businesses plan pricing



What is Planning?

..... The common thread that runs through these different activities is the time, effort, and expense that is saved in the future by thinking ahead and plotting a course of action today.


Community Benefits


Planning benefits communities in the following ways:


- Shapes the future
- Identifies local issues
- Identifies public values
- Ties programs together
- Promotes public involvement
- Attracts appropriate development
- Increases certainty
- Protects natural resources
- Improves public service efficiency
- Minimizes land use conflicts
- Promotes good design


Why do Communities Need to Plan?

 Planning saves money.


 Planning establishes ground rules.


 Planning can support economic development.

 Planning provides a forum for community consensus.

 Planning can promote community design.



 Planning can protect property and property values.

 Planning can reduce environmental damage and conserve resources.⁹

Planning Characteristics



Creates order and predictability:

- Land use plan guides development policies and public investment in infrastructure.
- City budget forecasts revenue collection and spending.



Promotes efficient use of resources:

- Locates new developments near existing utilities.
- Anticipates problems before they become crises.
- Coordinates and schedules capital improvements.
- Reserves scarce waterfront for water-dependent resources.

Planning Characteristics



Identifies alternatives and procedures:

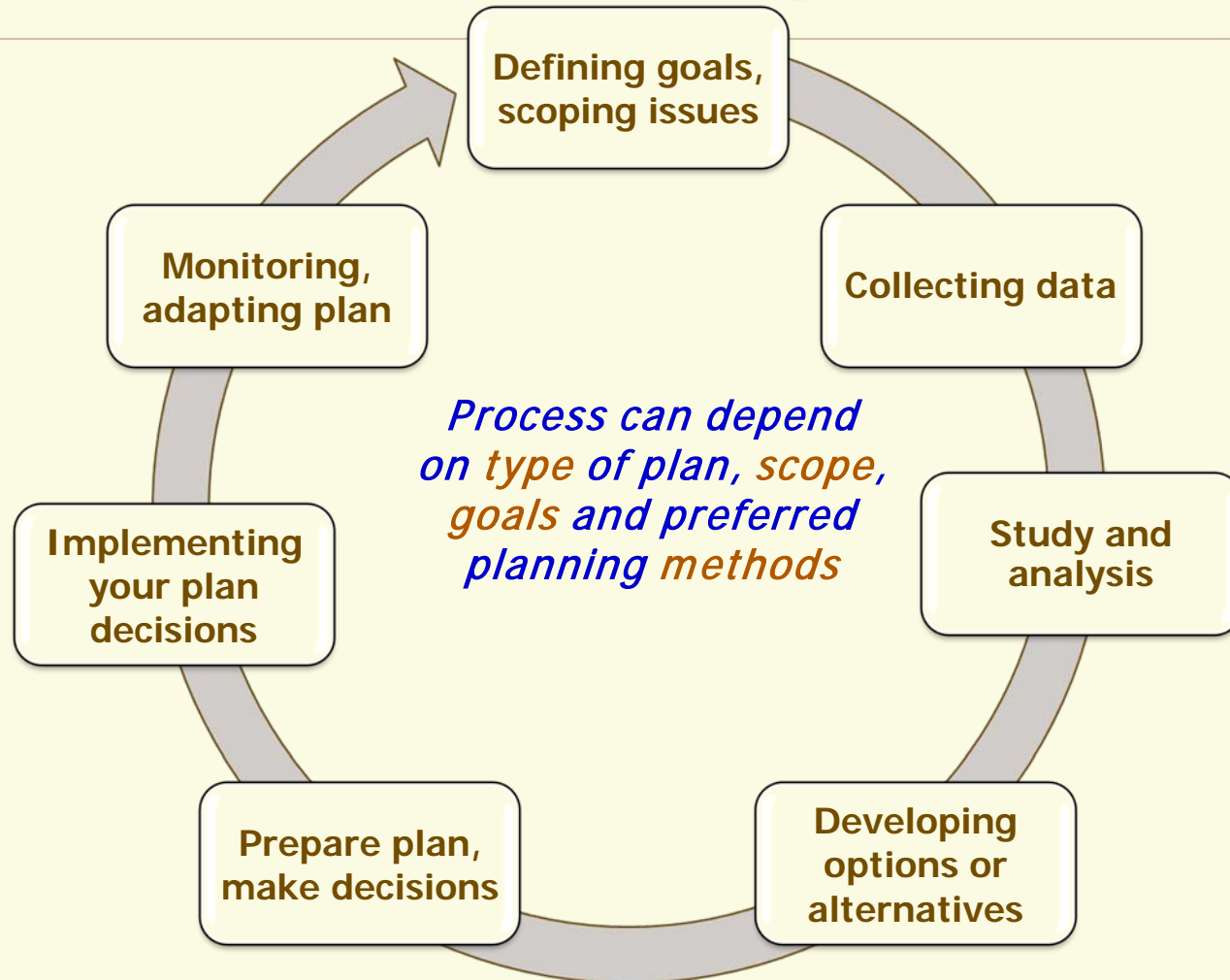
- Evaluates, accepts or rejects courses of action.
- Identifies steps that lead to plan realization.
- Combines vision with community needs.



Promotes community health and future viability:

- Inventories resources and analyzes planning alternatives.
- Community actively meets old goals and identifies new goals.
- Improved community leadership through enhanced knowledge, improved problem-solving skills, and critical analysis of alternatives.

A basic planning process



What does planning mean to you?

How do you feel about planning?

How do you see the comprehensive plan update benefiting the Borough and its residents?

1) _____

2) _____

3) _____






Planning Commission Overview

Welcome to the Planning Commission


An Effective Planning Commissioner Knows:

- ❏ Planning commission authority and duties
- ❏ How a planning commission operates
- ❏ Standards for commission decision-making
- ❏ Legal aspects of commission conduct
- ❏ Comprehensive and other types of planning
- ❏ Zoning, platting, and land-use regulation

What is a Planning Commission?

-  Is an *advisory group* to the governing body on issues and activities related to planning, platting, land use regulation, and community development.
-  Has limited decision making power, but can have considerable influence.
-  Is responsible for keeping planning and land use related issues in perspective for the community.

Planning Commission Authority

 AS 29.35 and local charters or ordinances define the authority and responsibilities of the commission members.



Alaska Statute 29.35.180 (b):



“A home rule borough shall provide for planning, platting, and land use regulation”

Planning Commission Authority

 Haines Charter. Article VIII Planning.


- Purpose: commission is sole planning body guided by comprehensive plan
- Powers and duties as described in charter and subsequent ordinances



Planning Commission Authority

 **Haines Charter. Sections 8.01 – 8.09**

 **Haines Municipal Code:**

 **Chapter 2.38**

DEPARTMENT OF LANDS, ASSESSMENT AND PLANNING

 **Title 14**


ACQUISITION AND DISPOSAL OF BOROUGH PROPERTY

 **Title 18**

LAND USE/DEVELOPMENT


Typical Planning Commission Duties

 * Actual duties can vary * Which ones apply to your commission?

 Prepare and update a comprehensive plan

 Review land acquisitions and disposals

 Review and recommend capital improvements

 Coordinate with other agencies' plans





 Conduct public meetings and hearings

Typical Planning Commission Duties

- Act as the platting authority
- Review and recommend land use regulations
- Review and recommend property rezones
- Act on variances and conditional use permits
- Hear appeals from administrative decisions



Typical Planning Commission Duties


-  Review annual planning budget
-  Approve planning department's annual work program
-  Initiate planning projects
-  Other duties as authorized by ordinance

Characteristics of an “Ideal” Planning Commission

 **Balanced**

 **Skilled**

 **Understands community**

 **Understands public process**

 **Committed to planning**

 **Maintains objectivity**

 **Declared conflict of interests**

 **Balanced special interests**





How the Commission operates

Planning Commission Roles

It is [or should be] a panel with knowledge of community character, local regulations, and community development practice.

 *Advisory Role* - Advises the council or assembly.

 *Regulatory Role* - Administers local land use regulations including zoning and subdivision ordinances.

 *Procedural Role* - Conducts fair meetings and makes fair decisions.

The Commission's Relationship with Staff and Elected Officials

The most important aspect of the relationship between the planning commission and the governing body is the planning commission's *advisory role*.

The council or assembly has the authority to approve, deny, or change commission recommendations.

A commission that has a good working relationship with the council can play a key role in keeping the council informed and educated about planning and community development issues.

The Commission's Relationship with Staff and Elected Officials

Discussion:

**After reading “Strengthening the Planning
Commission—Governing Body Relationship”**

(and other articles in the packet if you have time):

Which parts of the article(s) did you find useful?

1) _____

2) _____

3) _____

The Commission's Relationship with Staff and Elected Officials









Which parts did you disagree with, or don't seem to apply to your situation?

1) _____

2) _____

3) _____

Running a Meeting: The Chair's Responsibilities

-  Maintain order
-  Keep business moving
-  Manage public testimony
-  Maintain appropriate discussion and debate
-  Maintain parliamentary procedure
-  Ties things together
-  Keep a level head
-  Provide effective and quality leadership

The Chair's Procedural Duties

An effective chair understands the issues, understands fellow members, can maintain order, and bring the commission to a decision.

The Chair's Responsibilities:

- ▢ Preside over meetings
- ▢ Sign official documents
- ▢ Work with staff to set agenda
- ▢ Act as liaison between commission and council
- ▢ Appoint commissioners to subcommittees
- ▢ Resolve parliamentary issues

Practical Advice for Commissioners

- Read packet before meeting
- Seek staff assistance before meeting
- Know comprehensive plan and zoning/platting codes
- Be familiar with sites and projects
- Share information
- Focus on facts, not opinions
- Summarize what you have heard
- Participate in discussion
- Be practical
- Be a problem-solver, not a problem-maker
- Be probing, but not argumentative
- Respect your associates
- Treat everyone equally
- Attend meetings
- Come on time to meetings

Article on “Holding Effective Public Meetings

What do you think? What are the three things Haines Planning Commission could do (or already does) to hold more effective public meetings?

1) _____






2) _____

3) _____



How the Commission makes decisions

How Does the Planning Commission Make Decisions?

-  Using common sense
-  Thinking about what is in the best interest of the larger community
-  Considering the rules
-  Using persuasion or arguments based on testimony
-  Interpreting the comprehensive plan in accordance with legal requirements

Types of Commission Decisions

Legislative Decisions make or interpret policy. Are broad ranging and affect everyone in general and no one in particular.

- ☞ Substantive due process (reasonableness of decision) applies
- ☞ Examples: recommend to adopt a comprehensive plan, recommend capital improvement priorities, recommend code amendments.

Quasi-Judicial Decisions have direct affect on rights and liabilities of a single person or small group.

- ☞ Procedural due process (fairness of process) applies
- ☞ Examples: granting zoning variances, issuing conditional use permits, issuing encroachment permits

Parliamentary Procedure

Robert's Rules of Order

AS 29.40.020(a) requires 5 commission members unless local governing body establishes a greater number by ordinance. Quorum is:

- Always a majority of total membership.
- Minimum needed to convene a meeting, conduct business, or adopt a motion.

All formal actions taken by commission must be initiated by a motion.

Parliamentary Procedure (continued)

Formal Acts of Commission - local ordinance typically requires a resolution for formal acts.

- ▢ Describes action taken, effective date, expiration date, and condition on approval.
- ▢ Contains findings and rationale for decision.





Public Testimony - with adequate notice and opportunity to review agenda prior to meeting, citizens can appear before commission and present an informed viewpoint.



Comprehensive Plan


What is a Comprehensive Plan?


Comprehensive
Plan

-  A blueprint for guiding community development.
-  A flexible document, not a uniform template.
-  A visionary document attempting to anticipate future events and needs.
-  A statement of policies, goals, and standards.

Planning and land use control





Sec. 29.35.180. Land use regulation.


 (a) A first or second class borough shall provide for planning, platting, and land use regulation in accordance with AS 29.40.

 (b) A home rule borough shall provide for planning, platting, and land use regulation.

(§ 10 ch 74 SLA 1985)


Legal requirement to plan

-  In addition to the duties prescribed by ordinance, the planning commission shall
-  (1) prepare and submit to the assembly a proposed comprehensive plan in
-  accordance with AS 29.40.030 for the systematic and organized development of the borough;
-  (2) review, recommend, and administer measures necessary to implement the comprehensive plan, including measures provided under AS 29.40.040. (§ 11 ch 74 SLA 1985)

 Before you can implement land use regulations, including zoning, subdivision powers, you must have a plan first


Legal requirement to plan

Sec. 29.40.030. Comprehensive plan.



-  (a) The comprehensive plan is a compilation of policy statements, goals, standards, and maps for guiding the physical, social, and economic development, both private and public, of the first or second class borough, and may include, but is not limited to, the following:
- 1) statements of policies, goals, and standards;
 - 2) a land use plan;
 - 3) a community facilities plan;
 - 4) a transportation plan; and
 - 5) recommendations for implementation of the comprehensive plan.

Legal requirement to plan

 **Sec. 29.40.030. Comprehensive plan.**






 (b) With the recommendations of the planning commission, the assembly shall adopt by ordinance a comprehensive plan. The assembly shall, after receiving the recommendations of the planning commission, periodically undertake an overall review of the comprehensive plan and update the plan as necessary. (§ 11 ch 74 SLA 1985)

What is a Comprehensive Plan?




-  Provides a policy framework for decision-making regarding land use, transportation, housing, public facilities, and economic development.
-  Includes information on the many facets of a community including demographics, physical conditions, land use, environment, transportation, legal matters, and fiscal conditions.

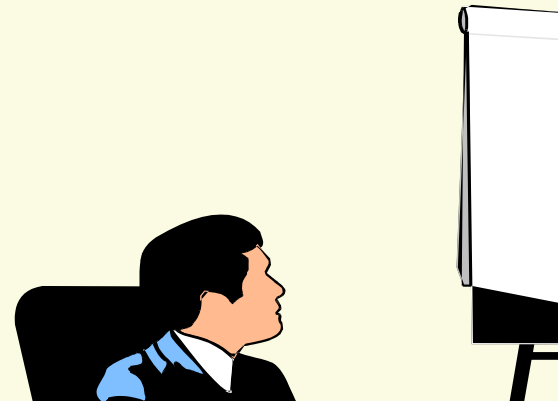
Reflects the vision and direction of residents!

Comprehensive Plans Include:







-  **General statement of goals and objectives**
-  **Background Report - regional needs, local resources, population trends, existing facilities**
-  **Land Use Plan**
-  **Community Facilities Plan**
-  **Other Plans - parks/recreation, flood mitigation, coastal management, transportation, open space, housing, annexation**

Comprehensive Plans Include:

-  Recommendations for implementation – principles, policies, standards
-  Plans from other agencies and communities
-  Strategies for improving the local economy











A High-Quality Comprehensive Plan Includes:

-  A systematic and comprehensive collection and analysis of data
-  Clear and comprehensive goals
-  Specific action-oriented policies for implementation
-  Local official support
-  Local community support
-  Current data and policies

Why Have a Comprehensive Plan?



-  **Fulfills legal obligation**
-  **Meets grant eligibility requirements**
-  **Guides community and economic development**
-  **Guides decision-making**
-  **Establishes basis for regulation**
-  **Coordinates policy**
-  **Provides “blueprint” for growth**
-  **Represents future vision**

IMPORTANT!

Clean
Water!



Listen to your
community.

The comprehensive plan can work for your community only if you are committed to its success and *invest time* and *effort* in its preparation and implementation.

What is a Good Policy?

A well-written policy is easy to understand, is achievable within the means of the city, is specific without being too detailed, and is well-related to the goals and inventory data of the plan.

- Easy to understand

- Specific

- Uses simple words

- Realistic

- Makes sense

- Feasible

- Relates to decisions

- Identifies a responsible party

- May identify timeframes

What is a Bad Policy?

A poorly-written policy is open to interpretation, is not realistic to achieve, is vaguely or broadly worded, and is poorly linked to the plan's goals and inventory data.

- ❏ Vague

- ❏ Confusing

- ❏ Hard to understand

- ❏ Contains awkward sentences

- ❏ Uses uncommon words




- ❏ Too broad

- ❏ Unrealistic assumptions or outcomes

- ❏ Unfeasible

- ❏ Does not make sense

Capital Improvement Plan

-  One of the most powerful tools for implementing a comprehensive plan. The CIP can have great influence on the pace and quality of development
-  Identifies need and purpose for capital project improvements
-  Estimates costs and methods of financing

Capital Improvement Plan

- Identifies capital projects by type, priority, cost and year
- Costs may include engineering and architectural fees, feasibility studies, land appraisal and acquisition, construction and related furnishing, and equipment for new facilities

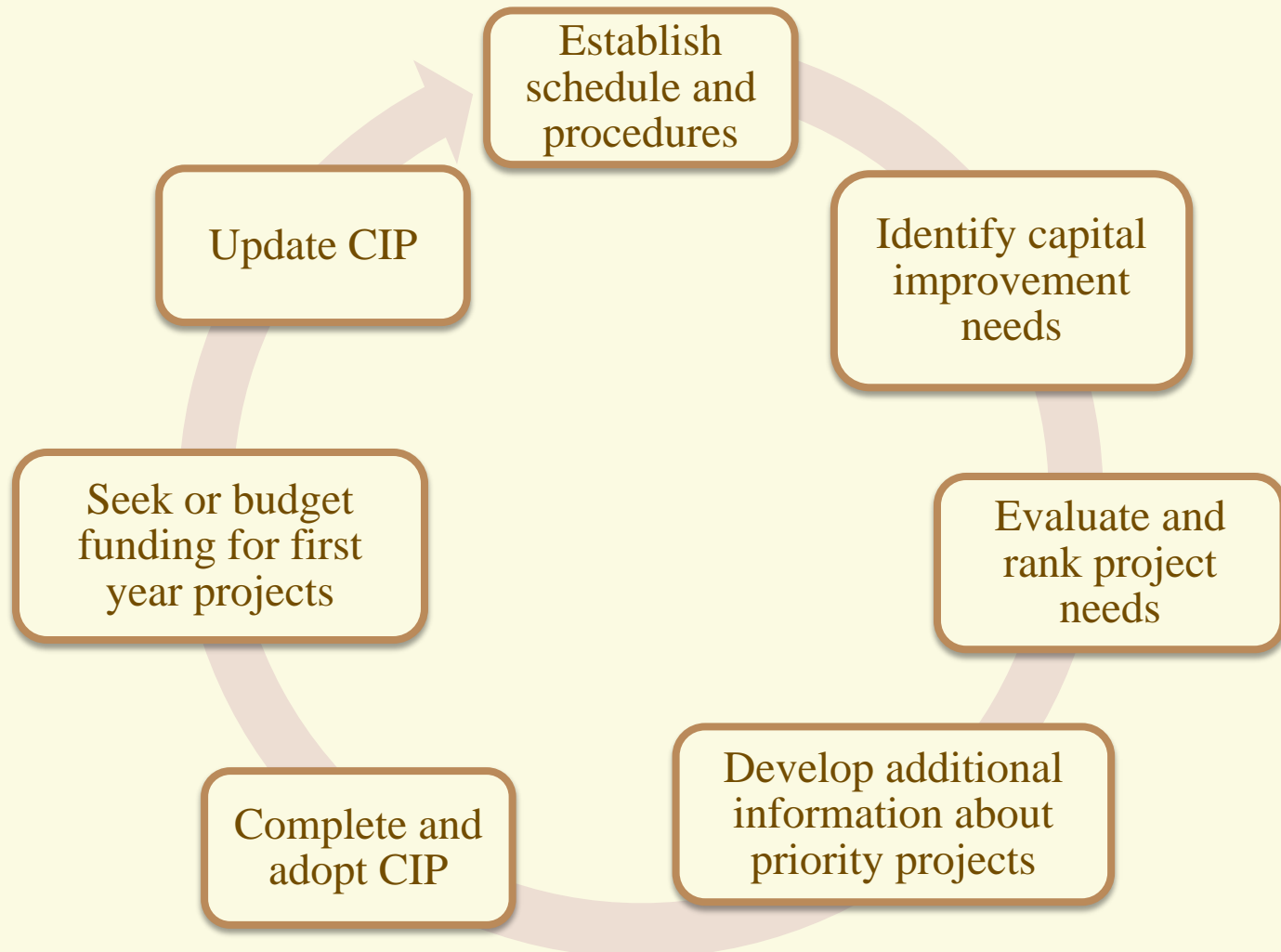


Capital Improvement Plan

Three typical elements of a CIP:

- 1) overview of CIP process and list benefits a community will derive from the improvements
- 2) a section on financial data with historic revenue and expenditure data along with projective revenue, expenditure and debt service
- 3) projects recommended for funding, the relationship of the project to the comprehensive plan, and how projects will be financed

Example -- Steps to prepare a CIP



Role of commission in CIP process

The commission is involved in the CIP process because projects have an effect on the community's physical development





The commission makes sure projects are consistent with the comprehensive plan





Plan implementation

Plan Implementation Includes:

-  **Zoning regulations**
-  **Zoning authorizations**
-  **Subdivision regulations**
-  **Additional implementation tools**








Additional Plan Implementation Tools

- ❏ Municipal Entitlement Program
- ❏ Municipal Land Management Program
- ❏ Municipal land disposal methods
- ❏ Capital Improvement Program
- ❏ Statewide Transportation Improvement Program
- ❏ Sanitation master plans
- ❏ Municipal budget
- ❏ Design review standards
- ❏ Floodplain regulations
- ❏ State and Federal planning programs
- ❏ Historic preservation standards
- ❏ Environmental impact assessments




AS 29.40.040 Land Use Regulation

In accordance with a comprehensive plan adopted under AS 29.40.030 and in order to implement the plan, the assembly by ordinance shall adopt or amend provisions governing the use and occupancy of land that may include, but are not limited to, zoning regulations restricting the use of land and improvements by geographic districts.

The Purpose of Zoning



-  Promotes public safety, health, and general welfare.
-  Segregates incompatible land uses and activities.
-  Protects property values.
-  Regulates property use in accordance with community standards and values.
-  Creates uniform land use regulations.
-  Establishes ground rules for development through public process.
-  Prevents or reduces nuisances.

The Legal Basis for Zoning




-  The Village of Euclid v. Ambler Realty (1926)
-  AS 29.40.040(a) provides municipal authority for planning, platting, and land use regulation.
-  A municipality must adopt a comprehensive plan before it may enforce a zoning ordinance:
 - Comprehensive plan = policy document
 - Zoning ordinance = regulatory document

Zoning Authorizations

Zoning ordinance includes:

-  Minimum lot size, lot width/depth, setbacks between structures, maximum building height, max/min lot coverage, and signage.
-  Zoning related authorizations including variances, conditional use permits, planned unit developments, home occupations, accessory uses, and non-conforming uses.

What is a Variance?

-  A variance is an exception from the strict terms of the zoning (or platting) code.
-  It is a waiver of the provisions of the zoning ordinance when strict application of the ordinance would cause exceptional, practical difficulties, or undue hardship to the property owner.
-  Property standards are adjusted because the specific location, topography, shape, size, or other environmental features of the lot make it impossible to comply with zoning regulations as written.

Variances Under AS 29.40.040(b)

According to Alaska law, a variance may not be granted if:

- ☞ The special conditions that require the variance are caused by the person seeking the variance.
- ☞ The variance will permit a land use in a district in which that use is prohibited.
- ☞ The variance is sought solely to relieve financial hardship or inconvenience.

Two Types of Variances





Use Variance

- ❏ Permits a use otherwise prohibited in a given zoning district.
- ❏ AS 29.40.40(b) prohibits for general law municipalities and allows for home rule municipalities.




Area Variance

- ❏ Provides relief from setback, frontage, height, density, and similar requirements.
- ❏ Permitted by AS 29.40.40(b) for general law and home rule municipalities.

When Can a Variance be Granted?






-  Variances are granted when some unique condition related to the land (e.g., stream, steep embankment, rock outcrop) makes it impossible to comply with terms of zoning code.
-  Hardship must be linked to feature of land.
-  Applicant required to show neighbors will not be adversely affected by granting a variance.
-  Variances most often granted for relief from setback requirements, building height, or lot coverage.

Subdivision Regulations

-  Guides the conversion of land into improved or developed land consistent with technical requirements and community standards.
-  Shapes a community's character.
-  **Subdivision Regulation Ordinance** – regulates land division into building lots for the purpose of sale, development, or lease.
 - Specifies procedure when land is subdivided and built upon.
 - Assures land development is appropriately and consistently completed.

Why Regulate Land Subdivision?

To assure newly created lots do not become or do not create unanticipated costs for owners, municipality, or neighbors.








-  Establish street pattern design
-  Establish consistent street design dimensions
-  Provide utility easements
-  Provide water supply and sewage disposal
-  Develop lot layout and ensure access

What is Platting?

Platting is a largely technical activity that is fundamentally different than zoning:





- ❏ It establishes standards for subdividing land and places certain requirements on those divisions.
- ❏ It assures lots are created in accordance with community standards and are properly surveyed and recorded.
- ❏ It sets a pattern of physical development that is, for all practical purposes, irreversible.

Platting Procedures

-  Procedures for review and approval of preliminary and final plats.
-  Waiver provisions for land subdivisions that do not require close scrutiny.
-  Definition of terms used in platting ordinance.
-  Standards for survey and monumentation.
-  Subdivision design standards.
-  Standards for provision of water, sewer, electrical and telephone utilities.
-  Provision for penalties and appeals.

Plat Approval Procedures

AS 29.40 establishes common platting provisions, but also provides local governments with latitude in fashioning locally appropriate platting standards:


-  Applicant submits preliminary plat map.
-  Planning commission reviews preliminary plat map and determines whether it is in compliance with municipal platting code. Must approve or decline.
-  Applicant submits final plat consistent with approved preliminary plat.
-  Approved final plat submitted to district recorder's office.

If time allows:

Five best practices of a commission*

-  **Select right people**
 -  **Be clear about roles and expectations**
 -  **Make planning commission-assembly communication a regular occurrence**
 -  **Require planning commission training and support**
 -  **Recognize and thank your commissioners**
-  *** See Joseph Tovar 2013 article “Land Use Planning and the Art of Planning Commission Maintenance”**

Five best practices of a commission

 What key points, sentences or phrases in Tovar's article caught your attention and why?



Concluding Thoughts

- ❏ Planning is a collective effort between citizens, elected officials, and the planning commission.
- ❏ When an effective and collaborative planning process flourishes in a community, the vision of the citizens, planning commissioners, and elected officials can be achieved.

