

DEPARTMENT OF CITY AND REGIONAL PLANNING
University of North Carolina at Chapel Hill

Plan 744: Development and Environmental Management

Tuesday/Thursday; 9:30am - 10:45pm; Dey Hall 307

Yan Song's office hours: Thursdays 3:30pm – 5:00pm, or by appointment (ys@email.unc.edu),
New East 319

Yang Yang's office hours: Monday 1:30pm-3:30pm, or by appointment (yangyang@unc.edu)
New East 405

Course Objectives

The past decades have seen an explosion in the variety and sophistication of regulatory and other techniques for managing development in the private sector to achieve public policy goals. This course surveys and evaluates the broad array of measures that have been developed for use by local and state governments. Its purpose is to help build a working knowledge of those measures—how they work and their strengths and weaknesses in various types of applications—and to help develop skills in choosing among and combining measures in formulating or revising development and environmental management programs. Students will also be exposed to recent thinking about how to improve the effectiveness of policy implementation and the enforcement of development and environmental regulations.

Course Format

This is a seminar course. By reading material describing various development and environmental management techniques, we will assess the strengths and weaknesses of specific measures and share our conclusions with other members of the seminar. Each of us will be responsible for a series of class presentations describing and evaluating specific techniques, using materials provided by the instructor, materials in the libraries, and new items discovered through web searches. **As part of their presentations, students will provide seminar participants with a summary (about 6 pages, single spaced) of the key features, strengths and weaknesses, and examples of applications for each development management tool; students will also provide about five quiz questions for seminar participants for each tool.** Students gain experience in thinking through development management problems by **preparing an issue paper of about 12-15 pages (single spaced) that examines an actual recent state or local land use/environmental management paradigm (such as low-carbon city, green city, clean city, healthy city, etc.), assesses current land use management approaches being used to deal with it, and suggests and evaluates new methods or approaches that might be employed to good effect.** Instructions for preparation of the issue paper are provided below.

In every class session, every member of the seminar is responsible for conscientiously preparing for class and actively participating.

Required reading selections are listed in the course schedule below. Copies of required reading are posted on Sakai. Additional reading may be assigned during the semester by the instructor

and should be suggested and made available by presenters. Whenever possible, additional readings will be posted to Sakai. Citations in the syllabus are often abbreviated.

Topic Outline, Schedule, & Readings

A. Setting the Stage: Basic Concepts and Issues

In this part, the seminar will review the objectives and procedures to be followed in the seminar, explore some basic ideas about development management and policy implementation, and formulate an evaluative framework for seminar presentations and discussions.

1. Overview of course (Jan 9)

2. Class meetings cancelled. TRB Conference (Jan 14)

Development management paradigm: History and Theory

Selected reading:

01. The electronic hallway network, "Policy analysis."
02. Porter, "Chapter 1, Introduction to Growth Management," pp. 1-3, 8-13; and "Chapter 2, Growth Management Approaches and Techniques," pp. 15-53.

3. The right side of the equation: development decisions & the left side of the equation: Development management programs (Jan 16)

Selected reading:

03. U.S. Conference of Mayors, et al., pp. 1-34.
04. Nelson, 2007; "The Greening of U.S. Investment Real Estate – Market Fundamentals, Prospects and Opportunities," pp.1-57. (Skim)
05. Balch, "The Stick, the Carrot, and Other Strategies: A Theoretical Analysis of Government Intervention, pp. 33-60.
06. Lewis, Rebecca, and Gerrit-Jan Knaap. 2012. "Institutional Structures for State Growth Management: An Examination of State Development Plans." *State and Local Government Review* 44 (1): 33–44.

Seminar Assignments for Part II of Course Will Be Made

4. Unintended consequences of development management programs (Jan 21)

Selected reading:

07. Porter, "Chapter 9, "Balancing the Upsides and Downsides of Growth Management: Conclusions and Guidelines," pp. 261-285.

5. An evaluative framework for reviewing development management tools (Jan 23)

Selected reading:

08. Strong, Mandelker, and Kelley. "Property Rights and Takings," pp. 5-16.
09. Williams, "Chapter 163: Opportunities", "Section II: Criteria and Assumptions, pp. 858-862.
10. Read this: <https://www.urban.org/debates/land-use-regulation-whats-it-worth-anyway>

B. Tools and Techniques for Managing Development

These sessions are devoted to presentations and discussions of various devices and strategies for guiding urban growth, promoting appropriate urban redevelopment, and protecting the environment. There are also several case studies. The topics progress from regulatory devices through non-regulatory devices (such as acquisition, capital improvements, and taxation), and from simpler controls to more complex approaches.

6. Zoning Basics and Reflections; Discussion on Issue Papers (Jan 28)

- Zoning Basics Presenter: _ _____

- Zoning Critiques Presenter: _ _____

Selected reading:

11. Meck, Wack, Zimet, "Chapter 14 Zoning and Subdivision Regulation," pp. 343-374.

12. Lerable. 1996. "Part 2. Steps in Preparing the Zoning Code," pp. 9-14. (Optional)

13. Owens, *Legislative Zoning Decisions: Legal Aspects*, pp. 3-12, 16, Table 5, 232-238, 238-240, 244-247, 248-251. (Optional)

14. Stephani, "Part I: Seven Basic Elements," pp. 1-38. (Optional)

- Floating Zones

Presenter: _____

Selected reading:

15. Meshenberg, *The Administration of Flexible Zoning*, "Chapter 6, Floating Zones" pp.30-32.

7. Flexible Zoning Techniques Part 1: Floating Zones; Overlay Zones; Conditional Uses; (Jan 30)

- Overlay Zones

Presenter: _____

Selected reading:

16. Meshenberg, *The Administration of Flexible Zoning*, "Chapter 7, "Overlay Zones," pp. 33-35.

- Conditional zoning (vs Conventional Zoning with Special Use District)

Presenter: _ _____

- Conditional Use Districts

Presenter: _ _____

Selected reading:

17. Ruppe, "Forms of Zoning Available in North Carolina"

18. Kelly. "Conditional Zoning and Special Uses," pp. 4-5.

8. Flexible Zoning Techniques Part 2: Moratoria and Interim Development Regulations; Incentive Zoning; Performance Requirements (Feb 4)

- Moratoria and Interim Development Ordinance:

Presenter: _____

Selected reading:

19. Mandelker and Cunningham, *Planning and Control of Land Development*, pp. 660-

661, 667.

20. Meltz, Merriam, and Frank. *The Takings Issue*. Chapter 17 “Growth Management and Moratoria,” pp. 263-280.

- Incentive Zoning

Presenter: _____

Selected reading:

21. Morris, *Incentive Zoning: Meeting Urban Design and Affordable Housing Objectives*, pp. 1-14; read one of the cases on pp.14-28; and Table 2-1 on pp. 22-23; and one of the cases on affordable housing, pp. 29-45; appendix model ordinance on pp. 53-60.

- Point Systems Presenter: _____

Selected reading:

22. Acker, “Performance Zoning,” pp. 369-401.

23. Humphreys (on Breckenridge) and Delsohn (on Fort Collins), “Point Systems: Keeping Score,” pp. 23-26.

24. Pivo, “The arrival of performance-based growth management,” pp. 30-32 (Optional)

25. Porter, “Chapter 1, Introduction...,” pp. 1-6; “Chapter 2, Performance Standards and Point Systems in Western Communities,” pp. 7-12, and “Chapter 7, Key Legal Issues...,” pp. 41-44.. (Skim some of the other case studies in the remainder of the report if you have time.) (Optional)

9. Research and Working Session on Issue Paper Proposals (Feb 6)

10. Flexible Zoning Techniques Part 3: Zoning in other countries & Zoning in practice (Feb 11)

11. Subdivision Regulation Basics; Unified Development Ordinances (Feb 13)

- Subdivision Regulation Presenter: _____

Selected reading:

26. Durham, NC Subdivision Regulations (Skim)

- Unified Development Code Presenter: _____

Selected reading:

27. Durham, UDO (Skim)

28. Brough, *A Unified Development Ordinance*, pp. xv-xxii; skim remainder.

12. Flexible Subdivision Regulations: Planned Unit; Rural Cluster; Subdivision Exactions (Feb 18)

- Planned Unit Development Ordinances

Presenter: _____

Selected reading:

29. Tomioka and Tomioka. “Chapters 3, 4, 7, and 8 (skimming examples).

30. Zeigler, “Chapter 63, Planned Unit Developments,” pp. 63–1 to 38; 43 to 46.

- Rural Cluster Ordinances / Cluster Development

Presenter: _____

Selected reading:

31. Arendt, "Model Village Design Ordinance," skim both zoning ordinance and subdivision regulations sections of model ordinances on pp. 95-135.

- Subdivision Exactions (note that these are not impact fees)

Presenter: _____

Selected reading:

32. Kaiser and Burby, "Exactions in Managing Growth: The Land-Use Planning Perspective," pp. 113-126.

33. Kelly, "A Historic and Legal Perspective on Development Exactions," pp. 1-8.

34. Meltz, Merriam, and Frank, "Chapter. 16, Physical Improvements and Exactions," pp. 241-261.

13. Additional Subdivision Tools: New Developments - Form-based Codes; Smart Codes (Feb 20)

- Form-based Codes Presenters: _____

Selected reading:

35. Sitkowski, "Form-based land development regulations."

- Smart Codes Presenter: _____

36. Duany, "Smart codes" (skim).

14. Additional Subdivision Tools: New Developments - New Urban Ordinances; (Feb 25)

- New Urban Ordinances Guest Speaker: Robert Chapman

Selected reading:

37. Bookout, "Neo-traditional Town Planning: Bucking Conventional Codes and Standards," pp. 18-25.

38. Nelessen, Skim chapters 8 and 9, pp. 263-362, on "Writing and Illustrating Codes," and "The Submission and Approval Process." (Optional)

~~~Quiz 1~~~

15. Growth management tools 1: Transfer of Development Rights; Purchase of Development Rights; Conservation Easements (Feb 27)

- Transfer of Development Rights

Presenter: _____

Selected Reading:

39. Johnston and Madison. "From landmarks to landscapes: A review of current practices in transfer of development rights," pp. 365-378.

40. Pruetz, Chapter. 6, "How do You Create a Successful TDR Program?," and Chapter 7, "How Does TDR Compare with Other Implementation Techniques?," pp. 47-82.

- Purchase of Development Rights

Presenter: _____

- Conservation Easements

Presenter: _____

Selected Reading:

41. Daniels and Bowers, "Chapter 9, The Purchase of Development Rights," pp. 145-169.

42. Wright, "Conservation Easements: An Analysis of Donated Development Rights," pp. 487-493.

16. Issue paper proposal working session (Mar 3) and presentation (Mar 5):

Issue Paper Proposals Due March 24

Spring Break: March 10 and 12

17. Growth management tools 2: Preferential Taxation; Public-Private Partnerships, including land trusts (Mar 17)

- Preferential Taxation

Presenter: _____

Selected Reading:

43. American Farmland Trust, "The Farmland Protection Toolbox," pp. 1-8.

44. Coughlin and Keene, "Chapter 3, "Programs for Reducing the Burdens of Real Property Taxes on Farmers." pp. 56-64

- Land Trusts

Presenter: _____

Selected Reading:

45. Wright, "Land Trusts in the USA," pp. 83-86.

18. Growth management tools 3: Inclusionary Regulations; Tax Increment Financing (Mar 19)

- Inclusionary Programs

Presenter: _____

Selected Reading:

46. Bauman, Kahn, and Williams, "Inclusionary Housing Programs in Practice," pp. 14-19.

- Tax Increment Financing

Presenter: _____

Selected reading:

47. Andrews, "The TIFs Go On," pp. 8-11.

48. Casella, *Tax Increment Financing, Part I: What is TIF?* pp. 1-10.

49. Johnson, *Tax Increment Financing*, Prepared for National Association of Realtors, pp. 1-74.

19. Growth management tools 4: Growth Phasing; Adequate Public Facilities Ordinances (Mar 24)

Issue Paper Proposals Due Today; Short Presentations on Issue Paper Proposal

- Phased Growth and Rate of Growth Approaches

No Presenter on this tool

50. Kelly, *Managing Community Growth...*, Chapter 4, “Types of Contemporary Growth Management Programs,” pp. 43-59; Chapter 9, “Growth Management and the Cost and Availability of Public Services,” pp. 157-178.

51. Kelley, *Planning, Growth, and Public Facilities: A Primer for Local Officials*, “Chapter 4, A Recommended System,” pp. 19-24, and the examples in the appendices, pp. 25-28.

52. Porter, “Chapter 5 Managing Development of Infrastructure,” pp. 117-146.

- Adequate Facilities Ordinances/Concurrency Requirements

Presenter: _____

53. Rhodes, “Concurrency Problems, Practicalities, and Prospects,” pp. 241-254.

54. White, *Adequate Public Facilities Ordinances and Transportation Management*, pp. 1-36. (Optional)

20. Growth management tools 5: Growth Boundary Requirements; Priority Funding Area (Mar 26)

- Urban Growth Boundaries

Presenter: _____

Selected readings:

55. Easley, *Staying inside the lines: Urban growth boundaries*, pp. 1-29.

- PFA

Presenter: _____

Selected readings:

56. Lewis, et al., “Managing Growth With Priority Funding Areas: A Good Idea Whose Time Has Yet to Come,” *Journal of the American Planning Association* Vol. 75, Iss. 4, 2009

21. Growth management tools 6: Impact Assessment; Impact Fees; Linkage Programs (Mar 31)

- Impact Assessment

Presenter: _____

Selected reading:

57. Burchell, et al., “Chapter 1 Overview of Development Impact Analysis,” pp. 1-15.

- Impact Fees and Linkage Policies

Presenter: _____

Selected reading:

58. Nicholas, “On the progression of impact fees,” pp. 517-524.

59. Andrew and Merriam, “Defensible Linkage,” pp. 199-209.

60. Malizia, “Best and Worst Methods of Calculating Impact Fees,” pp. 23-27.

22. (Apr 2) Quiz

~~~Quiz 2~~~

## **23. Guest Speaker (TBD): (Apr 7)**

### C. Solving Development Management Problems

In this part of the course, we will look at how development management tools can be combined to manage development with recent trends. Students present their issue papers dealing with a variety of recent urban development management problems. These are presented in mock meetings in which seminar members play the roles of the clients of student work on the issue paper (e.g., a city or county council, non-profit organization board of directors or staff) and ask appropriate questions/make relevant comments on what has been presented.

#### 24. International Urban Management: (Apr 9)

- Topic to be determined, could be Land Adjustment in Latin America, for example.

#### 25. Part 1 of Student presentations of issue papers (April 14) 4

#### 26. Part 2 of Student presentations of issue papers (April 16) 4

#### 27. Part 3 of Student presentations of issue papers (April 21) 4

#### 28. Part 4 of Student presentations of issue papers (April 23) 3 **Final Issue Paper Due** Class Wrap-up and Evaluation

### Course Requirements

There are three requirements: (1) seminar presentations and papers describing and evaluating various development and environmental management measures and methods (30% of course grade); (2) preparation and presentation of an issue paper on a specific, real world development management problem of your choice (40% of course grade); and (3) quiz performance, and class and discussion participation (30% of course grade).

(1) Seminar presentations, summary reports, moderating discussions and providing quiz questions. (30% of grade)

Each student has responsibility several times during the semester to be a presenter and to moderate discussion around that presentation. The presenter has several responsibilities: (1) understand the device or strategy assigned (involves research beyond the assigned readings); (2) prepare a summary report describing and/or assessing the device or strategy; (3) explain the device or strategy in class; (4) lead a critical discussion by posing questions, setting up game situations, or in other ways promoting and guiding participation; and (5) provide about 5 quiz questions and answer keys. The six page summary plus any presentation materials (e.g. Powerpoint slides) must be posted on Sakai at least 36 hours prior to class so that other students can review it prior to class.

Presenters must explore the topic beyond the required readings indicated in the syllabus. You will search for other material in the Library and through web searches to find the most recent information available. Presenters should suggest additional readings (or alternatives to the required readings in the syllabus) and send them to the instructor and seminar participants as email attachments. The presenters have the responsibility to search for additional examples and new references for us, particularly those published within the past year. The instructor will be looking for those recommendations from presenters.



In preparing the summary and guiding discussion, presenters should be guided by the presentation and evaluation framework decided by the instructor and seminar participants early in the course. The framework is designed to give us a systematic and consistent approach for describing each device and assessing its strengths and weaknesses. The framework will probably include the following elements for each device discussed:

- a. A description in depth of the measure, including how it works. Picture yourself as the planner who is going to develop the measure for a city.
- b. A summary evaluation based on agreed-upon criteria (e.g., effectiveness, feasibility, and equity).
- c. An example or two, including a sample ordinance or report, but perhaps a sample case as well.
- d. Comparisons with and connections to measures covered earlier or later in the semester.

Presenters also need to submit 5 quiz questions and answers for each tool to the Instructor and the TA. The questions and answers are due with the presentations.

We can modify this format during the semester if we desire.

**Make it interesting.** You are encouraged to use Power Point, games, role-playing and other presentation techniques. **Do not read from a written presentation.**

(2) Preparing and presenting an issue paper (40% of the course grade for paper; due in final form in class on **April 23rd**, but in preliminary form several times during the semester). You need to prepare the issue paper individually.

The purpose of this assignment is to allow you to probe the application of development management measures to a recent land use/environmental problem of particular interest to you by developing what is technically known as an “issue paper.”

**The deadline for proposing your issue paper (or term paper) is March 24.** Provide a 2-3 page description of the proposed project for review and approval. The proposal should include a description of **an actual recent state or local land use/environmental management paradigm (such as low-carbon city, clean city, healthy city, etc.)**, the locale where it is occurring that you propose to examine, and the client (i.e., organization for which the paper is to be prepared). Also explain how you expect to obtain the information needed to complete the issue paper on that problem/locale. Detailed information about the preparation of the issue paper is provided below.

The preparation of an issue paper is essentially a formalized approach to problem definition. It attempts to identify what the problems at issue really are, to isolate the fundamental objectives involved, to suggest policy and program alternatives, and to identify the potential impacts and implications of choices among them. It also summarizes existing laws, policies, and government programs that bear on the problem (either as part of the problem or as possible solutions), and other resources that could be brought to bear on it. As a general guide to policy analysis, see *Policy Analysis: A Handbook for Practice*, 1996 (43pp).

An issue paper is supposed to be as complete an assessment of all that is currently known about the problem or issue, as the readily available data and literature will allow. The idea of an issue paper is to explore the problem at a depth sufficient to give the reader a good idea of its dimensions and the possible scope of the solution. Based on this it might be possible for the decision maker to conclude either to do nothing further or to commission a definitive study looking toward some sort of action recommendation. The issue paper stops short, however, of either original data collection or a detailed investigation and comparison of the impacts of policy alternatives, for otherwise it would be the analysis itself. An issue paper could, of course, stand by itself as a description of the problem area in order to provide an improved perspective for consideration of the problem in planning and management activities. But, in the sense in which we will use it, it is to set the foundation for an in-depth policy analysis by acting as the first phase.

The issue paper should have four parts, as described below:

1. Problem Definition. Assume that you are a planner with a local or regional planning agency or interest group and identify an existing problem with land use or environmental dimensions that you consider important. The problem definition portion of the issue paper defines concisely and **MUST** include a discussion of what the problem is; why it is important; its present and potential future magnitude (and basis for your estimate); who is affected by it (a list and discussion of stakeholder organizations); and its possible causes. Be sure to cover both physical causes of the problem and underlying human sources or activity patterns that influence physical causes; be as specific as possible. Be sure also to be candid about uncertain or disputed issues, such as conflicting estimates of the magnitude or causes of the problem; to use data if readily available; and to cite their sources. Note that maps, text tables, and data tables, to the extent possible, usually improve the readability of this part of your paper.
2. Existing Policies. Survey and summarize existing government laws, policies, regulations, and programs that bear on the problem and briefly assess why these policies are not solving it. Are they ineffective? Effective but inadequately funded or implemented? Why? Are some of them in fact a cause of the problem, enacted perhaps for different purposes, or subverted in practice by other objectives? Note that text tables are a good way of summarizing existing policies and your assessment of them.
3. Objectives and Alternatives. Identify the main objective(s) or criteria you believe any solution to the problem should meet if it is to count as a solution, and then describe what alternative actions might prove to be effective solutions. Be creative here: be sure to consider proposals already under consideration by others, but don't be limited to them—use your own ideas about development management tools and techniques that might be effective, as long as you can think of some good reasons for them, and to take a more unconstrained look at possibilities that may have been overlooked or too quickly dismissed by others as not feasible. For each alternative, describe briefly what it involves, who would have to act on it, how and why you would expect it to be effective, and its primary pros and cons (in terms of your objectives and criteria, its costs, positive and negative side effects, and uncertainties).
4. Recommendations. Given your assessments in the previous three parts, (1) state what specific

course of action you would recommend to your organization if you had to make a recommendation without any additional time or information (this can be either one of the alternatives above, or some mixed solution, or no action), and your reasoning for that recommendation; and (2) identify as specifically as possible what additional analyses would contribute the most to improving the quality of the decision if you had additional time and resources to spend on studying it.

#### Final paper:

The final issue paper will combine each of the parts noted above into one coherent paper. It should begin with an executive summary that focuses on the findings of the paper and recommended course of action. The final paper of 12-15 pages (single-space) may be written as a memo to the client for whom the paper has been prepared, or it can be prepared as a white paper/consultant report with a title page and contents page. The report should contain a list of references at the end, along with any appendixes that provide any information that will be useful to the reader that is too detailed or complex to fit within the body of the paper.

The **oral presentation** of your issue paper should emulate a presentation to the client for the paper (i.e., a city or county council or non-profit board of directors) during a regularly scheduled meeting. Thus, you will have about 20-25 minutes for the presentation and to answer questions and receive feedback. Given this constraint, it is very important that you focus on your key points. Be sure to keep your summary of the problem you addressed very brief and instead focus your remarks on your analysis of policy alternatives and your recommendations. A Power Point presentation is expected, unless you can convey the same information more effectively using another approach.

#### (3) Class participation and quiz. (30% of course grade)

You are expected to attend every session, to be prepared by having examined the required reading, and to participate in seminar discussions and exercises actively, knowledgeably, thoughtfully, and creatively. You should listen, read and think, but **you must also participate**. Students who miss more than one or two class sessions without a valid excuse or who are seen but not heard from in class will lose at least 5 points on this part of their grade.

There are two in-class and close-book quizzes through the semester. These quizzes will be formally graded.

### **Policy on Late or Incomplete Work**

Excessive absence from class and late assignments will not ordinarily be accepted. Grades of incomplete may be given in the event of a medical or other emergency. An application for an incomplete on any assignment, including the term project, must state the reasons for the request and propose a new deadline. A grade of F will be assigned for presentations and written assignments not completed on time.

The University's Honor Code is in effect. Please consult with the instructor if you are uncertain about your responsibilities under that code with respect to this course. It will apply particularly for written work.