

History of the Smarter Land Use Project

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History of the Smarter Land Use Project

1988	Regional Smart Growth Plans	→	Project level Smart Growth Plans
1991	Product Focus	→	Process Focus
1992	Focus Inward on the Project	→	Focus Outward on the Neighborhood
1995	Developer's design	→	Stakeholders' design
1997	Roles & Hats	→	Citizens & Neighbors
1999	Confrontation	→	Collaboration
2001	Damage Control	→	Enhancement
2002	Regulations	→	Guidelines
2005	Isolation	→	Community

Success – Mendham, New Jersey

Conflict: Large lot zone adjacent to village zone.

Solution: Relationships improved. Village zone expanded with conservation buffer. Master plan and ordinances updated.

In Mendham large lot zoning was changed to village zoning on a ninety acre tract adjacent to the village. Increases in density were allowed in return for setting aside 70 percent of the tract as a wildlife sanctuary and including affordable housing in the project. An old, washed out pond on the tract was rebuilt in the wildlife sanctuary and connected to the existing village and the new village annex with seven foot wide paved walkways.

“We were, I think, eight or nine at that first meeting. Then very quickly the group grew, almost doubled in size within the next couple of meetings and that’s because the people that were there thought of other people that should be there. We’re really moving streets around and moving buildings around. We have little model buildings that are to the scale of the aerial photo that we’re working on, and we’re pushing them here and there and talking about what we like about this configuration and what we like about that configuration.

We have had a number of visits to the site and we have walked around the town and talked amongst ourselves about what we liked and what we would like to replicate. The participants like that sort of thing. They keep referring back to those times we were on the property or that time we went and walked through the town. We are creating an on-going relationship amongst ourselves and I think that propels a lot of people to keep coming, because they’re enjoying it.

From my experience on the planning board and developing land use ordinances, I think it’s not possible to legislate the diversity that’s needed. I think there are people in every community who will see the need for a collaborative process and I do think this is the only way to do it!”

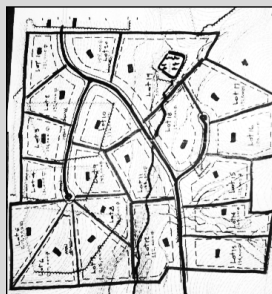
**Ruth Smith, collaborative planning team,
Town Council, Planning Board**

“I’ve learned that it’s possible to have strangers come together and meet in a creative, enthusiastic way over a long period of time to meet a common goal. I wouldn’t have thought that so much enthusiasm would have been generated over this.

This process put me in touch with the people in the community, so I became more sensitized to what the community really needed and wanted out of my land. The citizens played basically two roles, one, they have contributed a lot of energy and talent and effort and hard work doing things that would have had to be done anyway, and secondly, and probably more important, the citizens provided a kind of political base for the notion of doing things differently, that I couldn’t possibly have generated without their support.

I don’t know so many of the people that have property bordering this property and as a result of this process I got to know quite a few of them and their honest input has been very useful to me. To have a plan that is supported by quite a large number of the citizens surrounding the property, which is our goal, is something that’s almost unheard of and it takes what is usually the biggest problem in developing land and it turns it into a benefit.”

John deNeufville, land owner and developer



CHAPTER EIGHT

Appreciating the Donors

Since 1989, sixty-three donors have contributed more than \$330,000 to the Smarter Land Use Project. Through their support, countless land development projects have been improved. The stakeholders in those projects have learned a productive process for ending confrontation and sharing their expertise. The collaborative planning process evolved and this guidebook became a reality. It is with gratitude and appreciation that these donors are listed below.

Emily Allen
Edward and Cynthia Babbott
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Joan Tilney
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Victoria Foundation
Nicholas Villa
Alan Willemssen



1988 – How to Achieve Exemplary Smart Growth Projects

The Smarter Land Use Project really started when I was contracted by the New Jersey Pinelands Commission to interview developers, landowners, and town officials throughout the one million acre Pinelands area of southern New Jersey. These interviews quickly led to an important insight – most people preferred their own community’s land development regulations to those of the Pinelands Plan – a plan initiated by the governor and supported by the state legislature. Why were people so opposed to a plan full of good features? What could be done to gain local trust and support for the Smart Growth features of the plan? How could communities everywhere achieve the exemplary Smart Growth projects desired by the Pinelands Plan?

How could communities everywhere achieve the exemplary Smart Growth projects desired by the Pinelands Plan?

1989 – A Model Ordinance and a Collaborative Process

I discussed the situation with Candy Ashmun, Chairperson of the Association of New Jersey Environmental Commissions and a member of the Pinelands Commission. With her support, a grant was obtained from the Geraldine R. Dodge Foundation, under the auspices of the Association of New Jersey Environmental Commissions (ANJEC), to research and write a model land development ordinance that would result in environmentally-sensitive Smart Growth land development.

Grant received from the Dodge Foundation through ANJEC to write a model land development ordinance.

The first towns experience the magic of collaboration.

In 1989 I began meeting with community groups embroiled in land development disputes. The economy was booming, and controversies between neighborhood groups, developers, environmental groups, and planning boards were interfering with the permitting of many development projects. How could controversy be reduced to allow good projects to go forward? By the end of the year, observation and trial interventions with groups in Upper Freehold, New Jersey, and Goldens Bridge, New York, revealed promising ways for the opposing sides to collaborate. In the following year improved plans were produced in the New Jersey towns of Green, Hope, Mendham, and Lambertville. They were not compromises. They were good plans that formerly

“And one of the other things we found is that the developers in this process have voluntarily agreed to create community-oriented facilities within their developments.”

*Ted Chase,
Planning Board Chairman,
Goldens Bridge, NY*

feuding parties agreed were good plans. The results were surprising to all. In each case, the stakeholders would achieve a certain degree of mutual respect and then everything would change. Like magic, conflict changed into creative designing. How could you make the magic reliably happen? How could you make sure that the plans created by energized groups included the best design features? What would the model ordinance look like?

**Input from
Christopher
Alexander**

To help with the concerns about design, in 1990 I traveled to Berkeley to study with Christopher Alexander after reading his books, *Timeless Way of Building* and *Pattern Language*. Lessons learned from Alexander had a great influence on the techniques I presented during group meetings. Alexander's ideas contributed significantly to the way collaborative planning is done as described in this book.

**How can the energy
of conflict be
redirected to
collaboration?**

Throughout 1990, work on the model ordinance continued, and many more meetings in conflicted communities were observed and helped toward collaborative planning. More questions emerged. How could you design and approve projects that really build community? Is the conflict between neighbors, developer, planning board, and environmentalists somehow reflected in the project designs? Could the clashing, mutually-cancelling energies of conflict be efficiently redirected and combined into productive collaboration? It would take years to discover the answers to these questions.

**Energized citizens
help their
communities and spur
the Project forward.**

Citizens in communities participating in the Smarter Land Use Project contributed countless hours of time, energy, and creativity to dealing with these questions and to helping their communities resolve specific controversial projects. Evonn Reiersen from the environmental commission in Green Township; Phyllis and Paul Smith, concerned citizens from the town of Hope; Cynthia Hill from the Monmouth County Planning Department; Peter Meyer, a civil engineer from Morris Plains; Ted Chase from Goldens Bridge; and Ruth Smith and John deNeufville from Mendham were a few of the many people who helped keep the Smarter Land Use Project moving forward with their ideas.

HISTORY OF THE SMARTER LAND USE PROJECT

The first version of the model ordinance was completed and a booklet on collaborative planning was produced in November 1990. Both were published and distributed by ANJEC to communities throughout New Jersey. Before the Dodge grant ran out at the end of 1990, several communities clamored for it to be renewed so that they could continue working on the Project.

The original booklet on collaborative planning produced in 1990 did not work effectively in teaching communities to find the magic on their own. The first version of the model Smart Growth ordinance did not catch on either. It may have worked if adopted, but it was dependent on zoning changes to encourage use of collaborative planning between neighbors and developers and that was a step that no town that saw the model ordinance was willing to take. Clearly, more work was needed on both the ordinance and the book.

1992 – Focus the Development on the Surrounding Neighborhood

The results from the first two years of the Smarter Land Use Project were too promising to abandon. In early 1992, I set up a non-profit organization, LUFNET (Land Use Forum Network, Inc.), to seek funding to continue the Smarter Land Use research. Fundraising was a challenge because LUFNET was a small, new organization, the economy was in recession, and the idea of collaboration in land development was seen by many funders as either a compromise or as off-target. Fortunately, LUFNET received a matching grant from the New Jersey Department of Community Affairs. Several family foundations, including Chapin, deNeufville, Gerard, Graf, Huber, Leavens, Marotta, and Turnbull provided the matches, as well as continuing support. Additional funding over the years came from the Victoria Foundation, the Schumann Foundation, and more than twenty other family foundations.

The first model ordinance and a collaborative planning booklet are published by ANJEC.

Regulated collaboration was not the answer.

LUFNET, a non-profit, is founded in 1992 to accept contributions and grants for the Smarter Land Use Project.

“When we started this process, we were involved in a difficult situation from the standpoint of relationships between certain neighborhood, developers and the planning board. There were very different views of how some properties ought to be developed.”

Ted Chase, Planning Board Chairman, Town Council, Goldens Bridge, NY

Research continued in hundreds of meetings with neighbors, developers, and environmentalists concerned about specific projects.

The answer was to focus stakeholder energy on designing the project to enhance its surrounding neighborhood. Everybody could win.

How to achieve collaboration without an outside facilitator?

An idea: Model the project collaboratively on an aerial photo of the neighborhood.

Research continued with hundreds of meetings with neighborhood groups, developers, and environmentalists concerned with specific projects, but progress was slow. Some people worried that the Smarter Land Use Project favored one side or another. Many layers of mistrust and fear interfered with collaboration. In the conflicted communities neighbors, environmentalists, and planning boards were always complaining about developers' plans, and many times their complaining didn't seem to improve the projects. Developers felt blocked in their efforts to legally use their property. Large amounts of energy were being invested and wasted as neighbors, developers, planning boards, and environmental groups became more polarized. The land development design and approval process was becoming litigious. How could the stakeholders see the community-building benefits of working together? What sort of process would enable them to make friends? A change in focus was needed to redirect the clashing energy of the stakeholders. The answer was to focus stakeholder energy on designing the project to enhance its surrounding neighborhood. Everybody could win.

1994 – Land Development Collaboration as a Do-It-Yourself Process

Twin goals emerged: (1) learning how to get neighbors, developer, and environmentalists to the level of collaboration that would achieve community-building project design and (2) finding a way to teach them to get there without my physical presence. Slowly the answers were revealed. Many successful techniques and tips were discovered. Communities were enjoying success with the process. The collaborative planning process began to evolve toward its current form.

A new, but fundamental technique was discovered. The idea of the interested parties working together to model the project directly on an aerial photo that included the surrounding neighborhood came up first in 1989. The technique showed great potential for turning conflict into collaboration. It made the existing neighborhood stand out in recognizable detail and gave the neighbors confidence in their contribution to the project design process. By including the neighborhood “donut” around the project site, the aerial photo redirected the design focus and lifted the

neighbors to their correct position as host for the collaborative planning process. But, who would coach the collaborative planning team?

1995 – The Guidebook and the Kit

By 1995 a website (www.landuse.org) was registered to hold and make available the findings of the Smarter Land Use Project. At a meeting in Nanuet, New York, Jake Lynn, a neighborhood group leader, carried in a large stack of papers – a complete printout of the [landuse.org](http://www.landuse.org) website. That led to the first draft of a useful, stand-on-its-own book to teach reconciliation and collaboration in land development. After a number of revisions, several hundred copies were printed and distributed. Communities continued to have success with the aerial photos and modeling tools.

A Kit for the modeling tools, guidebook, and other instructional materials was in its prototype phase, and the guidebook became the rookie coach for the collaborative planning teams. I began to receive invitations to speak about collaborative land use planning as a way to achieve Smart Growth. During this part of the project, regular monthly contributions from H. J. (Kip) Koehler, as well as support from John deNeufville and Phyllis and Paul Smith, propelled the Smarter Land Use Project forward.

1997 – Separating the Role from the Person

A big breakthrough came in 1997. The National Park Service contracted with me to help resolve a land use dispute on Cumberland Island in Georgia. The island residents were upset with the environmental groups, who wanted much of the island set aside as a wilderness area. The National Park Service was caught in the middle. In this case, the participants generated many extraordinary ideas. The participants included island residents, members of the Sierra Club, members of the Wilderness Society, and representatives of the National Park Service. Not only did a collaborative process quickly evolve from a litigious one, but this group also came up with amazingly effective

[landuse.org](http://www.landuse.org), the guidebook, and public speaking begin to spread the word.

Cumberland Island residents add ideas for removing the “masks.”

“I think the town council sees the collaborative planning process as a vehicle for providing or allowing housing that is both lesser priced and higher priced, mixed together in the same neighborhood. They clearly understand that it can be economically viable under certain circumstances and they see collaborative planning as the vehicle for allowing that.”

*Ruth Smith, Planning Board
and Town Council,
Mendham, NJ*

techniques for breaking down barriers between people in conflict. Group exercises were used to help participants identify their “masks” or “hats” – stereotypical roles that we assign to ourselves and others that limit our ability to work together. Techniques were discovered that helped participants remove the masks and hats. With these techniques, the transition from conflict to cooperation was swift and complete. It was a turning point in the research.

Through the years, in meetings with stakeholder groups concerned with forty-eight development projects in five states, certain essential truths became clear:

Teamwork in land use decisions improves the resulting physical structure.

Perceived adversaries can quickly learn to share expertise.

Simple techniques achieve the magic of collaboration.

People at planning board meetings become new friends.

Collaborative planning is a do-it-yourself process.

- Teamwork among the interested parties improves their decisions about the physical structure of the community. Thus, building community spirit among the stakeholders is an important step in the land development design and approval process – much more important than building a case to win in court.
- Once developers, neighbors, city planners, and environmentalists realize they care equally about their community, they quickly learn to share their expertise as one team, even if they have previously seen each other as adversaries.
- Surprisingly simple techniques can be used to help people set aside the old emotional baggage that interferes with the magic of collaboration.
- Written meeting agendas, team-building techniques, and project modeling tools make it easier to recruit and maintain participation in the collaborative planning process, and make it fun to make new friends of the people you otherwise would only see at planning board meetings.
- Collaborative planning is a do-it-yourself process. Designing a land development project is a great opportunity to build relationships since it is difficult to do good land development design without good relationships. An outside expert can't make people get along. The challenge is to show them how to get along. So, give them some instructions and tools and let them do it. They will either learn to get along or they won't.

1998 – The First Do-It-Yourself Collaborative Successes

In 1998 collaborative successes without my presence were first achieved in Byram, NJ. Problem projects were reconfigured by neighbors and the developer using an earlier version of this book. Many citizens of Byram donated their time and energy to the Smarter Land Use Project over the years. Margaret McGarrity, chairperson of the environmental commission, and Donna Griff, who has since been elected to the Township Committee, were instrumental in the town receiving a \$5,000 state grant in 2000 to establish collaborative planning throughout the town. Visit www.byramtwp.org to see Byram's remarkable commitment to collaborative land planning.

A grant to establish townwide use of the collaborative planning process

1999 – Reconciliation before Collaboration

In 1999 my son, Brendan Kehde, joined the Smarter Land Use Project. Brendan brought enormous energy, creative insight, and entrepreneurial skills to the effort. He helped improve the design of the Collaborative Planning Kit, reorganized the guidebook, and went to work marketing the tools and the techniques. His efforts to make the Project self-sustaining by selling books, kits, and workshops did not succeed because the Smarter Land Use Project was trying to market reconciliation tools to people who didn't know they could or should work together.

Big improvements in the Kit and Guidebook

Opposing stakeholders realized they would prefer collaboration and they now had a step-by-step process to follow.

The ideas disseminated by the Smarter Land Use Project continued to help communities resolve land development conflicts. I was invited to speak at Smart Growth conferences, statewide planning conferences, and county and townwide get-togethers in communities conflicted by development pressure. When a townwide audience included concerned citizens, environmentalists, town officials, and developers, they each realized that their perceived opponents would also prefer collaboration to conflict. And, they now had a step-by-step collaborative process to follow. A CD (it is included for you in an envelope on the inside of the back cover of this book) was created so that people could see how this presentation worked to bring the stakeholders together. It also became clear that the guidebook was ready for another revision so

"The town benefits from this procedure by gaining a development or a project that fits into the history of the town, to the traditions of the town, to the nature of what the town is."

*Peter Meyer, President,
Professional Planning
and Engineering Corp.
Cedar Knolls, NJ*

A simple, clear collaborative planning process emerges.

Collaborative planning is an expression of community spirit and, like a marriage, cannot be achieved solely by regulation.

The Collaborative Planning Guidelines in the Appendix enable use of collaborative planning on proposed projects chosen by the board.

No changes in land use regulations!

that communities could quickly achieve effective collaboration at the project level and get on the road to Smart Growth.

2001 – The Collaborative Planning Process

In October 2001, I gave a presentation in Burlington, Vermont. Jim Fingar, a writer, book organizer, and editor with a great interest in the subject, happened to be in the audience. In November Jim and I began this latest revision of the book. Together, we have been able to clarify and organize the elements of land development collaboration that had been discovered in the twelve years of research. The result is a much simplified collaborative planning process and the all-new section on Master Planning. The book has been dramatically enhanced with illustrations by Mark Hughes and layout by Sue Ball.

As the book evolved, the model Smart Growth Ordinance needed to be revisited. The research showed that Smart Growth is an expression of community spirit and, like a marriage, cannot be achieved solely by regulation. Collaborative planning works when people agree to get together to build a better community. It is a voluntary process for achieving Smart Growth. Another ordinance is not required; what's needed are guidelines for local government encouragement of collaborative planning. The new Collaborative Planning guidelines in the Appendix reflect that emphasis on voluntary collaborative planning.

2002 – The Collaborative Planning Guidelines

The Collaborative Planning guidelines enable the planning board to encourage participation in collaborative planning by the neighbors of proposed projects and the developers. But that only happens when the planning board thinks the collaborative planning process might be helpful to a specific neighborhood and project. No one is forced to do anything and no zoning laws need to be changed. The legal structure for permitting projects remains unchanged. The new guidelines simply advise people that a tool is available to help achieve Smart Growth and to make the existing project design and approval process better and

easier. It is analogous to the electric company encouraging people to use energy-efficient appliances – a voluntary, but effective, intervention. The Smarter Land Use Project will gather reports and opinions about the Collaborative Planning Guidelines as an ongoing task.

The publication of this book marks a time of change for the Smarter Land Use Project. Collaborative planning is a do-it-yourself technique with this guidebook as the coach. The modeling materials have evolved continuously over the twelve years of the Smarter Land Use Project – from Monopoly houses in Upper Freehold in 1990, to Tony Neleson’s twenty scale houses in Hope in 1993, to the hardwood buildings in the Collaborative Planning Kit in 1998, and finally to the paper cutouts in the Appendix of this book in 2002. The materials needed to succeed with collaborative planning are included in the Appendix of this book, or are available free of charge on the internet at www.landuse.org. The Smarter Land Use Project will continue to improve these materials so that they become more and more easy to use.

The current direction for the Smarter Land Use Project is to further apply to master planning what has been learned. The use of collaboration in Master Plan implementation presented in Chapter Seven is new. Many people in the planning community have expressed interest in this aspect of the Smarter Land Use Project, and much activity is expected.

Conclusion

The question that began the Smarter Land Use Project was “How do we end Sprawl?” The Project has changed over the years, but mostly it has been an effort to find a land development design process that would yield projects that improved existing neighborhoods.

It did not take long to find out that strong emotions about land use were leading to controversy that somehow blocked good design. The questions became “Is the controversy itself reflected in Sprawl?” and “Is Smart Growth somehow a reflection of cooperation?”

**No zoning laws
need to be changed.**

**The Smarter Land
Use Project will
continue to improve
the materials.**

Trial and error led to some very effective techniques for improving the relationships among neighbors, developers, city planners, environmentalists, and planning boards. People who had been arguing and suing each other began to work together as a team. Almost magically, the unsustainable energy of confrontation converted into creative collaboration that benefited both the project itself and the neighborhoods around it. In time, the techniques evolved to the point that the good results could be reliably reproduced in an easy, inexpensive, do-it-yourself way.

So, what about the original question – how do we end Sprawl? Based on our research, one answer is to reduce the pressure for sprawl development by designing each project in a settled area specifically to improve stakeholder relationships and the surrounding neighborhood. Collaborative planning is a viable tool for doing that. Currently, the Smarter Land Use Project is focused on applying the experience and principles of collaborative planning to master planning. The new question is “How can we include the best townwide community-enhancing features in proposed projects?” Let me know if you are ready to work on this in your town.

On a personal level, stakeholders report that it is very pleasant to work as a team with new friends who had been perceived as adversaries. Long-lasting, beneficial relationships can develop. Municipal officials, neighbors of proposed projects, city planners, environmentalists, and developers often find a sense of satisfaction about their community and a feeling of security that comes from knowing each other as members of one community-building team. I hope you have the same pleasant experience.

Best wishes for successful community building.