

# MODERNIZING STATE PLANNING AND ZONING ENABLING STATUTES: A COURSE SYLLABUS

## COURSE DESCRIPTION AND OBJECTIVES

Across the country, numerous states have recently modernized, or are now considering, modernizing their laws that govern planning and zoning. Few of the graduate planning programs in the United States have courses with strong components on planning statute reform. Planning law courses often focus on constitutional law, both state and federal, to the exclusion of state statutory frameworks. Law schools do not typically offer courses in the statutory reform of planning and zoning enabling statutes.

If programs of planning and law are strengthened in this regard, more and more graduates would be better prepared to contribute to the statute modernization movement. For this reason, the Growing Smart project of the American Planning Association has prepared this course outline to help educators in the nation's planning and law schools to fashion courses that educate students in planning statute reform. Specific objectives of the course are as follows:

- Track the historical development of planning and zoning enabling statutes in the United States.
- Alert students to the presence of statutory and administrative frameworks, and to learn where statutes and rules are located and how they influence system design.
- Provide an evaluation of the leading state growth management systems.
- Understand how bureaucracies work and why system design is important in influencing the outcomes of programs.

## ORGANIZATION

The syllabus is organized for a semester of approximately 14 weeks, including final exam week, with three hours of meeting time per week (Some programs use a 10-week quarter system). The course includes two examinations and one term paper assignment.

## TEXTBOOKS

### Required:

American Planning Association. 1996. *Modernizing State Planning Statutes: The Growing Smart Working Papers, Volume 1*. Planning Advisory Service Report No. 462/463. Chicago: American Planning Association. (10 papers assigned)

American Planning Association. 2000. *Growing Smart Legislative Guidebook: Model Statutes for Planning and the Management of Change. Final Edition*. Chicago: American Planning Association.

### Recommended Textbooks (significant portions assigned):

American Planning Association. 1998. *Modernizing State Planning Statutes: The Growing Smart Working Papers, Volume 2*. Planning Advisory Service Report No. 480/481. Chicago: American Planning Association.

Burby, Raymond J., and Peter J. May, with Philip R. Berke, Linda C. Dalton, Steven P. French, and Edward J. Kaiser. 1997. *Making Governments Plan: State Experiments in Managing Land Use*.

Freilich, Robert H. 1999. *From Sprawl to Smart Growth: Successful Legal, Planning, and Environmental Systems*. Chicago: American Bar Association.

Kelly, Eric Damian. 1993. *Managing Community Growth: Policies, Techniques, and Impacts*. Westport: Praeger.

Nelson, Arthur C., and James B. Duncan. 1995. *Growth Management Principles and Practices*. Chicago: Planners Press.

Porter, Douglas. 1997. *Managing Growth in America's Communities*. Washington, DC: Island Press.

Weitz, Jerry. 1999. *Sprawl Busting: State Programs to Guide Growth*. Chicago: Planners Press.

Other readings include: selected portions of books; several articles published in the *Journal of the American Planning Association*, *Planning* magazine articles, and articles from various other journals in planning (e.g., *Journal of Planning Literature*) and law journals (e.g., *The Urban Lawyer*).

## ASSIGNMENT

In addition to midterm and final examinations, each student will complete a term paper. A recommended assignment follows this course syllabus outline.

## WEEK 1. OVERVIEW OF PLANNING AND ZONING ENABLING LEGISLATION

**Topics:** The first week serves as a course introduction. Week 1 provides an historical context with a description of state planning and zoning enabling statutes, as well as, early model statutes and their implementation by states (Meck 1996). To provide context for the course, students are introduced to the purposes of growth management by reading introductory chapters in different texts (Freilich 1999; Weitz 1999; Porter 1997; Nelson and Duncan 1995; Kelly 1993). Together, these chapters introduce the problems of urban sprawl and the need for growth management.

### Primary Readings:

Katz, Bruce, and Jennifer Bradley. December 1999. Divided We Sprawl. *Atlantic Monthly*. View online: <http://www.theatlantic.com/issues/99dec/9912katz.htm>.

Meck, Stuart. 1996. Model Planning and Zoning Enabling Legislation: A Short History. In *Modernizing State Planning Statutes: The Growing Smart Working Papers, Volume 1*.

Freilich, Robert H. 1999. *From Sprawl to Smart Growth: Successful Legal, Planning, and Environmental Systems*. Chapter 1, "The Emerging Problem of Sprawl," pp. 1-14, and Chapter 2, "The Need for Smart Growth," pp. 15-38. Chicago: American Bar Association.

Weitz, Jerry. 1999. *Sprawl Busting: State Programs to Guide Growth*. Chapter 1 (part), "Introduction," pp. 1-10, and Chapter 2 (part), "Historical Framework," pp. 21-37. Chicago: Planners Press.

Porter, Douglas. 1997. *Managing Growth in America's Communities*. Chapter 1, "Introduction to Growth Management," pp. 1-13. Washington, DC: Island Press.

Nelson, Arthur C., and James B. Duncan. 1995. *Growth Management Principles and Practices*. Chapter 1, "The Purposes of Growth Management," pp. 1-18. Chicago: Planners Press.

### **Secondary Readings:**

Forrest, Clyde. 1996. Interfaces for Model Planning and Zoning Legislation. In *Modernizing State Planning Statutes: The Growing Smart Working Papers, Volume 1*.

Nolon, John R. 1996. Accommodating Home Rule in State Land-Use Reform. In *Modernizing State Planning Statutes: The Growing Smart Working Papers, Volume 1*.

American Law Institute. 1976. *Model Land Development Code*.

Merten, Patrick E. 1997. Do Statewide Planning and the Consistency Concept Infringe on Home Rule Authority? *Journal of Planning Literature* 11, 4: 564-573.

Burchell, Robert W. 1997. Economic and Fiscal Costs (and Benefits) of Sprawl. *The Urban Lawyer* 29, 2: 159-180.

Freilich, Robert H., and Bruce G. Peshoff. 1997. The Social Costs of Sprawl. *The Urban Lawyer* 29, 2: 183-198.

## **WEEK 2. OVERVIEW OF STATE GROWTH MANAGEMENT PROGRAMS**

**Topics:** This lecture will introduce various state growth management programs established during the 1970s through the mid-1990s. Specific topics include the consistency framework, plan review structures; local planning technical assistance; intergovernmental frameworks; and equity issues in growth management. A one-hour laboratory exercise in locating state planning and zoning enabling statutes is recommended. Students will review selected statutes online.

### **Primary Readings:**

DeGrove, John M. 1993. The Emergence of State Planning and Growth Management Systems: An Overview. In *State & Regional Comprehensive Planning: Implementing New Methods for Growth Management*, edited by Peter A. Buchsbaum and Larry J. Smith, pp. 3-17 (Chapter 1). Chicago: American Bar Association.

Porter, Douglas. 1997. *Managing Growth in America's Communities*. Chapter 8 (part), "State Growth Management," pp. 243-260. Washington, DC: Island Press.

Kelly, Eric Damian. 1993. *Managing Community Growth: Policies, Techniques, and Impacts*. Chapter 6, "Statewide Efforts to Manage Growth," pp. 101-127. Westport: Praeger.

Nelson, Arthur C., and James B. Duncan. 1995. *Growth Management Principles and Practices*. Chapter 2, "State and Regional Growth Management Approaches," pp. 19-36. Chicago: Planners Press.

Weitz, Jerry. 1999. From Quiet Revolution to Smart Growth: State Growth Management Programs, 1960 to 1999. Council of Planning Librarians Bibliography 355/356/357. *Journal of Planning Literature* 14, 2: 267-338. Text narrative only.

Weitz, Jerry. 1999. *Sprawl Busting: State Programs to Guide Growth*. (Chicago: American Planning Association). Chapter 8, "Plan Review Structures and Principles," pp. 187-214; Chapter 10, "Funding and Technical Assistance," pp. 245-271, and Chapter 11, "Intergovernmental Frameworks," pp. 273-287.

Pendall, Rolf. 2000. Local Land Use Regulation and the Chain of Exclusion. *Journal of the American Planning Association* 66, 2: 125-142.

Downs, Anthony, and David R. Godschalk. 1992. Growth Management: Satan or Savior? ("Regulatory Barriers to Affordable Housing," by Anthony Downs, and "In Defense of Growth Management," by David R. Godschalk). *Journal of the American Planning Association* 58, 4: 419-424.

Oregon Revised Statutes, Comprehensive Land Use Planning Coordination (ORS 197). View online: <http://www.lcd.state.or.us/backinfo/statutes.htm>.

Washington Growth Management Act. View online: <http://www.cted.wa.gov/info/lgd/growth/law/index.html>.

### **Secondary Readings:**

Stroud, Nancy. 1996. State Review and Certification of Local Plans. In *Modernizing State Planning Statutes: The Growing Smart Working Papers, Volume 1*.

Lincoln, Robert. 1996. Implementing the Consistency Doctrine. In *Modernizing State Planning Statutes: The Growing Smart Working Papers, Volume 1*.

May, Peter J. 1993. Mandate Design and Implementation: Enhancing Implementation Efforts and Shaping Regulatory Styles. *Journal of Policy Analysis and Management* 12, 4: 634-663.

Wickersham, James H. 1994. The Quiet Revolution Continues: The Emerging New Model for State Growth Management Statutes. *Harvard Environmental Law Review* 18: 489-548.

Kelly, Eric Damian. 1989. State Laws on Growth Management. *Land Use Law and Zoning Digest* 41, 10: 3-8.

Porter, Douglas R. 1993. State Growth Management: The Intergovernmental Experiment. *Pace Law Review* 13, 2: 481-503.

### **WEEK 3. RECENT EFFORTS AT MODERNIZATION**

**Topics:** Growing Smart project – purpose and materials; Recent efforts in states, including Arizona, Tennessee, and Wisconsin; Activities in other states during the 1990s. Students will use online resources to view current laws in selected states.

### **Primary Readings:**

*Growing Smart Legislative Guidebook*: preface and introduction.

American Planning Association. 2000. *Planning Communities for the 21<sup>st</sup> Century*. View online: <http://www.planning.org/plnginfo/GROWSMAR/gindex.html>.

Salkin, Patricia E. 1999. Smart Growth at Century's End: The State of the States. *The Urban Lawyer* 31, 3: 601-647.

Salkin, Patricia. 1992. Political Strategies for Modernizing Land-Use Statutes. *Land Use Law and Zoning Digest* 44, 8: 3-6.

Tennessee's Public Law 1101. View online: <http://www.ips.utk.edu/growthpolicy/toc.html>.

Arizona Growing Smarter Plus Legislation (Senate Bill 1001 and Concurrent Senate Resolution 1001). View online: <http://www.azplanning.org/>.

Smart Growth in Maryland. View online: <http://www.op.state.md.us/smartgrowth/index.html>.

South Carolina Local Government Comprehensive Planning Enabling Act of 1994. View online: <http://www.scapa.org/>.

Wisconsin Laws (various). View summaries online: <http://www.uwm.edu/Org/wapa/law/law.htm>.

### **Secondary Readings:**

American Planning Association. 1998. From the States. Tennessee: Legislative Coup. *Planning* 64, 7: 32-33.

English, Mary, Jean Peretz, and Melissa Manderschied. 1999. Smart Growth for Tennessee Towns and Counties: A Process Guide. View online: <http://www.ips.utk.edu/growthpolicy/toc.html>.

Colton, Arlan M., and John D. DiTullio. 1999. Arizona Gets Religion. *Planning* 65, 2: 4-8.

Meck, Stuart. 1997. Rhode Island Gets It Right. *Planning* 63, 11: 10-15.

Black, Jared B. 1998. The Land Use Study Commission and the 1997 Amendments to Washington State's Growth Management Act. *Harvard Environmental Law Review* 22, 2: 559-606.

Winstead, David L. 1998. Smart Growth, Smart Transportation: A New Program to Manage Growth in Maryland. *The Urban Lawyer* 30: 537.

### **WEEK 4. SPECIAL TOPICS IN STATE PLANNING LEGISLATION**

**Topics:** State administrative agencies and commissions; State comprehensive plans and statewide planning goals; State functional plans; State agency coordination and strategic plans; State facility siting programs; and areas of critical state concern. Students will view the New Jersey State Development and Redevelopment Plan and Oregon's statewide planning goals.

### **Primary Readings:**

Rohse, Mitch. 1996. Recommendations for the Role and Structure of State Planning Agencies. In *Modernizing State Planning Statutes: The Growing Smart Working Papers, Volume 1*.

Porter, Douglas. 1996. State Agency Coordination in State Growth Management Programs. In *Modernizing State Planning Statutes: The Growing Smart Working Papers, Volume 1*.

Berry, James. 1996. Areas of Critical State Concern. In *Modernizing State Planning Statutes: The Growing Smart Working Papers, Volume 1*.

*Growing Smart Legislative Guidebook*: Chapter 4, State Planning, pp. 4-1 to 4-59 and 4-106 to 4-133; and Chapter 5, State Land-Use Control, pp. 5-1 to 5-44.

*Communities of Place: The New Jersey State Development and Redevelopment Plan*. View online: <http://www.state.nj.us/osp/ospplan.htm>.

Oregon Statewide Planning Goals. View Online: <http://www.lcd.state.or.us/backinfo/goals.htm>.

**Secondary Readings:**

Weitz, Jerry. 1999. *Sprawl Busting: State Programs to Guide Growth*. (Chicago: American Planning Association). Chapter 6, pp. 135-152.

DeGrove, John M. 1988. Critical Area Programs in Florida: Creative Balancing of Growth and the Environment. *Washington University Journal of Urban and Contemporary Law* 34, 1: 51-97.

**WEEK 5. PLANNING LEGISLATION FOR REGIONS****Topics:**

Developments of Regional Impact (DRI); Substate regional approaches; Regional planning agencies and commissions; Regional plans; Urban growth areas.

**Primary Readings:**

Morris, Marya. 1996. Approaches to Regulating Developments of Regional Impact. In *Modernizing State Planning Statutes: The Growing Smart Working Papers, Volume 1*.

*Growing Smart Legislative Guidebook*, Chapter 5, "State Land-Use Control," pp. 5-45 to 5-65, and Chapter 6, "Regional Planning," pp. 6-1 to 6-59 and 6-85 to 6-107.

Nelson, Arthur C. 1994. Oregon's Urban Growth Boundary Policy as a Landmark Planning Tool. In *Planning the Oregon Way: A Twenty-Year Evaluation*, edited by Carl Abbott, Deborah Howe, and Sy Adler. Chapter 2, pp. 25-47. Corvallis: Oregon State University Press.

Knaap, Gerrit, and Arthur C. Nelson. 1992. *The Regulated Landscape: Lessons on State Land Use Planning from Oregon*. Chapter 2, Urban Growth Boundaries and Urban Growth Management, pp. 39-68. Cambridge: Lincoln Institute of Land Policy.

Easley, V. Gail. 1992. *Staying Inside the Lines: Urban Growth Boundaries*. Planning Advisory Service Report No. 440. Chicago: Planners Press.

**Secondary Readings:**

Starnes, Earl M. 1993. Substate Frameworks for Growth Management. In Jay M. Stein, ed., *Growth Management: The Planning Challenge of the 1990s* (Newbury Park: Sage).

Ndubisi, Forster, and Mary Dyer. 1992. The Role of Regional Entities in Formulating and Implementing Statewide Growth Policies. *State and Local Government Review* 24: 117-127.

Weitz, Jerry. 1999. *Sprawl Busting: State Programs to Guide Growth*. (Chicago: American Planning Association). Chapter 7, "Regional Planning Structure," pp. 153-164.

Porter, Douglas. 1997. *Managing Growth in America's Communities*. "Regional Growth Management." Chapter 8 (part), pp. 219-242. Washington, DC: Island Press.

Leo, Christopher. 1998. Regional Growth Management Regime: The Case of Portland, Oregon. *Journal of Urban Affairs* 20, 4: 363-394.

## WEEK 6. LOCAL PLANNING LEGISLATION

**Topics:** Local planning agencies; local planning commissions; local comprehensive plans, generally; and local comprehensive plan elements.

### Primary Readings:

*Growing Smart Legislative Guidebook*, Chapter 7, "Local Planning," pp. 7-1 to 7-281.

### Secondary Readings:

Weitz, Jerry. 1999. *Sprawl Busting: State Programs to Guide Growth*. (Chicago: American Planning Association). Chapter 7, pp. 164-176.

## WEEK 7. LOCAL LAND DEVELOPMENT REGULATION

**Topics:** Zoning ordinances, land subdivision regulations, land development regulations, exactions and impact fees, and growth management techniques. Smart Growth audits of local land development regulations.

### Primary Readings:

*Growing Smart Legislative Guidebook*, Chapter 8, Local Land Development Regulation, and Chapter 11, Enforcement of Land Development Regulations.

Kaiser, Edward J., and David R. Godschalk. 1995. Twentieth Century Land Use Planning: A Stalwart Family Tree. *Journal of the American Planning Association* 61, 3: 365-385.

Avin, Uri P., and David R. Holden. 2000. Does Your Growth Smart? *Planning* 66, 1: 26-29.

Lewis, Sylvia. 1990. The Town That Said No to Sprawl. *Planning* 55, 4: 14-19. Also reprinted in John M. DeGrove, ed., *Balanced Growth: A Planning Guide for Local Government*, pp.18-26. (Washington, DC: International City Management Association, 1991).

Nelson, Arthur C., ed. 1988. *Development Impact Fees: Policy Rationale, Practice, Theory, and Issues*. Chapter 10, "The need for a Standard Impact Fee Enabling Act," Chapter 11, "A Standard Development Impact Fee enabling Statute," and Chapter 13, "A Model Impact Fee Authorization Statute," pp. 121-141 and 156-161. Chicago: Planners Press.

Leitner, Martin L., and Susan P. Schoettle. 1993. A Survey of State Impact Fee Enabling Legislation. *The Urban Lawyer* 25, 3: 491-518.

### Secondary Readings:

Kelly, Eric Damian. 1993. *Managing Community Growth: Policies, Techniques, and Impacts*. Chapter 2, "Growth Management Context," pp. 7-25, Chapter 3, "Early Growth Management Activity," pp. 27-41, and Chapter 4, "Types of Contemporary Growth Management Regulations," pp. 43-71. Westport: Praeger.

Porter, Douglas R. 1998. Flexible Zoning: A Status Report on Performance Standards. *Zoning News* January: 1-4.

ECONorthwest, Pacific Rim Resources, and J. Richard Forester. 1995. *Tools of the Trade*. Salem, OR: Department of Land Conservation and Development. View on-line:

<http://www.lcd.state.or.us/issues/tgmweb/index-f.htm>.

## **WEEK 8. MID-TERM EXAM. SPECIAL TOPICS I: NATURAL HAZARDS AND GEOGRAPHIC INFORMATION SYSTEMS**

**Topics:** Planning and regulation for natural hazards reduction; geographic information systems and their role in local planning and state planning programs.

### **Primary Readings:**

Godschalk, David R., Edward J. Kaiser, and Philip R. Berke. 1998. Integrating Hazard Mitigation and Local Land-Use Planning. In *Modernizing State Planning Statutes: The Growing Smart Working Papers, Volume 2*.

Bollens, Scott. 1998. Land Supply Monitoring Systems. In *Modernizing State Planning Statutes: The Growing Smart Working Papers, Volume 2*.

Berke, Philip R. 1998. Reducing Natural Hazards Risks through State Growth Management. *Journal of the American Planning Association* 64, 1: 76-87.

Steffenson, John. 1996. Uncle Sam, Map Maven. *Planning* 62, 7: 14-17.

Kent, Robert B., and Richard E. Klosterman. 2000. GIS and Mapping: Pitfalls for Planners. *Journal of the American Planning Association* 66, 2: 189-198.

Heikkila, Eric J. 1998. GIS is Dead: Long Live GIS! *Journal of the American Planning Association* 64, 3: 350-360.

Budic, Zorica D. 1994. Effectiveness of Geographic Information Systems in local Planning. *Journal of the American Planning Association* 60, 2: 244-263.

### **Secondary Readings:**

Nedovic-Budic, Zorica. 1998. Evaluating the Effects of GIS Technology. Review of Methods. *Journal of Planning Literature* 13, 2: 284-289.

Kollin, Cheryl, Lisa Warnecke, Winifred Lyday, et al. 1998. Growth Surge: Nationwide Survey Reveals GIS Soaring in Local Governments. *Geo Info Systems* 8, 2: 24-30.

Levine, Jonathan, and John D. Landis. 1989. Geographic Information Systems for Local Planning. *Journal of the American Planning Association* 55, 2: 209-220.

## **WEEK 9. SYSTEMS CRITIQUES**

**Topics:** Federal and state studies; Conservative critiques; Takings legislation; State property rights laws.

### **Primary Readings:**

Staley, Samuel R., Jefferson G. Edgens, and Gerard C. S. Mildner. 1999. *A Line in the Land: Urban-Growth Boundaries, Smart Growth, and Housing Affordability*. Los Angeles: Reason Foundation.

Staley, Samuel R. 1999. *The Sprawling of America: In Defense of the Dynamic City*. Los Angeles: Reason Foundation.

Lewis, Sylvia. 1992. Goodbye, Ramapo. Hello, Yakima and Isle of Palms. *Planning* 58, 7: 9-16.

Steiner, Frederick. 1994. Sprawl Can Be Good. *Planning* 60, 7: 14-17.

Thomas, D. A. 1996. The Illusory Restraints and Empty Promises of the New Property Protection Laws. *The Urban Lawyer* 28: 222.

### **Secondary Readings:**

Tibbetts, John. 1996. Takings Laws Just Won't Die. *Planning* 62, 2: 16-17.

Strong, Ann Louise, Daniel R. Mandelker, and Eric Damian Kelly. 1996. Property Rights and Takings. *Journal of the American Planning Association* 62, 1: 5-16.

Jacobs, Harvey M. 1998. The Impact of State Property Rights Laws: Those Laws and My Land. *Land Use Law and Zoning Digest* 50, 3: 3-8.

Audirac, Ivonne, Anne H. Shermeyen, and Marc T. Smith. 1990. Ideal Urban Form and Visions of the Good Life: Florida's Growth Management Dilemma. *Journal of the American Planning Association* 56, 4: 470-482.

Gordon, Peter, and Harry W. Richardson. 1997. Are Compact Cities a Desirable Planning Goal? *Journal of the American Planning Association* 63, 1: 95-106.

## **WEEK 10: RULEMAKING AND THE OPERATION OF BUREAUCRACIES**

**Topics:** The functions of rulemaking; Relating bureaus to their environment; Internal characteristics and structures of bureaus; Administrative behavior of bureau chiefs; Powers of bureaucracies; Downs' hypotheses about bureaus.

### **Primary Readings:**

Oregon Administrative Rules for Land Use Planning (Department of Land Conservation and Development, 660). See especially the following: Division 4: Goal 2 Exceptions Process; Division 25, Periodic Review; and Division 30, State Agency Coordination Programs. For substantive areas, see also: Division 7, Metropolitan Housing; Division 11, Public Facilities Planning; and Division 12, Transportation Planning. View rules online: <http://www.lcd.state.or.us/backinfo/oars.htm>.

Georgia Department of Community Affairs, Office of Coordinated Planning. Chapter 110-12-1 Minimum Standards and Procedures for Local Comprehensive Planning. View online: [http://www.dca.state.ga.us/planning/ocp\\_rules/cover.html](http://www.dca.state.ga.us/planning/ocp_rules/cover.html).

Washington Administrative Code (not online) - Procedural criteria for adopting comprehensive plans and development regulations - Chapter 365-190 WAC. Also see: Minimum guidelines to classify agriculture, forest, mineral lands and critical areas - Chapter 365-195 WAC.

Florida Administrative Code, Rule 9J-5. View Online: <http://www.dca.state.fl.us/fdcp/DCP/Resources/Legislation/index.htm>

### **Secondary Readings:**

Starnes, Earl M. 1986. Florida's Minimum Criteria Rule. pp. 69-82 (Chapter VI) in *Perspectives on Florida's Growth Management Act of 1985*, edited by John M. DeGrove and Julian Conrad Juergensmeyer. Cambridge: Lincoln Institute of Land Policy Monograph #86-5.

Downs, Anthony. 1967. *Inside Bureaucracy*. Boston: Little, Brown and Co.

## WEEK 11. SPECIAL TOPICS II: HOUSING

**Topics:** New Jersey's fair share system; housing appeals laws in Connecticut, Massachusetts, and Rhode Island; federal studies on regulatory barrier removal; permit streamlining; Smart growth and relationship to housing.

### Primary Readings:

Moskowitz, Harvey S. 1996. State and Regional Fair-Share Housing Planning. In *Modernizing State Planning Statutes: The Growing Smart Working Papers, Volume 1*.

Salsich, Jr., Peter W. 1996. Housing Appeals Boards: Changing Presumptions about Affordable Housing. In *Modernizing State Planning Statutes: The Growing Smart Working Papers, Volume 1*.

*Growing Smart Legislative Guidebook*, chapter 4, State Planning, pp. 4-59 to 4-106 and 4-126 to 4-133.

Advisory Commission on Regulatory Barriers to Affordable Housing. 1991. *"Not In My Back Yard: Removing Barriers to Affordable Housing"*. Report to President Bush and Secretary Kemp. Washington, DC: U.S. Department of Housing and Urban Development.

Oregon Transportation and Growth Management Program. 1998. *The Principles of Smart Development*. Planning Advisory Report No. 479. Chicago: American Planning Association.

### Secondary Readings:

Connerly, Charles E., and Nancy A. Muller. 1993. Evaluating Housing Elements in Growth Management Comprehensive Plans. In Jay M. Stein, ed., *Growth Management: The Planning Challenge of the 1990s*. Newbury Park: Sage.

Knaap, Gerrit, and Arthur C. Nelson. 1992. *The Regulated Landscape: Lessons on State Land Use Planning from Oregon*. Chapter 3, Land Use Controls as State Housing Policy Instruments, pp. 69-97. Cambridge: Lincoln Institute of Land Policy.

Danielsen, Karen A., Robert E. Lang, and William Fulton. 1999. Retracting Suburbia: Smart Growth and the Future of Housing. *Housing Policy Debate* 10, 3: 513-540.

Easterbrook, Gregg. 1999. Comment on Karen A. Danielsen, Robert E. Lang, and William Fulton's "Retracting Suburbia: Smart Growth and the Future of Housing." *Housing Policy Debate* 10, 3: 541-547.

Carliner, Michael S. 1999. Comment on Karen A. Danielsen, Robert E. Lang, and William Fulton's "Retracting Suburbia: Smart Growth and the Future of Housing." *Housing Policy Debate* 10, 3: 549-553.

Abbott, Carl. 1997. The Portland Region: Where City and Suburbs Talk to Each Other—and Often Agree. *Housing Policy Debate* 8, 1: 11-51.

## WEEK 12. SPECIAL TOPICS III: REDEVELOPMENT, RENEWAL, TAXATION

**Topics:** Problems of central cities; Redevelopment authorizations (enterprise zones, tax increment financing, urban renewal, and other forms of tax abatement); Revitalization programs; Analysis of the programmatic impacts of tax abatement and enterprise zones.

**Primary Readings:**

Mandleker, Daniel R., Gary Feder, and Margaret P. Collins. 1980. *Reviving Cities with Tax Abatement*. New Brunswick, NJ: Rutgers University Center for Urban Policy Research.

Wilder, Margaret G., and Barry M. Rubin. 1996. Rhetoric versus Reality: A Review of Studies on State Enterprise Zone Programs. *Journal of the American Planning Association* 62, 4: 473-491.

Buchsbaum, Peter A. 1998. Retrofitting Edge Cities into Centers. *Land Use Law and Zoning Digest* 50, 6: 3-9.

Ross, Catherine L., and Nancey Green Leigh. 2000. Planning, Urban Revitalization, and the Inner City: An Exploration of Structural Racism. *Journal of Planning Literature* 14, 3: 367-380.

Homsy, George. 1998. Bouncing Back. *Planning* 64, 3: 12-14.

Downs, Anthony. 1997. The Challenge of Our Declining Big Cities. *Housing Policy Debate* 8, 2: 359-408.

Moss, Mitchell L. 1997. Reinventing the Central City as a Place to Live and Work. *Housing Policy Debate* 8, 2: 471-490.

**Secondary Readings:**

Cuomo, Andrew. 1995. U.S. Seeks To Rebuild Battered Inner Cities. *Forum for Applied Research and Public Policy* 10, 4: 92-95.

Rubin, Barry M. 1995. Enterprise Zones: Cure for Urban Ills? *Forum for Applied Research and Public Policy* 10, 4: 101-105.

Wolf, Michael Allan. 1995. Urban Areas Seek New Paths to Prosperity. *Forum for Applied Research and Public Policy* 10, 4: 84-91.

Keating, W. Dennis, and Norman Krumholz, eds. 1999. *Rebuilding Urban Neighborhoods: Achievement, Opportunities, and Limits*. Thousand Oaks, CA: Sage.

Moe, Richard, and Carter Wilkie. 1997. *Changing Places: Rebuilding Community in the Age of Sprawl*. New York: Henry Holt.

**WEEK 13: PROGRAM EVALUATION**

**Topics:** Evaluation of programs.

**Primary Readings:**

Burby, Raymond J., and Peter J. May, with Philip R. Berke, Linda C. Dalton, Steven P. French, and Edward J. Kaiser. 1997. *Making Governments Plan: State Experiments in Managing Land Use*. Chapter 1, "The States and Planning Mandates," pp. 1-23, Part II, "Mandating Design and Outcomes," pp. 77-134, Part III, "Prospects for Making Governments Plan," pp. 135-171, and Appendix, pp. 155-171.

Burby, Raymond J., Philip Berke, Linda C. Dalton, John M. DeGrove, Steven P. French, Edward J. Kaiser, Peter J. May and Dale Roenigk. 1993. Is State-Mandated Planning Effective? *Land Use Law and Zoning Digest* 45, 10: 3-9.

Weitz, Jerry. 1999. *Sprawl Busting: State Programs to Guide Growth*. Chapter 12, "Lessons, Criticisms, and Prescriptions," pp. 289-315. Chicago: American Planning Association.

Porter, Douglas. 1997. *Managing Growth in America's Communities*. "Balancing the Upsides and Downsides of Growth Management: Conclusions and Guidelines." Chapter 9, pp. 261-285. Washington, DC: Island Press.

Nelson, Arthur C., and James B. Duncan. 1995. *Growth Management Principles and Practices*. "Putting It All Together." Chapter 10, pp. 143-151.

Kelly, Eric Damian. 1993. *Managing Growth: Policies, Techniques, and Impacts*. Chapter 11, "Is Growth Management A Good Idea?" pp. 207-224. Westport: Praeger.

### **Secondary Readings:**

Burchell, Robert W. 1993. Issues, Actors, and Analyses in Statewide Comprehensive Planning. Application in New Jersey: Using the Models to Assess Statewide Comprehensive Planning Effects—The New Jersey Case. In *State & Regional Comprehensive Planning: Implementing New Methods for Growth Management*, edited by Peter A. Buchsbaum and Larry J. Smith, pp. 18-49 (Chapter 2). Chicago: American Bar Association.

Baer, William. C. 1997. General Plan Evaluation Criteria: An Approach to Making Better Plans. *Journal of the American Planning Association* 63, 3: 329-344.

Mazmanian, Daniel A., and Paul A. Sabatier. 1989. *Implementation and Public Policy*. New York: Lanham. Chapter 2, "A Framework for Implementation Analysis," pp. 18-48.

Talen, Emily. 1996. Do Plans Get Implemented? A Review of Evaluation in Planning. *Journal of Planning Literature* 10, 3: 248-259.

Meck, Stuart, and Laura Thompson. 1998. Benchmarking: Developing Report Cards for Planning. In *Modernizing State Planning Statutes: The Growing Smart Working Papers, Volume 2*.

Nelson, Arthur C., and David R. Peterman. 2000. Does Growth Management Matter? The Effect of Growth Management on Economic Performance. *Journal of Planning Education and Research* 19, 3: 277-285.

Nelson, Arthur C. 1995. Growth Management and the Savings and Loan Bailout. *The Urban Lawyer* 27, 1: 71-85.

Daniels, Thomas L., and Mark B. Lapping. 1984. Has Vermont's Land Use Control Program Failed? Evaluating Act 250. *Journal of the American Planning Association* 50, 4:502-508.

Daniels, Thomas L., and Arthur C. Nelson. 1986. Is Oregon's Farmland Preservation Program Working? *Journal of the American Planning Association* 52, 1: 22-32.

Deyle, Robert E., and Richard A. Smith. 1998. Local Government Compliance With State Planning Mandates: The Effects of State Implementation in Florida. *Journal of the American Planning Association* 64, 4: 457-469.

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**WEEK 14. FINAL EXAM; ASSIGNMENT DUE.**

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## ASSIGNMENT

The following recommendations are made regarding a term paper assignment.

1. Choice of State. Students will choose, or be assigned, one particular state for study. As an alternative, two states could be selected for a comparative analysis, although a comparative approach generally requires double the effort.
2. Paper specifications. Approximately 20 pages, double spaced, plus references.
3. Paper contents. There should be four major parts to the paper:
  - (a) First, based on a thorough review of the state's planning and zoning statute, the student will describe the status of the state's planning and zoning enabling statute with regard to its major features: relationship of local zoning and subdivision powers to comprehensive planning requirements; extent to which the statute is based on model statutes; intergovernmental structures (i.e., the relationship of local governments to regional and state administrative agencies and commissions, if any, charged with responsibilities for review and/or approval of plans); and the existence of any administrative rules relative to planning.
  - (b) Second, the student will describe the organization and functions of the state agency or commission that administers the state planning program. The student will ideally interview a state agency official in order to determine and generalize about the attitudes and behavior of the bureau. Based on knowledge about state agency functions typically assigned to the state planning agency, the student will identify state agency functions that are currently absent but recommended in order to meet the state's objectives for planning and zoning.
  - (c) Third, the student will select one functional area of the program for specific attention. Students may select housing, redevelopment, land use, urban growth, economic development, environmental protection, transportation, telecommunications, state facility siting, or another functional area of planning. The student will describe state roles and state plans, if any, the roles of regions, if any, and the required contents of local comprehensive plans with regard to that element, as appropriate. In addition to describing the planning roles in the functional area, students will recommend changes to the planning requirements and activities for that particular functional area.
  - (d) Fourth, the student will provide a general evaluation of the state program. Is the program based on antiquated enabling statutes? Does it provide for a proper role of planning? Is the state agency too weak or too strong? To what extent is statutory reform needed? To what extent is or should the consistency doctrine be applied? Are appropriate support roles for local planning provided? Generally, how successful has the program been in the past, and how will reforms increase the success of the program?
4. Timing of preparation. The recommended divisions of the paper generally correspond to the divisions of the course. Students should be encouraged to develop the first part of the paper during the first one-third of the course, the second part within the second part, and the evaluation during the latter third of the course.