

APA

OKLAHOMA CHAPTER OF THE AMERICAN PLANNING ASSOCIATION

Oklahoma Planner

President's Notes

By Richard Rolison, AICP, OKAPA President

As most of you are aware, President Bush's proposed budget would essentially dismantle the CDBG program as we know it today. All of us use CDBG funding to provide better housing, replace aging infrastructure and implement improvement plans for our communities. It is one of the most important federal tools for building vibrant and lasting communities. For over 30 years, countless cities across the nation have utilized CDBG to grow, prosper and rebuild.

This issue makes the upcoming Legislative & Policy Conference in Washington D.C. very critical this year. For the first time, APA has partnered with the ASLA

(American Society of Landscape Architects) for a joint conference. This will allow both professions to deliver a strong and unified message to Congress that vibrant and lasting communities are the very fabric of our society.

Fortunately, the Senate has adopted an amendment that calls for the restoration of the CDBG program in the budget and the continued administration by the U.S. Department of Housing and Urban Development (HUD). In the House, Budget Committee Chairman Jim Nussle (R-IA) proposed an amendment increasing spending by 1.1 billion with "higher appropriations" for CDBG.

I would encourage

everyone to visit the APA website (www.planning.org) and go to the Legislative Action Center. Use the links to get the latest information concerning this issue. Fifty-five Senators signed a letter in support of the CDBG program. Inform your managers and mayors of the tremendous negative impact the loss or reduction of this funding source would have on our communities and citizens.

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Legislative Update

By Nancy McNayr, AICP

NEW! CDBG ACTION CENTER IS UP AND RUNNING

It is feared that President Bush's 2006 proposed budget would virtually dismantle the CDBG program. CDBG is the most important federal tool for

implementing local plans and building communities of lasting value. For more than 30 years, countless projects in communities coast-to-coast, large and small, owe their existence to CDBG.

APA's CDBG Action

Center can help you stay on top of the latest news and developments regarding this important program. Use the Action Center as a resource to stay informed.

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Upcoming Events:

- *Mayors Round Table, May 5th in OKC*
- *APWA/OWEA Spring Tech Conference May 9th-11th, Midwest City (www.oml.org)*
- *APA Legislative & Policy Conference, May 11th-13th Washington, D.C.*
- *Statewide Preservation Conference, June 8th-10th, Stillwater*
- *OU Fall Student Lunch, September (TBA) at OU*
- *Fall Seminar OU Lecture at OU (TBA)*

Is High Speed Intercity Passenger Train Service Realistic for Oklahoma?

By Richard Marshment, AICP, Professor of Regional and City Planning, University of Oklahoma. 11 March 2005

A number of recent events have coalesced to focus public attention on the role passenger rail service should play in Oklahoma's transportation system. The Legislature is debating whether to continue subsidizing the state's only Amtrak route, the Heartland Flyer. Oklahoma City is examining corridors suitable for light rail transit. The Oklahoma Department of Transportation is studying the potential for high speed passenger rail service between Tulsa and Ft. Worth, Texas, via Oklahoma City. Long range, coordinated planning for these projects is critical to realizing their full benefit.

A quasi-public corporation, Amtrak, currently provides intercity passenger rail service in the United States. To many critics, the Amtrak model of operating a national system of trains including trans-continental routes is inefficient given current travel patterns and extensive airline service. A better role for intercity passenger trains lies in linking large population centers arrayed along a 200 to 600 mile corridor. In the early 1990s, the Federal Railroad Administration began a program to identify U.S. corridors where passenger trains operating at speeds of more than 100 miles per hour might be practical. Oklahoma City and Tulsa lie



Figure 1 Acela Express operating between Washington, D.C. and Boston

in the Southwest Corridor which is centered on the Dallas-Ft. Worth region.

The Southwest Corridor is important to Oklahoma in several respects. It is the most heavily traveled corridor in the state when air, rail, bus, and highway traffic are combined. The Southwest Corridor links Oklahoma's two largest cities with three of Texas' largest cities. Improved transportation in a market of this size should lead to increased prosperity for residents of both states.

This author and other researchers at the University of Oklahoma completed a study of the segment from Tulsa to Oklahoma City in 2003. We examined a service consisting of

five daily round trip trains operating at peak speeds of 150 miles per hour and completing a one way trip in 60 minutes with no intermediate stops between downtown Tulsa and downtown Oklahoma City. Our analysis indicated such a system would attract an average daily volume of 500 to 1300 passengers. It would cost over \$800,000,000 to build in year 2001 dollars.

The segment of the Southwest Corridor between Oklahoma City and Ft. Worth is served by the Heartland Flyer. There is one train daily departing Oklahoma City in the morning and returning in the evening. Although not technically high speed service, which begins at speeds of 90 miles per hour, the Heartland Flyer does reach speeds of 79 miles per hour and is already competitive with flying in terms of downtown to downtown travel time. With some relatively minor improvements at rail crossings in Texas, traveling from Oklahoma City to the Dallas-Ft. Worth airport by train would be faster than flying. Connections to other Amtrak trains as well as the local Dallas-Ft. Worth area transit system is easy through the intermodal transportation

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**Congratulations to John Dugan, AICP, and Farhad Daroga, AICP,
our new OKAPA At-Large Directors!**

Schedule Set for Mayor's Round Table '05

By Nancy McNayr, AICP

Oklahoma City Mayor's Development Roundtable: III *Building Partnerships for a Great City*

When? Wednesday, May 5, 2004

Where? Cox Business Services Convention Center

Why Not? The Mayor's Development Round Table is held in May every year,



under the leadership of the Mayor and with the organizational assistance of the Central Oklahoma Home Builders, the Central Oklahoma Chapter of the American Institute of Architects, the Oklahoma

Chapter of the American Planning Association and the Long Range Planning Division of the Oklahoma City Planning Department. The Round Table highlights opportunities to make Oklahoma City an even better community in which to live. This is the city's third Round Table. See www.okplanning.org for more information.

Historic Preservation Press Release

by Melvena Heisch, Deputy State Historic Preservation Officer



SB 409 PROPOSES INCENTIVES FOR PRESERVATION AND COMMUNITY REVITALIZATION

An exciting opportunity for preservation and community revitalization efforts across the state is now pending in the Oklahoma legislature. Senate Bill 409, sponsored by Senator Jay Paul Gumm (Durant) and House Bill 1964, sponsored by Representative Debbie Blackburn (Oklahoma City), expand the benefits of the Local Development Act (the Act). It is expected that SB 409 will soon be considered in conference committee, and it amends the Act to:

1. Parallel exactly the 20% federal investment tax credit for the rehabilitation of historic buildings used for income producing purposes (including use for rental residential) by eliminating the

limitation to historic hotels and newspaper plants currently contained in the Act.

2. Provide a state tax credit equal to the 10% federal tax credit for renovation of older buildings that do not qualify for the 20% federal credit and that will be used for an income producing purpose (excluding use as rental residential).

3. Clarify the State Historic Preservation Office's role in the review of rehabilitation projects for the 20% federal tax credit.

It is important to note that taxpayers who qualify for either the 20% or the 10% federal credit will automatically qualify for the same amount of state tax credit without any additional paperwork or review. Also, these incentives can work in any community across Oklahoma that meets the requirements of the Act.

We are extremely pleased about this pending legislation and greatly appreciate the leadership of Senator Jay Paul Gumm and Representative Debbie Blackburn in making this a real possibility. We believe this is perhaps the most important legislation for historic preservation and community revitalization in Oklahoma ever proposed. Twenty-four other states already have state rehabilitation tax credit programs that are contributing so much to overall community revitalization efforts, for example the program in Missouri.

Melvena Heisch
Deputy State Historic Preservation Officer
Oklahoma Historical Society
405/522-4484
mheisch@ok-history.mus.ok.us

Are you thinking about taking the American Institute of Certified Planners (AICP) Exam in the near future? If so, you are invited to join an AICP study group in either Tulsa, Oklahoma City, or both. For more information, please contact Steve Boettcher, OKAPA – Professional Development Officer, (918) 579-9453, sboettcher@incog.org.

Legislative (continued from pg 1)

The CDBG Action Center provides details President Bush's budget proposal and other programs of interest, APA's position statement, talking points, and also a clearinghouse where you can tell us how CDBG funds have been used effectively in your community.

Log on today to read more! (<http://www.planning.org/legislation/CDBG/>)

HB 1973 provides for certain exemptions for smoke detectors for Bed-and-breakfast establishments. Fire/code professionals from various cities met with the State Fire Marshal Robert Doke and his staff to discuss the current bed and breakfast codes and legislation. The team of fire/code professionals has pledged to meet, work with, and bring forth all the facts of the bed and breakfast

issues. They plan to attend a meeting at OML on April 18th. This meeting will include the State Fire Marshall's office, OML staff, bed and breakfast representatives, municipal fire/code professionals, and the authors of HB1973.

HB 1911 relates to board of adjustment; requiring appeals of certain decisions to district courts. This bill requires that all appeals of final decisions made by the board of adjustment shall be made to the district court only.

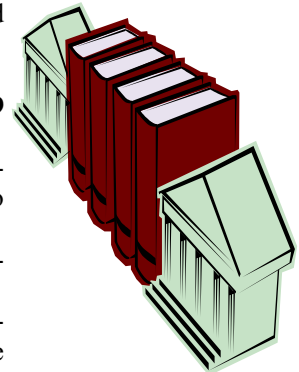
SB 885 relates to the adoption of mechanical, electrical, and plumbing building codes; and the right of a municipal governing body to collect or levy a tax for a license for the mechanical, electrical, and plumbing contractor or mechanical, electrical, and plumbing journeyman or apprentice. This bill mandates that all cities adopt the state approved building code and prohibits the collection of a tax

from licensed contractors.

HB 1939 (ENGR)

modifies requirements to Neighborhood Redevelopment Act. Currently, the Neighborhood Redevelopment Act is difficult to

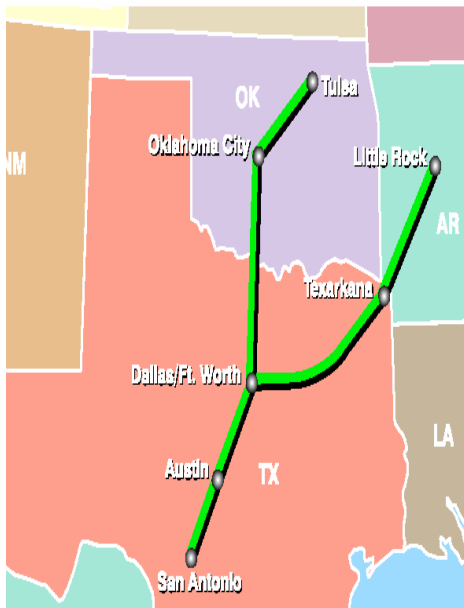
use. These amendments are intended to make it easier for an area to qualify for assistance under the Neighborhood Act -- instead of only applying to "blighted" areas, it would also extend to areas that are "unproductive, undeveloped, [or] underdeveloped." HB 1939 also amends the notice requirement.



High Speed (continued from pg 2)

center in downtown Ft. Worth. The Heartland Flyer provides a high quality service. Passenger volume on the Heartland Flyer is good and is growing.

Figure 1 Southwest high speed ground transportation corridor.



SOURCE: *Connecting Oklahoma's Future: Oklahoma High Speed Rail*, Oklahoma Transportation, University of Oklahoma, March 2003.

At this time unresolved is the question of how the train from Tulsa would connect to the Heartland Flyer. Ideally all trains in the Southwest Corridor should be able to operate anywhere in the corridor. Tulsa should be a terminal and Oklahoma City one of the stops. In the short term, however, Tulsa passengers might have to transfer in Oklahoma City. One plan calls for the Tulsa train to arrive in Oklahoma City on a different platform than the Heartland Flyer.

A fully integrated intercity passenger rail system requires careful station area planning. Like interstate highway interchanges and airports, passenger rail stations can transform the economic and physical characteristics of the surrounding area. Since they are already equipped to handle rail traffic, the existing historic Santa Fe and Union stations in Oklahoma City and Tulsa could serve as passenger stations on a high speed rail line. Both lack the infrastructure of a full service intermodal travel facility such as rental cars and connections to local transit systems. These would have to be developed in tandem with the intercity rail service.

Current Oklahoma policy is to subsidize a daily Amtrak train between Oklahoma City and Ft. Worth and to keep an open mind on extensions and upgrades. The passenger rail studies conducted to date have concentrated on "how it would work" and "what it would do"

rather than "is it worth it." The last question is a policy issue which remains to be addressed. Developed nations in Europe and Asia are rapidly building and expanding their high speed ground transportation systems. It is tempting to believe we can replicate their success in the U.S. But there are important differences between travel markets in those countries and U.S. First, U.S. car ownership is the highest in the world indicating a strong preference for private transportation over public transportation for all but the longest trips. Second, population densities are higher in Europe and Asia giving passenger rail systems operating on their own rights-of-way a decided advantage over highway modes. And third, there is strong public resistance in the U.S. to subsidizing passenger transportation in any form.

The next step in developing the Southwest Corridor requires a coordinated effort with transportation officials in Texas, home to Southwest Airlines and a state engaged in its own spirited debate over passenger rail service. Oklahoma cannot develop the corridor by itself. As the discussions and studies continue, the most prudent short term policies are to preserve rights-of-way and facilities, promote and improve the existing Heartland Flyer service, and develop institutional and political relationships with Texas transportation officials.

Large Attendance at PC Training Workshop (Courtesy of Mike Southard, AICP)

The Planning Commissioner Training workshop was held on April 8, 2005 at Metro Technology Centers in Oklahoma City. As reported by Cheryl Dorrance, there were over 100 registered and they were anticipating 125 attendees. Most of the speakers, if not all, are OKAPA members.




Would you like to promote the planning profession? Interested in getting involved with the future of planning? Join us as we explore new ideas for teaching planning to children in schools. Go to www.okplanning.org/events.html to find out when next we will meet to discuss this exciting topic!

President's (continued from 1)

The statewide historic preservation conference is soon to be upon us. This year marks the 17th annual statewide conference and is entitled, "Making The Grade In Preservation." It will be held on June 8-10 at the Stillwater Community Center in Stillwater. This year's key

note speaker will be Heather MacIntosh, President, Preservation Action, Washington D.C.. Contact the State Historic Preservation Office for further information.

On a more somber note, tragically a friend of the planning profession has passed on, the City Manager of Collinsville, Jim Whitlock. Whitlock, 63,

had been Collinsville's city manager for only a few months. He was well-known as a city manager, having previously been at the helm of Mannford, Claremore, Broken Arrow, Del City, Henryetta, Newbern, Tenn., and Sierra Vista, Arizona. Our thoughts and prayers go out to the family. 

The Growing Impact of Neighborhood Associations

by Wayne Senville, Editor, Planning Commissioner's Journal

Both the Spring issue of our publication, the Planning Commissioners Journal, and the April issue of the American Planning Association's Planning magazine, feature articles about homeowners associations (HOAs). While this timing is coincidental, it does say something about the increasing impact HOAs are having -- on homeowners and on local planning.



In 1965 there were only 500 such associations. The latest information from the Community Associations Institute, the trade group for HOAs, indicates

there are more than 250,000 associations in the United States. Approximately 50 million people now live in developments governed by HOAs. This growth is accelerating, with an estimated four out of every five housing starts included in a HOA.

In many places, it's virtually impossible to find new housing that's not developed with a HOA. For more and more residents these days, what their association's rules say is of more importance than what's in the zoning ordinance.

According to Alan Weinstein, author of the article on HOAs published in the Spring issue of the Planning Commissioners Journal, several factors are driving this phe-

nominal growth. One is the "changing housing preferences of older adults who often leave the homes where they raised their children to move to no-maintenance developments." Another factor cited by Weinstein is that "developers have found that they enjoy a competitive advantage by constructing new subdivisions with common recreational amenities and provision of some services." Once you start to provide common amenities and services, a HOA becomes a virtual necessity.

In addition, HOA developments often benefit local governments, by picking up infrastructure, service, and amenity costs the locality might otherwise have to bear. More-

Continued on Page 6

Campus Corner by Dr. Charles Warnken, University of Oklahoma

► The OU RCPL Student Planning Association (SPA) has announced the Officers for the 2005-06 School Year:

President: L. Rachel R. Clyne
[rachelr@ou.edu]

Vice President/Secretary/Treasurer: Nick Bishop
[nick_bishop@ou.edu]

► Secondly, we are pleased to announce the following are the RCPL Student Award Winners for the 2005 Graduates:

Charles Robert Goins Award for Outstanding Achievements by a Planning Student: Jieliang Pan

AICP Outstanding Student Award: Matt Mantell

Also...

► Survey being distributed to solicit feedback from students on desired topics and potential speakers for the OKAPA "Back to School" event.

► Check back for additional information about Brownfields.



OKAPA Officers

President

Richard Rolison, AICP
rrolison@cityofsapulpa.net
(918) 248-5917

Vice-President

Jan Ramseyer-Fees, AICP
Jan.fees@ci.edmond.ok.us
(405) 359-4796

Past President

Mike Southard, AICP
msouthard@shawneeok.org
(405) 878-1665

Professional Development Officer

Steve Boettcher, AICP
sboettcher@incog.org
(918) 584-7526

Treasurer

Bob Wolfram, AICP
city_plan@cityofcollinsville.com
(918) 371-1012

Legislative Liaison

Nancy McNayr, AICP
Nancy@mcnayr.net

Board Of Directors

Jim Coles, AICP
jcoles@ci.tulsa.ok.us
John Dugan, AICP
John.dugan@okc.gov
Farhad Daroga, AICP
fdaroga@brokenarrowok.gov

Secretary/Newsletter Editor

Erik Enyart
eenyart@incog.org
(918) 227-6369



**OKLAHOMA CHAPTER OF THE
AMERICAN PLANNING ASSOCIATION**

425 East Dewey Avenue
Sapulpa, OK 74066

Phone: (918) 248-5917

Fax: (918) 227-5132

rolison@cityofsapulpa.net

***Making Great Communities
Happen.***



Bricktown, Oklahoma City, OK
(photograph acquired from
www.bricktownokc.com)

**We're On the Web!
WWW.OKPLANNING.ORG**

HOAs (continued from page 5)

over, by providing certain amenities (such as swimming pools), these developments may reduce the pressure on local governments to provide them. But Jim Goodno, writing in the April issue of *Planning* magazine, cautions that “over the long haul, local governments may have to face the fact that poorly capitalized or managed associations cannot maintain aging developments.”

Both Weinstein and Goodno point out that HOAs have come to increasingly function as “private” governments, setting rules and policies that govern many of the same concerns as zoning. As Weinstein notes, association rules will normally apply to a variety of issues often covered by local zoning: parking and storage of vehicles; home occupations; accessory uses; fences; building additions; solar energy and telecommunications devices; and many other items. “Indeed, in the absence of state legislation to the contrary, an association’s rules will take precedence over less restrictive land use regulations because the residents of the association have agreed contractually to be bound by those rules. Thus, a HOA is able to restrict, or even prohibit, uses of property that would be allowed under local land use regulations.”

Interestingly, many planners and planning commissioners hear complaints about local zoning being too restrictive, and dictating too many aspects of what someone can do with their property. Yet restrictions which would cause an uproar, or be unlawful, if suggested for local zoning -- such as telling homeowners what colors they can or cannot use in painting their house, or if they’re even

allowed to display the flag or a political sign -- are common in many HOA covenants and rules.

While individuals are free (at least theoretically) to not live in a HOA development, or to choose to live in one having rules they agree with, the fact is that in many places this kind of freedom of choice is almost nonexistent. Most new housing entails mandatory membership in a HOA. And most associations employ fairly similar sets of rules.

Another concern, according to Weinstein, “is the potential for confusion as to who is responsible for enforcing what rules.” As he points out, “it is not unusual, for example, for residents to notify the local planning or zoning office about a neighbor’s supposed ‘zoning’ violation which, in fact, proves to be a violation of the association’s rules, not the zoning code.”

There is also an increasing recognition that HOA rules can work against local planning policies. To cite one example, a number of cities and towns in recent years have modified their zoning to make it easier for homeowners to have home businesses or offices. This reflects changing demographics and employment needs. Yet, standard language in almost all HOA rules bars use of the home for any business purpose. Another example: local efforts to promote energy efficiency being undercut by prohibitions against installing solar collectors or clotheslines.

Despite some of the problems just noted, most people who belong to a HOA are happy with their association. This shouldn’t come as a surprise, as one of the key goals of associations (and association rules) is to maintain and enhance property values by ensuring a

development’s stability and its well-kept appearance.

So is there a role for planners and other public officials to play? One approach, increasingly taken, is for state legislatures to specify areas in which HOA powers are limited. Just a few examples: Several states have limited associations’ ability to prohibit energy savings devices, such as solar collectors or clotheslines. Maryland has made it harder for associations to preclude “low-impact” home businesses. In the wake of September 11th, several states have also restricted association rules which limit the display of the American flag.

And to deal with increasing homeowner problems in dealing with their association, Nevada has established a “state ombudsman’s office” to provide assistance.

On the local level, while planning boards or commissions usually don’t have a say in reviewing specific HOA covenants, conditions, and restrictions (the “CC&Rs”), it is certainly within a board or commission’s ambit to sponsor a broader, community-wide dialogue -- involving residents and developers -- about association rules and their impacts.

That kind of open discussion could serve to point out areas in which association rules are overly restrictive on residents, or are undercutting broader community planning goals. It could also encourage developers (and their attorneys) to more carefully tailor future developments’ CC&Rs, and develop provisions that are less restrictive, and more consistent with local planning policies.

Article edited for length. Read the related article in the *Planning Commissioners Journal*, Spring edition.