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Jobs and Welfare Reform

New Urbanism Comes
of Age

How Sustainable Is
Florida's Growth
Management?

Conservation-Oriented
Development in the N.
Carolina Mountains

the planning journal of the southeast

From the Editors

The Winter, 1998 issue of *Carolina Planning* continues the tradition started in the previous issue of publishing more diverse articles. We also began what we hope will be an annual *Carolina Planning* event, the Carolina Planning Forum, which is a public discussion about a timely and important planning issue. The first Carolina Planning Forum, entitled *Transitions: Linking People to Jobs in an Age of Welfare Reform*, was held at the University of North Carolina at Chapel Hill on November 10, 1997. We chose this topic because of the large impact of welfare reform and the growing importance of job training and placement in the fields of planning and community economic development. The recent strong economic growth in the United States has disproportionately benefited the "haves" at the expense of the "have-nots". At the same time, a strong economy provides a rare opportunity to create economic development strategies that can spread the benefits of growth to all segments of American society. We hope this forum and the article that follows it about targeted economic development give our readers new ideas for confronting problems in their communities.

With this issue, we are changing the dating system of *Carolina Planning* to more accurately reflect the timing of our semi-annual issues. What used to be the Fall and Spring issues are now the Winter and Summer issues. The issue volume and numbers will not change. As always, we welcome readers' submissions to *Carolina Planning*. We also welcome any comments or suggestions you have about *Carolina Planning*.

Jennifer Hurley

Rob Inerfeld

Do you have a dilemma?

Carolina Planning is proposing a new column to discuss issues related to ethics and planning. In each issue, situations will be presented which involve ethical issues, along with a discussion of these issues and possible responses. This is not meant to be a forum for dealing specifically with the problems, but rather to raise questions about what constitutes ethical behavior in planning. We are looking for submissions of relevant situations or case studies, as well as several people who would be willing to comment on these submissions and identify the key ethical issues. If you are interested, please contact *Carolina Planning* at UNC-Chapel Hill, CB # 3140, New East Building, Chapel Hill, NC 27599-3140; (919) 962-4783.

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Carolina Planning

A Student-Run Publication

The University of North Carolina at Chapel Hill

Department of City and Regional Planning

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The drawings on the front and back covers were created by UNC Department of City and Regional Planning Master's student Karen Berchtold for "Anatomy of the City," a class in comparative urban spatial analysis in the Department of Architecture at North Carolina State University.

The "Built Form" analysis of Richmond, Virginia on the front cover depicts Floor Area Ratio, or total floor area divided by site area. To the northeast is an historic neighborhood of low-rise structures; mid-rise government buildings enclose the state capitol area; and recent high rise, corporate development lines Main Street and the riverfront.

This "Grain" analysis of Richmond, Virginia on the back cover depicts the relationship between building footprint and lot area. Grain ranges from coarse to fine, and may be loosely- or tightly-packed. The patterns created by the various structure sizes and the spatial relationships between them become apparent.

Planning Digest

Linking Welfare Clients to the Private Sector

In many ways, the economic development work of the Greater Durham Chamber of Commerce is very similar to the work of Chambers of Commerce across the country. However, the Durham Chamber has developed a unique program in cooperation with the Durham County Department of Social Services (DSS) to link welfare clients with opportunities in the private sector. Tom White, President and former Vice President of Economic Development, has been instrumental in the Chamber's work to spread the benefits of economic growth to people and places that might not benefit from general economic growth. White believes that regional growth is not in and of itself sufficient to help everyone, because there are barriers to accessing that growth. His approach to "spreading the benefits" is guided by his understanding of how to help distressed areas. According to White, there are two strategies for dealing with poverty and disinvestment:

- (1) **individual mobility:** helping residents get skills to improve their lives, which includes the possibility of moving out of the area; and
- (2) **community reinvestment:** helping companies move into the area.

For several years, the Durham Chamber has pursued the individual mobility strategy by contracting with the DSS to provide job development and placement assistance for DSS clients. One staff person, paid by the Chamber, works in a job placement office with two DSS and one Employment Security Commission (ESC) staff. The Chamber staff contacts employers, educates the business community about the benefits of working with people on welfare and the special needs of that population, and works with DSS clients on their resumes. The Chamber's Vice President of Economic Development in particular serves as a bridge between CEOs and DSS. Although a few other Chambers in North Carolina work with the Department of Social Services, no other Chamber has this type of contractual arrangement.

This program helps welfare clients find jobs, but it also furthers the Chamber's broader mission of general economic development. The strongest constraint on Durham's growth is the entry-level labor force. Companies are sometimes reluctant to locate in Durham because there are not enough qualified entry-level workers. Carol Hunt, former Director of Durham's Work First program, explained that companies can always bring in their top people, but they want to recruit locally for entry-level jobs.

White and Hunt, as the developers of the program, see no contradiction between place-based and people-based development, or between providing social services and encouraging private investment. As Carol Hunt said, "You can't revitalize a community without revitalizing the people." According to White, a distressed area needs a combination of public social services and private for-profit investment. Bringing in social services, providing job training, and addressing infrastructure needs, including dealing with crime and abandoned buildings, will help attract businesses. White suggests that inner cities need different municipal services (social services) to attract business investments than do suburbs (water, sewer, and transportation). At the same time, social services alone will not provide the jobs necessary for long-term improvement.

For more information on the contractual arrangement between the Greater Durham Chamber of Commerce and the Department of Social Services, contact Sherlene Wilson at (919) 560-8022.

Jennifer Hurley is a candidate for a Master's degree in Regional Planning in the Department of City and Regional Planning at UNC-Chapel Hill.

Sustainability Goes Local

In 1997, the promotion of local sustainable development was strengthened by the creation of the new Joint Center for Sustainable Communities in Washington, DC. The Joint Center, run by the U.S. Conference of Mayors (UCSM) and the National

Association of Counties (NaCo), will serve primarily as a resource for local government officials. Its chief goal is to implement the recommendations of *Sustainable America*, the legacy publication of the President's Council for Sustainable Development. Many of its aims mirror those long championed by planners such as growth management, urban revitalization, and resource conservation. Viewing strong communities as the foundation of a healthy society, the Joint Center hopes to make "sustainability" both a household word and a reality for cities and counties.

Mission and Structure

Multi-jurisdictional partnerships are the mantra of the Joint Center and a cornerstone of its mission. The hope is that, spurred by positive examples and success stories, local governments will recognize their growing interdependence and begin to think regionally. The Joint Center also emphasizes the connection between environmental, economic, and social issues, and advocates a holistic, comprehensive approach to problem-solving. To encourage local action, it offers technical assistance, policy forums, an information clearinghouse, and descriptions of best management practices.

The Joint Center is funded by several federal agencies including EPA and the Departments of Energy, Commerce, and Agriculture. Interestingly, it has two co-directors with two separate offices. This deliberate arrangement allows the Joint Center to stay connected with, and harness the resources of, its parent organizations. While USCM and NaCo have worked together on a few national issues, they do not have a long history of collaboration. Consequently, harmonizing the agendas of these two associations (and of cities and counties in general) will be both ground-breaking and challenging.

Local Successes

Though still in its first year, the Joint Center is attempting to be a catalyst for local collaborative planning. As a model for city-county cooperation, it's showcasing the impressive efforts of Detroit and its neighbor, Wayne County. The "motor city" is on an economic rebound but its redevelopment plans are frustrated by an estimated 50,000 brownfield sites. To tackle the problem, Detroit and Wayne County created an on-going sustainability roundtable. This effort stemmed from a realization that the fate of both

jurisdictions was intertwined and that the brownfields problem should be viewed in connection with other regional issues.

The Center is also promoting sustainable rebuilding after natural disasters. After the catastrophic spring floods in the Dakotas, local mayors were searching for advice on how to rebuild their communities. The Joint Center funded a visit by former mayor Dennis Knoblach, whose Illinois home-town was hit by the Midwestern floods of 1993. Knoblach shared his experience and urged elected officials to rebuild more sustainably by re-thinking urban form, improving energy efficiency, and reducing impervious surfaces.

Spreading the Word

In addition to helping local governments directly, the Joint Center has been actively advertising the concept of sustainability. One avenue is through NaCo and USCM annual meetings, which this year included sessions on creating sustainable communities. The USCM meeting featured Vice President Al Gore who linked sustainability to brownfield re-use. The NaCo meeting presented Randall Arendt who explained to county officials how his conservation design can aid sustainability. Recently, local officials have become directly involved in the guidance of the Joint Center through a newly created advisory committee. For more information about the Joint Center for Sustainable Communities, see their websites at:

www.naco.org/memserv/sustain.htm
www.usmayors.org/sustainable

This page links to other interesting sites including: President's Council on Sustainable Development, Department of Energy's Center for Excellence in Sustainable Development, Smart Growth Network, U.S Conference of Mayors, and National Association of Counties.

John Nemeth is a candidate for a dual Master's in Regional Planning and Master's in Public Administration from UNC-Chapel Hill. He worked for the Joint Center for Sustainable Communities in the summer of 1997.

Transitions: Linking People to Jobs in an Age of Welfare Reform

A Carolina Planning Forum

Editors' Note: As a result of the recent federal welfare reform legislation, welfare recipients are being forced to find jobs. At the same time, the strong growth of the economy is leaving many Americans behind. Planners need to consider new ways to connect unemployed and underemployed people to jobs. The editors of Carolina Planning hosted a forum to discuss how people in North Carolina are dealing with these issues. We brought together a panel that includes varied perspectives, from private training programs to community development corporations to state agencies. The text of this article is an edited version of the discussion, which took place at the University of North Carolina-Chapel Hill on November 10, 1997.

Participants

Tim Moore, Executive Director, Center for Employment Training, Research Triangle Office.

Pheon Beal, Chief of Economic Independence, Division of Social Services, North Carolina Department of Health and Human Services.

Leslie Boney, Director, North Carolina Business Involvement Council, North Carolina Department of Commerce.

James Grace, President, North Carolina Association of CDCs and Executive Director, East Winston CDC.

Stuart Rosenfeld, Principal, Regional Technology Strategies, Inc.

Facilitator

Sorien Schmidt, North Carolina Justice and Community Development Center.

Forum

Sorien Schmidt: Work First is our primary state cash public assistance program. It provides cash assistance for low income parents with children. Ninety-five to ninety-seven percent of the families are a single mom with kids, or in a few cases, a single dad with kids. A few of the families are also two parent families with children.

As you know, with welfare reform going on now, these families are limited in the length of time they can receive cash assistance benefits, and in order to receive them, many of the families will have to work at the same time that they are on the benefit program. If we're going to stop providing cash assistance to low income families and we're going to make them work, how are we going to get them into jobs, where are the jobs going to be, how are they going to get there, what kind of training do they need, and are they going to be able to move on towards self-sufficiency?

I think since we have a good mix of private and public here, I'll start with this question: what role do you think government should play in assisting low income people in moving into employment, and what role does government need to play to assist employers in hiring low income people that may have low skills?

Pheon Beal: Work First replaced two government programs. One is called Aid to Families with Dependent Children, which is commonly known as AFDC, and the Job Opportunities and Basic Skills program, or JOBS program, which was designed to help welfare recipients transition off welfare and into the workplace. The role that government has traditionally played since about 1935, when the AFDC program began as part of the Social Security Act, is to provide a safety net primarily to families that are headed by a single parent—in 1935, that single parent was usually a widow, usually a war widow—or to provide services for orphans, who were primarily orphaned by war. What we've seen over the last 62 years is a huge transition in the culture, and a lot of

the single parents in the Work First caseload are parents who never marry or are single as the result of divorce or separation. So what government has traditionally done, I would submit, is not to try to end poverty with this fairly small cash payment—it's only about 272 dollars a month for a family of three—but to provide some of the basic necessities.

Over the years, however, most families have also received food stamps, Medicaid, child care subsidies, assistance with transportation, housing subsidies, in addition to some wages and the earned income tax credit, in order to provide for their family's needs. If you add to that child support, which is the money owed by the absent parent, then you pretty much have what makes up the traditional safety net for most families. What we have shifted from since Work First began in 1995 is a de-emphasis on the processes we go through to provide the safety net—determining eligibility, cutting the checks, sending them out, figuring out whether or not we made an error, doing it in a timely way—to focus on transitioning people back into the workforce. This has been a major culture change for government.

Government has become in this area really more of a business, because what the Federal Welfare Reform Act did in 1996 was to end the entitlement part of the safety net, and that's the monthly cash assistance payment. What we now have is a bottom line, and we have a capped block grant. We aren't going to get any more federal funds over the next five years from that block grant. We can add additional state and local dollars, but we won't get any additional federal funds. So we are in the process of becoming what we talked about for so long, which is a results-oriented management organization.

At the same time, particularly in the Department of Health and Human Services, I think we are still seen as the provider of equity. We are the folks who level the playing fields, bring the more disenfranchised families into the system, and provide for those needs that would not otherwise be addressed.

Schmidt: For the low income families that are receiving these services, or who may not even be receiving these services but are low income and possibly low skill, what is it that they need to move into the job market?

Boney: I think there are a couple of things that people need if they're going to make the transition from essentially not working into working. The first is, some sort of soft skills training. If you've not been

in the workplace, you don't necessarily know or understand that it's important if you can't come to work in the morning to call in and explain why you can't come to work. There are some basic soft skills that you need to figure out in your first job. There are all kinds of people who can provide these, including government agencies, local community colleges, private non-profits such as the Center for Employment and Training, and church and other volunteer civic groups. For a lot of employers, soft skills are enough. They say, send me somebody who understands it's important to show up to work everyday, and call in if they can't, and we will provide the specific training that they need.

In other cases, employers want a little bit more than that. They want someone who has a specific skill set. Again, there are a group of people in the state that are willing and interested in providing that. They range the same gamut, from private non-profits to church groups to government agencies on the state level. So I think some combination of those two things, hard skills and soft skills, are the two basic elements.

Schmidt: Stuart Rosenfeld, in your work, have you found that obtaining soft skills is enough for someone to get into employment without getting other types of skills?

Stuart Rosenfeld: It's enough to get them into employment. But it's not necessarily going to find that interesting and worthwhile work most want to do. Employers talk about all sorts of generic skills, such as communications and problem solving, but when it comes right down to it, every employer I talk with wants experience and very specific skills. They will only take those with the low skills for semiskilled work, and those jobs are not going to lead anywhere.

To me, part of the problem is that we still see this welfare-to-work issue strictly as a social policy, not as economic development. It's supply driven. All of us on this panel represent the supply side of the issue. There is nobody here representing the demand side of this, and we haven't got them very involved in this process yet. We don't really have a knowledge of what the businesses really want, what they need, yet the system just wants people out of the system onto the jobs as quickly as they can.

The training is minimal. In most places the goal is getting people up to speed for that job as quickly as possible and not worrying about whether they have enough skills to actually progress in the job and go farther. I think that's a real issue.

Tim Moore: We at CET have industrial advisory boards of employers. They are our customers. Our other customers are the students. Our job is to get them together. What we're hearing is a little bit of what both gentlemen just talked about. Employers want soft skills, but they also want folks that have a GED and the skills that go along with a high school diploma. Just because you have a degree, a piece of paper, that doesn't mean that you have the three R's. They also want readiness skills. They want computer skills, perhaps. Some companies have positions that are introductory enough that you don't need a skills set to go into them. But if you want to be self-sufficient, and that means earning \$7.50 on up with benefits, you need to have some kind of a skills set that a place like CET and other programs can cover in about eight months. Then if they have the skills and they lose that job or there's a downturn, they can get another job with those skills.

Schmidt: Can you talk about some of the techniques that you have used to train and place people, and what you think is necessary to accomplish that?

Moore: Well, it's a very holistic approach that took three decades to develop. We do a lot of work on self esteem for instance. That's part of the battle. We're a full time program, 8:30 to 4:00, and we run it like it's a job. It's basically on-the-job training. There are time clocks to punch, forklifts to drive, computers to use, circuit boards to solder, etc. Our instructors are from the private sector. They've been there and they know what it takes. We have a GED program. We integrate basic skills into class. It's very contextual, so that students can make a connection between how to learn, how to do math and how to measure and weigh a box in order to ship it.

We like to say, there's one piece of paper that's more important than a diploma, and that's the paycheck. You have to work. You have to make money. You have to be able to show up on time every day, and you also have to have some skills employers are interested in. With global competition and technology, folks are going to be left behind with minimum-wage jobs at McDonald's. If they could get

a little higher position, they could make ten dollars an hour with benefits.

Schmidt: Do you think it's important in your training to connect to the business community, and how do you do that?

James Grace: I'd like to put my blush on this by giving an example. Back in 1996 there was an article that appeared in a Winston Salem paper reporting that this guy had hired 50 African Americans in his awning company. Of course that got a lot of press, and it also got a lot of press six months later when nobody was there. Fifty people had disappeared off the job. We

pulled together a small conference and brought the employer and some employees in. They had a chance to talk about what they saw as the problems. The gentleman that owned the company was really flabbergasted by some of the challenges that people faced in getting to the job. They had to be there at 6:00, but the busses didn't start running until 7:00. One guy hired somebody monthly to pick him up. They charged him \$100 and dropped him off at a bridge that was a

mile away. To make my point, I think that you've got to have some communication and some balance if we're going to solve some of these problems, and we have not yet learned how to talk to one another across these boundaries about what the problems are. That goes for race, we're going to have to find a way in this country to talk in a race language or something that gets us there, because obviously, we're not getting there now.

Schmidt: It seems to me the transportation for low-income people to get from their community to where the jobs are could be a real issue. Do you have any ideas about how to address that?

Grace: Well, it's a problem because most of these low-end jobs start at odd hours. People have to be at work at 4:30 in the morning, so you can't expect public transportation to take up that need. It's still an economic opportunity for somebody. If you got a van full of people going to work every morning, and they

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pay maybe forty bucks a month to get there, that's an economic development opportunity for somebody. Why is that not happening? We had a demonstration van program, and it was phenomenally successful, but you can't depend on grants and handouts to do that. Somebody has to have the wherewithal to say, "Maybe I can make it doing this." But there's no sensitivity for anybody who would want to finance or fund that kind of activity.

Beal: The money to fund transportation is in the county block grants, and it remains to be seen whether people are going to put their money where their mouth is.

Schmidt: Let me explain what those block grants are. In the past, the state and the federal government controlled what our local counties could do with the cash assistance program money. Now we have moved to a block grant program for services for every county. Every county is going to be given a chunk of money to use for job training or for transportation or other kinds of services to help people move off the rolls and into employment.

Beal: I can't emphasize enough that this has a bottom line. Over the next five years, there's a \$302 million federal block grant. That money will lose its value over the next years, just by inflation alone. We are not going to get any new money, so we need to invest the money in strategies that work. In Forsyth county they're leasing vehicles to welfare recipients for small amounts a month so that at the end of the time they're on welfare, they will own those vehicles. Counties rely very heavily on volunteer transportation, and one of the things we've asked the Commissioner of Insurance to look at is a samaritan law that will make volunteers not liable for transporting recipients to work.

It's not just where the transportation is located, it's also where the child care is located and where the grocery store is located and where the community

college is located. Quite frankly, in North Carolina there are a lot of places where if you don't drive, you don't work.

I think that the microenterprise development strategy is one that is going to get looked at, and hopefully funded. We need to start out with some small successes. When people get burned, sometimes they back away from things, but I think that we've had enough experience in this state with microenterprise development that this is a very viable strategy.

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Rosenfeld: Just to give a very quick example, Regional Technology Strategies (my firm) has a board member who started a company in Chicago called Transport America, that's actually transporting low-income people to their jobs and to training programs, and at the same time providing training and teaching them how to start the businesses themselves. It's been extremely successful.

Leslie Boney: Let me just mention a few things that employers seem to be interested in. My job on a daily basis is to talk

with employers and make the case for them to hire Work First participants. They have sort of different notions of what they can and should do, but this is a unique time in North Carolina history for all this to be happening. Right now in North Carolina we have the lowest unemployment we've had for any number of years. In the Triangle, we have 1.9% unemployment. That is great news for the economy, and it is great news for Work First participants. It is frightening news for employers, because their question is: where does our workforce come from? Where do we find people that we can keep? If employers continue to pay incredibly low wages, no one comes to work for them. There are very few people in the Triangle that are paying minimum wage anymore.

I guess that's sort of a long way of saying this is a time when employers are forced, whether they want to do the right thing or not, to look at this nontraditional

work force, a group of people that maybe has not had a great employment history. They're sort of forced into the notion of looking at Work First participants. Some of them are going to do it because it's the right thing to do; a lot of them are going to do it because they're looking for people who they can hire who may stick around for a little while, that they can give some opportunities to in the long term. So there are motivated employers right now, in large parts of the state.

They're also willing to do things to make transportation work. For example, an employer I'm working with in the Triad has shifts every 15 minutes. If you're trying to transport numbers of people into their workforce, then you have a real transportation problem with this schedule. Some people arrive when they can access transportation and maybe they don't start work for two hours. What the employer's been willing to do, in part because they're desperate, is clumping some shifts. That breaks up the way they like to do their system, but they're motivated to do it because they want employees who they can retain and promote.

There are also some employers who are motivated by a transportation tax credit. They will pay transportation costs to get employees there. Some of them are doing it because there's a tax credit of \$65 a month of that cost. Others are doing it because that's the only way they can get employees to work. Others are encouraging employees to start microenterprises where they would handle transportation themselves.

Just one other thing that's going on: a lot of counties are realizing that we have technology now that can locate within every county exactly where every workforce participant lives, where every child care opportunity in the county is, what the bus routes are, and what the employment opportunities are. Then you can look at a grid and come to some real transportation decision about how you create a public transportation system that may get somebody from where they live, to where they drop off their children for day care, to where they work.

Schmidt: Even though in North Carolina we do have

very low unemployment in many of our areas, we still, even now in this great economy, have counties with double-digit employment. We're likely to see a recession at some point. If you're relying on employers to provide transportation, where are they going to go when you hit a recession? And even in these counties today that still have double-digit unemployment, how are we going to overcome these issues and help these people stay employed or be able to change jobs even in downturns in the economy?

Rosenfeld: I think the government certainly has a role in supporting public transportation and building infrastructure. Related to

that, we've been talking about microenterprises. I still think that is a long term opportunity. I know that entrepreneurship was a popular way to address unemployment ten years ago when we didn't have these skill shortages, and it didn't work all that well. But it can work now, I think, with technology, with terminals in the home, if people are willing to work collaboratively, if we can develop the necessary social infrastructure.

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There's lots of examples around the country of small groups of microenterprises working collectively to produce some fairly substantial results, like "Appalachian by Design" in West Virginia, where 40-50 part-time home knitters produce enough to supply large companies like Esprit. So I think there may be some opportunity if we are willing to give people the entrepreneurial skills at the same time we're training them for employment.

Grace: I'm thinking, why aren't we doing any better than we are doing? Somehow, we just don't get both sides of this equation. I think it's key that we involve these folks that we are talking about, these clients, these low income, people we put all the labels on. All the people that work in my office now are people that have been on Social Services or received some kind of benefit. I'm here to tell you that there is no support for them moving forward, for accepting them, for working with them, in any of these environments. So

I sort of am very frustrated about the "systems" that we keep talking about because it's still being imposed, whether we like it or not. In my community it affects me directly because welfare reform is gone, so I'll have to lock my door and put another lock on because people are not going to starve if they can steal.

Schmidt: There's people missing not just from around this table but from around a lot of tables where this is being discussed, where projects are being worked out, and all kinds of things are being decided. I wonder if you have ideas about how we get the low income community not only to the table, but actually at a skill level that they can feel comfortable participating, and how we get the business community around the table and bought into their need to work on this?

Moore: In think in most cases you need an intermediary, like a community based organization or a nonprofit. We could call on the public sector as well to mediate. We provide part of that service. We have a monthly industrial advisory board meeting with about 75 employers from across the Triangle who represent a real "who's who" of employers from large and small, all different sectors who come out and meet. I have my students attend as well. My students are single women with children, and there are also some men in my program. We have a student council, and so they talk. And for the first time I think a lot of barriers come down. Some of my employers are mentors, or they come out and do seminars or mock interviews or host tours of their facilities.

You have to tell employers what you want them to do and how you can help them to get what they need. And the same thing with the other customers, and then get them together. So I think it helps to have an intermediary or bridge between the two that can sort of talk both languages and cut through a lot of the stuff. It's good business for business to get involved in this. They help us design our curriculum, provide us with equipment and find instructors. If you give them that kind of role, then the bottom line is they will hire your graduates. We have repeat hires with some major companies. That's a good sign, and they are keeping the folks, because ABC company doesn't want them to go down to XYZ company. So they're keeping our trainees, our graduates, and giving them pay increases. They may be going in a \$7, \$7.50 an hour, but not too long and it's \$8, \$8.50, \$9 an hour. And now they're really starting to be where they can get a car. They can move out of public housing into an apartment. Instead of giving somebody a fish, we've taught them

Work First Family Assistance Facts

82,693 families in North Carolina were receiving *Work First Assistance* as of September 1, 1997.

68 percent of cases are families headed by one parent.

95 percent of all *Work First* households are led by females.

95 percent of *Work First* adults are younger than 45 years of age.

Approximately 145,000 children receive *Work First Family Assistance*.

More than 50 percent of cases include one child; less than 2 percent contain five or more children.

50 percent of families have received *Work First Family Assistance* for 6 months or less.

The average *Work First Family Assistance* check is \$218.

Many *Work First* families are working; as of September 1997, 16 percent of the caseload was employed, excluding child-only cases.

With the introduction of *Work First*, the monthly caseload has decreased by 27 percent.

(Source: NC Division of Social Services)

how to fish so they can go on for a lifetime.

Boney: Let me mention sort of a larger issue that's related to this. To a large extent, the policies of welfare reform were shaped by lawmakers who were divorced from the front line problems. But the more people you bring to the table, the more possible solutions you're going to come up with, and boy, that's a frightening thing. They might actually come up with something that doesn't involve you. They might come up with a solution that says, you don't really have a place here anymore. They might create a new structure that might lead to wholesale downsizing in the whole infrastructure that treats the *Work First* population. *Work First* participants might actually go to work, then we'd all be out of jobs. I think there are some sort of disincentives that we have both in terms of our instincts

and in terms of our larger notion of self-preservation that work against actually involving the real people that we're talking about. If we can find a way to get beyond that and actually get everybody around the same table at the same time, we'll do a lot better and we'll come up with a lot better solutions.

Beal: Back in fall of last year I think we had nine forums around the state. The governor spoke at a little over half of them, and we had your mayors and your county commissioners and your business people and your CEOs, but we also had at least one Work First participant on the panel, and we always have Work First participants in the audience. If you ask anybody what part of the forum they got the most out of, it was hearing the Work First participants speak.

I agree with Leslie. I think we need to get the politicians and the social workers out of the middle of it, and I think that we need to create a safe zone for these families to become involved. How much are you really going to say about your local department of social services when they send out your check and Medicaid card? I think that this may be something that the role of government may need to step back a bit, and where the private sector can get much more involved. I think there is a fear out there that we might work ourselves out of a job. I think to a certain extent, the system that created welfare has become one of its victims.

Rosenfeld: I think one of the difficulties with bringing the private sector together is that they act too independently as individual businesses. Our businesses in this country aren't very well organized, so we have companies that are representative of their industry, but they don't represent any larger industry group. What's really important is to somehow begin to organize these people into some kind of a collective entity that can begin to address problems and think about local economies in terms of social good for the communities and civic responsibility. I believe we need to think about how we can begin to create the social capital in communities that would allow us to address some of these problems collectively.

Schmidt: We're working on coming up with solutions,

yet at the same time, there are low income moms with kids that have used up one year of a two-year time limit and are going to be kicked off the program starting August 1 of next year. What are we going to do for these people on August 1 and thereafter as people are moving off the program?

Beal: From a very practical standpoint, the way the policy is written now, only those individuals who are receiving the most intensive support services are on the two year time clock. The way it's written is that there will be a three year period of ineligibility, but that if a local review board says so, that family can

come back onto cash assistance. First of all, if I had a local review board, I would load it up with my employers, and I would really want them to stand there and tell a mother with four children why she can't come back on welfare but they can't give her a job.

From another standpoint, I think probably one of the more profound things that was said tonight was that we need to start seeing welfare reform as economic development. I've never seen an area that was so fraught with contention, and it's like a lightning rod. What I really hope we'll be able to move to as the two-year time limit creeps up on us is less of a discussion about

how this person was just too lazy and didn't want to get up and go to work, and more of a discussion of how local economic development in communities would help.

Moore: We found that without economic development and job creation, which is actually creating jobs by bringing businesses in and offering them different incentives and packages, you can't develop jobs through your graduates. You can't place folks in jobs that don't exist. Trying to undo forty years of something that we got ourselves into in a couple of years or five years is going to be painful. We're not just talking about single moms here or men who are raising some families on their own, we're talking about kids and generations and the impact. If you cut welfare rolls, the problem's going to pop up somewhere else. Maybe in prisons, more money spent on correctional facilities or on this or that. Let's pay for it now the

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right way starting with Smart Start programs, community colleges, programs like CET, K-12, put more investments there, so that companies will start to get on the bandwagon too. They will realize it's not just a social responsibility or a civil responsibility, it just makes good business sense for their own preservation. You've got to have workers, and you've got to have folks that make money to buy your products. And you've got to live someplace. Your CEOs have to live someplace. So they want their communities to be strong and safe.

Grace: I agree with what everybody else has said wholeheartedly. As we go through this two-year phase, corporations are still in the mode of downsizing and laying off people. That kind of behavior, what does that get us? We're fighting a real drift here. We've got to look at our morality and the ethics, and even the spirituality, and talk more about those kinds of things in this country that we have, because I don't care what we do, it's going to boil down to what we feel about each other.

Questions from the Audience

Question: Does anyone here realistically think that we can move 82,000 people off our welfare rolls within a five year period?

Beal: Of the 82,000 families, if you looked at the information we have outside, about 25,000 of those are families that we call child only. What that means is that there's a grandmother or aunt or somebody else taking care of the child, so we are really talking about 60,000 individuals. What we've been doing with Work First is moving the easiest to move first, hopefully laying in some strategies that will keep them retained in the workforce. We show about an 82% retention rate for those who have left for employment so far. Then we take the money that we didn't spend paying their monthly benefits and spend it on the rest of the caseload. The difficulty is going to be the rest of the caseload: 20% are estimated to have substance

abuse problems, although that number could be anywhere from 30-80% depending on who you talk to, domestic violence issues, no high school diplomas, borderline mental and physical disabilities. So even though they may be fewer, they are harder. However, in terms of what we predicted the case load would be, we are already where we thought we would be in 1999.

Boney: We now have an incentive to concentrate on one particular part of the population, but if we're not really addressing the long term issues of the working poor, then we're going to fail, because the same people are going to get a job that pays them barely enough to stay off welfare; then their child is going to get sick or they're going to lose their transportation solution, then they're going to get right back on.

Question: Should we be concerned about building social capital?

Rosenfeld: It's a hot topic right now, this concept of building social capital and its importance to economic development. I think it all gets down to the idea that unless you organize at a local level, you don't have the kind of economy where people can easily get information about things like labor markets. That is, to create social capital so that there are levels of trust among people and among businesses, you have to create an environment where ideas and information flow. Labor markets work very easily in areas where they've got social capital, where businesses are interdependent. In this environment, you don't need very sophisticated labor market systems because everybody knows what's available, and it just spreads through family, friends, and social activities. A lot of states are now developing policies to try to create these networks in certain regions by organizing their primary industries into councils that include different organizations, lead business, non-profits, and encouraging them to develop collective visions. It's still a soft, fuzzy topic, but it's often the difference

between a strong and a weak regional economy.

Boney: To layer on to that, John McKnight is a professor out of Northwestern who talks about asset mapping in our communities as a way of building social capital. He makes a very convincing case that a lot of what we've done through the way that we have structured our social programs is to throw social programs at communities. By doing that, we eviscerate the natural strengths of that community.

We need to figure out a way to look at our communities in terms of what they have, what their strengths are, what their leaders are, how to develop those leaders so that they then rise up. We can do that better by looking at positives rather than negatives, looking at assets rather than deficits.

Beal: Can I say that a different way? The new capital is not money, it's information. What a lot of welfare recipients have lacked is access to information. I'm very fearful that the more technology takes over every part of our lives, the more this population is going to be left behind. There's not been much in our welfare system, I would submit, that encourages people to take advantage of information. We made people for six years prove how poor they were. That's what our business is all about. We've never encouraged people to look at what they have rather than what they did not have.

I think we're beginning to gradually turn that battleship around. For example, one of the things I insisted to community colleges when they developed their Pathways to Employment programs is that minimally, every Work First participants needs two things: customer service skills and computer skills. So to me the investment in human capital is an investment in making people smarter about understanding why they need information and what to do with it. In other words, helping people figure out how to be more self-sufficient.

Question: What is the role of regional economics in moving people from welfare to work?

Beal: I don't think we've done a real good job of

following market trends in terms of training. When NAFTA came in and the mills started drying up, there was a giant sucking sound out of the economy of North Carolina in terms of textile industries, and we saw shortly after that an increase in the number of families on public assistance. One of the things that I think CET does particularly well is they follow labor trends very carefully. If they're using a new widget, then they train with that new widget. That's what we've got to get smart about in a growing economy.

Our experience with the textile industry drying up

to a certain extent and the tobacco industry has taught us that we have to teach people transferable skills. And quite frankly a lot of our families are going to wind up moving in the event of economic downturn. Right now we have large numbers of people who come into North Carolina to work from Virginia, South Carolina, West Virginia, Tennessee. South Carolina's welfare initiative has a relocation program as part of its initiative, and they relocate to North

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Carolina, thank you very much. I think we're going to see a much more mobile population in terms of moving where the jobs are, and I think you're going to see a training system hopefully that's able to adapt to quick market changes.

Schmidt: If people are moving, you have this problem of disconnecting them with their social structures. One way of dealing with the healthcare problem or transportation or child care is through a social network. When you move them out of that social network, you may have gotten them to a job, but now they have new barriers facing them. **CP**

Targeted Economic Development: Its Role in Maine Economic Policy

Carla Dickstein

Editors' Note: Although this article is about targeted economic development in Maine, we feel that its findings are pertinent to conditions here in North Carolina, especially considering the present reality of welfare reform. In the previous article, we considered various approaches to helping people move from public assistance, unemployment, and underemployment to decent jobs. Targeted economic development is another strategy that planners and community and economic developers in North Carolina and other Southeastern states may want to add to their toolbox of job development strategies to help people make these transitions.

Despite the magnitude and growth of economic disparities in Maine, equity concerns have been a poor stepchild in most economic development policies that focus on general business development and improving the economic infrastructure and business climate.¹

Slowly, the economic development policy debate is shifting toward equity concerns. Some of the benchmarks recently established by the Maine Economic Growth Council reflect the equity goals of reducing regional and income disparities.² There also have been recent legislative efforts to tie economic development dollars to social paybacks.³ Finally, welfare reform and the current emphasis on welfare-to-work are forcing discussion about where welfare recipients will find work.

Perhaps the biggest opportunity for influencing public policy is the recent attention of the mainstream press to the changing economic order and its widespread impacts. Increasing polarization of income, the rise in contingent labor, corporate downsizing, huge disparities in compensation between chief executive officers and workers, and even the sweatshops that produce celebrity-label clothing have been known for years. But now these

economic and social justice issues are surfacing as part of the public's world view and can be raised in public discourse. Again it is legitimate to ask these questions: Who wins and loses in the present economy? What is the role of economic development in altering that equation? And, how can economic development dollars have the greatest social impact?

This article examines the role of targeted economic development strategies in accomplishing explicit equity goals. It argues that traditional economic development programs that support business development and economic growth are insufficient for creating quality jobs, especially for people on public assistance. Targeted strategies are needed to link these people directly to employment opportunities. The article draws on lessons learned from current practices at Coastal Enterprises, Inc., a community development corporation with a nearly twenty-year history of working with businesses and communities in Maine.

Limitations of Traditional Economic Development Programs

To date, the dominant focus of economic development policy and practice has been on creating a conducive environment for businesses to grow and prosper (Blair 1995). The assumption has been that the benefits of this growth would trickle down to all segments of society through more jobs, lower unemployment, higher wages, and an increased tax base. Government intervention would come primarily through investments in physical infrastructure, education and

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training; a favorable regulatory and tax environment; and direct business assistance programs.

However, the extent to which benefits do trickle down, particularly to the poor, is increasingly in question. (See Seguino 1995 for a review of the literature). Income inequality in Maine widened during the 1970s and 1980s. In 1979, the top 20 percent of Maine households earned, on average, eight times as much as the bottom 20 percent; by 1994, they were earning 10 times as much. Between 1979 and 1994, the top one-fifth of Maine households gained an average of \$12 for every \$1 earned by the bottom one-fifth (Blom and Garber 1996).

Although the poor did not fare much better during the high-growth periods of the 1950s and 1960s, at least labor shared in business prosperity during that period and the social contract was alive and well for workers and their families. That is not the case today. Real wages have fallen for most workers,⁴ and jobs that pay a liveable wage are in short supply in Maine. The Department of Labor's 1996 "Job Gap" study found that only 27 percent of the net job openings filled in 1993 and 1994 paid a liveable wage of at least \$11.55 per hour, and that there were 10 job seekers for every liveable-wage job.⁵ Of these liveable-wage jobs, 63 percent required more than two years of training or experience.

Explanations for the increasing income gap and wage deterioration point to structural changes in the economy, such as the increasing substitution of technology for labor in both manufacturing and service sectors; the trend towards part-time, contingent labor rather than full-time employees; the decline of unions; and the rising profits demanded by very competitive financial markets.⁶ These structural changes create even greater barriers for moving welfare recipients, especially women, into jobs that pay liveable wages (Seguino 1996).

Efforts to move welfare recipients into the workforce have focused on education and training programs, as well as various subsidies to employers. Unfortunately, a focus on improving skills through education, training, and job coaching does not necessarily give the poor access to good jobs, because employers turn to established networks for recruiting workers. The poorest people lack the skills and know-how to work

those networks.

Even demand-side interventions such as tax credits, on-the-job training subsidies, and direct cash payments to employers have not been successful in enticing employers to hire welfare recipients, especially in a depressed economy. Evaluations of these types of subsidies have concluded that they often go unused. Most employers who do take advantage of them use them to fill unskilled, low-wage, and limited-benefit jobs. It has also been concluded that employers would have hired most of the workers filling these positions without the subsidies.⁷ Furthermore, an employer subsidy actually may work as a hiring disincentive if firms believe welfare recipients inherently are less productive.⁸

The Role of Targeted Development

The primary purpose of targeted development models, as defined here, is to reduce poverty by linking people with low incomes and on public assistance to good jobs. Such programs also may target workers displaced by layoffs or defense downsizing to prevent their becoming impoverished. Giloth (1995) describes the process as the combination of "employment training, human services, and enterprise development to enhance access to and creation of jobs, careers, and self-sufficiency for the disadvantaged."

If targeted interventions are to succeed, they must go beyond incentives to proactively link people with jobs. The more depressed the economy, the more leverage is needed with employers to access quality jobs. Community-based organizations are among the most successful organizations in making these linkages (Harrison 1994). Instead of trying to bring development to distressed communities, these organizations broker jobs already in the region to the people in need. For example, in Kansas City, Missouri, a

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unique coalition of corporate, nonprofit, labor, and neighborhood members called the Local Investment Commission has gained national recognition by performing this broker role. The commission uses welfare and food stamp payments as a wage supplement (equal to \$3.05 per hour) to encourage employers to hire welfare recipients for permanent

jobs that offer regular pay increases and bonuses. Federal and state agencies provide Medicaid benefits, child care, and other support to welfare recipients for up to four years. Unlike other wage-subsidy programs, the commission actively uses the influence of its volunteer Business and Economic Committee to find willing employers.

Gap financing programs are an underused leverage point to link low-income people to jobs created through business start-ups or expansions. Gap financing programs are important to companies that cannot access conventional sources of bank financing. In Maine, more than \$130 million is available annually in small-business loan guarantees and direct loans (Roundy, forthcoming). Such financing programs could require that businesses hire welfare recipients or other low-income people in order to secure financing.

In practice, however, few economic development programs in Maine and throughout the nation use financing to encourage employers to hire people with low incomes and on public assistance. To add the goal of job creation for targeted populations to conventional economic development financing is considered complex and a possible deterrent to business development (Bartik 1993). Another critique is that targeting job creation to the disadvantaged will displace other qualified people who, in turn, become disadvantaged.

The counter-argument has been that workers with a long-term employment history have developed the necessary skills to find other jobs or to create their own. Although little or no research has been done to document displacement effects, it is unlikely that targeted strategies are a zero-sum game resulting in high displacement of the existing workforce.⁹

CEI's Approach to Targeted Development

Coastal Enterprises Incorporated (CEI) has had

experience with targeted development programs and evaluation since 1984.¹⁰ CEI's mission as a community development corporation is to help disadvantaged people and communities reach equitable standards of living, working, and learning. Creating jobs through small-business financing and counseling has been CEI's primary vehicle for assisting people and communities in need. In recent years, CEI has also engaged in affordable housing, social services, and facility development.

CEI targets its financing programs to assist firms that fulfill specific targeted development goals. It does this by screening the larger small businesses—those having more than four people, and with loans or investments of more than \$25,000—to assess their economic viability and the number of quality jobs accessible to people with low incomes. CEI then acts as a broker to link those jobs to people in the welfare and employment-training systems. The process includes targeting promising firms and sectors with quality jobs (Dickstein 1996) and linking jobs to firms through an Employment and Training Agreement as part of the financing agreement.

The Employment and Training Agreement

CEI has developed an Employment and Training Agreement to give welfare recipients and others with low incomes access to jobs created in the companies it finances. While making a loan or investment, CEI conducts an employment assessment to screen whether the company will create quality jobs suitable for people on public assistance or with low incomes. At a minimum, these jobs should pay \$6.50 to \$8 per hour and offer health benefits and opportunities for skill development and mobility. (A study of companies in CEI's loan portfolio shows the average wage is \$9.30 per hour, well above that point [LaPlante 1996].)

The agreement creates an employment plan in

Coastal Enterprises, Inc.

Coastal Enterprises Incorporated (CEI) presently manages \$25 million in funds that provide subordinated debt and equity to a variety of Maine small businesses that cannot access conventional financing. Just recently it launched Maine's first social investment fund, Coastal Ventures Limited Partnership, to provide small-scale equity capital primarily to Maine firms. This fund, initially capitalized at \$3.3 million, is expected to grow to between \$5 and \$7 million. In addition to financing, CEI operates a Small Business Assistance Center that houses a subcenter of the state's Small Business Development Center system.

The Employment and Training Agreement in Practice: the Example of Soleras

Soleras Inc., an environmentally-responsible precision metal manufacturing company in Biddeford, Maine, is an outstanding example of a successful Employment and Training Agreement. During the seventeen months from October 1993 through February 1995, Soleras filled twenty-three jobs with low-income people, including twelve Aid to Families with Dependent Children (AFDC) recipients. Twenty-one of these people are still employed with Soleras, while one quit and one was fired. Starting wages ranged from \$6.50 to \$8.00 an hour depending on experience, with an average starting hourly wage of \$7.24. Most new employees received wage increases within the first three months of employment. Current hourly wages range from \$7.65 to \$14.15, with an average of \$9.71. All employees are eligible for medical and dental insurance, paid holidays, vacation, life insurance, the company pension plan, and full tuition for educational courses. These benefits are critical to ensure that welfare recipients can complete the transition from public assistance.

The Soleras employees had higher education, more children, and longer histories of receiving AFDC than the average in Maine. Only 50 percent were women, compared to 96 percent of the state's AFDC recipients. Conventional indicators of a successful transition to work, such as education or previous work experience, were not always accurate predictors of employee performance. One of the star participants was a young woman who had received AFDC benefits for eight years. Another man with an unkempt appearance and a revoked driver's license surprised his managers with his motivation and loyalty and was able to reinstate his license.

In interviews conducted in 1995 with Soleras' new employees, all reported their financial situations were improving as a result of full-time employment (Rutstein 1995). Many still faced large debts as they struggled to become financially independent, and transitional support services from the state were critical for them. The transition to work had a positive impact on most employees' personal lives and on their families. Even though they spent less time with their families, the trade-off was worthwhile. Some even thought the quality of time together improved. They felt better about themselves and were more patient with their children.

The Employment and Training Agreement made a difference in Soleras's willingness to hire people on AFDC. Although Soleras had a strong culture supporting human resource development, the management initially was concerned about the quality of referrals coming through the project. CEI staff worked hard to screen good applicants and to provide employees with the training they needed to do a good job. The on-site training program provided participants with basic machining skills and allowed Soleras management to screen prospective employees. As the working relationships became more comfortable, Soleras made direct contact with the job-training agencies and institutionalized hiring low-income people as part of the normal course of doing business.

conjunction with the company's business plan. It is a legal commitment that companies accept upon closing the loan, but in reality it works primarily through the mutual interests and good faith of both parties. When job openings arise, CEI notifies potential candidates through the welfare and training systems and brokers available training and apprenticeship resources. Most important, CEI works with the welfare and employment-training systems to screen quality applicants for their aptitude and interest in the job, thus saving businesses recruiting costs.

Businesses also can test workers through on-site training periods. Contrary to the stereotype of public assistance recipients, they are not by definition more costly to employ than other workers. Many are highly

motivated to succeed on the job. Even those with the greatest personal barriers to employment have succeeded. Unlike other workers, they have external support services already in place to help them cope with economic or family crises that arise.¹¹ Several firms have found workers on public assistance better prepared for the workplace than their current labor force.

Since 1984, CEI has implemented more than 125 Employment and Training Agreements and can document the successful placement of at least 1,539 low-income people (as defined by federal poverty guidelines issued by the Department of Health and Human Services) in jobs with Maine small businesses. The agreements with many of CEI's higher-technology

companies require training partners at technical colleges and secondary vocational schools that have candidates with higher-level skills than those who come through the state's shorter-term welfare-to-work training programs.

CEI has found that gap financing, especially if combined with training resources, can be a powerful tool for linking welfare recipients and others with low income to better quality jobs. The financing establishes a relationship between CEI and the firms, while the Employment and Training Agreement is a mechanism for exacting social paybacks and greater public accountability in exchange for access to high-risk financing. Firms find that the benefits extend beyond the gap financing. Businesses often exceed targets for hiring low-income workers. Six firms have continued to work with CEI even after their loans were paid off and the agreement was no longer in effect.

Welfare-to-Work Demonstration Projects

CEI's Employment and Training Agreement has become a model for the design of the Job Opportunities for Low Income Individuals Program administered by the Office of Community Services at the federal Department of Health and Human Services. CEI has won four grants through this program to provide direct training support to AFDC recipients and place them either in jobs CEI's businesses create or in self-employment opportunities. These projects are collaborative efforts among economic development, education, and job-training organizations to provide customized skill training, workforce literacy training, peer support, entrepreneurial training, business assistance and mentoring, child care, and other services.

Two of these projects have been completed, and evaluations by the Margaret Chase Smith Center for Public Policy showed that the strategy to create unsubsidized employment through placement in businesses was successful (Margaret Chase Smith Center 1995). In the project, Structured Opportunities for AFDC Recipients, average starting wages in firms with an Employment and Training Agreement were \$6.71 per hour, compared to \$5.96 an hour for non-participating firms. The vast majority of participants placed in companies with agreements received raises, with their average hourly wage

Welfare-to Work Demonstration Project

Project SOAR (Structured Opportunities for AFDC Recipients), 1991-1994, employed forty-three of seventy AFDC participants in Androscoggin County with jobs brokered by CEI and placed another nine in self-employment opportunities. At the end of the project, fifty-two participants were off AFDC, thirty-five were in non-traditional occupations, and five were in registered apprenticeships.

Project JUMP (Jobs for Unemployed Maine Parents), 1992-1995, in York County employed thirty-nine of seventy-three AFDC/low-income JOBS (Job Opportunities and Basic Skills Training) participants in York County and helped another fourteen become self-employed. At the end of the project, fifty of the participants were off AFDC and five others were in non-traditional occupations.

Project Pioneer, 1994-1997, targeted job placements through a planned expansion of Pioneer Plastics Corporation in Auburn. The program officer worked on site at Pioneer with the human resources manager to provide customized adult education courses and non-traditional occupational training and skills-training programs.

The project also explored the feasibility of a child care center and transportation services that would be supported by several employers for the benefit of second- and third-shift project participants. The project employed thirty-four of sixty-six AFDC/low-income participants at Pioneer and other businesses; fifteen were off AFDC and twenty-six were off food stamps.

Project POWER (Promotion of Welfare Employment Resources), 1995-1998, assists a for-profit company, Employment Trust, Inc., essentially by acting as an employee leasing company to integrate ninety-two participants from York and Cumberland counties into the workplace, support them through the transition off federal assistance, and move them on to the business's payroll and into jobs that lead to economic self-sufficiency. In the first year, POWER has employed nine of thirty-one AFDC/low-income participants full time, and three part time.

rising to \$7.58. A 1996 follow-up survey of project participants revealed that twenty-seven of the thirty-six respondents were employed in companies had health benefits.

In a similar project, Jobs for Unemployed Maine Parents, the average hourly wage was \$8.08 for CEI companies versus \$7.10 for non-CEI companies at the end of the project. Twenty-four of the thirty-nine project participants placed in companies had health benefits. These wages and health benefits compare favorably to those achieved by AFDC recipients and participants in the Department of Human Services' ASPIRE program. Maine's employment education and training program for AFDC recipients. The average hourly wage of Maine AFDC recipients surveyed in 1995 was \$5.37; only 13.1 percent were covered by employer-provided health insurance (Seguino 1995 and 1995a). Graduates of the ASPIRE program between July 1995 and January 1996 earned an average wage of only \$6 per hour in full-time work and \$5.23 for part-time work. Only 24 percent of full-time workers and four percent of part-time workers in Maine had health insurance (ASPIRE-JOBS Full Time and Part Time Employment 1996, cited in Hastedt, forthcoming).

More importantly, are these workers earning liveable wages? Seguino (1995a) estimated that an average hourly wage of \$11.55 is needed to meet a basic needs budget.¹² However, Seguino's estimates assume that employees cover their own health care costs. The liveable wage would be less if the employer provided health care. A recent study of companies in CEI's loan portfolio (La Plante 1996) found that more than 80 percent of CEI-financed companies provided health insurance for full-time workers. More, longer-term data are needed on wage progression and benefits for participants to determine wage adequacy. Finally, one of the intangible outcomes of these projects is the increased self-confidence and self-esteem among participants that enabled them to seek training and work (Hurrell 1996; Margaret Chase Smith Center 1996).

Changes in Business Behavior

CEI's targeted development programs have had a direct impact on changing business attitudes and behavior towards hiring low-income people and welfare recipients. The welfare-to-work programs, as well as interviews with other CEI companies, reflect a common experience: people on public assistance or with low incomes are excellent employees if

properly trained and provided with the necessary support services, such as transportation and child care (Brennick 1995). Attitudinal data from CEI's recent social and economic impact study of its loan and investment portfolio provide further support that CEI played an "important" or "very important" role in more than 80 percent of the firms that had made "some" or "significant" progress toward hiring low-income people (69 percent of respondents) since receiving CEI financing (LaPlante 1996).

Costs Compared to Benefits

Despite the benefits of these programs, the question invariably arises of whether they are sustainable in the long term. Do the benefits outweigh the costs? No cost-benefit studies of CEI's demonstration and targeting programs have been done. Costs need to be compared to long-term program benefits, such as the quality of jobs and wage adequacy over time, the degree of self-sufficiency and reduction of transfer payments, and the innumerable tangible and intangible benefits to individuals and their families. The savings for one person who transitions off public assistance (not including administrative costs for welfare programs) is estimated at approximately \$8,500 per year depending upon child care and Medicaid costs.

Compared to earlier national evaluations of welfare-to-work programs, CEI's programs fall into a category of programs that provide intensive educational, training, and job development services (Gueron and Pauly 1991). These programs generally have been shown to be most effective in getting selected participants into higher-paying jobs but have been less effective in reducing welfare expenditures per dollar invested (Gueron and Pauly 1991).

CEI's unique approach to linking welfare recipients directly to available jobs may create stronger results. A recent evaluation of California's comprehensive welfare-to-work program, Greater Avenues for Independence, suggests the direct link for program participants to job creation may have been an important reason the community of Riverside achieved greater success than others. The program's message about employment and the active use of job development to establish a close link to private-sector employers may have enhanced the benefits of other program components, such as job search, basic education, and vocational education and training, in Riverside (Riccio, Friedlander, and Freedman 1994).

Policy Implications

State agencies are now attempting to link their training programs directly to real jobs in order to create work opportunities for the unemployed and people on welfare. The Maine Department of Labor is coordinating its services with the state's economic development programs to provide "one-stop shopping" for companies. It also will give preference, when using the Governor's Training Initiative funds, to companies that train the economically disadvantaged, including welfare recipients. The Department of Health and Human Services has created a job development position in southern Maine to contact businesses, sell the department's training services, and place ASPIRE participants in jobs.

Although these are important directions, state agencies could go further. Using CEI's Employment and Training Agreement as a model, they could target a percentage of jobs to low-income and welfare recipients as part of the *quid pro quo* of receiving financing from state economic development agencies and other state-financed local and regional financing programs.

However, even if state policy were to initiate employment agreements modeled after CEI, questions would remain about how well such agreements can be institutionalized on a larger scale. Effective targeting and brokering of jobs on a statewide basis require both micro and macro factors: an ability to work with companies and pull together various resources and an adequate supply of quality jobs for the targeted population.

CEI has learned several lessons from its experience in targeted development that can inform policy and practice:

Targeted development requires staff who understand company needs.

Staff need to interpret whether poor company performance on targeting goals reflects a lack of will or external economic forces. Good working relationships between staff and businesses are based on trust, not sanctions. At the same time, targeting will not happen without active monitoring of company agreements.

Targeted development incurs additional upfront costs compared to traditional approaches to development.

Initial costs include training, support, and brokering services for targeted populations. The brokering costs,

such as in CEI's Employment and Training Agreement model, are a small portion of the total costs but an important piece that makes targeting effective.

The greater the desired impact from targeting, the more time and resources are required to gather information on companies, services, clients, and results.

The optimal program requires more research focused on the front-end costs of targeted development as well as the long-term quantifiable and intangible impacts for welfare recipients, their families, and the regional economy.

In the best scenarios, AFDC recipients are employed in jobs that pay liveable wages and eventually become self-sufficient. The second-best outcome is that targeted development offers them an opportunity for training, developing self-esteem and self-confidence, and gaining work experience, while reducing net welfare expenditures. Although they may not be totally self-sufficient in the short run, the work experience creates higher incomes and a future of moving towards self-sufficiency.

Targeted development policies depend on the overall number of quality jobs created in the state economy.

The shortage of quality jobs within reach of welfare recipients, even with customized education and training, is a limiting factor. Economic development policies must continue to address how more, better-paying jobs can be created, not only by targeting specific high-paying sectors, but also by targeting firms that offer employees a financial stake in their firms. Companies that create quality jobs should have priority in state economic development policy. **CP**

Endnotes

- 1 Kossy (1996) argues that during the last decade economic development practice moved away from equity and poverty concerns because of the decline in federal funding and the increased reliance on state and local funding. Roundy's 1996 paper that attempts to quantify the various economic development funding streams in Maine suggests that general funding far outweighs targeted funds, although the paper does not specifically quantify targeted programs. Furthermore, Roundy acknowledges his figures do not include the millions of dollars of investments made in economic development infrastructure, such as transportation.

- 2 Examples include the goal for the average per capita personal income in the poorest counties to achieve 75 percent of the average per capita income of the wealthiest counties by 2005, and the goal for the ten-year growth rate in income for the poorest one-fifth of Maine families to exceed the ten-year growth rate in income for the wealthiest one-fifth of families. (See Maine Development Foundation 1996).
- 3 Examples include the Employment Tax Increment Financing program, which requires companies receiving tax credits to create at least 15 jobs with health benefits, pensions, and wages above the per capita income for the labor market area, and the Governor's Training Initiative that authorizes the Commissioner of Labor to develop standards to encourage high-quality job creation and expansion.
- 4 Blom and Garber's 1996 research on the Maine income gap found that "The average pay in a Maine household making less than \$30,000 a year—roughly half the population—declined from 1989 to 1994." According to the Economic Policy Institute (1996), "Wages have fallen since the 1980s among men, younger workers, and the 75 percent of the workforce without a four-year college degree. . . . From the mid-1980s to the mid-1990s, even high-wage, white-collar and college-educated men saw their wages fall or stagnate."
- 5 The liveable wage is based on Stephanie Seguino's article (1995a) that estimates household budgets to meet the basic needs of a three-person single-parent family. Seguino considers households with two children under 6; those with only one of the children under 6; and those with two children over 6. An hourly rate of \$11.55 represents the average. Seguino's hourly estimates include expenditures for health care.
- 6 Blom (April 28, 1996) cites Edward Wolff, a New York University economist, who says, "The run-up of stock prices, particularly in the 1990s, is through rising profitability of businesses." To a large extent, these profits result from keeping wages low.
- 7 See the evaluation of the Targeted Jobs Tax Credit program (U.S. Department of Labor, 1994) and the evaluation of the job-training programs by the Manpower Research Development Corporation (Auspos and Long 1988; Freedman and Cabe 1988).
- 8 A controlled experiment of AFDC recipients' job-search activities in Dayton, Ohio in the early 1980s showed that those offering cash vouchers and tax-credit vouchers actually had a poorer job placement record than those who did not identify themselves as AFDC recipients. (Burtless, 1985).
- 9 Conversation with Timothy Bartik at the Upjohn Institute, July 1995.
- 10 CEI's Small Business Finance and Employment Training Project which began in 1934 was a successful demonstration of the targeted development model. See the evaluation by McDonald (1986) at the Center for Research and Advanced Study at the University of Southern Maine.
- 11 CEI's experience confirms Bartik's (1993) assumptions that customized business assistance programs and pre-screening of low-income applicants can overcome the stigma problem.
- 12 See note 5 above.

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Call for Papers

Carolina Planning is currently accepting **articles** and **artwork** for the Summer 1998 issue. Topics should be relevant to practicing planners in the southeastern United States. We print many different types of articles, including analysis of planning issues, case studies, opinion pieces, and short descriptions of innovative planning projects.

Submission guidelines: Manuscripts should be up to 25 typed, double-spaced pages (approximately 7500 words). Submit two paper copies and one copy on a 3.5" diskette in WordPerfect or ASCII text. All citations should follow the author-date system in the Chicago Manual of Style, with endnotes used for explanatory text (legal articles may use Bluebook format). Tables and graphics should be camera-ready. Please include the author's name, address, telephone number, and email address, along with a 2-3 sentence biographical sketch. *Carolina Planning* reserves the right to edit articles accepted for publication, subject to the author's approval.

Living with the Land: The Case for Conservation-Oriented Development

Saddle Mountain, North Carolina

Glenn M. Simmons with Christopher City

New homes are coming to the North Carolina mountains. They may be the result of new highways being built in the Piedmont Crescent or they may be part of a national trend toward exurban development. They may be vacation homes for residents of the region's growing cities or first homes for telecommuters. With every new trend in technology and transportation, the immovable mountains seem closer for a determined group of people seeking new ways to live, work, and recreate.

While new residents may bring a much-needed boost to the mountain economy, development also threatens the environment that makes the region such a desirable place to live. The mountains face the prospect of being buried under an avalanche of exurban sprawl, in which the uninspired patterns of post-war suburban development are continued and majestic landscapes are turned into endless homescapes. Ultimately, the pristine mountain qualities that so many seek to enjoy could be destroyed.

Now is the time to consider how future development could make the wisest use of this land. While it is unrealistic to expect that development could

be stopped in this region, or even to suggest that stopping development would be a good idea, it is reasonable to consider alternatives to the future we face. One important way to do that is to explore alternative types of development that accommodate growth without compromising the natural beauty or life-supporting resources of the mountain landscape.

One promising alternative is conservation-oriented development, which harnesses the economic engine of development to help protect the natural environment. An example is the proposed Saddle Mountain development in northwestern North Carolina's Alleghany County. Described by its owners as a settlement rather than a conventional development, Saddle Mountain is designed to be a human habitat in accord with its natural surroundings. At the heart of the nearly 500-acre tract is a 250-acre conservation preserve that complements approximately 50 carefully-selected home sites. This example will show how responsible, conservation-minded development can preserve the land at the same time that it provides income.

What is Conservation-Oriented Development?

Humans have always recognized two sets of values for natural resources. We assign one set to these resources when they are harvested and processed into goods for our consumption, as when a tree ends up as Louisville Sluggers. There is another set of values for natural resources that are preserved. In this case, we recognize the benefits of leaving a tree to anchor a hillside or provide shade.

While the former set of values has been applied liberally to the development of land, the latter has not received nearly the attention it deserves. Typically,

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Christopher City is a candidate for a Master's degree in Regional Planning at UNC-Chapel Hill.

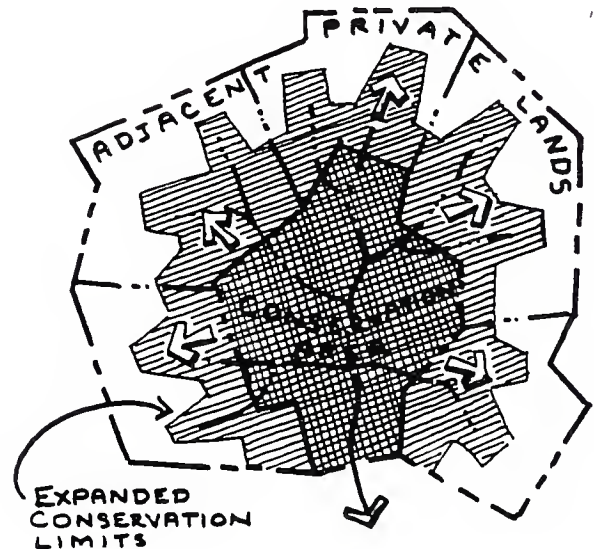
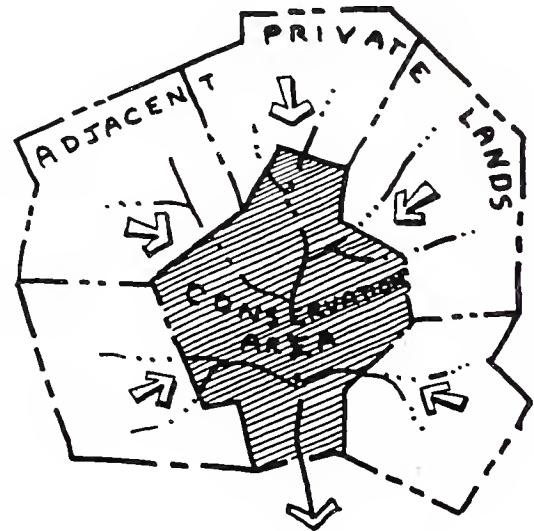
developers approach a parcel of land with the belief that it is worth most when it is most thoroughly developed. Conservation-oriented developers, on the other hand, recognize that land that is not developed can raise the value of the properties that border it or otherwise share in the benefits of its preservation.

In practice, this approach becomes a revenue generator. For example, the developer may leverage conservation benefits by capitalizing them into the sale price of adjacent lots. In other instances, private land-buyers could share in the purchase of a large land tract with the idea of building on only a fraction of the land. In either case, the principle is the same: by combining the interests of potential homeowners it is possible to conserve larger and more complete natural and aesthetic preserves than would be possible for any of the homeowners individually. The costs of preservation are shared among those who most directly benefit.

Conservation-oriented development, as opposed to conventional development, also offers long-term benefits for the rural communities in which it occurs. In the early stages of a conventional development, new buyers may expect that un-built property will remain un-built. They buy into an ambient level of development. This pattern allows developers to "sell" this rural character, even when open space is not likely to stay open. By the time the open character is gone, so is the character who sold it.

In a conservation-oriented development, each lot is sold with the guarantee that specified areas of the development will remain protected through conservation easements. Such an approach has been endorsed by communities that recognize the long-term economic benefits of conservation-oriented developments. Innovation and cooperation by local government authorities are crucial to the promotion and success of these developments. Cumulatively, conservation-oriented developments offer the benefit of protecting large areas of open space, animal habitat, watersheds or other environmentally important landscapes. The Saddle Mountain development buffers and enhances a natural area of regional importance (see illustration). In this way conservation developments support each other in symbiotic, rather than parasitic, relationships with their natural landscape.

Conservation developments can sometimes benefit additionally from the donation of the development rights associated with a conservation easement to a land trust or other non-profit organization. The state of North Carolina and the



Conservation-oriented development can be used to further protect sensitive natural areas. The bottom image in this illustration shows how conservation easements could be added to protect tributary watersheds to the Mitchell River.

(Graphic courtesy of Glenn Simmons)

federal government allow significant tax credits and deductions for qualified conservation donations. Such tax benefits may provide just enough additional financial incentive to make a conservation development achievable. Although the development rights may lie in the hands of a conservation trust, homeowners may still benefit from the recreational use of the property.

On-Site Techniques for Conservation Development

Conservation-oriented development sites are designed to attract buyers who value quiet surroundings that reflect the hand of nature more than the hand of humans. As a result, it is possible to select development sites and craft deed covenants that enhance natural amenities and protect the environment. Some of these choices may seem unusual, even counterproductive, in a development for the traditional suburban market. However, we expect that people who buy lots in conservation developments would consider conservation-oriented regulations to be protective of their investment. (In the remainder of this section Simmons describes development plans he has proposed in conjunction with the site's owners.)

Our site is located on the northwest side of Saddle Mountain. It is bordered on the north by the Blue Ridge Parkway, which is the nearest connector road. To the south and east are large forested tracts of which more than 3,000 acres have been preserved in perpetuity by the North Carolina Nature Conservancy. The watershed on the south side of Saddle Mountain feeds one of two remaining native habitats in North Carolina for Southern Brook Trout. It is also a significant tributary to the Mitchell River, which is classified as an Outstanding Resource River.

Our approach to development accommodates and protects these natural attributes of the site and of the adjacent conservation properties: We selected the development and conservation portions of the site in such a way as to preserve the most fragile ecosystems and natural pathways. For example, we made our site selections in a way that keeps development away from the stream corridors and back from the ridgelines. We also chose to extend and buffer existing conservation tracts adjacent to the south side of the property. By

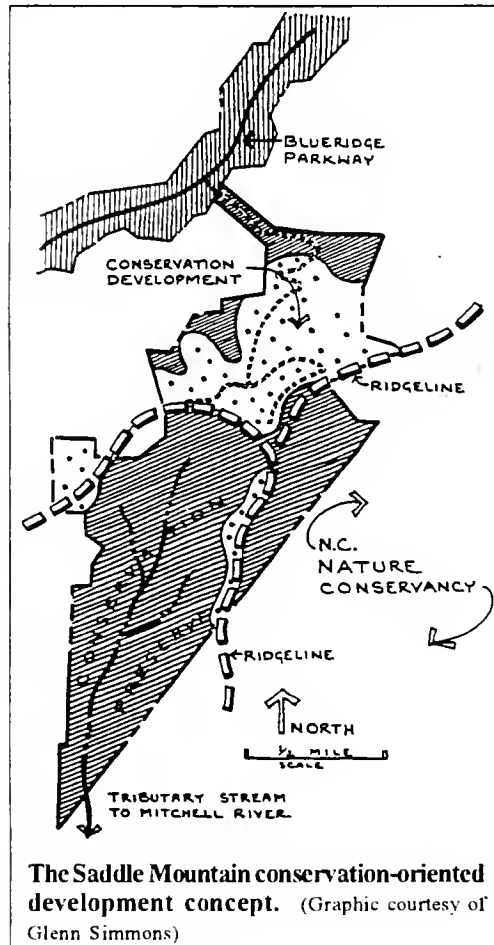
setting our conservation easement against the existing conservation tract, we effectively expanded that tract and provided an additional buffer between that ecosystem and the development.

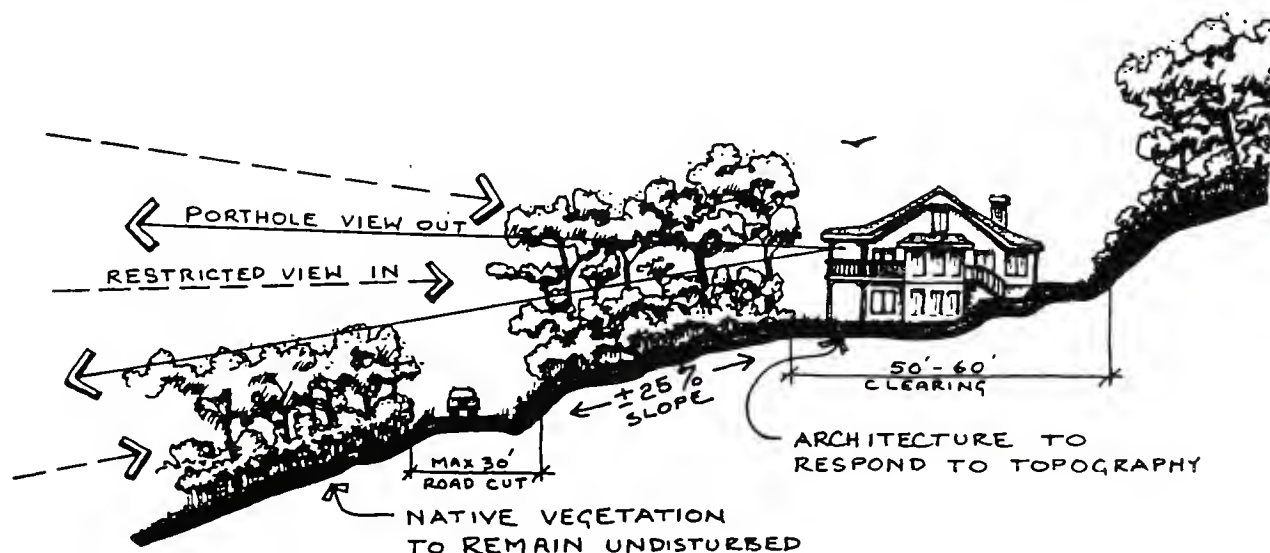
Although the development sites are set between the Parkway and the ridge, we took steps to ensure that they will not be visible from the road. The sites are set into a shallow slope of the mountain. This location will reduce the differential between the front and rear tree cut margins on the building site, which should help hide these cuts from the parkway.

We have proposed other steps within the site to protect the viewshed from the parkway. Homeowners are only allowed to cut a narrow envelope to accommodate their building site. Tree cuts other than in this 50-foot swath will be limited. Instead, homeowners will be able to thin upper branches of down-slope trees. This pruning will result in "porthole" views that allow homeowners to look out on the valley while leaving the canopy intact. Clearing trees for the purpose of expanding these views will be prohibited. Native colors and materials will be mandatory for buildings in order to reduce their visibility from the parkway.

Other aspects of the site layout will appeal to homeowners who value a wilderness experience. Although safely-constructed, access roads are narrow,

unpaved and follow the contours of the mountain terrain. We are promoting the regrowth of natural vegetation along the edge of the roadway to protect its natural character and to narrow the road envelope. No driveways are cut directly into the main access road. Instead, they feed into shared access drives that connect with the main road. A network of walking trails will connect each property, by way of a five-minute or less walk, with one of several common view sites. We are also considering various deed covenants to promote a balance between the natural and built environments. The quiet seclusion that many consumers





A typical cross-section, showing conservation of natural areas and viewshed.

(Graphic courtesy of Glenn Simmons)

seek in a mountain homesite is easily threatened by development, even on large lots. Accordingly, deed covenants will restrict yard noise and lighting. In order to protect the existing flora, the use of exotic plants in landscaping will be restricted.

Economic Feasibility

The market for conservation development projects in the mountains of North Carolina is uncertain. While many suburbanites have bought sport-utility vehicles it's difficult to say how many of these jeep owners really want to need to use four-wheel drive to get home in some seasons. There are, however, a few case studies that indicate that consumers are willing to explore such atypical living arrangements. In most cases, these developments have been aimed at upper-income buyers because of the lower risk in that market. In this case, the current landowners are willing to consider this alternative because of their long-standing interest in the property. For them, this type of development is a way to afford keeping much of the property in its natural state while still realizing the economic value of their property.

Lots in the Saddle Mountain development will range in size from six or seven acres on the lower slopes to approximately three acres closer to the ridge. Lot prices will generally be in the \$25-50,000 range. In total, about 150 acres are designated for initial development. More than 300 acres are earmarked for common conservation easements and donations to the Piedmont Land Conservancy.

Future options for development could augment income from residential lots by developing the property's potential for a low impact mix of twenty-first-century land uses. These uses could include a small inn and wellness center and business uses, such as an office and conference center with access to a fibre-optic network only a short distance from the site.

The economic engine for conservation development is not yet tuned. Relationships among governmental agencies, the private business sector, and conservation trusts must be cultivated further to take full advantage of the consumer's growing interest in conservation. While conservation tax credits are an important step in changing the current paradigm of development, too few property owners or developers know enough to take full advantage of this system. In the case of the Saddle Mountain property, the landowners may use conservation easements to offset the capital gain from the sale of lots. In other situations, property owners may substantially reduce inheritance taxes through conservation easements. Whatever the case, more must be done to support the public's growing desire to protect North Carolina's remaining natural resources.

Conclusion

More North Carolinians and more people from throughout the country are thinking of the mountains (continued on page 46)

Planners Network

Whether as planning and policy professionals or concerned citizens, we face a moral choice: Do we remain quiet about destructive public policies and private actions, or do we join together to speak out and work for social change?

For more than 20 years, Planners Network has been a voice for progressive professionals, activists, academics, and students concerned with urban planning and social justice. Our members are involved in physical, social, economic, and environmentally-sustainable planning in urban and rural areas and promote fundamental change in our political and economic systems.

We believe that planning should be a tool for allocating resources and developing the environment to eliminate the great inequalities of wealth and power in our society, rather than to maintain and justify the status quo. This includes opposition to racial, economic, and environmental injustice, and discrimination by gender and sexual orientation. We believe that planning should be used to assure adequate food, clothing, shelter, medical care, jobs, safe working conditions, and a healthful environment. We advocate public responsibility for meeting these needs, because the private market has proven incapable of doing so.

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Co-optation or Challenge: How Sustainable Is Florida's Growth Management?

Jay D. Jurie

Editors' Note: For the previous issue of Carolina Planning, we interviewed John DeGrove, who has been involved in much of the sustainable development and growth management legislation and policy that has been implemented in Florida over the past few decades. In the interview, we focused on two fairly new efforts within Florida: Eastward Ho! and the Sustainable Communities Demonstration Project. We decided to continue the discussion of growth management and sustainable development in Florida by asking Jay Jurie to critique these programs and build on a related article he wrote for Planners Network. This is a discussion we would like to continue in future issues of Carolina Planning, and we welcome any thoughts on the topic or article ideas.

Eastward Ho! and Sustainable Communities are innovative programs meant to creatively address the challenges of integrating economic development into the planning process... We hope they will become models for responsive and adaptive approaches to growth management, both within Florida and throughout the country. [Murley 1997b:10]

Over the past three decades, rapid population influx and urbanization in Florida have prompted concerns about the management of growth and the long-term sustainability of the environment. Beginning with the Florida State Comprehensive Planning Act of 1972 and the Florida Environmental Land and Water Management Act of 1972, an iterative succession of legislation led to the passage of the Omnibus Growth Management Act of 1985 (O'Connell 1986). The

Jay D. Jurie is an Associate Professor of Public Administration at the University of Central Florida in Orlando, he teaches coursework in planning and is actively involved in growth management and environmental issues in Florida. This article is in part based upon "Sustainability at the Crossroads: The Orlando Experience" by Jay D. Jurie and Bruce Hossfield in Planners Network 124 (July 1997), pp. 5 & 7. The author wishes to acknowledge and thank Bruce Hossfield for his insights and input into the preparation of the present article.

Growth Management Act (GMA) required localities to formulate comprehensive plans in conjunction with state and regional plans, limited plan amendments, and set forth the doctrine of "concurrency" whereby, in accordance with level of service standards, necessary infrastructure was to be provided simultaneously with the impacts of growth. The GMA clearly sought to impose limits on noncontiguous "leapfrog" development and urban sprawl: "...development shall be directed to those areas which have in place, or have agreements to provide, the land and water resources, fiscal capabilities, and the service capacity to accommodate growth in an environmentally acceptable manner" (O'Connell 1986:23).

Since that time, local governments and developers have argued that compliance with GMA and related growth management requirements was not only burdensome but hampered various forms of economic development. Originally promulgated in the Environmental Land and Water Act of 1972, the "development of regional impact" (DRI) concept has especially come under fire. DRI's are developments that exceed specified size thresholds and would have a substantial effect on a large number of citizens. They require a special permit and regional planning council review (Ewing 1993; O'Connell 1986).

"Developers have reacted with strong criticism of the DRI process for being unreasonably expensive, time-consuming, and unfairly burdensome to the large developer" (O'Connell 1986:17-18). Indeed, a "Florida Quality Developments" (FQD) program imbedded

within the GMA allowed developers to opt out of the DRI process (O'Connell 1986). Large scale development was allowed to continue unhampered so long as project developers provided all onsite infrastructure and contributed what was termed a fair share toward the cost of off-site impacts, among other specifications.

The state and localities similarly sought to "expedite" review and permitting processes, "streamline" comprehensive plan amendments, authorize exceptions to concurrency requirements, and reduce burdensome level of service standards ("Executive Summary" 1993; Murley 1997a).

Influenced by the powerful Florida Home Builders Association, the Florida Legislature in the Spring of 1997 passed a measure prohibiting local governments from stopping growth due to school overcrowding (Kennedy & Lancaster 1997). A "Memorandum of Agreement" signed in the summer of 1997 by several state-level agencies, regional planning councils, water management districts, and including local governments at their option, created an "expedited review process" exempt-

ing economic development projects above a defined employment threshold from various DRI and local comprehensive plan amendment review provisions (Cornelius, Blakeslee and Hopping 1997).

Critics, including environmental organizations, have contended that easing GMA and related planning requirements circumvents or thwarts the rational growth management intent of the GMA and allows Florida's natural resources to be placed at risk (Winfree 1996). A dynamic tension thus continues to shape the debate over the fashion in which growth should be managed and environmental sustainability maintained. Two of the most recent governmental responses, the Eastward Ho! revitalization plan formulated under the auspices of the South Florida Regional Planning Council, and the Sustainable Communities Development Project (SCDP) at the state level, are illustrative of official planning response

to these pressures. Sharply in contrast to these perspectives is *A Vision of a New Central Florida*. Known as the *vision statement*, this plan was released by the Florida Chapter of Architects/Designers/Planners for Social Responsibility (ADPSR), a national organization which addresses environmental and sustainability issues among other concerns. This *vision statement* presents an alternative regional plan for the area surrounding the City of Orlando. Following an overview, the implications and possible effects of these initiatives will be examined and assessed relative to the future of growth management and deployment of the concept of sustainability in Florida.

Eastward Ho!

Created by Executive Order 94-54, the Governor's Commission for a Sustainable South Florida "...was charged with insuring that a healthy Everglades ecosystem can coexist with and be mutually supportive of a sustainable South Florida economy" (South Florida Regional Planning Council 1996). The Eastward Ho! Revitalizing Southeast Florida's Urban Core initiative was recommended by

Local governments and
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of economic development.

the Governor's Commission in its October 1995 Initial Report. A report also called *Eastward Ho! Revitalizing Southeast Florida's Urban Core* was created to guide the Eastward Ho! effort. Formulated by the South Florida Regional Planning Council in conjunction with the Treasure Coast Regional Planning Council, this 49-page document seeks to employ the concept of sustainability in a "...study area that once was Southeast Florida's untamed frontier wilderness" (South Florida Regional Planning Council 1996).¹

Eastward Ho! comprises 44 specific points that "...will encourage infill and redevelopment of lands...[and] will protect the environment and encourage compact, efficient development patterns; and will forge a public/private partnership to promote compact urban density..." (South Florida Regional Planning Council 1996: ii). Three outcomes are envisioned in the report: the broadening of consensus

concerning revitalization strategies, the assistance of local government and others to implement revitalization and quality infill development, and the redirection of development "...away from Southeast Florida's remaining environmentally sensitive prime water resources and prime agricultural lands into eastern areas that were passed over, underutilized, or allowed to deteriorate" (South Florida Regional Planning Council 1996:iii).

Not only has the southeastern slice of buildable Florida land wedged between the Everglades and the Atlantic Ocean experienced explosive growth over the past eighty years, "tremendous population growth" is projected for this region over the next decade. While *Eastward Ho!* argues that completely halting or reversing westward movement is "unrealistic," the report asserts that "...the objective of eastern urban restoration should be to capture a greater percentage of that projected growth than is now anticipated" (South Florida Regional Planning Council 1996:5). The "ultimate goal" of *Eastward Ho!* is defined as the creation of "...sustainable communities in Southeast Florida that use resources to meet current needs while ensuring that adequate resources are available for future generations" (South Florida Regional Planning Council 1996:6). This definition is derived from the Governor's Commission description of "sustainable communities" as those that "...seek improved public health and a better quality of life for all residents by limiting waste, preventing pollution, maximizing conservation, promoting efficiency, and developing local resources to enhance the local economy" (South Florida Regional Planning Council 1996:6).

The *Eastward Ho!* document, in addition to introducing and identifying the study area, consists of three sections devoted to the physical characteristics, human characteristics, and infill and redevelopment in the study area, followed by a conclusion and description of related efforts to address a variety of Southeast Florida issues. The first 16 of the 44 recommendations are located within the physical characteristics section, and include transportation related measures, such as expansion and enhancement of rail services; improved interconnection and coordination of rail, bus, bicycle, and pedestrian routes; and incentives for alternative fuel vehicles. Other recommendations in this section include public acquisition of available open space, maintenance and extension of urban development boundaries, and upgrading infrastructure.

The human characteristics section features nine recommendations, including enhanced job training and

opportunities, community building and indigenous leadership development, strengthened public safety, effective code enforcement, and provision of a range of housing types and prices.

Most of the recommendations, a total of 19, are concentrated in the infill and redevelopment section. These include assessment and removal of obstacles to revitalization, creation of a streamlined review process for comprehensive plan amendments, the use of accelerated or fast-track permitting for "appropriate infill and redevelopment applications," elimination of "slum and blight" determinations necessary before public funding may be made available, and the reduction of development-related fees.

The State Goes Sustainable

Building upon the Governor's Commission for a Sustainable South Florida conditions as set forth in *Eastward Ho!*, the State of Florida further expanded the existing body of growth management legislation through the passage of a measure that conferred official status on the concept of sustainability (Mullins 1997). Section 15 of House Bill 2707, entitled the Sustainable Communities Demonstration Project, was enacted in 1996 "to further six broad principles of sustainability." These are "...restoring key ecosystems; achieving a more clean, healthy environment; limiting urban sprawl; protecting wildlife and natural areas; advancing the efficient use of land and other resources; and creating quality communities and jobs" (Murley 1996). Several additional criteria were to be used in the designation of a "sustainable community". These were grouped into two categories, the first of which, labeled article (3)(a), included the setting of an urban development boundary "or functionally equivalent mechanisms." Among the goals encouraged for an urban development boundary were urban infill "at appropriate densities and intensities," separation of urban and rural uses, discouragement of sprawl, preservation of public open space, and "buffer-type land uses". Similarly set forth were protection of "key natural areas" and agricultural lands, and the cost-efficient provision of public infrastructure and services.

The second category of criteria (article (3)(b)) sought to "consider and assess the extent to which local government has adopted programs in its local comprehensive plan or land development regulations" that the SCDP defined as sustainable in orientation. Goals established relative to this second set of criteria included prioritized permitting processes for infill, low-income housing, "effective" intergovernmental

coordination, economic diversity, open space provision, public transit, community identity, redevelopment of blighted areas, disaster preparedness programming, fiscal solvency, and comprehensive plan enforcement.

The legislation authorized Florida's Department of Community Affairs (DCA) to designate up to five local governments as "sustainable communities" under this project. According to DCA Secretary James F. Murley, "If a local government is designated as a sustainable community, the Department will substantially reduce its oversight of local comprehensive plan amendments and developments of regional impact within the local government's jurisdiction," and "...state agencies will give increased priority to programs and projects that assist designated local governments to create and maintain self-sustaining communities" (Murley 1996). Elimination of state and agency review was one of three specific "benefits" sustainable community designation conferred upon local governments. The second benefit granted exemption from review of developments within urban development boundaries and outside the coastal high-hazard area. Participation of the Governor's Office with other departments in "...programs that will assist local governments to create and maintain self-sustaining communities" constituted the third benefit.

By January, 1997, the five demonstration communities had been selected out of 28 applicants. These were Hillsborough County (including Tampa), Martin County, and the cities of Ocala, Orlando, and Boca Raton. The application for and subsequent awarding of a "sustainable community" designation to the City of Orlando offers a case study of SCDP implementation. Orlando's 38-page "Statement of Interest" application described specific planning and program activities the city was undertaking to address the state's principles and criteria.

Orlando defined sustainable communities as "...those that prosper because people work together to produce an excellent quality of life" (Planning & Development Department 1996:37). Following introductory material on the historical context and background of the city, the next section of Orlando's application responded to SCDP article (3)(a). The city argued that the establishment of an inter-local joint planning agreement with surrounding Orange County served as the "functional equivalent" of an urban development boundary. In accordance with its "future land use philosophy," Orlando articulated its "...primary future land use goal is to promote quality mixed use development and accommodate growth while

enhancing and protecting neighborhoods..." (Planning & Development Department 1996:7).

Orlando's application then proceeded to respond point by point to the criteria outlined in article (3)(b) of the SCDP. Excerpts from several of these responses provide an insight into the overall nature of the city's application. Concerning infill development, the city responded that existing programming "...provides incentives and assistance to spur economic development, promote infill development and redevelopment...In addition, the Mayor's Business Assistance Team typifies the City's pro-business attitude by acting as a liaison between the business community and the City" (Planning & Development Department 1996:10).

An overarching "goal" of the economic diversity and growth component of Orlando's application "...is to ensure that its citizens are able to benefit from the growth and prosperity that will transform Orlando into a world class city" (Planning & Development Department 1996:21). In response to the SCDP article concerning public urban and rural open space, the city wrote: "The Recreation, Open Space, and Cultural Element of the GMP (Growth Management Plan) provides for open space and park level of service standards which are designed to ensure that 20% of Orlando's land area remains as open space" (Planning & Development Department 1996:24). Orlando's transportation response was defined as providing "...the optimum in travel choices for its residents, visitors, and workers by developing a multi-modal transportation framework" (Planning & Development Department 1996:28).

The city's response to the use of urban design principles relied in part on the deployment of "new urbanism/neo-traditional town planning" concepts to create "...a community which is more diverse and accessible, leading to greater opportunities for social interaction and growth" (Planning & Development Department 1996:31).

A Vision of a New Central Florida

A different approach to sustainability, entitled *A Vision of a New Central Florida* was released as a 28-page booklet in 1996 by the Florida Chapter of Architects/Designers/Planners for Social Responsibility. This approach was guided by a very simple definition of sustainability: people should live in a way that does not sacrifice the resources available for future generations, taking only what can be supported by the planet we live on and giving back

what it needs to endure.

ADPSR's vision statement was constructed around nine so-called "pieces of the puzzle", which were identified by members of the group as the most crucial elements of a sustainability-oriented plan. These nine elements were land use, transportation, growth management, energy, economic development, housing, agriculture/food, water (potable, waste, and recharge), and conservation/recreation. The plan articulated by the vision statement called for the adoption of a new way of life, one which did not preclude either economic or population expansion, but sought to accommodate growth and urban development at a human scale within existing service area boundaries and physical limits based upon "no net loss" of natural resources.

The booklet included vision statements on various sustainable design principles, as well as discussion of current conditions and specific proposals. Alleviation of Orlando's dependence upon a tourist economy, development of in-state energy sources sufficient to serve all energy uses, and increasing reliance upon conservation and energy-efficient technologies were among the recommendations. Supplanting auto-centered transportation with public transit alternatives and the accommodation of growth pressures through dense infill centers within existing urban areas were some of the specific actions.

Other specific actions included the adoption of guidelines for compact growth, maintaining the integrity of established urban service area boundaries, and the creation of rural area density standards through the transfer of development rights. Likewise, the purchase and protection of conservation and agricultural lands was advocated, as was the assertion of public ownership and control of utilities, and the promotion of sustainable forms of industrial development, such as energy-efficient products, renewable energy equipment, eco-tourism, and enhanced recycling efforts. The goal of this approach was to produce an "alternative regional plan" and move Orlando and Central Florida toward a sustainable future.

Sustainability and Growth Management Reconsidered

Considerable diversity concerning sustainability and the relationship of that concept to growth management is revealed by contrasting the different perspectives adopted by *Eastward Ho!*, the SCDP, and the *vision statement*. Implicit throughout is the assumption that sustainability is integrally related to growth management. While this may be taken as a valid assumption, growth management is certainly as much a precursor as a complement to sustainability. Without effective growth management in place,

sustainability amounts to little more than window-dressing for the *status quo ante*.

Eastward Ho! offers a relevant definition of sustainability, and some specific recommendations linked to the concept, but the linkage of specific

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recommendations to the attainment of sustainability or the contribution of those specifics to growth management is limited. *Eastward Ho!* acknowledges that the plan would do virtually nothing to halt expansion westward from the study area, but through revitalization seeks "...to capture a greater percentage of that projected growth than is now anticipated" (South Florida Regional Planning Council 1996:5). Beyond recommendations to acquire additional conservation lands through unreliable funding sources, or depend upon uncertain political will to firm up urban development boundaries, there is little to prevent westward expansion from proceeding apace with study area redensification.

One of the implicit effects of revitalization and redensification will be to push property values upwards in the study area. *Eastward Ho!* identifies the population base in the study area as possessing a higher proportion of African-Americans (27%) than the region as a whole (17%), higher unemployment levels, and significantly higher poverty rates than the surrounding area. The African-American population is also poorer than the overall population. Florida Atlantic University/Florida International University Joint Center for Environmental and Urban Problems Director John DeGrove has expressed concern that

gentrification is "A major, major issue" (Bryant & Inerfeld 1997:4). According to DeGrove, the Florida Atlantic University Center for Urban Revitalization and Empowerment holds a contract with DCA to work with existing low income communities.

Florida Atlantic Political Science Professor Robyne Turner has likewise suggested that provisions to ensure the viability of the existing population base need to be strengthened. Turner recommended "patchwork financing" made available for nonprofit and other housing developers as one means for the maintenance of affordable housing. She further recommended nurturing the capacity of existing communities through homeowner associations, community development corporations, and other neighborhood-based organizations and programs (Turner 1997:11-12).

It remains to be seen whether or not low income communities will be displaced should the redevelopment envisioned by *Eastward Ho!* occur. Measures intended to safeguard the interests of this existing population appear dubious at this point. For instance, no mention has been made about the provision of rental property for those who even with creative financing may be unable to become homeowners. Only one of the nine recommendations in the human characteristics section of *Eastward Ho!* makes reference to strengthening existing neighborhoods, community building, and grassroots leadership. Nowhere is it suggested that existing communities should be asked if *Eastward Ho!* reflects their own dreams, nor were they asked to play a leading role in determining their own destiny. Beyond convening a public forum to consider public safety issues, no steps were recommended for putting into place a permanent citizen participation mechanism for implementing *Eastward Ho!*

A significant issue involved with the use of sustainability as a planning tool is that everyone has their own definition of sustainability. One source outlines 10 characteristics of sustainability, including the placement of a high value on life, respect for the natural environment, the use of appropriate technology, the optimization of key resources, recognition of life cycles, and preservation of heritage (Geis & Kutzmark

1995). These are fairly different from the six principles outlined in the SCDP, which illustrates that there are different definitions of sustainability.

Beyond the six principles and other SCDP criteria, the State of Florida did not articulate any clear definition of "sustainability" or "sustainable communities" (Pelham 1997). The six principles are not synthesized into a whole that might be greater than the sum of its parts. Nor has the state, at least not in the case of the City of Orlando, given increased priority to any activities supporting or maintaining the "sustainable communities" designation.

The impact of this approach has been reflected in

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Orlando's application and subsequent designation as a "sustainable community." The connection between the six SCDP principles and Orlando's application is weak. This does not reflect a failure of Orlando's application so much

as a process that requires existing programs and policies be conformed to sustainability rather than starting with sustainability as a premise. While possessing a variety of programs broadly geared toward comprehensive planning, Orlando lacks a coherent approach to sustainability.

Tailored toward current realities, the most significant aspect of Orlando's application envisioned the city as "world class," meaning competitive in a cut-throat global economy in which sustainability is at the mercy of the whims of transnational corporations. Virtually no specific attention was devoted to the restoration of "key ecosystems," a "more clean, healthier environment," or the "protection of wildlife and natural areas."

Orlando's response to the section that deals with transportation, while referencing a "multi-modal transportation framework", would rely primarily upon the private automobile, and the limitation of urban sprawl would be accomplished through reliance upon weak inter-local agreements, such as those that comprise the "functional equivalent" of urban development boundaries (Planning & Development Department 1996:28). The experience of Orlando illustrates the risks of relying upon urban development boundaries that may be subject to amendment and extension on a piecemeal basis. According to Kay

Yeuell of ADPSR, urban development boundaries have not encouraged infill, have not assured protection of key natural areas, nor ensured cost-efficient provision of public infrastructure and services; the urban development boundary in Orange County has been moved every six months while another county extended the boundary far enough out into the rural areas as to be meaningless (Yeuell 1996).

While Orlando prided itself on "...the growth and development of the Orlando International Airport..." (Planning & Development Department 1996:28), no discussion of the manner in which air travel might relate to the concept of sustainability was offered—if indeed it does. There was no discussion of the fashion in which Orlando's "multi-modal transportation framework" would be integrated. The outline of various components of this "framework", including air, rail, bus, bicycles, and a "pedestrian-oriented streetscape", suggested no fashion in which these components might be prioritized with reference to sustainability.

Both "new urbanism/neo-traditional town planning" and design concepts that provide "a strong connection with nature and the built environment" were identified as pillars of Orlando's concept of urban design (Planning & Development Department 1996:31). These orientations may possess sustainable aspects, but are not necessarily synonymous with sustainability. New Urbanism and neotraditional planning principles have essentially been applied to new developments on the urban periphery rather than to infill or the existing built environment (Unger 1997). To date, it is difficult to uniformly identify recently developed areas in Orlando that meet these SCDP criteria. The city's description of "new urbanism" in the designation application: "Employment, shopping and services will be concentrated in neighborhood, village, and town centers that are compact and walkable" has not been reflected in recent subdivision approvals. Likewise, efforts to provide or maintain a significant natural emphasis have not been readily

apparent.

The ADPSR vision statement advocated no such strategy by which its recommendations may be attained. The linkage of these so-called "pieces of the puzzle" to ADPSR's definition of sustainability is nebulous. Nor are any means offered by which to measure possible implementation of these objectives in relation to the attainment of sustainability. Compared to the SCDP and Eastward Ho!, the overall approach of the vision statement nonetheless appears more internally consistent, with a tighter "fit" between means and the goal of sustainability. There is clearly

more of an intent to craft recommendations consonant with sustainability criteria such as "carrying capacity" rather than as co-opted buzzwords obscuring a roll-back of growth management in Florida.

Conclusion


Certainly the effect, if not the intent, of Florida's 1996 SCDP has been to alleviate the burden of a cumbersome development permitting process

imposed on the private sector and local governments under the 1985 Growth Management Act. Eastward Ho! was explicitly designed to facilitate the development process. Arguably, the effect of these initiatives is in keeping with the overall trend since the passage of the GMA to loosen restrictions on development rather than enhance stewardship over the environment or improve the quality of life of Florida residents (Pelham 1997).

There are no clear guidelines for the implementation of either Eastward Ho! or, as in the case of Orlando, the SCDP. Nor are there any benchmarks or goals by which to evaluate attainment of "sustainability." It is anticipated that efforts will be made to expand the SCDP beyond the five "demonstration project" communities well before sufficient time has passed to make any definitive assessments of its consequences. The implications of Eastward Ho! and SCDP are not overwhelmingly positive in terms of growth management policy that might effectively deploy sustainability as a planning

New Urbanism and neotraditional planning principles have essentially been applied to new developments on the urban periphery rather than to infill or the existing built environment.

concept.

ADPSR and other critics cannot match state or regional planning agency capacity to offer regulatory relief for the implementation of their vision of sustainability. Implementation of an alternative plan will require a departure from business as usual, for which ADPSR lacks sufficient political clout and for which there is little interest on the part of business and public policy decision-makers. ADPSR is working to change that through education and advocacy on behalf of its *Vision of a New Central Florida*. 

Endnotes

- ¹ Editors note: the Eastward Ho! study area was defined in the John DeGrove interview in the previous issue of *Carolina Planning* as the corridor in Palm Beach, Broward, and Dade Counties just west of the Florida coastline and between the Florida East Coast Railroad and the Chesapeake Seaboard Railroad.

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New Urbanism Comes of Age: Neotraditional Zoning Codes

Jennifer Hurley

Over the past few years, "New Urbanism" and "neotraditionalism" have garnered much popular and critical attention (Duggleby 1997, Kunstler 1993, and Southworth 1997). One commentator has called it the "latest urban planning fad" (O'Toole 1997). Municipalities are beginning to incorporate New Urbanist principles into their development regulations. In this article, I will first review the basic principles of New Urbanism and discuss legal principles that apply to New Urbanist zoning codes. Secondly, I will describe the two primary ways municipalities have incorporated those principles into their development regulations: (1) by re-writing their zoning and subdivision codes according to New Urbanist guidelines and (2) by adding "Traditional Neighborhood Districts" to their list of allowed zoning districts. Based on conversations with practitioners involved in writing and administering neotraditional development codes, I will also discuss the reasons towns have adopted New Urbanist codes, the processes they have used to write and pass New Urbanist codes, and their experiences using these codes.

New Urbanism

Several trends or movements in planning and architecture, including transit-oriented development, pedestrian pockets, and hamlet or village zoning, are related to and contribute to neotraditional design concepts (Christoforidis 1994:432). I consider them

all variations of a larger movement. The fact that proponents of several different variations are all members of the Congress for the New Urbanism (CNU) supports this view. In this article, I will focus on the design concepts and planning principles promoted by CNU and the architect team of Andres Duany and Elizabeth Plater-Zyberk. I will use neotraditional, traditional neighborhood development (TND), and New Urbanism interchangeably.

Neotraditional planning is modeled on pre-World War II development patterns, primarily on neighborhood and town designs common from 1890-1920, in an attempt to find solutions to some of the problems associated with post-World War II suburban development patterns ("Neighborhoods Reborn" 1996). Problems attributed to conventional suburban subdivision design include inefficient land and infrastructure use; limited transportation choices and transportation congestion; alienation and lack of a sense of community; segregation by income; lack of diversity in the population and in housing choices; and detrimental environmental impacts, such as pollution, loss of farmland, and loss of wildlife habitat. These problems stem from the interaction of a variety of factors. Federal policies, such as the mortgage interest deduction, extensive funding for highway construction, and minimal funding for mass transit, enable people to buy bigger homes farther from their jobs (Frug 1996:1068-1069). Public participation in development decisions makes developing in built-up areas difficult and turns the primary purpose of zoning to defense of the status quo (Liebmann 1996:26). Segmentation of the development and financial industries creates specialist developers and bankers who lack expertise in mixed-use development ("Neighborhoods Reborn" 1996, Regional Transportation Authority of

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Northeastern Illinois 1995:14, 23, 27). Retailers' demands to locate on major arterials with access to abundant free parking, as well as recent retail trends towards larger and larger stores, interfere with designers' ability to craft pedestrian-friendly environments ("Neighborhoods Reborn" 1996, Regional Transportation Authority of Northeastern Illinois 1995:14-15, Slater and Morris 1990). Most of these problems are associated with the separation of land uses and the subsequent heavy use of the automobile as the sole means of transportation (Canty 1995, Christoforidis 1994, Frug 1996).

New Urbanism promotes rearranging land use and transportation patterns and using design elements to improve the quality of life. Two primary goals are to encourage a "sense of place" and to minimize auto travel by promoting walking, biking, and mass transit.

Land Use

New Urbanists promote both greater diversity and density of land uses (Cervero and Kockelman 1997:199). Greater diversity means providing a fine-grained mix of uses that locate housing, shopping, employment centers, schools, civic and cultural centers, and recreation and open space within walking distance. Greater diversity also refers to mixing housing types and styles to encourage economically- and generationally-integrated neighborhoods. New Urbanists promote greater density as a way to make walking, biking, and mass transit more feasible transportation alternatives. New Urbanists emphasize architectural building types and suggest regulating the impacts of different buildings and activities, rather than focusing primarily on building use (Bookout 1992c, "Neighborhoods Reborn" 1996, Regional Transportation Authority of Northeastern Illinois 1995, Slater and Morris 1990).

Transportation

According to New Urbanism, transportation systems should be designed to accommodate pedestrians and mass transit in addition to automobiles

(Congress for the New Urbanism 1996). Many New Urbanist transportation design principles seek to reintegrate the pedestrian into the transportation system, and in some cases seek to privilege the pedestrian. Interconnected networks of streets are promoted as a means of lowering traffic congestion by providing multiple travel routes. In addition, modified grid streets that include extensive sidewalks and pedestrian paths provide pedestrians with more direct routes, which promotes walking and lowers the number of automobile trips. Narrower street widths slow traffic and create a more pleasant walking environment for pedestrians. Street trees and street furniture also serve to improve the atmosphere. On-street parking reduces the amount of land dedicated to parking lots, buffers pedestrians from traffic, and helps define the streetscape. Sharing parking among uses with different peak parking demands also reduces the amount of land needed for parking lots. Locating parking to the rear of stores improves the aesthetic environment and privileges the pedestrian. Finally, centering development around mass transit stations reduces automobile use and allows for greater densities (Bookout 1992c, Congress for the New Urbanism 1996, Crane 1996, Kaplan 1990, "Neighborhoods Reborn" 1996, Regional Transportation Authority of Northeastern Illinois 1995, Slater and Morris 1990, Szplett and Sale 1997).

Design

New Urbanists use a variety of design features to encourage a "sense of place" and feeling of community. New Urbanists claim that many of the land use and transportation principles that promote walking and higher densities also encourage a greater sense of community. New Urbanists promote shallow setbacks or the use of build-to lines, street trees, and prescribed street height-to-width ratios to define the street and create the sense of an "outdoor room". Architectural controls are often used to define the architectural character of different neighborhoods and ensure compatibility with surrounding architecture. These architectural controls are sometimes based on

Zoning, when introduced in America, was in its essentials a German import from which, almost miraculously, all the beneficent features had been removed.

the local historical vernacular, but some architectural codes use porches, picket fences, or other architectural symbols to evoke a romanticized version of the American small town. Other design elements, such as requiring garages to be set back from the front of houses or limiting garages to rear alleys, are intended to minimize the visual impact of cars. Finally, New Urbanists emphasize public space over private space. More accessible open space and recreation space is exchanged for smaller private house lots. Public buildings and common open space are used as focal points and serve as gathering places for the community. All of these design elements should contribute to the sense that the neighborhood or district has both a center and an edge, creating a sense of unique identity (Bookout 1992c, Congress for the New Urbanism 1996, Crane 1996, Kaplan 1990, Regional Transportation Authority of Northeastern Illinois 1995, "Neighborhoods Reborn" 1996, Slater and Morris 1990).

The Failure of Euclidean Zoning

Many commentators, planners, and proponents of New Urbanism have claimed that suburban development patterns and the problems attributed to suburbia are a direct result of American Euclidean zoning (Bookout 1992b, Kunstler 1993). According to one land use lawyer, "Zoning, when introduced in America, was in its essentials a German import from which, almost miraculously, all the beneficent features had been removed" (Liebmann 1996:26). He goes on to explain that German zoning allowed duplex housing even in the most restricted residential zone, used performance standards to evaluate commercial uses in residential zones, and regulated through density limitations rather than rigid minimum lot sizes and setback requirements (Liebmann 1996). Critics of conventional zoning often promote zoning that

regulates building type rather than use:

The instrument of single-use 'zones' should be scrapped altogether. The zoning of land use should be replaced by the regulation of the form of the public spaces and the durability of the architecture. The focus of regulations on use is wrong-headed, for the use inside a building is far less permanent than the buildings' [sic] position on the street. [Dover 1997]

In response to these criticisms, municipalities are beginning to incorporate New Urbanist concepts and principles into their zoning and subdivision codes in two primary ways. Some municipalities have entirely re-written their old codes according to New Urbanist principles. In some places, these New Urbanist codes have replaced the old codes (Belmont, NC 1995; Cornelius, NC 1996; Huntersville, NC 1996; Locust, NC 1997), while other towns use their neotraditional code as an optional code that runs parallel to the old code (Davidson, NC 1995). The second major way municipalities have incorporated New Urbanist ideas into their codes is by adding a "Traditional Neighborhood District" to their list of allowed zoning districts (Apex, NC 1996; Austin, TX 1997; Boulder, CO 1997; Dade County, FL; Jacksonville, FL 1997).¹

Legal Issues

"The implementation of neotraditional development strategies presents legal issues that must be resolved through careful drafting to avoid challenges on the basis of indefiniteness and uncertainty" (White and Jourdan 1997:11). Because neotraditional planning and New Urbanist codes are so new, there has been very little litigation regarding the legality of New Urbanist zoning and subdivision codes (White and Jourdan 1997:4). However, people involved in writing New Urbanist codes should be aware of several legal principles that are recognized to apply to zoning.

Substantive Due Process

To survive a substantive due process challenge, legislation must (1) address a legitimate public purpose, and (2) be rational and reasonable in application to specific cases (White and Jourdan 1997:4, Ziegler 1992:61-62). Courts have ruled that the state's police power has developed to the point that maintenance of community aesthetics is a legitimate public purpose

(Rice 1993:440, White and Jourdan 1997:4), suggesting that courts would uphold neotraditional design standards. The second portion of the due process test requires that there be a rational connection between the stated purpose of the regulation and its application to a particular piece of land (Ziegler 1992:61-62). Legislation must also be written clearly enough so that developers "know with reasonable clarity what they must do to obtain under state or local land use control laws the permits or approvals they seek" (Delogu and Spokes 1996:55). These requirements do not mean, however, that the standards must be written so tightly that there is no room for interpretation in the legislation: "Language that reasonable people can understand is not unconstitutionally vague merely because it requires interpretation on a case-by-case basis" (White and Jourdan 1997:8).

Meaningful Standards

Governing bodies are legally restricted from delegating their legislative authority. Local planning or zoning boards have no inherent power, only the power that is delegated to them by the governing board (Delogu and Spokes 1996:54). Therefore, "delegations of decision-making power must contain adequate, legislatively-fashioned standards to be constitutionally permissible" (Delogu and Spokes 1996:50). Governing boards must decide legislative matters and create standards that guide planning or zoning boards and limit their discretion in making judicial and administrative rulings (Delogu and Spokes 1996:67-68). In addition, meaningful standards are required to provide equal protection to similarly situated persons: "Without definite standards an ordinance becomes an open door to favoritism and discrimination" (*Osius v. City of St. Clair Shores*, 75 N.W.2d 25 (Mich. 1956), quoted in Delogu and Spokes 1996:55).

Spot Zoning

"Spot zoning is the reclassification of a small area in a manner inconsistent with the surrounding area, solely to benefit the private interests of the landowner" (White and Jourdan 1997:7). As long as the zoning is consistent with a comprehensive plan that is reasonably related to promoting the welfare of the community, "the specific tailoring of restrictions to a small area or individual parcel of land generally will not be held to constitute illegal spot zoning" (Ziegler 1992:62). This condition suggests that TNDs in conformance with a comprehensive plan will be

deemed legal:

If the reclassification is consistent with the comprehensive plan and is in harmony with the orderly growth of the community, the courts have upheld the creation of small districts within residential areas for the use of grocery stores, drug stores, barber shops, gasoline stations, and other uses designed to accommodate the surrounding neighborhood. [White and Jourdan 1997:7]

New Urbanist Zoning Codes

Several small towns in North Carolina, all experiencing strong growth pressures from their proximity to Charlotte, have re-written their entire zoning codes in a way that incorporates New Urbanist principles.² These codes represent a comprehensive approach to utilizing New Urbanism for development management.

Land Use

When first reviewing neotraditional zoning codes, one of the most striking features is the naming of districts. Whereas most conventional codes use district names that have no meaning to the average citizen, such as R-6, I-2, and O&I, all of the neotraditional codes reviewed use descriptive names for their zoning districts, such as Neighborhood Residential, Neighborhood Center, and Town Center (Huntersville 1996:6). In addition, all of the codes include several districts that allowed some mix of uses. The districts vary in the intensity of uses that can be mixed. For instance, Cornelius's Neighborhood Residential district allows detached and attached homes, apartment buildings, home occupations, day care centers, country clubs, recreational facilities, and mixed use buildings (Cornelius 1996:5-11). Its Neighborhood Center district adds institutional uses and commercial uses less than

The neotraditional codes . . .
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15,000 square feet to that list (Cornelius 1996:5-17). Several of the codes include a Traditional Neighborhood District, designed to regulate the creation of new mixed-use neighborhoods with identifiable edges and a center. These districts resemble the Traditional Neighborhood Districts described in the next section (Belmont 1995a:67, Cornelius 1996:5-41, Huntersville 1996:32).

The second most striking feature of the neotraditional zoning codes is the emphasis on building type. While some New Urbanists advocate regulating only building type, all of the zoning codes regulate both use and building type. For example, the Cornelius code (1996) defines building types and street frontage types, and then regulates which building and frontage types are allowed in each district. Similarly, Huntersville defines allowed building placement, parking, vehicle and pedestrian access, permitted height and uses, and architectural standards for seven different building types (1996:56-69).

Finally, three of the codes allow for clustering of

housing in low-density subdivisions to preserve open space. These districts are generally intended to preserve the local character of rural areas (Cornelius 1996:5-3, Davidson 1995:III, Huntersville 1996:8).

Transportation

New urbanist ideas about transportation are also apparent in the codes. All of the codes address the issue of interconnectivity of streets within and between subdivisions and limit cul-de-sacs (Belmont 1995b:4-4, Cornelius 1996:7-1, Davidson 1995:V, Huntersville 1996:72). Davidson also requires bike lanes (1995:V). Huntersville and Davidson both include illustrations of different street plan types in their codes, with explanations of their advantages and disadvantages in terms of auto traffic, pedestrian access, and design features (Figure 1). To make walking and using mass transit more feasible, Huntersville allows for higher residential densities within a one-quarter mile radius of planned transit stops

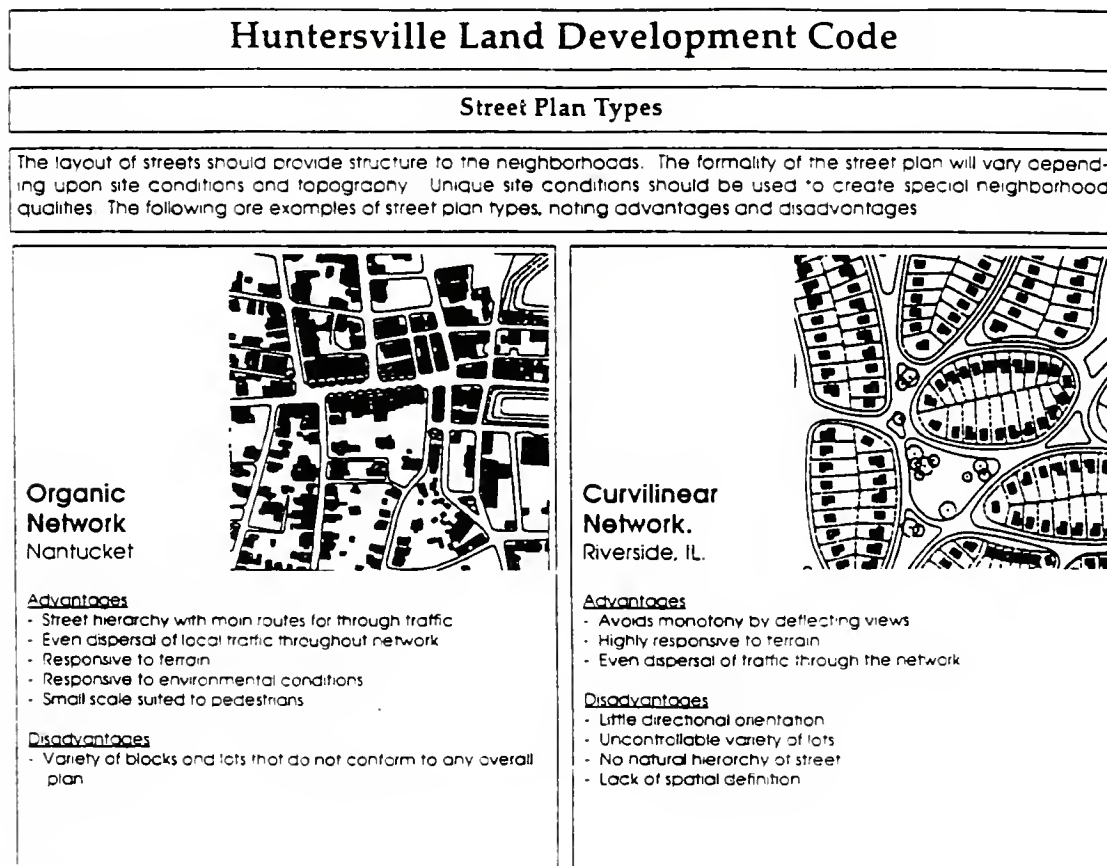


Figure 1: Street Plan Types, Town of Huntersville Zoning Ordinance

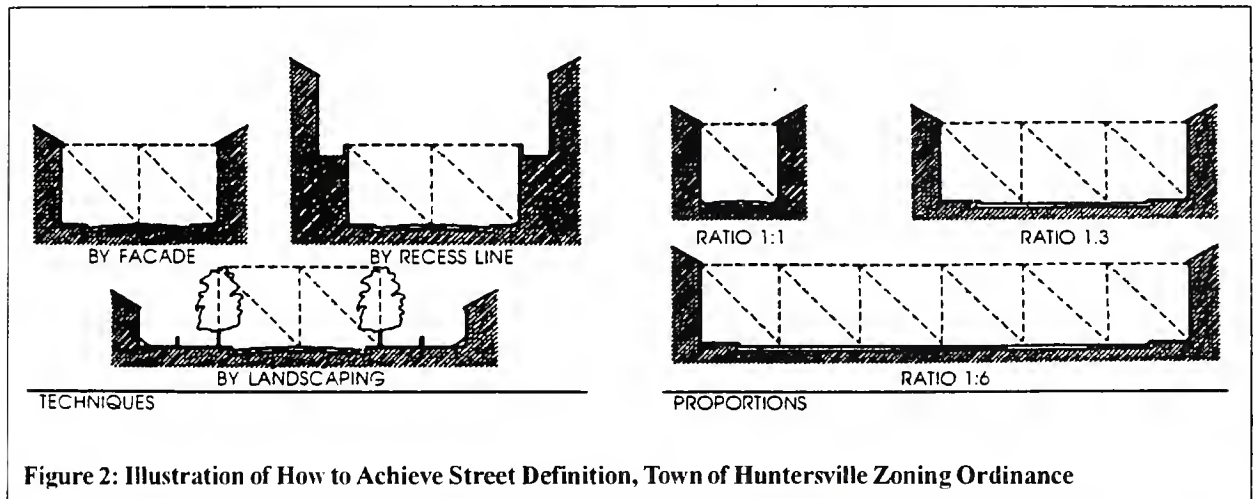


Figure 2: Illustration of How to Achieve Street Definition, Town of Huntersville Zoning Ordinance

and limits the size of Neighborhood Commercial districts to a one-quarter mile radius (1996:15-16).

The codes include a variety of measures to improve the pedestrian environment. Huntersville (1996:72) and Davidson (1995:V, VIII) both require sidewalks and street trees on both sides of the street. Several of the codes require on-street parking for certain districts or in front of certain building types. For example, Huntersville requires on-street parking on streets that serve "Workplace" and "Storefront" buildings (Huntersville 1996:76). Cornelius (1996:7-1) and Huntersville (1996:72) both promote traffic calming measures to reduce auto speeds on residential streets. Most of the codes provide for some measure of shared parking among uses that have different peak parking demands (Belmont 1995a:3-14, Cornelius 1996:3-10, Huntersville 1996:82), and Davidson requires all non-residential buildings to provide bicycle parking (Davidson 1995:IX). Finally, all of the codes include specific design standards for parking lots that are intended to make them more pedestrian-friendly. For example, Huntersville's off-street parking design standards require that parking be located behind the building, that lot designs provide for pedestrian circulation, that large parking lots be broken into smaller spaces with landscaping, and that driveways to parking lots have a maximum width of 24' to reduce automobile speed (1996:82-83).

Perhaps because they are for small Southern towns, none of the codes include measures aimed specifically at limiting automobile use rather than just encouraging walking. For instance, none of the codes limit parking by setting maximum number of spaces for different uses. In addition, none of the codes have any significant mass transit features.

Design

The neotraditional codes place much more emphasis on design than do conventional zoning codes. Some of the design features are required, while others are encouraged and described in detail. In this way, the codes serve as "primers" for developers and builders who are unfamiliar with neotraditional design.

All of the codes include architectural standards. Davidson refers to the "unique building character of the historic town" and requires architectural compatibility of scale, height, configuration, materials, and silhouettes (Davidson 1995:VII). Cornelius (1996:4-7-8) and Belmont (1995a:2-11-13) both refer to eleven "architectural design elements which create urban space." Huntersville requires that buildings front a public street and "adhere to the scale, massing, volume, spacing, and setback of existing buildings" (Huntersville 1996:15). The concept of the street as a prominent public space is one of the prevalent design concepts. Huntersville's code explains that:

Proper alignment and delineation of the public street space occurs when the facades of adjacent buildings are aligned much like the walls forming a room. [1996:74]

The code describes how the height-to-width ratio of the street define the public space of that street (Figure 2). Cornelius limits that ratio to 1:6 (Cornelius 1996:7-1). Finally, several of the codes define types of open space according to design features (Figure 3) (Belmont 1995a:3-33-37, Cornelius 1996:8-6-11, Davidson 1995:IV, Huntersville 1996:88-89).

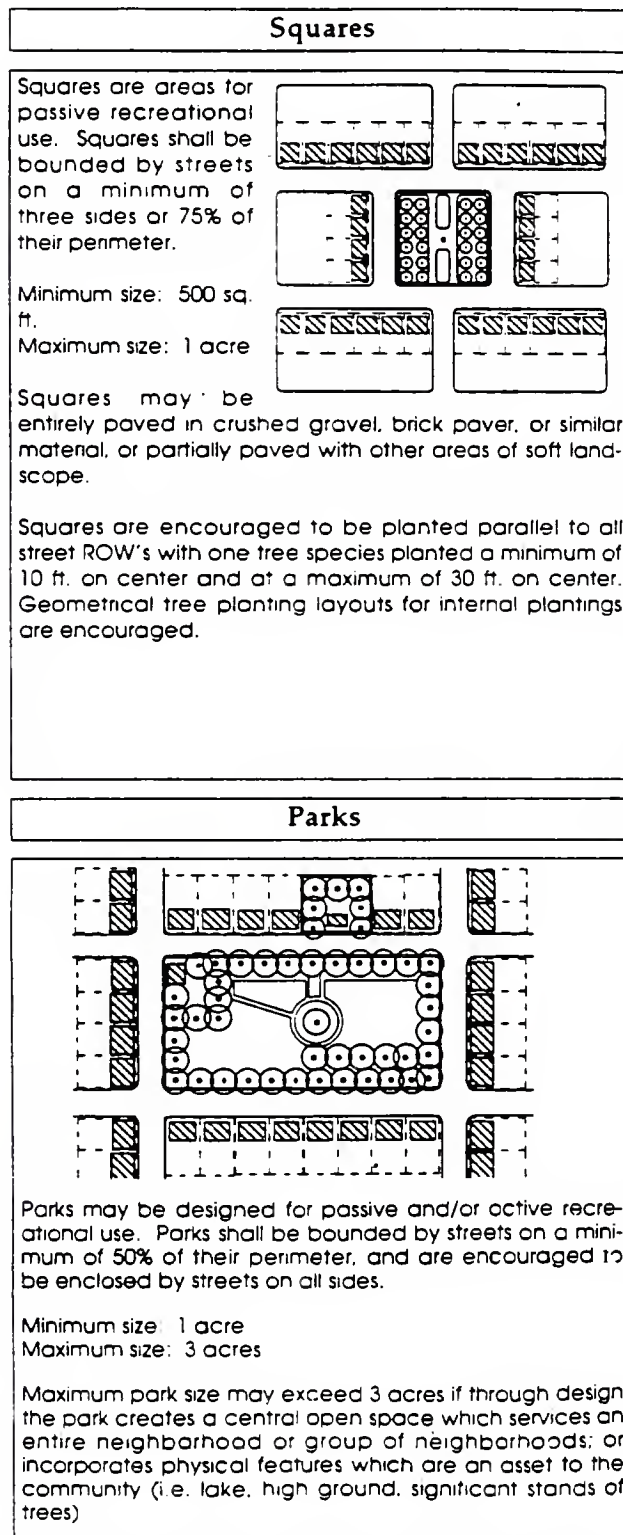


Figure 3: Open Space Types, Town of Huntersville Zoning Ordinance

Traditional Neighborhood Development Districts

Other towns have taken a more modest approach to incorporating New Urbanism into their zoning codes by adding Traditional Neighborhood Development (TND) districts to their list of zoning districts. This approach allows towns to try out ideas in small areas before making drastic changes. Apex, NC, Dade County, FL, and Jacksonville, FL all have TND districts for new development that operate like special-purpose Planned Unit Developments (PUDs). Boulder, CO has adopted several different TND districts to guide redevelopment and infill in existing areas of town.

Land Use

All of the PUD TND districts require some mix of uses, generally excluding heavy industrial uses. The mix of uses is expressed as a range of allowed percentages for different uses (Table 1). Boulder's TND districts, on the other hand, require a minimum percentage of one of the uses. For example, the Residential Main Street Redeveloping Zone, a mixed-use zone for residential and office uses, requires that by-right projects have at least 50% of the floor area devoted to residential uses.

Transportation

Most of the districts limit the size of the TND districts to encourage walkability. For instance, one criteria for approval under Apex's ordinance is that all residences are within one-quarter mile of retail and recreation (1996: Sec. 22-114(d)(3)). The two Florida ordinances limit the size of TND districts to 40-200 acres (Dade County: Sec. 33-284.48(A), Jacksonville 1997: Sec. 656.382(b)). Other transportation elements that were incorporated in the neotraditional zoning codes are also included in the PUD TND districts. They encourage the use of alleys, require interconnectivity, and limit cul-de-sacs (Apex 1996: Sec. 22-114(d)(3), Dade County: Sec. 33-284.48(C)(4)(c), Jacksonville 1997: Sec. 656.382(f)(3)). They include design guidelines for parking lots that require rear parking and allow shared parking (Apex 1996: Sec. 22-114(d)(3), Dade County: Sec. 33-284.48(C)(5), Jacksonville 1997: Sec. 656.382(g)). Dade County, Jacksonville, and Boulder all allow reduced parking because of the mix of uses (Boulder 1997, Dade County: Sec. 33-

284.48(C)(5)(f), Jacksonville 1997: Sec. 656.382(g)(1)). Boulder also passed a street plan that the code's author believes is absolutely critical to achieving a grid street pattern (McHeyser 1997).

Design

If anything, the PUD TND districts are even more heavily design-oriented than the neotraditional zoning codes. They require or encourage the neighborhood to have a discernible center, such as a town square (Apex 1996: Sec. 22-114(d)(3), Dade County: Sec. 33-284.51(A)(2)(a), Jacksonville 1997: Sec. 656.384(b)(1)). Jacksonville (1997: Sec. 656.385(b)(2)) and Dade County (Sec. 33-284.51(B)(2)(c)) both require the developer to construct a neighborhood meeting hall in a prominent location. They also require colonnades for at least some shopfront lots (Dade County: Sec. 33-284.51(C)(2)(j), Jacksonville 1997: Sec. 656.386(c)(3)) and that a minimum of 25% of the detached houses have front porches (Dade County: Sec. 33-284.51(E)(3)(k), Jacksonville 1997: Sec. 656.386(c)(3)).

Planners' Experience with Implementing New Urbanist Codes

Since these codes are so new, there is no way to rigorously evaluate their effectiveness. However, the experience of the writers and administrators of existing neotraditional zoning codes can serve as an anecdotal guide to other planners who want to implement New Urbanist ideas.³

Most of the towns decided to incorporate New Urbanist concepts into their zoning codes because growth pressures threatened to overwhelm the town's identity. According to Ann Hammond of Huntersville, it became apparent that the town's proximity to Charlotte meant that suburban building types would

overwhelm its historical character. In other cases, the conventional zoning code simply did not fit the existing buildings and uses. One of the reasons Belmont turned to New Urbanism was that most of the lots in the older part of town, which had originally been a mill village, were non-conforming.

Whatever the original impetus for turning to New Urbanist ideas, most of the codes grew out of extensive citizen participation processes. Davidson used a 12-month development moratorium to give an 18-member citizen steering committee time to examine a variety of public issues. Out of that committee came a new comprehensive plan and the neotraditional regulating code to implement it. Belmont contracted with the firm of Duany Plater-Zyberk, which held two weeks' worth of public meetings to develop their code. Similarly, the Cornelius code grew out of a three-year long-range planning process.

All of the people involved in writing the codes agreed that citizen education was an important part of the process. Bart Warner from Belmont explained that you need to involve citizens as much as possible and convince them that "you're not trying to cram things down their throat they don't want." According to Gary Kresel of Jacksonville, tours of local TNDs and visual aids helped explain New Urbanist ideas to citizens and planning and governing board members: "It's hard for people not in the design field to get a feel from drawings or descriptions."

None of the planners interviewed reported any significant problems in implementing the new codes. Extensive citizen involvement while drafting the ordinance seemed to prevent significant opposition to specific projects. However, not all of the TND district ordinances have attracted interest from developers. The Apex Board of Commissioners recently approved its first TND Master Plan, and neither Dade County nor Jacksonville have received TND subdivision applications (Kresel 1997).

Table 1: Percentage of Uses Allowed in TNDs


	Apex	Dade County	Jacksonville
Public	5%	no more than 5% or 5 acres	no more than 5% or 5 acres
Civic	2%	at least 2%	at least 2%
Shopfront	2-30%	2-20%	2-20%
Rowhouse	15-30%	20-50%	20-50%
Detached Houses	30%	no more than 30%	30-50%
Business	5-15%		
Workshop		3-7%	3-7%

Many people mentioned additional requirements on staff time and expertise. According to Hammond, planning offices need people trained in neotraditional design to administer the code: "Someone who came in off the street and had only done conventional zoning administration would have a stiff learning curve." A large part of the additional demand on staff time and expertise comes from the need to "handhold" developers. According to Tim Keane of Davidson, "Most developers don't know how to develop under the new code." Staff has to be "willing to take a role in suggesting new designs for developers" (Hammond 1997).

Finally, Craig Lewis of Cornelius warns that "each town is different." Towns interested in applying New Urbanism need to look at their own circumstances, and not just adopt a neotraditional code "off the shelf":

Beware of paradigms: what works in one place will not necessarily work in another. To find out what might work, the planner must get out, walk the streets, ask what a particular neighborhood wants to be—which might be far different from what the "experts" want it to be. [Kaplan 1990:11]

Conclusion

A variety of factors, many of which are beyond the influence of municipal planners, have combined over the last 50-70 years to create today's development patterns. New Urbanism cannot solve all of these complex and inter-related problems (Marshall 1996). Nevertheless, municipal planning has made its own contribution to today's development patterns through zoning and subdivision codes (Frug 1996:1081, 1093). The kinds of diverse, mixed-use, pedestrian-oriented communities described by New Urbanists are illegal in most municipalities. "Our task in dealing with sprawl is to begin to realign many of these forces that have been pushing outwards" (Dittmar 1997:1). While Dittmar suggests that transportation spending is a good place to start, I propose that zoning and subdivision regulations are an equally good place to start, and a force over which municipal planners have significant influence. 

Endnotes

- ¹ Several municipalities, especially on the West Coast, have adopted Transit-Oriented Development Codes or Districts that reflect many of the principles described in this paper (Christoforidis 1994, Pollock 1996).

Neotraditional Zoning Contacts

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Huntersville, NC
Ann Hammond
(704) 875-6541

Internet Resources Related to Neotraditional Zoning

<http://www.municode.com/database.html>

This web site contains the full text of municipal ordinances from around the country, including the TND ordinances from Jacksonville and Dade County. The site's search engine can search for keywords within an individual code, but the site is not universally searchable.

<http://www.ci.belmont.nc.us/Belmont/zoning.htm>

Belmont's city web page includes the entire text of the city's zoning and subdivision codes.

http://www.ebuild.com/Archives/Other_Copy/NUCharter.html

These archives of Environmental Building News include the full text of the Charter of the Congress for the New Urbanism.

Traditional Neighborhood District Contacts

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Dade County, FL
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Jacksonville, FL
Gary Kresel
(904) 630-1904

Similarly, many municipalities on the East Coast have adopted village or hamlet zoning that also reflect New Urbanist ideas (Christoforidis 1994, Sutro 1990). However, for the purposes of defining this research project, I am focusing only on codes whose authors describe them as neotraditional or New Urbanist.

² Belmont, NC; Cornelius, NC; Davidson, NC; and Huntersville, NC.

³ This section is based on a series of telephone interviews with people involved in writing or administering the codes described previously, as well as the author's experience working in the Planning Department in Apex, NC.

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Conservation Development . . . continued from page 25

as a place to call home. These may be second homes for vacationing suburbanites, or first homes for a pioneer generation of telecommuters. Alternatively, as this latter group grows, some may choose second homes in the city as a way to participate in urban cultural activities. Development may one day depend less on paved roads than on fibre-optic cable. Since information technologies have opened many new opportunities for development in pristine natural areas, the challenge now is for exurban development to respond positively and creatively to the task of protecting them.

The public's demand for open space is growing, but its willingness to pay the full costs of acquiring or regulating land for conservation purposes is not keeping

pace. Inexorably, many of the state's gem landscapes are being lost to private development. While many rural land owners individually may wish to conserve all or part of their land, institutionalized economic and governmental biases still favor conventional over innovative development practices. Conservation development, on the other hand, offers a third option to expensive public land purchases and unpopular government regulation.

Essentially, conservation development leverages the public's interest in conservation to create economic value in land that is *not* developed. More holistically, this value structure may be compared to a kind of "conservation judo" where the economic forces which might otherwise destroy the mountains' resources are skillfully redirected for their protection. Through selective and mindful development may lie the preservation of the land itself. **CP**

Case Study: Environmental Impacts of Tourism in Juneau, Alaska

Juliellen Sarver

As the population of Juneau, Alaska continues to grow, and as its popularity as a tourist destination continues to increase, the city must balance the economic benefits brought by tourism with the environmental consequences of increased tourist-related activity on the region's landscape and wildlife. Various public and private initiatives have been undertaken by the city's environmentally-aware and politically-active population, including several actions aimed at mitigating the environmental impacts while promoting the economic benefits of tourist-related activities; a comprehensive community survey on the environmental and economic effects of tourism; *20/20 Vision for Downtown Juneau*, a comprehensive planning effort of the Juneau planning department; and a year-long study undertaken by two universities that explores alternative development scenarios [see sidebar]. These efforts acknowledge the importance of tourism in the economic and environmental well-being of the region.

Juneau's Environment and History

The City and Borough of Juneau (CBJ), the capital of Alaska, lies in the state's southeastern panhandle, known simply as Southeast, and is bordered by British Columbia to the East, the Yukon Territories to the north, and numerous islands and fjords to the south and west. The city was founded in 1880 after gold was discovered in the streams that fall from the mountains into the Gastineau Channel. It was the first city in Alaska

founded after the United States purchased the territory from Russia in 1867, and the first city in Alaska founded due to the discovery of gold. Juneau is unique in its isolation: glaciers and steep topography prevent overland passage to the rest of Alaska, and the city can only be reached by plane or boat.

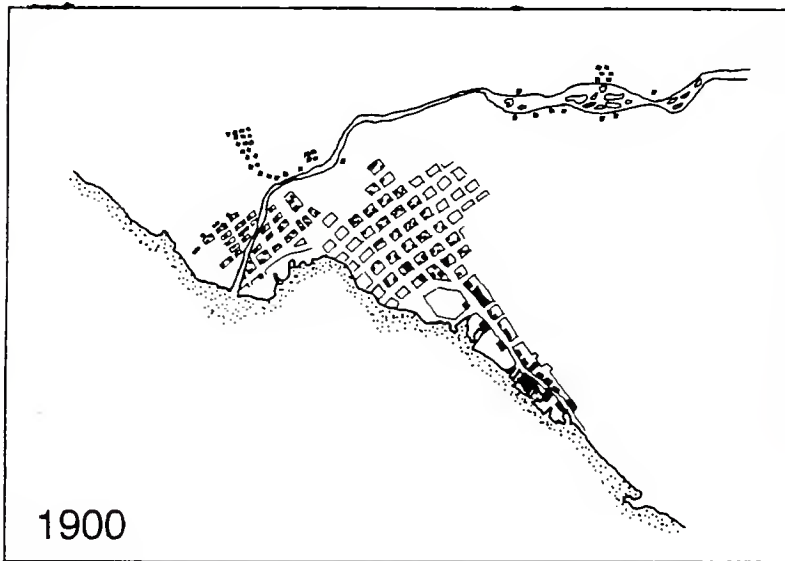
This isolation is also one of Juneau's main attractions for both residents and tourists. The city is an island of human activity in a vast wilderness, a reversal of the pattern seen in the lower states. The region is surrounded by the largest national forest in the United States, the Tongass, which acts as an important recreation and economic resource.

Like many cities in the Pacific Northwest, Juneau has experienced rapid population growth. In 1946, 57 years after its founding, Juneau's population was only 6,000 (DCRA, 1997). Fifty years later, the population has increased to nearly 30,000 and it continues to rise (Alaska Department of Labor, 1997). While Juneau remains the capital of Alaska, persistent efforts to move the capital to Anchorage cast a constant shadow of doubt over Juneau's economic future. With the loss of its capital status, Juneau would lose the largest component of its economy, and with commercial fishing, timber, and mining in decline, tourism would likely become the dominant industry. Current planning and community efforts are aimed at balancing economic development through promoting tourism and successfully managing the environment that makes Juneau an attractive tourist destination.

The Nature of Tourism in Juneau

Juneau's position as a tourist center stems from its role as a major port for Alaskan cruise ships departing from Seattle and Vancouver and heading to Glacier Bay through the exceptional landscape of the Inside Passage. Tourists flock to the area to see the

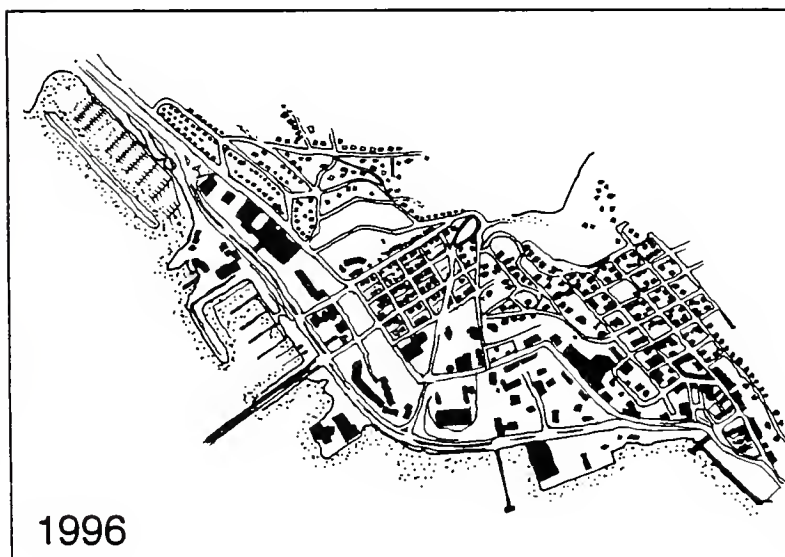
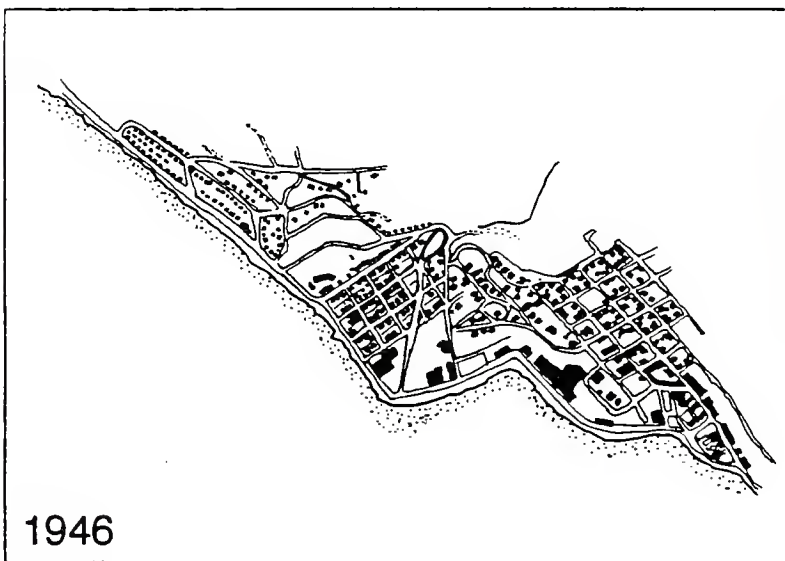
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Juneau's Land Use Evolution

After its founding in 1880, Juneau grew rapidly as a mining town. Mines and tents were the first structures built, followed by typical western buildings laid out in a grid pattern on the coast of the Gastineau Channel. Juneau became the capital of the Territory of Alaska in 1900, and the population continued to grow during the Second World War and the Cold War, when Alaska became the 49th state in 1959. The importance of mining declined in the 1960s and 1970s, but the population continued to grow because of the state's petroleum boom of the 1970s and 1980s, the city's continuing role as state capital, and the importance of the booming tourist industry.

(Graphics courtesy of Juliellen Sarver and Wen-Yie Chen)



wildlife that inhabits this largely pristine environment of forests, glaciers, fjords, and islands, as well as to experience native Alaskan culture and art and historic goldrush-era towns. During the tourist season, which extends from May through September, as many as six cruise ships, each carrying between 800 and 1800 passengers, dock at Juneau's waterfront every evening. When the passengers disembark, Juneau's population temporarily increases by as much as 20 percent (Juneau Convention and Visitors Bureau, 1997).

The tourist industry's approaching dominance brings not only dollars to Juneau, but also changes to the natural environment and to the downtown. Downtown trails have become more accessible to tourists, but inadequate maintenance contributes to increased trail erosion.

Because Juneau cannot be reached from the land, the CBJ must dispose of all of its solid waste within its boundaries. The CBJ must also accept the solid waste from the cruise ships, adding to the city's waste disposal problem.

Historic residential areas are within walking distance to downtown, and permanent residents bemoan the loss of the downtown to tourist shops that are open for only several months of the year. Although downtown has the potential to be a successful pedestrian-oriented area for residents, most non-tourist-related retail outlets are located several miles from downtown. Given the tourist industry's importance, Juneau's response to its economic and environmental impacts will determine the city's future conditions.

Community Responses

The following section outlines several of the key efforts aimed at addressing the impacts of the growing tourist industry.

Head Tax

A head tax of \$7.00 per cruise ship passenger was proposed in 1996 to help the City cover the costs associated with accommodating the ships (Attitude 58, 1997). The cruise ship industry lobbied against the tax, and threatened to remove Juneau as a port of call. After much debate, that threat combined with ambiguous proposals for the use of the head tax funds contributed to the close defeat of the measure. The measure is expected to come up for reconsideration at a later date.

Land Swap

A recent land swap between private owners and the United States Forest Service was an innovative endeavor to preserve sensitive habitat while accommodating tourist needs. In this swap, privately owned bear and deer habitats were traded for land suitable for development adjacent to the Eagle Creek Ski facility, the city's ski resort. The wildlife habitat remains intact, while the private owners are able to realize economic benefit from their new property. While not practical in all cases, this type of solution could contribute to the preservation of sensitive wildlife habitats while promoting economic development and tourist and recreational land uses (Phillips 1997).

Restricting Helicopter Tours

Helicopter tours of the nearby glaciers and wildlife areas are an important tourist attraction in Juneau, generating high incomes for the tour operators and substantial revenues for related businesses. Helicopters, however, can have negative impacts on recreational use of natural areas as well as on wildlife. Responding to public opposition to the helicopter intrusions, the city of Juneau and the U.S. Forest Service have restricted landings in the wilderness areas of the Tongass National Forest and have mandated alternate flight paths to reduce noise impacts on populated and sensitive areas. While tour operators argue that these requirements increase costs and reduce the attractiveness of the tours, the full effects on the helicopter operators and on the wilderness areas will become apparent during the upcoming tourist season (Phillips 1997).

Additional Related Internet Sources

<http://www.state.ak.us/local/akpages/LABOR/research/region/juno.htg/junprofl.html>

This web site provides a profile of general economic trends in Juneau and Alaska

<http://www.juneau.com>

This web site provides information on tourism, sports, community events, organization, and is a good source for other general information on Juneau and Southeast Alaska.

<http://www.alaska.net/~awrta/index.html>

This is the web site for the Alaska Wilderness Recreation and Tourism Association. It presents information on the sustainable tourism industry in Alaska.

<http://www.juneau.com/audubon/>

This is the web site for the Juneau Audubon Society and contains information on wildlife resources and wetland habitats in Alaska.

<http://www.ptialaska.net/~sitcons/>

This is the web site for the Sitka Conservation Society and includes information on current efforts to protect the Tongass Forest and surrounding waters in Southeast Alaska.

A Juneau Century: 1946-2046

In 1996, the Department of Landscape Architecture at the School of Design of North Carolina State University (NCSU) joined forces with the City and Borough of Juneau (CBJ) and the Department of Public Administration of Alaska-Southeast in Juneau to study the city's growth and land use issues. Using MapFactory, a Macintosh-based GIS system, students attempted to determine where development is most likely to occur over the next fifty years based on topography, land ownership, current zoning, natural features, wildlife habitats, and land use patterns established over the past fifty years. The goal of the year-long study was to illustrate the potential long-term effects of current land use decisions.

Sixteen students in the NCSU Landscape Architecture Department traveled to Juneau in September 1996 for a site visit and to meet with public administration students and faculty at the University of Alaska (UAS), city officials, residents, business owners, and community activists. Further communication between Juneau and NCSU included several teleconferences, email exchange, and the development of a web page. Four students and the head of the Landscape Architecture Department returned to Juneau in June 1997 to present the findings of their study to the residents of the city. The web page can be accessed at http://www.design.ncsu.edu/departments/landscape/a_juneau_century/index.html.

The project was awarded Special Commendation in the American Society of Landscape Architects National Student Design Competition for innovative use of computers and the world wide web to facilitate community participation.

Community Survey on the Effects of Tourism

In 1997, a survey was conducted on behalf of a group of business leaders, citizens, environmental advocates, and city officials, known as the Tourism Working Group. The survey investigated citizen opinion on tourism and gauged community preferences for several policies intended to improve the city's relationship with the tourism industry and to assist in the city's planning efforts. The survey results illustrate the ambivalence of Juneau's residents toward the tourism industry in light of the industry's positive economic impact. The survey covered issues including transportation; access to downtown and recreation areas; economic benefits of tourism and potential limitations on the industry. Overall, respondents supported the tourism industry, judging that the benefits associated with the industry outweigh its costs (Attitude 58, 1997).

Native Interests and Activities: Goldbelt, Inc.

Alaska's Native Claims Settlement Act enabled the formation of Native Corporations, private corporations with considerable power and influence over the state's land uses. In the Southeast, one of the dominant Native Corporations is Juneau-based Goldbelt, Inc. Since the 1970s, Goldbelt's activities have been concentrated in the timber industry, but as

the effects of clear cutting take their economic and environmental toll, the organization has refocused its efforts towards real estate and tourism development. In Juneau, Goldbelt's recent initiatives include the Mount Roberts Tram, which shuttles tourists and residents up the face of one of the two mountains that dominate downtown, and in doing so, makes several CBJ-owned trails accessible to a wider audience and significantly increases the use of these trails. Goldbelt also dominates the ferry tour market, operating several popular ferries that depart from Juneau. Because of its choice land holdings, Goldbelt is also an important player in the residential and resort development arena in the CBJ.

20/20 Vision for Downtown Juneau

20/20 Vision, CBJ's plan for the downtown, reflects community concerns surrounding the "tourist-ghetto" that the waterfront and downtown have become. In addition to addressing city-wide issues of diversifying the economy, providing affordable housing, and improving the public transportation system, *20/20 Vision* focuses on improving the downtown area and making it accessible and useful to both tourists and residents. Aspects related to tourism and the environment include waterfront development reflecting a diverse economy that includes, but is not limited to,

(continued on page 53)

Planning and Local Government Law Update

Patrick K. Hetrick

Editor's note: This article is compiled from material presented by Professor Hetrick at a North Carolina Bar Association Conference titled "Land Use Regulation and Planning."

SUBDIVISION ORDINANCES: Court Applies Specific Language of Exemption Over Broad Construction of Statute

Three Guys Real Estate v. Harnett County
345 N.C. 468, 480 S.E.2d 681 (1997)

In this case from Harnett County, a developer sought a declaratory judgment that a plat was exempt from the county subdivision regulation. The developer claimed that the plat was clearly exempt because G.S. § 153A-335(2) exempts from the statutory definition of "subdivision" the "division of land into parcels greater than 10 acres if no street right-of-way dedication is involved."

The plat divided the 230-acre parcel into 23 lots, some with private driveway easements. The county subdivision administrator took the position that the plat did not qualify for the exemption because access to the lots for county services such as law enforcement and fire or rescue operations would be prohibitive and inadequate. The trial court judge agreed, and the Court of Appeals affirmed. The Supreme Court reversed.

Writing for the Supreme Court, Justice Orr noted that Harnett County's power to regulate subdivisions is authorized and controlled by statutes. When a statutory exemption is involved, interpretation begins with an examination of the plain words of the statute. Here, the statute provides an exemption for the division of land into parcels greater than 10 acres if no street right-of-way dedication is involved. Therefore, the division of land by the plaintiffs was not subject to any regulations enacted pursuant to Chapter 153A.

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The general statement of purpose in G.S. § 153A-331 (to protect the public health, safety, and welfare) and a mandate that Chapter 153A be construed broadly should not control where the language of the more specific exemption statute is so clear.

AUTHORITY OF GOVERNMENT: Court Finds County Cannot Purchase Property to Transfer to State

Carter v. Stanly County
125 N.C.App. 628, 482 S.E.2d 9 (1997)

This case serves as a reminder that units of government must act with statutory authority. In this case, the simple issue is whether or not the county can purchase privately-owned land and then give it to the state as an enticement for the construction of a state prison. Of course, those who opposed the location of the prison in their community pursued legal avenues to prevent it. In terms of general enabling legislation, the question centered on whether the county's action was authorized by G.S. §§ 153A-158 and 160A-274(b). Section 153A-158 reads, in part:

A county may acquire, by gift, grant, devise, bequest, exchange, purchase, lease, or any other lawful method, the fee or any lesser interest in real or personal property *for use by the county* or any department, board, commission, or agency of the county. . . .

Section 160A-274(b) reads:

Any governmental unit may, upon such terms and conditions as it deems wise, with or without consideration, exchange with, lease to, lease from,

sell to, purchase from, or enter into agreements regarding the joint use by any other governmental unit of any interest in real or personal property that it may own.

The Court of Appeals rejected Stanly County's argument that these two statutes, interpreted expansively, authorize the county's purchase of property for a state prison. Both statutes place a limit on who may use the property purchased by the county. Section 153A-158 requires use by the county or a department, board, commission or agency of the county. Section 160A-274(b) clearly refers to *joint use* with any other governmental unit. Applying "Dillon's Rule," the Court held that the plain language of both statutes "straightforwardly and unambiguously denies the County authority to make this transfer."

After the institution of this suit, Stanly County had a special statute passed by the General Assembly allowing it to acquire the land for a state prison.

ZONING: Fair Housing Act Applies to Zoning Decisions

Bryant Woods Inn, Inc. v. Howard County, Md.
911 F.Supp. 918 (D.Md. 1996)

Plaintiff (Bryant) operates two group homes providing housing and other services in a non-institutional setting to elderly persons with disabilities. Most of the residents suffer from Alzheimer's and related disabilities. One of the group homes had been used for up to eight residents. Plaintiff asked appropriate state officials to approve the home for up to fifteen residents. The state agencies involved denied the request because zoning approval had not been secured from the county zoning office. Zoning approval was denied for several reasons, including the intensified nature of the proposed use and parking problems.

Plaintiff commenced suit alleging violations of the Fair Housing Act. (The FHA does not specifically prohibit discrimination against the elderly, so the theory of the action was discrimination against the disabled. Most of the elderly residents of the group home suffered from mental disabilities.) The court granted the government agencies' motion for summary judgment holding that (1) the government actions in denying the expansion of the group home did not constitute intentional discrimination against persons with disabilities under the Fair Housing Law, (2) that

the plaintiff failed to state a viable claim under a disparate impact theory, and (3) that the government agencies had not failed to make reasonable accommodations for persons with disabilities. Thus, the court dismissed all possible theories of violation of the FHA: (1) the theory of intentional discrimination against persons with disabilities; (2) the theory of disparate impact upon persons with disabilities; and, (3) the theory of failure to make a "reasonable accommodation" for people with disabilities under the FHA.

Citing Fourth Circuit decisions, the court noted that state and local zoning and land use law is particularly the province of the State. Federal courts, therefore, should be wary of intervening in the area in the ordinary case. Cases involving questions of state and local land use and zoning law are classic examples of situations in which the exercise of federal review would be disruptive of state efforts to establish a coherent policy with respect to matters of public concern, and few matters of public concern are more substantial than zoning and land use laws.

However, when issues of local land use law also involve asserted causes of action under the Fair Housing Act, federal courts must intervene because that legislation provides direct federal relief for those aggrieved by discriminatory land use decisions of state and local governments. Fair Housing Act cases, therefore, are not examples of federal courts interfering with local law, nor are they examples of federal courts sitting as a zoning board of appeals.

ZONING: Zoning Decisions Subject to Scrutiny under the Americans with Disabilities Act and the Rehabilitation Act

Innovative Health Systems, Inc. v. White Plains, N.Y.

U.S. Court of Appeals, Second Circuit
No. 96-7797 6/26/97

The first federal appellate court to address the relationship between local zoning ordinances and federal laws prohibiting discrimination against the disabled has held that a zoning decision is subject to scrutiny under both the Americans With Disabilities Act and the Rehabilitation Act of 1973.

In this case, the plaintiff desired to relocate an outpatient drug and alcohol treatment center to a larger facility in downtown White Plains. The initial determination by a city official was that the proposed use was consistent with the location's zoning

classification. After significant opposition from other residents of the same building and from a nearby shopping mall, the Zoning Board of Appeals reversed the earlier decision. (Opponents had expressed concern for safety and a fear of falling property values.)

The U.S. Court of Appeals for the Second Circuit affirmed the trial court's determination that zoning decisions are covered activities within the purview of both Title II of the Americans With Disabilities Act (42 U.S.C. § 12132) and the Rehabilitation Act (29 U.S.C. § 794(a)). The federal district court issued a preliminary injunction of the Zoning Board of Appeals' action based on the plaintiff's claim that the denial of

a permit under these circumstances constituted illegal discrimination based on a disability.

The Americans With Disabilities Act and the Rehabilitation Act of 1973 invoke a sweeping series of civil rights protections for the disabled and can also have a significant impact in the right fact situation. In this case, for example, objections to the proposed outpatient drug and alcohol treatment center based on a general fear of the legally disabled patients who would use the center or based on a concern for decreasing property values would place this case in line with countless prior civil rights cases dealing with other targets of discrimination. **CP**

Tourism in Juneau . . . continued from page 50

tourist concerns; the establishment of a "year-round visitor industry"; and the rather nebulous goal of achieving a "sustainable balance with economic development in a natural environment" (City and Borough of Juneau, 1996).

The plan has become an important communication tool between the city and residents, and the draft version was posted on the Internet to inform residents and to solicit contributions and ideas from the public. Whether specific development and planning efforts will reflect the vision outlined in the plan remains to be seen.

Conclusion

Juneau's high environmental quality, strong tourist economy, and politically and physically active population provides a unique opportunity to study the issues and conflicts arising between tourism and the environment. Unlike many other cities, the natural environment in Juneau is constantly in the forefront of decision-making and political activity. The people and politicians in Juneau acknowledge the economic value of the environment, and understand that the environment that sustains such economic benefit must be protected if it is to continue providing these benefits.

CP

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Publication Reviews

New Urban News

Herbert Muschamp, architecture critic for the New York Times and frequent critic of the New Urbanism has written, "The Congress for the New Urbanism is the most important phenomenon to emerge in American architecture in the post-Cold War era." As evidence of the New Urbanism's coming of age, it now has its own newsletter, *New Urban News*. The newsletter represents an all-purpose information source on the topic, primarily aimed at practitioners: developers, planners, architects, elected officials, and others involved in urban planning and real estate development.

At first glance, perhaps most interesting is the fact that *New Urban News* is not published by the Congress for the New Urbanism (CNU), the official membership organization of the movement. Robert Steuteville, publisher of *New Urban News*, grew up in a traditional transit-oriented suburb outside of Philadelphia, and "intuitively sensed the importance of the streetscape and pedestrian scale of traditional communities." As a newspaper journalist, and former senior editor of *BioCycle* and *In Business* magazines (both environmentally-oriented), Steuteville had reported on neotraditional projects as early as 1989. His growing interest in the topic led him to launch *New Urban News* in May 1996.

In Steuteville's words, the purpose was "to create a substantive and concise newsletter focused directly on New Urbanism, and aimed at a professional audience." Like the movement itself, the publication has grown rapidly, from 100 subscribers in August 1996, to nearly 2,000 currently. In March 1997, an agreement was reached with CNU to provide the newsletter to all of its members. CNU gets two pages in each issue to communicate with its members, while Steuteville retains independent control over the remaining 14-18 pages.

New Urban News contains feature articles and short pieces covering surveys and updates of projects, real estate development topics (including sales, marketing, housing, retail, and mixed use

development), public policy issues, urban design, transportation (e.g., traffic calming), the environment, and information on upcoming events. Project profiles include detailed information on overall plans and progress to date, as well as graphics such as photographs, elevations and site plans. A "Resources" section in each issue gives snapshots of publications, videos, competitions, and organizations in some way tied to New Urbanism.

Three of the nine issues published thus far have included nationwide surveys of New Urbanism projects planned or under construction. While research and debates concerning New Urbanism continues to focus on three isolated developments (Seaside, Florida, Laguna West, California, and Kentlands, Maryland), *New Urban News* provides readers with information on 135 projects to consider, of which nearly half (64) are under construction. Armed with this information, researchers, developers, planners, and policy makers can go directly to the source to observe, measure, and evaluate New Urbanism in its many forms.

Other issues have featured local government applications of New Urbanism concepts; regionalism; infill development and inner city applications of New Urbanism; Canadian New Urbanism projects; legal issues surrounding dedication of civic space; the U.S. Department of Housing and Urban Development's (HUD) incorporation of New Urbanism in "Homeownership Zones" for affordable housing; and design standards, including an article on the *Traditional Neighborhood Development Street Design Guidelines*, released for comment by the Institute for Transportation Engineers (ITE).

Although it occasionally reports on relevant research findings, *New Urban News* is not an academic publication. A cynic might describe the newsletter as "promotional." But while the publisher has an obvious interest in the dissemination of New Urbanist ideas, and the success of the movement, the newsletter remains true to its goal of being "long on facts and short on opinion." If you're looking for critical research and analysis of New Urbanism, *New Urban News* will disappoint you. If, on the other hand, you're

looking for detailed, up-to-date, nationwide information on New Urbanism projects, developers, and municipal applications, this is the one and only source.

New Urban News can be reached at: P.O. Box 157, Emmaus, PA 18049. (610) 965-4623. E-mail: newurban@aol.com.

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Ecological Design

By Sim Van der Ryn and Stuart Cowan. Island Press, 1996. 194 pages.

Embracing slime molds as teachers and role models may give humankind a chance, according to *Ecological Design*. In this work, architect Sim Van der Ryn and complex systems specialist Stuart Cowan look to ecological models for ways our prodigal species can more successfully interact with a planet showing the strains of supporting our current ways of life. With real life examples and contemplative prose, the authors demonstrate how an ecologically-based way of thinking can sprout environmentally- and economically-sustainable designs for systems including places, technologies, and organizations.

Ecological Design is divided into two parts. In the first, the authors define design ("the intentional shaping of matter, energy and process to meet a perceived need or desire...a hinge that inevitably connects culture and nature"), describe sustainability, and explain how ecological design differs from the "dumb design" that "unfortunately surrounds us."

Van der Ryn and Cowan point out how natural systems achieve strength and cohesion through flows of energy and materials across scales. "The waste oxygen from blue-green algae is absorbed by a blue whale, whose own waste carbon dioxide feeds an oak tree." Seventeen tenfold jumps lie between the scale of photosynthesis (a ten-billionth of a meter) and that of the Earth itself (ten thousand kilometers). Yet, they are connected and influence and interact with each other.

In the second part of the book, the authors explore five general principles of ecological design:

Solutions grow from place. Sustainable solutions must arise from the unique conditions and culture of a specific place. Natural and cultural diversity yield

diverse design solutions, which in turn yield natural and cultural diversity. Van der Ryn and Cowan contrast the blunt tool of forest clear-cutting with the ancient Kwaakiutl culture's practice of "begging" lumber from living trees. The Kwaakiutl's intimate knowledge of local trees in the Pacific Northwest allowed them to wedge free, or "beg" individual boards from standing trees rather than kill them.

Ecological accounting informs design. Considering ecological costs and benefits in the design of systems can help lead to solutions that are ecologically benign or restorative. Ecological accounting is "a way of gathering information for making design decisions in the absence of (market) prices that accurately reflect overall ecological costs." The authors quote Paul Hawken's book, *The Ecology of Commerce*: "To create an enduring society, we will need a system of commerce and production where each and every act is inherently sustainable and restorative... Just as every act in an industrial society leads to environmental degradation, regardless of intention, we must design a system where the opposite is true, where doing good is like falling off a log, where the natural, everyday acts of work and life accumulate into a better world as a matter of course, not a matter of conscious altruism."

Design with nature. Ecological design means exploring what natural systems will allow or facilitate, focusing on what you leave intact instead of what you alter, and as Ian McHarg has urged, imagining what a landscape wants to be. One example is constructing marshes rich with duckweed and other plants, which can effectively purify wastewater while providing wildlife habitat and performing other vital natural functions.

Everyone is a designer. Everyone has some place-specific knowledge that can be applied to design. Community projects are a means for involving citizens in community design issues and tapping their knowledge. Children at a public school in the Bronx learned about ecology by helping to restore a nearby wetland and meadow on the Bronx River. A teacher remarked, "Planting, mulching and watering became an adventure... Our project... helped develop leadership and communication skills among the sixth graders from various ethnic backgrounds."

(continued on page 57)

Master's Projects

The following is a list of Master's Projects prepared by students who graduated from the Department of City and Regional Planning at UNC-Chapel Hill in 1997. To obtain a copy of one or more of these projects, please contact Patricia Coke at (919) 962-4784.

Of Human Resources, Human Capital, and the White-Collar Proletariat: Low-Skilled Workers and Quality Employment. **Joseph Bamberg.**

The Promise of Micro-Enterprise Development: The Experiences of Good Work and CSEP (1992-1995). **Amy Bonitz.**

The Role of Manufacturing in Local Economies. **Kenneth Alan Bowers.**

An Examination of the Vulnerability of Surface Water Supplies to Accidental Spills During the Transportation of Hazardous Materials in North Carolina. **Calvin Anthony Chow.**

A Companion Piece to Five Years of Progress. 110 Communities Where ISTEAs are Making a Difference. **Joseph Rubin DiStefano.**

A Guide to Preparing Section 409 State Natural Hazard Mitigation Plans. **Robert Matthew Goebel.**

Pushing the Limits: Conflict and Planning On The Urban Fringe Case Study of Small area Planning for the Northern Transition Areas of Carrboro, North Carolina. **Jennifer Ann Goldman.**

Planning for North Carolina's Wetlands Restoration Program: Lessons from Other States. **Ann Eberhart Goode.**

A Common Geometry: Realizing the Benefits of Regional Cooperation in the Research Triangle Region of North Carolina. **Benjamin Gardner Hitchings.**

Development Translations: Bringing the Grameen Bank's Peer Lending Model to North Carolina. **Diane Levy.**

Social Marketing as a Tool for Social Change. **Kathryn Leigh McGinnis.**

Can The Mountains Get Any Higher? High Tech in Rockbridge: Research Parks and Rural Economic Development. **Theodore Harmon Noell.**

The Revitalization of Urban Neighborhood Commercial Areas: A Look at West Chapel Hill Street, Durham, NC. **Kara Lise Norman.**

A Companion Piece to Five Years of Progress. 110 Communities Where ISTEAs are Making a Difference. **Matthew David Raimi.**

A Development Management Program for Implementing a Neighborhood and Urban Transit-Oriented Development in Orange County, North Carolina. **Stephan Mark Rodiger.**

Economic Development Incentives in North Carolina. **Joanne Louise Scharer.**

Triangle Feeder Bus Route System. **Kimberly Michelle Sledge.**

An Overview of Interstate Coordination Mechanisms for Water Basin Management and an Examination of the Alabama-Coosa-Talapoosa and Apalachicola-Chattahoochee-Flint River Basin Compacts. **Matthew Gerard St. Amand.**

Clean Air Act Conformity in North Carolina: Moving From Procedural Hurdle to Planning Tool. **John David Tallmadge.**

Community Learning and Action: Strategies for Collaborative Service Delivery. **Mary Hayden Tippens.**

An Analysis of Real Estate Conditions in Kyiv and Their Implications for City Planning. Natalie Oksana Trojan.

Neighborhood Revitalization: A Case Study of the Walltown Neighborhood. Elizabeth Dyar Warmerdam.

The Real Estate Impacts of Business Incubators. Lish Richard Whitson.

Franklin Park: A Case Study. Tara Lynnette Wright.

Ecological Design . . . continued from page 55

Make nature visible. Ecological design brings nature as teacher to the front of the room as a reminder that it is not a separate, wild thing bounded within wilderness preserves. Day-to-day experience with natural processes "illuminates the very flows that sustain us."

At the core of Van der Ryn and Cowan's writing is a humility stemming from the growing realization of the limits to what we can know and manage. "Chaos theory tells us that even if we have an exact and deterministic model of a system that is completely closed to outside influences, we may have no hope of predicting its behavior beyond a certain time scale. The systems we deal with as decision-makers and citizens are messier... We may be tempted to homogenize differences in order to control and manage complexity." Instead, the authors suggest that, "like a good garden," we should interweave nature and culture.

Ecological Design is a revolutionary, visionary work. Ecological design is about making a fundamental psychological and physical move into nature, listening

to its intelligence, and using it. Its message is positive: We are here on Earth to become who we are meant to be, a part of it. To Van der Ryn and Cowan, accepting the rules of nature's house opens doors to its exquisite and ample wisdom. "Engaging in processes that regenerate rather than deplete, we become more alive."

Van der Ryn and Cowan provide a solid introduction and conceptual foundation for ecological design, not a cookbook. And while their theoretical postulates may put off praxis-oriented planners, the authors use well-chosen, concrete examples to reinforce their points and swing open plenty of doors to finer grain investigation with thorough and numerous references.

Ecological Design can be ordered from Island Press Box 7, Covelo, CA 95428; (800)828-1302. <http://www.islandpress.com>. \$19.95 paperback (\$24.20 postpaid).

Susan Hass is a planner with the Sustainable Development Initiative at the Minnesota Environmental Quality Board.

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