

**PLAN 725  
DEVELOPMENT DISPUTE RESOLUTION: SPRING 2022**

Time: Tuesday/Thursday 3:30-4:45

Room: New East 301

If Remote:

<https://go.unc.edu/PLAN725>

Instructor: Danielle Spurlock

Office Hours: T&TH 1:00-3:00 by  
appointment

Contact: [dspurloc@live.unc.edu](mailto:dspurloc@live.unc.edu)  
<https://go.unc.edu/SpurlockOfficeHours>

### **Course Description**

Development disputes are public disputes that involve government and private sector actors locked into interdependent situations where each party must trade with the other to reach agreement over development issues. This course is a hands-on, skill-building class for those interested in building their skills in negotiation and bargaining for the resolution of development disputes. In addition to completing readings selected to build theoretical knowledge of negotiation, students engage in role-playing exercises to discover, apply, reflect on, and critique the styles and techniques of conflict resolution that work in different types of disputes. The course also integrates on-going discussion of real-world development conflicts by examining the implementation of local planning processes and other development disputes.

### **Spring 2022 Course Delivery**

As long as it is possible to do so safely, we will be meeting in person this semester. I understand the ongoing COVID-19 pandemic may require changes to this plan and will be monitoring the situation closely. If I need to change the format of the course temporarily due to outbreaks of illness, I will announce this via email and the course Sakai site.

### **Course Goals**

As an engaged participant in this course, by the end of the semester, you will be able to:

- Articulate your conflict style, your negotiation strengths and weaknesses, and your understanding of ethical negotiation practices
- Compare and contrast distributive bargaining and integrative negotiation
- Describe and apply key negotiation skills including stakeholder and power analyses and the preparation of a BATNA (Best Alternative To a Negotiated Agreement)
- Identify circumstances when you should negotiate alone with the other party or when to cultivate and collaborate with other stakeholders
- Critically analyze real-world development disputes and suggest improvements to the negotiation process within their unique context

## Course Readings

Two texts are required. Both are available for purchase at Student Stores or many on-line retailers. All readings, with the exceptions of the two texts, are on posted on SAKAI.

Lewicki, Roy J., David M. Saunders, and Bruce Barry. (2011) *Essentials of Negotiation*. Irwin McGraw-Hill. Fifth Edition. Paperback.

Fisher, Roger, and William Ury. (1991) *Getting to Yes: Negotiating Agreement Without Giving In*. 2nd edition. Penguin Books. Paperback.

## Course Requirements

Each student will be required to:

1. Participate in seven **negotiation exercises**, including writing a brief (2 page, 1.5 spaced) individual post-exercise evaluation. Grades will be assigned based on **both** exercise performance and demonstration in the written evaluation of combined learning from the negotiation and the readings. **Evaluations are due at the beginning of class on SAKAI**. You receive a letter grade reduction per day for late assignments. (70% of total grade).
2. Attend a virtual **meeting** for a municipal development project (e.g., Amity Station in Chapel Hill, create a modified Pecha Kucha presentation (15 slides x 20 seconds) to **summarize and critique** the meeting. Refer to regional media like the News and Observer or the Independent to identify local development disputes. Due March 24 (5% of total grade).
3. Prepare a 12-20 page **case study** describing and analyzing a development dispute, and **present your findings** in class at the end of the semester. Include a chronology of actions, a stakeholder analysis, and your recommendations for an improved outcome. Team projects are encouraged. **Topic and outline due on February 24. Final paper due on last day of class.** (15% of total grade)
4. Participate actively in **class activities** including the student team-led discussion. Complete assigned readings, attend class sessions, and **actively discuss and critique** the readings in the context of class discussions. This course relies on in-class exercises and regular attendance is critical. Any absences must be cleared with instructor in advance. (10% of total grade).

## Communication

The best way to reach me is by email or during my office hours. You can also make an appointment using <https://go.unc.edu/SpurlockOfficeHours>.

- All emails should include PLAN 725 in the subject line. I will make every effort to respond to your emails on the same day I receive them unless I receive them after 7:00 pm. Please do not wait until the last minute to contact me about assignments, especially if you are having problems.
- Students are permitted to miss class for EXCUSABLE absences only. For details about what an excused absence is, see UNC-Chapel Hill's attendance policy:

<http://catalog.unc.edu/policies-procedures/attendance-grading-examination/#text>

Please contact me as soon as possible should an excusable absence arise so that I can work with you to make accommodations. Each student starts with a 100% for participation. Students are allowed one UNexcused absence without any questions from the instructor. If a student has two UNexcused absences, their participation grade will be affected.

## Honor Code

The University Honor Code is in effect, and all assignments must be completed through your individual effort unless otherwise instructed. In order to uphold the Honor Code in your written assignments, you must properly cite all data, ideas, and information that are not your own. Please visit the UNC Writing Center website for information about citations and how to avoid plagiarizing: <http://writingcenter.unc.edu/handouts/plagiarism/>.

### UNC HONOR CODE

"It shall be the responsibility of every student at the University of North Carolina at Chapel Hill to obey and to support the enforcement of the honor code, which prohibits lying, cheating, or stealing when these actions involve academic processes or University, student or academic personnel acting in an official capacity."

Each assignment should include the following Honor Pledge on all graded work:

**"On my honor, I have neither given nor received unauthorized aid on this assignment."**

## Semester at a Glance

<b>MODULE I: THEORY &amp; PRACTICE</b>			
1/11	Sess. 1	Course Overview & Evolution of Conflict Management	
1/13	Sess. 2	Negotiated Development in Practice	
1/18	Sess. 3	Ethics in Negotiation	
1/20	Sess. 4	<b>Exercise 1: Bluebell</b>	
1/25	Sess. 5	Distributive Bargaining	Exercise 1 Evaluation due
1/27	Sess. 6	Framing and Reframing	
2/1	Sess. 7	Getting to Yes	
2/3	Sess. 8	<b>Exercise 2: Email Communication or Map Exercise</b>	
2/8	Sess. 9	Integrative Negotiation	Exercise 2 Evaluation due
2/10	Sess. 10	Multi-Party Negotiation and Stakeholder Analysis	
2/15	Sess. 11	<b>Exercise 3: Farmland Conversion</b>	
2/17	Sess. 12	Introduction to Negotiation Power	
2/22	Sess. 13	In-Class Work Session for Case Study	Exercise 3 Evaluation due
2/24	Sess. 14	<b>Exercise 4: EPA vs. Riverside</b>	Case Study Topic and Outline due
3/1	Sess. 15	Pursuing the Efficient Frontier	Exercise 4 Evaluation due
3/3	Sess. 16	Negotiation Power, Strategy and Planning	
3/8	Sess. 17	Designing Public Consensus	
3/10	Sess. 18	Facilitation	
3/22	Sess. 19	Consensus Building	
3/24	Sess. 20	Public Development Dispute	Pecha Kucha
3/29	Sess. 21	Mediation	
3/31	Sess. 22	<b>Exercise 5: Chestnut Drive</b>	
4/5	Sess. 23	Community Benefits Agreements	Exercise 5 Evaluation due
4/7	Sess. 24	<b>Exercise 6: Climate Change Adaptation</b>	
4/12	Sess. 25	Development Agreements	Exercise 6 Evaluation due
4/14		Wellness Day	
4/19	Sess. 26	<b>Exercise 7: Menehune Bay or Senior Center</b>	
4/21	Sess. 27	Future of Public Dispute Resolution	Exercise 7: Evaluation due
4/26	Sess. 28	Presentations	Case Studies due

## **MODULE 1: THEORY & PRACTICE**

The context and rationale for resolving conflicts between the public and private sectors have changed dramatically during the past three decades. To compare traditional adversarial or distributive (win/lose) bargaining with the new alternative dispute resolution (win/win) theory and practice, we review cases of successful and unsuccessful development and environmental negotiation. Students take part in, and analyze, 2 two-party exercises.

### **T 1/11 INTRODUCTION: EVOLUTION OF CONFLICT MANAGEMENT**

*Activity:* Course Introduction

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### **TH 1/13 NEGOTIATED DEVELOPMENT IN PRACTICE**

*Activity:* In-class discussion of McDonald's, Cane Creek, White Flint Mall, and other cases

Paterson. (1999). "Negotiated Development: Best Practice Lessons from Two Model Processes." *Journal of Architectural and Planning Research* 16:2 (summer), 133-148.

Lewicki, Saunders, and Barry. (2011). *Essentials of Negotiation*, Ch. 1, "The Nature of Negotiation," pp. 1-26.

Optional: Deyle and Slotterback (2009) "Group Learning in Participatory Planning Processes," *Journal of Planning Education and Research* 29:23-38, January.

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### **T 1/18 ETHICS IN NEGOTIATION**

*Activity:* In class discussion on ethics, negotiation, and planning roles

Lewicki, Saunders, and Barry (2011). *Essentials of Negotiation*, Ch 8, " Ethics in Negotiation," pp. 170-191.

American Institute of Certified Planners. (2005). AICP Code of Ethics and Professional Conduct. Retrieved from <https://www.planning.org/ethics/ethicscode.htm> December 29, 2013.

American Planning Association. (1992). Ethical Principles in Planning. Retrieved from <http://www.planning.org/ethics/ethicalprinciples.htm> December 29, 2013.

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### **TH 1/20 EXERCISE 1**

*Activity:* BLUEBELL REDEVELOPMENT (2 PARTIES, 1 ISSUE)

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T 1/25      **DISTRIBUTIVE BARGAINING**

*Activity:* Debrief Bluebell & In-class discussion on distributive bargaining

Lewicki, Saunders, and Barry (2011) *Essentials of Negotiation*, Ch. 2, "Strategy and Tactics of Distributive Bargaining," pp. 27-61.

Raiffa (1982) *The Art and Science of Negotiation*, pp. 35-43.

**\*\*\*Exercise 1 Evaluation Due\*\***

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TH 1/27      **FRAMING AND REFRAMING**

*Activity:* Conflict style survey & Myers Briggs Assessment & In-class discussion on framing

Kaufman and Smith (1999) "Framing and Reframing in Land Use Conflicts," *Journal of Architectural and Planning Research* 16:2 (summer), 164-180.

Faga (2006) "Youngstown's New Vision," *Designing Public Consensus: The Civic Theater of Community Participation for Architects, Landscape Architects, Planners, and Urban Designers*, pp. 53-82.

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T 2/1      **GETTING TO YES**

*Activity:* In-class discussion on integrative negotiation

Fisher, Ury & Patton (1991) *Getting to Yes: Negotiating Agreement without Giving In*, Ch.1-5, pp. 1-94. (Skim rest)

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TH 2/3      **EXERCISE 2: EMAIL COMMUNICATION or MAP EXERCISE**

*Activity:* Email Communication (if remote) or Map (in-person) EXERCISE  
(2 PARTIES, MULTI-ISSUE)

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## **MODULE 2: STRATEGY & TACTICS**

Negotiation process dynamics make the difference between win/lose and win/win outcomes. After analyzing their present ways of dealing with conflict, students are introduced to different types of negotiation strategies and tactics. They learn the principles of integrative (principled) negotiation, techniques of stakeholder analysis, use of efficiency frontiers for assessing outcomes, and methods of information exchange. They test these approaches in 2 exercises of increasing complexity.

### **T 2/8            INTEGRATIVE NEGOTIATION**

*Activity:* Rural Buffer case

Godschalk (1992) "Negotiating Intergovernmental Development Policy Conflicts: Practice-Based Guidelines," *APA Journal*, Summer, pp. 368-378.

Lewicki, Saunders, and Barry (2011). *Essentials of Negotiation*, Ch 3, "Strategy and Tactics of Integrative Negotiation," pp. 62-88.

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### **TH 2/10        MULTIPLE PARTY NEGOTIATION/STAKEHOLDER ANALYSIS**

*Activity:* In class discussion of multiple party negotiation

Lewicki, Saunders, and Barry. (2011). *Essentials of Negotiation*, Ch. 10, "Multiple Parties and Teams," pp. 210-229.

Levitt & Kirlin, eds. (1985) *Managing Development Through Public/Private Negotiations*, Ch. 6, pp.49-62. (Stakeholder analysis)

Bryson and Crosby (1992). *Leadership for the Common Good*, pp. 141-145, 363-367.

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### **T 2/15            EXERCISE 3**

*Activity:* FARMLAND CONVERSION (3 PARTIES, 1 ISSUE)

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### **TH 2/17        NEGOTIATION POWER**

*Activity:* Debrief Farmland Conversion

Lewicki, Saunders, and Barry. (2011). *Essentials of Negotiation*, Ch. 7, "Finding and Using Negotiation Power," pp. 151-169; Ch 12, "Best Practices in Negotiation," pp. 251-259.

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T 2/22      **IN-CLASS WORK SESSION ON CASE STUDY**

*Activity:* Small group session to organize and outline for the case study

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**\*\*Exercise 3 Evaluation Due\*\***

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TH 2/24      **EXERCISE 4: EPA V. RIVERSIDE**

*Activity:* EPA V RIVERSIDE (2 PARTIES, MULTIPLE, INTERCONNECTED ISSUES)

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***\*Turn in term paper topic and outline.***

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T 3/1      **PURSUING THE EFFICIENT FRONTIER**

*Activity:* Debrief EPA/Riverside and In-Class discussion of the efficient frontier

Raiffa. (1982). *The Art and Science of Negotiation*. Ch. 10, pp. 131-147

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**\*\*Exercise 4 Evaluation Due\*\***

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TH 3/3      **NEGOTIATION POWER, STRATEGY AND PLANNING**

*Activity:* In class discussion of negotiation strategy and the Coker Dispute facilitation

Howe (2002) "Smart, or Not So Smart: Large-scale, Mixed-use Infill Fails the IQ Test in Raleigh," *Planners Casebook*, No. 40, Spring, pp. 1-8.

Lewicki, Saunders, and Barry (2011). *Essentials of Negotiation*, Ch 4, "Negotiation: Strategy and Planning," pp. 89-111.

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### **MODULE 3: PUBLIC AND ASSISTED NEGOTIATION**

Negotiation in the public setting and the role of the neutral third party are introduced in this part of the course. Single text creation, computer-assisted negotiation, and dispute resolution system design are explored. Students take part in 3 negotiation exercises involving difficult issues of community value conflicts.

#### **T 3/8            DESIGNING PUBLIC CONSENSUS**

*Activity:* In-Class discussion about the design of consensus-building processes

Faga (2006) Ch 2, "Ground Zero," and "Afterword," *Designing Public Consensus: The Civic Theater of Community Participation for Architects, Landscape Architects, Planners, and Urban Designers*, pp. 23-39, and 201-208.

Susskind (2010) "Overcoming the Not-In-My-Backyard (NIMBY) Syndrome"  
<http://theconsensusbuildingapproach.blogspot.com/2010/08>. pp. 1-7.

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#### **TH 3/10        FACILITATION IN PRACTICE**

*Activity:* In-Class discussion of facilitation techniques

Kaner (2007). *Facilitator's Guide to Participatory Decision-making*. 2<sup>nd</sup> Ed. Ch 3, "Introduction to the Role of Facilitator," Ch. 4, "Facilitative Listening Skills", pp. 31-60.

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## **SPRING BREAK**

#### **T 3/22            CONSENSUS BUILDING**

*Activity:* Rebuilding the World Trade Center Site. Video. <http://projectrebirth.org/film/>.

Innes and Booher (1999) "Consensus Building and Complex Adaptive Systems," *APA Journal*, 65:4, pp. 412-423. Autumn.

Forester (1987) "Planning in the Face of Conflict: Negotiation and Mediation Strategies in Local Land Use Regulation," *APA Journal* 53:3, pp. 303-314.

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T 3/24            **PUBLIC DEVELOPMENT DISPUTE**

*Activity:* Pecha Kucha of Public Meetings of Local Development Processes

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TH 3/29            **MEDIATION**

*Activity:* Debrief Consensus Building and In-class discussion of mediation and Camp David case using single text

Moore (1996) *The Mediation Process: Practical Strategies for Resolving Conflict*. Ch. 2, pp.41-77, and caucuses, pp. 319-326.

Oregon Dept. of Land Conservation and Development (1996) Ch. 6, pp. 45-67.

Raiffa. (1982). *The Art and Science of Negotiation*. Ch. 14, 205-217.

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TH 3/31            **EXERCISE 5: CHESTNUT DRIVE**

*Activity:* CHESTNUT DRIVE (MULTIPLE PARTIES, INTERCONNECTED ISSUES)

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T 4/5                **COMMUNITY BENEFIT AGREEMENTS**

*Activity:* In-class discussion of community benefit agreements

Wolf-Powers (2010) "Community Benefits Agreements and Local Government," *Journal of the American Planning Association* 70:2, Spring, pp. 141-159.

**\*\*Exercise 5 Evaluation Due\*\***

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TH 4/7            **EXERCISE 6: CLIMATE CHANGE (ROCKVILLE OR EVANTOWN)**

*Activity:* CLIMATE CHANGE ADAPTATION: FLOODING

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T 4/12      **DEVELOPMENT AGREEMENTS**

*Activity:* Debrief Climate Change Adaptation exercise and In-class discussion of development agreements

Owens (2012) Case Study: Chapel Hill and the University of North Carolina Develop a Collaborative Approach to Planning and Development.

Stancil and Nirdlinger. (2010). A Sustainable Interest in the New Global Economy. *Public Management* 92:5, pp. 18-21.

Raiffa. (1982). *The Art and Science of Negotiation*. Ch. 14, 205-217.

**\*\*Exercise 6 Evaluation Due\*\***

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## 4/14 Wellness Day

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T 4/19      **EXERCISE 7: MENEHUNE BAY OR SENIOR CENTER**

*Activity:* Menehune Bay or Senior Center (MULTI-PARTIES & ISSUES, MEDIATED)

Susskind, van der Wansem, and Ciccarelli (2000) *Meditating Land Use Disputes: Pros and Cons*. Lincoln Institute of Land Policy, pp. 1-40.

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TH 4/21      **FUTURE OF PUBLIC DISPUTE RESOLUTION**

*Activity:* Debrief Menehune Bay or Senior Center

Lung-Amam, Willow. (2013). That “Monster House” is My Home: The Social and Cultural Politics of Design Reviews and Regulations. *Journal of Urban Design* 18, 2: 220-241.

Elliott, M. and Kaufman, S. (2016). Enhancing Environmental Quality and Sustainability through Negotiation and Conflict Management: Research into Systems, Dynamics, and Practices. *Negotiation and Conflict Management Research* 9(3): 199-219

**\*\*Exercise 7 Evaluation Due\*\***

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*Activity:* Presentations

Students present their analyses of development disputes, including descriptions of the issues, stakeholders, and outcomes, as well as recommendations for more effective dispute resolution. These analyses are based on primary data drawn from interviews, observations, and other sources.

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**SUPPLEMENTAL RESOURCES**

**Web sites on conflict resolution:** Association for Conflict Resolution (ACR) [www.acrnet.org](http://www.acrnet.org); Community Building Institute <http://communitybuildinginstitute.org/>; Consensus Building Institute <http://www.cbuilt.org/>; International Association of Facilitators [www.iaf-world.org](http://www.iaf-world.org); International Association for Public Practitioners [www.iap2.org](http://www.iap2.org); National Association for Community Mediation (NAFCM) [www.nafcm.org](http://www.nafcm.org); National Civic League <http://www.ncl.org/>; Kitchen Table Democracy [www.policyconsensus.org](http://www.policyconsensus.org).

**State Offices and Programs:** The School for the Conflict Analysis and Resolution (formerly the California Center for Public Dispute Resolution) <http://scar.gmu.edu/>; FCRC Consensus Center (formerly the Florida Conflict Resolution Consortium) <http://consensus.fsu.edu>; Consortium on Negotiation and Conflict Resolution <http://law.gsu.edu/CNCR>; Matsunaga Institute for Peace & Conflict Resolution <http://www.peaceinstitute.hawaii.edu/>; Maryland Mediation and Conflict Resolution Office <https://www.courts.state.md.us/macro/>; Massachusetts Office of Public Collaboration <https://www.umb.edu/mopc>; Michigan Community Dispute Resolution Program <http://courts.mi.gov/Administration/SCAO/OfficesPrograms/ODR/Pages/Community-Dispute-Resolution-Program.aspx>; Nebraska Mediation Center <http://www.nebraskamediationcenter.com/>; North Carolina Mediation Network [www.mnnc.org](http://www.mnnc.org); North Dakota Consensus Council [www.agree.org](http://www.agree.org); Ohio Commission on Dispute Resolution and Conflict Management <http://www.supremecourt.ohio.gov/Boards/disputeResolution/default.asp>; Oregon Office of Community Dispute Resolution <http://oocdr.uoregon.edu/>; Texas Center for Public Policy Dispute Resolution <https://law.utexas.edu/cppdr/>; Virginia Institute for Environmental Negotiation <http://ien.arch.virginia.edu/>.

**Federal Offices and Programs:** Interagency ADR Working Group <http://www.adr.gov/>; US Institute for Environmental Conflict Resolution <http://www.ecr.gov/>; US EPA Public Involvement <https://www.epa.gov/international-cooperation/public-participation-guide-introduction-public-participation>

**Newsletters and journals** dealing with dispute resolution:

*Consensus; Dispute Resolution Forum; International Journal of Conflict Management; Journal of Conflict Resolution; Journal of Dispute Resolution; Mediation Quarterly; Negotiation Journal; Resolve; The Justice System Journal*