

# Creating and Maintaining a Robust Comprehensive Plan

Stephen Deal

A comprehensive plan is a planning agency's signature document. Though comprehensive plans are considered advisory in nature, the role they have in justifying city zoning and policy means they can be perceived as having the weight of law. A poorly written comprehensive plan is not just ineffective, it can undermine the ability of a city to effectively enforce zoning regulations. A comprehensive plan is the fulcrum on which planning legitimacy rests, and the success or failure of a planning agency begins and ends with the comprehensive plan.

## A Poorly Written Plan Can Be Trouble

A good comprehensive plan should be viewed as a precondition for sound planning. While zoning enforcement does not need a good comprehensive plan to take place, a poor comprehensive plan can be a ticking time bomb that invites legal scrutiny and squanders precious social capital. In the early years of city planning, courts deemed the presence of zoning regulations as a kind of exercise in comprehensive planning in and of itself.<sup>1</sup> Increasingly, courts have placed greater weight on comprehensive planning as a stand-alone process distinct from zoning regulations. Courts will often use a city's comprehensive plan to determine the legal validity of city planning policy.

In the Illinois case *LaSalle Bank National Association v. City of Oakbrook Terrace*, the comprehensive plan was a critical factor.<sup>2</sup> In this case, the city adopted a 2001 plan that it deemed advisory and not a legal obligation. In 2003, the city amended the comprehensive plan by creating the "Unit 5 Area Plan" that applied to 236 acres of city land, which included part of the plaintiff's property. The new amendment resulted in the city rezoning the plaintiff's property, which resulted in a significant reduction in the number of allowable units that could be built on the property, going from 2,700 units down to 300. The plaintiff

alleged that the city's action was down zoning and constituted a taking. The Illinois Court of Appeals dismissed the plaintiff's claims as they were filed prior to the city's final action dictating how many units could be developed, but noted that the city had applied the comprehensive plan as the law requires to justify its actions.

The comprehensive plan is more than just a justification for government actions, it legitimizes the planning discipline. A comprehensive plan symbolizes the "big picture" of the community and serves as a broad vision that gives shape and form to the collective aspirations of a community. If a comprehensive plan fails to gain traction in a community, it signifies a failure in collective decision-making that casts doubt on a local government's ability to address citizen needs. Since a comprehensive plan is often a multi-year process, a community must invest considerable staff time and resources towards its completion and adoption. If a multi-year comprehensive plan process fails in the final adoption stage it becomes a drain on city resources and local government staff. In one Indiana county, citizens were so dissatisfied with their comprehensive plan they elected new county commissioners who proceeded to unadopt the plan and let the entire planning staff go.<sup>3</sup>

## The Key Is Consistency

A primary consideration of any comprehensive plan is its consistency with relevant state laws and city zoning. Planners need to be mindful that the regulatory weight of comprehensive plans can vary in accordance with state law. According to one source, Alabama and Mississippi have no explicit laws requiring consistency between a city's comprehensive plan and zoning, while many states across the country do.<sup>4</sup> These laws can apply to specific regions or they can be statewide. In North Carolina, the Coastal Area Management Act (CAMA) requires that the state's coastal

counties prepare comprehensive land use plans and that these plans must be consistent with formal guidelines developed by the Coastal Resource Commission.<sup>5</sup> The states of Oregon, California, and Hawai'i require consistency of land-use regulations to the comprehensive plan, and cities are required to produce findings that show the plan and zoning are in sync.

In some instances, urban regions have regional authorities that have a direct say in the planning process of a community. In Minnesota, the Metropolitan Council has been directing planning activities in the seven-county Twin Cities region since 1976.<sup>6</sup> Every 10 years the council creates a long-range development plan for the region. When communities in the region write their own comprehensive plans, those community plans must be consistent with the long-range development plan. Since the enactment of this policy, more than 2,200 local plans and plan amendments have been reviewed, with the council requesting modifications from 24 of them. It should be noted that a city's own land use regulations may also elevate a plan beyond its advisory role. One example of this would be an ordinance requirement stipulating that a conditional use permit can only be approved upon showing that the proposed land use activity is in keeping with the comprehensive plan.

Other aspects of the plan, such as how often it is updated, are also important in making the plan robust and a legitimate tool for city guidance. As a general rule of thumb, a comprehensive plan should be updated on a regular cycle, such as every three to five years.<sup>7</sup> City planning departments must be mindful of changing conditions in demographics that might invalidate fact finding used to justify the plan.<sup>8</sup> If a comprehensive plan is over five years old, it's generally a good idea to update the plan to reflect new data as demographic changes may affect recommendations made on land use, the transportation network, and public facilities.

### **The Importance of Transparency when Developing Plans**

A city should strive for robust public involvement in all of its planning activities, but that is especially true when it comes to developing a comprehensive plan. If a plan is to have any weight or sense of legitimacy in the eyes of the public it needs to be promoted among city stakeholders and be reasonably well understood by all parties involved in local governance. One notable example of public involvement in comprehensive plan development comes from Tuscaloosa,

Alabama. When the City of Tuscaloosa created a new comprehensive plan in 2021 there were ample opportunities for public input. During the drafting period for the plan there were 11 steering committee meetings, two 3-hour open house sessions, and numerous public hearings before the City Planning and Zoning Commission.<sup>9</sup>

In addition to meetings, the city also used many unique communication methods to convey the value and significance of the plan to city residents, including a social media campaign, radio interviews, a project website, letters to the editor, and various flyers and posters promoting the plan's framework. The plan was approved by the City Planning and Zoning Commission. It was recognized with an Outstanding Planning Award for a Comprehensive Plan by the Alabama State Chapter of the American Planning Association.<sup>10</sup>

A good public engagement strategy is essential for community buy-in, but the success of a comprehensive plan rests on its ability to communicate a cohesive vision. To put it simply, public transparency is only possible if the plan itself is clear in its intent. In Memphis, Tennessee, local government officials were tasked with rebuilding the city's long-term planning infrastructure. The city's comprehensive plan, Memphis 3.0, was not simply a new plan, but a course correction for a city that had not updated its plan since 1981.<sup>11</sup>

The plan's simple vision was "Build Up, Not Out," and the planning effort focused on the downtown core and 13 other neighborhoods with the potential for greater walkability. The plan also identified three degrees of change (nurture, accelerate, and sustain) to be encouraged in target neighborhoods. Nurture actions provide stability to neighborhoods in decline, accelerate actions support change that is already taking place but requires additional support, and sustain actions support existing character. Target neighborhoods were also classified by their community character, such as whether they were an urban center or a neighborhood crossing. The plan has proven to be a big success, as it established a logical framework for local investment. According to the city's planning director, in the first year of its adoption, 71 percent of development investment was in anchors and anchor neighborhoods identified in the comprehensive plan.<sup>12</sup> By employing a broad vision, utilizing simple language, and highlighting neighborhoods for targeted investment, Memphis 3.0 demonstrates how a well-written comprehensive plan can inject transparency into local decision-making.

## Conclusion

A comprehensive plan may be advisory, but advisory does not mean optional. Increasingly, the comprehensive plan is viewed as a fundamental component to justify zoning and policy recommendations. In light of this, planning departments should regularly update their comprehensive plans and check to ensure that the plans are consistent with state laws and city zoning. A comprehensive plan should also strive to involve as many stakeholders as possible, so it can represent the community’s collective interests. A comprehensive plan can be a stumbling block when done poorly, but if it is done well it can be a bold vision for a community’s collective aspirations. ↗

*Stephen Deal is the Extension Specialist in Land Use Planning for the Mississippi-Alabama Sea Grant Legal Program.*

## Endnotes

1. Edward J. Sullivan, *Legal Lessons*, Planning Magazine (Feb. 2015).
2. *LaSalle Bank National Association v. City of Oakbrooke Terrace*, 393 Ill. App. 3d 905 (Ill. Ct. App. 2009).
3. Jim Segedy & Lisa Hollingsworth-Segedy, *Unadoptable?*, PlannersWeb (Nov. 12, 2013).
4. Texas A&M AgriLife Extension, *Intro to Legal Framework for Planning: State and Local Land Use*.
5. David W. Owens, *Plan-Consistency Statements*, UNC School of Government Planning and Zoning Law Bulletin No. 27 (Nov. 2018).
6. Metropolitan Council, *History of the Metropolitan Council*.
7. Timothy Beatley, *Ethical Land Use*, Johns Hopkins University Press (1994).
8. Central Mississippi Planning and Development District, *Does Your Community’s Comprehensive Plan or Zoning Ordinance Need Updating?* (Nov. 7, 2016).
9. City of Tuscaloosa, *Framework: A Dynamic Guide for Tuscaloosa* (Feb. 17, 2021).
10. American Planning Association Alabama Chapter, 2021 *AL-APA Awards Recipients*.
11. Linda McIntyre, *Memphis Makes the Case for Planning*, Planning Magazine (May 2020).
12. Linda McIntyre, *Memphis Makes the Case for Planning*, Planning Magazine (May 2020).



# IN SUM.

A Summation of the Facts and Figures of Interest in this Edition

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| ★ | Miles of rivers and streams in Alabama:   | 132,000 |
| ★ | Size of public waterways patrolled by Mississippi Marine Patrol (in sq. miles): | 1,000   |
| ★ | Date of first nationwide invasive species law:                                  | 1900    |
| ★ | Year MDMR established full-time Criminal Investigation Division:                | 2014    |
| ★ | The year Tuscaloosa won an award for its comprehensive plan:                    | 2021    |