

WESTERN CENTRAL CHAPTER NEWSLETTER



American Planning Association
Western Central Chapter

Making Great Communities Happen

A Publication of the Western Central Chapter of the American Planning Association

montana •

wyoming •

south dakota •

north dakota

APA

Fall 2008

Getting along with homeowners

by Doris S. Goldstein

Developers of new urban (NU) communities — founders — are often disappointed and rather surprised to find out that they are not universally beloved by homeowners. In fact, founders may have more trouble with homeowners, and homeowners' associations (HOAs), than conventional developers, for the following reasons:

1. In conventional development, the developer gets in and gets out. NU development takes years or even decades, and even when the residential portion is built out, the founder is likely to retain an ongoing interest in the town center.

2. Most founders are, of necessity, control freaks. They have a vision, they are personally invested in their projects — many are individuals or family members, not big corporations — and they persevere. Otherwise, many of these projects would never survive the uphill battle to get built. But the qualities that make them good founders make them poor HOA participants. Homeowners have their own ideas and want to make their own decisions, some of which will be different from the decisions the founder would make. Unless the founder is willing to step back and let go, this leads to conflict.

3. In communities where homes are custom-built, rather than built by production or speculative builders, the architectural review process seems perversely designed to foster ill will. For most, this is the homeowner's first exposure to the founder. When an application is rejected, homeowners feel that they, and their sense of style and taste, have been personally rejected. This bad feeling festers and carries over to later relationships with the founder.

Cultivating relationships

Having good homeowner relationships is not something that comes naturally. It takes effort and the process is not entirely intuitive. Here are some specific suggestions for founders to improve the relationship with homeowners:

Don't give the HOA anything you don't want to kill. Most HOA officials are interested in preserving property, keeping assessments low, and avoiding controversy. A concert on the green may be fun, but it means trash to pick up and wear and tear on the lawn — and fielding complaints from the handful of homeowners who don't like the noise or the traffic. Limit the HOA to simple maintenance responsibilities for common areas outside of the town center. Keep the town center and any other areas where you want to have lively programming out of



New Urban Community in Cambridge, MD
Photo credit: Allyson Bristor

Inside this issue:

Getting along with homeowners 1

WCC Executive Committee &
Newsletter Information 2

President's Message 3

AICP Certification 3

Where in the world? 5

Press Release 6

State Director Updates 7

continued on page 4



Newsletter Information

This newsletter is published by the Western Central Chapter of the American Planning Association. Circulation is to the APA members of the Western Central Chapter (WCC). The WCC Executive Committee welcomes submission of original articles, editorial letters, and any other information of interest to both professional and citizen planners. Submissions should be made to the newsletter editor:

Allyson C. Bristol, AICP
P.O. Box 1230
Bozeman, MT 59771
p: 406.582.2272
f: 406.582.2263
e: abristol@bozeman.net

2009 WCC Newsletter Schedule
Spring – March 6
(submittal deadline is February 20)
Summer – June 5
(submittal deadline is May 22)
Fall – September 4
(submittal deadline is August 21)
Winter – December 4
(submittal deadline is November 20)

Address/Email Changes

If your mailing or email address has changed, please contact the American Planning Association at the address below. You can also edit your information online at <https://www.planning.org/myprofile/>.

American Planning Association
122 South Michigan Avenue
Chicago, IL 60603-6107
p: 312.431.6107
f: 312.431.9985
e: membership@planning.org

WCC Executive Committee

President

April D. Getchius, AICP
Community Development
Department
City of Casper
200 N. David Street
Casper, WY 82601
p: 307.235.8241
f: 307.235.8362
e: agetchius@cityofcasperwy.com

Immediate Past President

Andrew Epple, AICP
Department of Planning &
Community Development
P.O. Box 1230
Bozeman, MT 59771
p: 406.582.2260
f: 406.582.2263
e: aepple@bozeman.net

Vice-President

Neil Putnam
City of Mitchell
612 North Main Street
Mitchell, SD 57301
P: 605.995.8433
f: 605.995.8410
e: nputnam@cityofmitchell.org

Treasurer/Montana State Director

Jeff Bollman, AICP
Montana DNRC
1371 Rimtop Drive
Billings, MT 59105
p: 406.247.4404
f: 406.247.4410
e: jbollman@mt.gov

Secretary/South Dakota State Director

Dave Mingo, AICP
Community Development Director
City of Yankton
PO Box 176
Yankton, SD 57078
p: 605.668.5252
e: dmingo@cityofyankton.org

Professional Development Officer

Pepper McClenahan, AICP
WLC Engineering, Surveying and
Planning, Inc.
200 Pronghorn
Casper, WY 82601
p: 307.266.2524
f: 307.235.5604
e: pmccclenahan@wlcwyo.com

North Dakota State Director/ Western Planner Representative

Stephen E. Miller, AICP
Kadrmas, Lee & Jackson, Inc.
P.O. Box 1157
Bismarck, ND 58502
p: 701.355.8406
f: 701.355.8781
e: stephen.miller@kljeng.com

Wyoming State Director

Joanne Garnett, FAICP
WLC, Inc.
PO Box 1519
Pinedale, WY 82941
p: 307.367.6548
e: joanneg@wlcwyo.com

President's Message by April D. Getchius, AICP

Dear Western Central Chapter Members:

It is hard to believe that summer is over! 'Tis the season for State Conferences!! It seems that fall is a primary time for State organizations to have their meetings. South Dakota will hold its conference in Watertown October 29-30; the North Dakota Planning Association will hold its conference November 5-6 in Mandan, North Dakota; and the Montana Association of Planners will hold its conference September 22-24 at the Flathead Lake Lodge. These conferences are a great opportunity to expand your thinking to new ideas; to get additional certification maintenance credits if you are AICP; and most of all, a chance to network with your fellow planners to share your ideas, frustrations and triumphs. Check the WCC website at www.wccapa.org for additional links and information to the state sites. I won't be able to attend them all this fall, but looking forward to eventually doing so. Folks work extremely hard in organizing quality conferences for your benefit. WCC is proud to contribute to the support of these conferences and encourage you to take a few days away from the office to recharge!

In a previous newsletter, I wrote about the tasks the Executive Committee of the Chapter is taking on. One of those is redrafting our bylaws to fit with our new structure, accommodate the loss of Idaho, and better recognize our State organizations. You will be asked to vote on the bylaws so that we can formally adopt them.

Wyoming had an exciting development at the Western Planner/Wyopass Conference in August! In a follow-up to a January 2008 conference sponsored by Governor David Freudenthal, attended by over 500 people and entitled "Building the Wyoming We Want", the Governor announced the formation of a state-wide visioning office. The office will be led by Jeff Fuller as Director and Joanne Garnett, FAICP, as Assistant Director. Governor Freudenthal has said that this will be a "bottom-up effort" and driven by the local communities. He stated, "For us to make this work in Wyoming, what we need to do is create an appetite for a discussion that will generate a vision that will allow us to impact on local decisions." We look forward to this effort and the role local planners will take in helping our citizens facilitate this discussion.

Have a wonderful fall!

Best wishes, April



April out of the office.

"WCC is proud to contribute to the support of these conferences and encourage you to take a few days away from the office to recharge!"

AICP Certification

To become a certified planner and use the AICP designation, one must be a current member of the American Planning Association, submit an online application meeting certain education and experience requirements, pass an examination, and be a fully paid member of APA and AICP.

The application window for the November 2008 AICP Exam has closed.

The application window for the May 2009 AICP Exam will open in October 2008.

For more information about AICP exam, review the [Exam Candidate Bulletin](http://www.planning.org/certification/index.htm).
Information obtained from <http://www.planning.org/certification/index.htm>.

“The HOA is an artificial construct, and it’s necessary to understand and respect the boundaries. From the very beginning, recognize that the HOA is a separate entity — not an extension of the developer — and exists to serve the homeowners.”

Getting along with homeowners *continued from page 1*

the hands of the HOA. Activities can be sponsored either by the merchants or by a 501(c)(3) or 501(c)(4) organization.

Know what hat you are wearing. The HOA is an artificial construct, and it’s necessary to understand and respect the boundaries. From the very beginning, recognize that the HOA is a separate entity — not an extension of the developer — and exists to serve the homeowners. Even when the founder controls the board by electing a majority of the directors, the founder always needs to be aware of the responsibility owed to the homeowners, and to act in the best interest of the community. It’s also important to observe the formalities of operating a separate corporation, such as noticing and holding board of directors meetings and keeping corporate records. (In most states, it’s the law as well.)

Maintain a clear line of demarcation between the founder and the HOA. If at all possible, the developer should not manage the association. Instead, hire an individual to be the HOA manager—even if it’s a part-time position — and give the manager an office with a door that says “Association Manager.” When homeowners show up with complaints that are HOA issues, the founder should direct them to the Association Manager for help. This reinforces for the founder and the homeowner the separate role of the HOA (and saves the founder a lot of time and headaches, too).

Give the HOA exactly what it is owed, nothing less ... and nothing more. The HOA must have a separate bank account. The developer’s share of HOA expenses for the lots it owns must be paid into the HOA account on a regular basis. HOA expenses need to be paid out of the HOA account, even if it means apportioning costs. When the landscapers are planting trees, they are working for the founder. When the landscapers are mowing the green, they are working for the HOA.

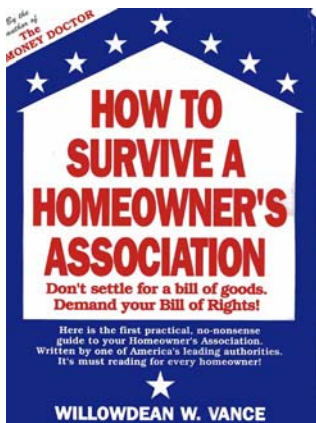
If there is not enough money in the HOA account to meet the HOA’s expenses, the developer will, as a practical matter, need to underwrite the deficit. (This is not unexpected in the early months of the association, when there are relatively few homeowners paying into the association.) However, don’t pay HOA expenses out of the developer account. Instead, transfer money into the HOA account and show it as a loan. The founder can forgive the loan later — and the opportunity to do so may give the developer some leverage at turnover.

Founders should resist the urge to provide services without charge. It’s like letting bears feast on your picnic. They get lazy, and then they turn on you. Don’t do it.

Don’t lowball the budget. The amount of assessments is less important to homeowners than whether or not the assessments go up. Even if assessments are modest, owners will resent that they are paying more than they were before.

Train homeowners for leadership, and then turn over control. Developers usually want to hang on to control as long as possible, but there are real benefits to an early turnover. If the founder has reserved the appropriate development rights, kept the town center separate, and properly circumscribed the HOA’s responsibilities and powers, an early turnover greatly reduces tension between the founder and the HOA.

To learn how to manage the association, homeowners need to participate on the board of directors while the founder is in control. When it is time for owners to elect a representative, open two seats, not just one. When there is only one homeowner on the board, that director will feel a responsibility to stick up for the homeowners, and will tend to be more confrontational. Having two or more homeowners on the board, even when they are not a majority, tends to make them more cooperative.



How To Survive A Homeowners Association was the first book written to help homeowners and expose the problems homeowners faced in associations.

Credit: American Homeowners Resource Center (www.ahrc.com)

Getting along with homeowners *continued from page 4*

Pay attention to the message being conveyed by your architectural review process. A lot of resentment starts there and resurfaces elsewhere. A town architect with good people skills who can help homeowners through the process is worth a great deal in future good will. Ideally, by helping homeowners informally and making suggestions before plans have progressed too far, the developer can avoid ever having to reject a plan during a formal review process.

Communicate the vision. Don't assume that homeowners automatically "get" New Urbanism. Many homeowners are attracted to traditional architecture but don't understand why interconnectivity is important. They like having a restaurant they can walk to, but don't want people outside their neighborhood to eat there, too. (Never mind that the restaurant wouldn't stay in business without the outside traffic.) Especially when the residential areas are built first, make sure owners understand what they are buying into.

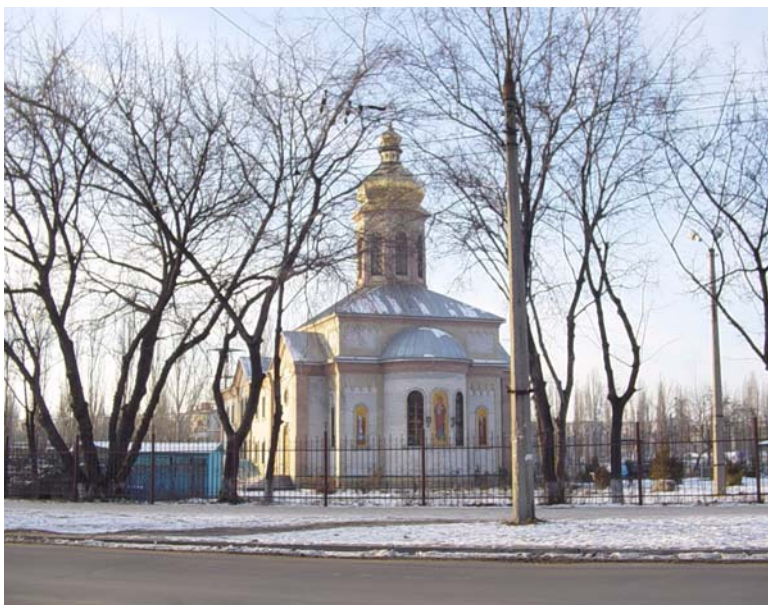
On the other hand, don't disclose ideas about what specific businesses or facilities might be built until you are committed to building them. This is one of the dangers of the charrette process, where a lot of possibilities are tossed around but only some will actually be built, so temper expectations during the charrette. Later on, make sure that all master plans or other representations are clearly labeled as conceptual drawings.

Doris S. Goldstein is an attorney whose practice focuses on new urban development. Goldstein is the co-author, with Dan Slone, of a new book, *A Legal Guide to Urban and Sustainable Development for Planners, Architects and Developers*.

This article originally appeared in the October/November 2008 issue of *New Urban News*, a professional newsletter for planners, developers, architects, builders, public officials and others who are interested in the creation of human-scale communities. Learn more at their website: <http://www.newurbannews.com/>.

"Ideally, by helping homeowners informally and making suggestions before plans have progressed too far, the developer can avoid ever having to reject a plan during a formal review process."

Where in the world? by Allyson C. Bristol, AICP



Thanks to C. Jeffery Evans, AICP, of Evans Consulting Services LLC, who submitted this beautiful picture.

Submit your world pictures to Allyson Bristol's email:

abristor@bozeman.net

answer on page 6

Press Release



**Urban Land
Institute**

News Release

Get All Sides of the Story from ULI

ULI's New Publication, *Getting Real About Urbanism* Provides Examples and Roadmap for Creating Authentic Urban Spaces

"Real urbanism is the solution to creating dynamic urban spaces," states Bernard Zyscovich, author of ULI's new publication *Getting Real About Urbanism*. Also referred to as contextual urban design, real urbanism is a planning process that results in authentic urban places reflecting a community's current economic and social underpinnings, while honoring its history. The book provides ground-breaking alternatives to cookie-cutter urban development and outlines the real urbanism planning process.

Written for design professionals, *Getting Real About Urbanism* details the essential elements of real urbanism, describes how to implement sustainable development by capitalizing on the historic advantages of a site, explains ways to engage stakeholders and resolve their concerns, and underscores the importance of anchoring development in a local context, while respecting the natural, historic, built, and human environments.

Lavishly illustrated, *Getting Real About Urbanism*, highlights exemplary developments that demonstrate specific applications of real urbanism from a wide variety of urban settings. Projects include Bethesda Row, Bethesda, MD; Legacy at Museum Park, San Jose, CA; Mainstreet in the New Columbia Development, Portland, OR; Midtown Miami, Miami, FL; SouthSide Works, Pittsburgh, PA; and Waterfront Park, Louisville, KY.

Bernard Zyscovich, AIA, is a managing principal of Zyscovich Architects in Miami, FL. He has given lectures on real urbanism throughout the U.S. and his writing on architecture and urban planning has been published in numerous magazines. He received his bachelor of architecture degree from Pratt Institute.

Getting Real About Urbanism: Contextual Design for Cities (ISBN: 978-0-87420-105-5; Urban Land Institute, 2008) is available everywhere books are sold, and through the Urban Land Institute at www.uli.org or by calling 1-800-321-5011. The price is \$69.95. For a review copy, book cover art, or additional information, contact Peggy Meehan at peggy@highnooncommunications.com or at 202-486-8757.

The Urban Land Institute is a nonprofit education and research institute supported by its members. Its mission is to provide leadership in the responsible use of land and in creating and sustaining thriving communities worldwide. Established in 1936, the Institute has nearly 40,000 members worldwide representing all aspects of land use and development disciplines.

WCC Bylaws Approved by Membership

Thank you to the WCC members who voted on the updated Chapter's Bylaws. The bylaws were approved and a final version of the document will soon be available on www.wccapa.org



Where in the world?
answer: The first Russian Orthodox Church built after the fall of communism, located in **Kremenchug, Ukraine** (2003)

Visit WCC on the web:
www.wccapa.org



American Planning Association
Western Central Chapter
Making Great Communities Happen

State Director Updates

Montana

No report for this newsletter.

Wyoming

Over 200 planners from all over the West (and then some!) traveled to Cheyenne, Wyoming in early August for the annual Western Planner Conference, this year held in conjunction with the Wyoming Planning Association (WYOPASS). The City of Cheyenne planning staff, led by Matt Ashby, AICP, took care of conference logistics and the myriad of details that led to an enriching and fun conference. This included four concurrent sessions for 2 ½ days, 19 CM accredited sessions, a traveling dinner through downtown Cheyenne, an evening softball 'game' and barbeque at the Wyoming Hereford Ranch, a keynote address by Governor Dave Freudenthal, and a lot of walking tours and trolley tours in center city. APA President Bob Hunter, FAICP, made a great impression by attending the entire conference and giving a keynote address the closing day of the conference. The Plains Hotel did an outstanding job of keeping planners fed and content at breakfast and on breaks. Finally, the conference co-chairs – Matt Ashby and Joanne Garnett – are very happy to be closing the books on a great conference. Matt and Joanne have promised one another to not organize another conference for at least 10 yearsor more.

South Dakota

The South Dakota Planners Association annual Planning and Zoning Conference will be October 29 & 30, 2008 in Watertown, South Dakota. Details are available on the WCC website. SDPA is please to announce that two nationally recognized planners will be presenting at our conference; Marty Schukert FAICP of RDG Planning and Design of Omaha, NE and Lora Lucero AICP, Editor of Planning and Environmental Law. AICP credits are available.

SDPA has begun preparations for the 2009 Western Planner Conference in the beautiful and historic Black Hills of South Dakota. We encourage you watch for details and make plans to attend. SDPA welcomes any suggestions or comments as we commencing planning the conference.

North Dakota

The North Dakota Planning Association (NDPA) is planning to hold its annual conference at the Sevens Seas in Mandan on November 5th and 6th. A key focus of this year's conference will be housing issues and community impacts in oil boom country.

NDPA is also gearing up for the next legislative session to begin in January 2009. We will once again be contracting with the ND League of Cities on bill tracking and providing coordination for testimony on bills impacting planning.

Conference Opportunities

2009 Western Planner Conference

Holiday Inn in Spearfish, SD
September 9 - 11, 2009

<http://www.westernplanner.org/2008conf.htm>

2009 APA Conference

Minneapolis, MN
April 25 - 29, 2009

<http://www.planning.org/nationalconference/>