

Redefining the Development Process:

Choosing Collaboration Over Contention to Protect Natural Resources and Maximize the Public Values of Private Development

MACPZA Annual Conference October 8, 2009

Context for Presentation

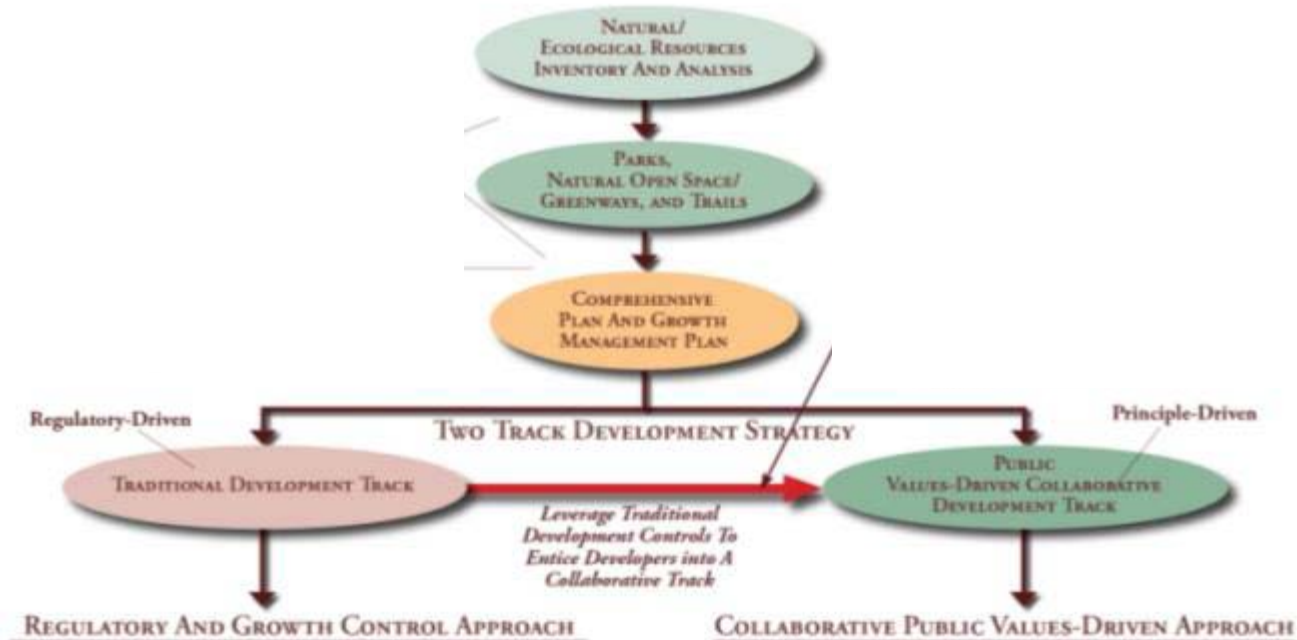
- Working with LGUs to think differently about managing development to achieve their vision – parks, open spaces, trails, etc.
- Presentation based on a series of workshops and handbook on how LGUs, regulatory agencies, and developers can better collaborate to achieve win-win-win outcomes
- Today's presentation is an overview of the workshops

Context Relative to Local Comp Planning

- Communities developing more ambitious comprehensive plans to:
 - Preserve natural **open space**
 - Restore/enhance **ecological systems** on the site
 - **Protect off-site ecological systems**
 - Ensure **long-term natural resource stewardship**
 - Provide **public park and trail opportunities** consistent with the System Plan
 - **Manage stormwater** (flow rates and quality)
 - Preserve **open space aesthetic**
 - Maintain **natural buffer** between established and new developments

Setting the Stage

- Starting Premise: Traditional development approaches are not resulting in outcomes that fully capture desired public values
- Proposition: New way of thinking about collaborating with developers is necessary to achieve higher public values



Review of Past Results Support Need for Change

- The need to think differently did not emerge in a vacuum – many are frustrated with the form developments take and the lack of regard for preserving natural open spaces or realizing other desired public values

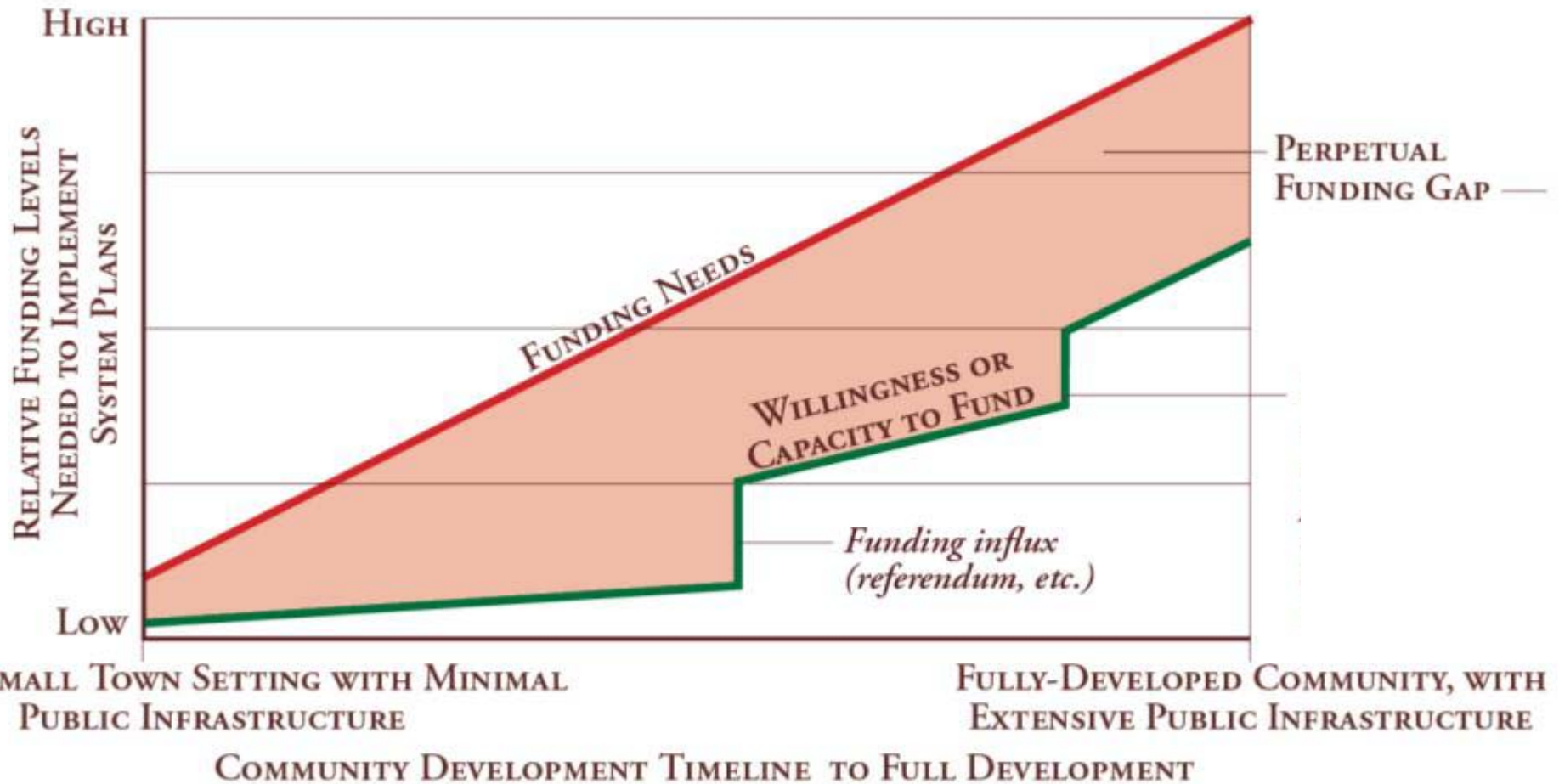


Reducing the Risk of Opportunity Lost

- Traditional development approaches and regulatory controls often fall short in actually guiding development to preserve future opportunities



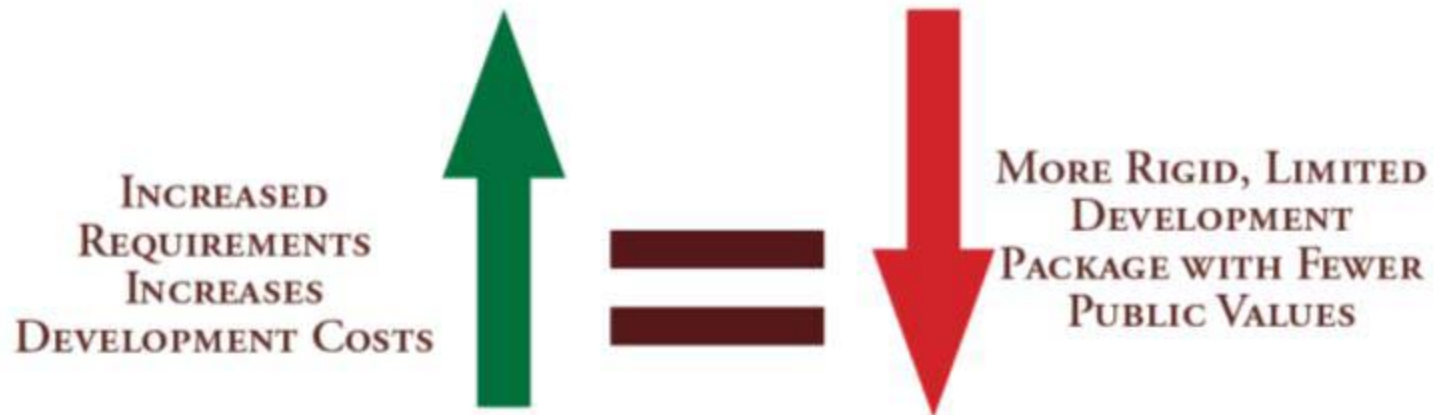
Reality Check: A Chronic Lack of Funding



- Wishful thinking is not a strategy!

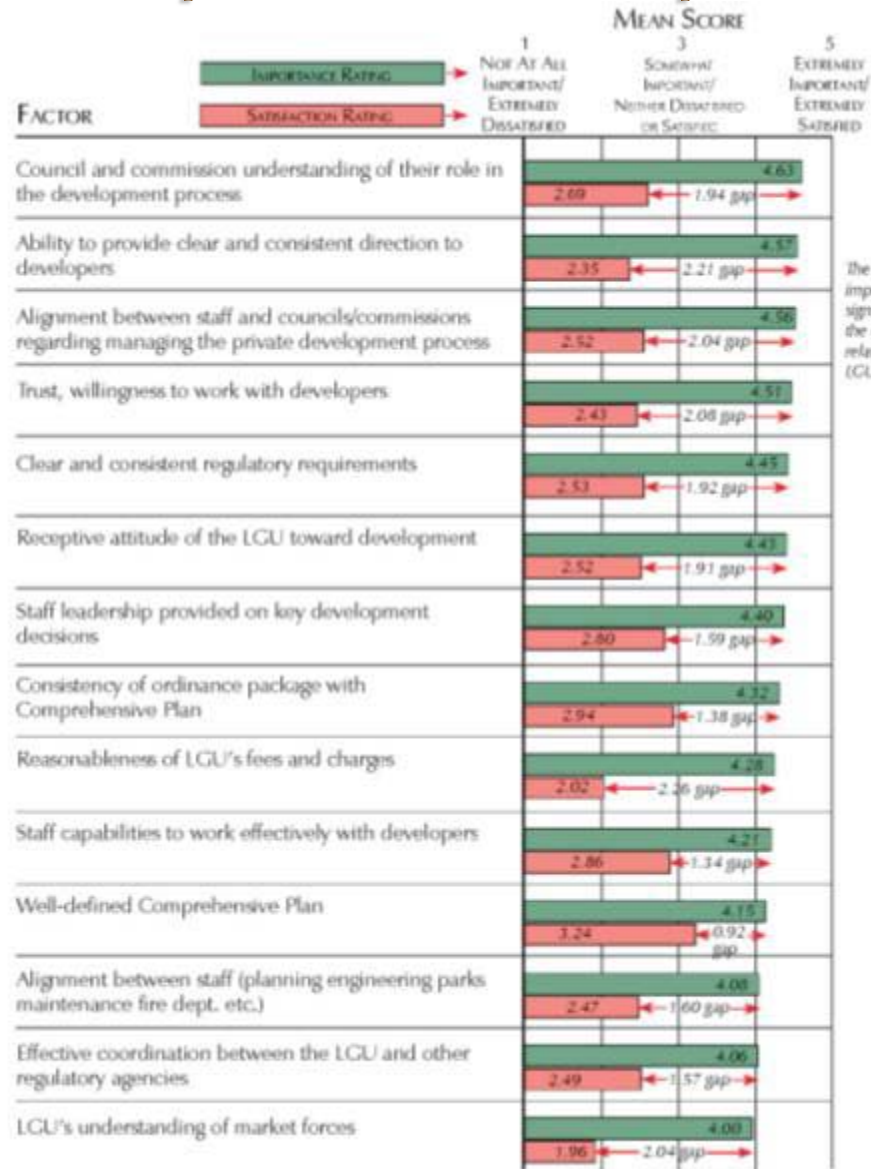
Cause and Effect of Regulatory Approach

- Preparing a vision and set of desired public values for a community or region is a creative process
- Regulatory approach diminishes the flexibility and collaborative spirit needed for creative outcomes to evolve as land is actually developed
- Under regulatory approach, LGUs often become their own limiting factor in achieving the public value outcomes most desired



Developers' Perspectives – A Gap Exists

Large gap exists between importance and satisfaction when working with LGUs



The gap between satisfaction and importance indicates there is significant room for improvement in the development process and the relationship between developers and LGUs.

Developer's Perspective on Working With LGU

- Developers express a strong interest in working with, rather than against, LGUs and regulatory agencies
- A variety of changes need to occur for this to happen:
 - LGUs better understanding the marketplace in which developers operate
 - LGUs and developers working more collaboratively; with a higher level of trust
 - LGUs clearly articulating and communicating their vision and public values being sought
 - Consistency, responsiveness, and leadership on the part of LGUs
 - A focus on solutions, not issues or barriers

A Mind-Set Change to Achieve Preferred Future

- Role that LGUs must see for themselves: Less of a regulator, more of a creative planner leading the way to a preferred future

LGU AS REGULATORY AUTHORITY MIND-SET

Whoa! That does not meet our requirements! Try again and come back....

Yes it does! You can't make me change it! We followed the rules to the letter!



LGU AS CREATIVE, COLLABORATIVE PARTNER MIND-SET

How about moving that lot over here to free up open space? We'll work with you on filling any economic gap that creates!

Yup, I can do that if you offer more flexibility on lot sizes and consider reducing the road width. If so, you got a deal!



DELIBERATE MIND-SET
CHANGE IN LGU ROLE
IN THE DEVELOPMENT
PROCESS

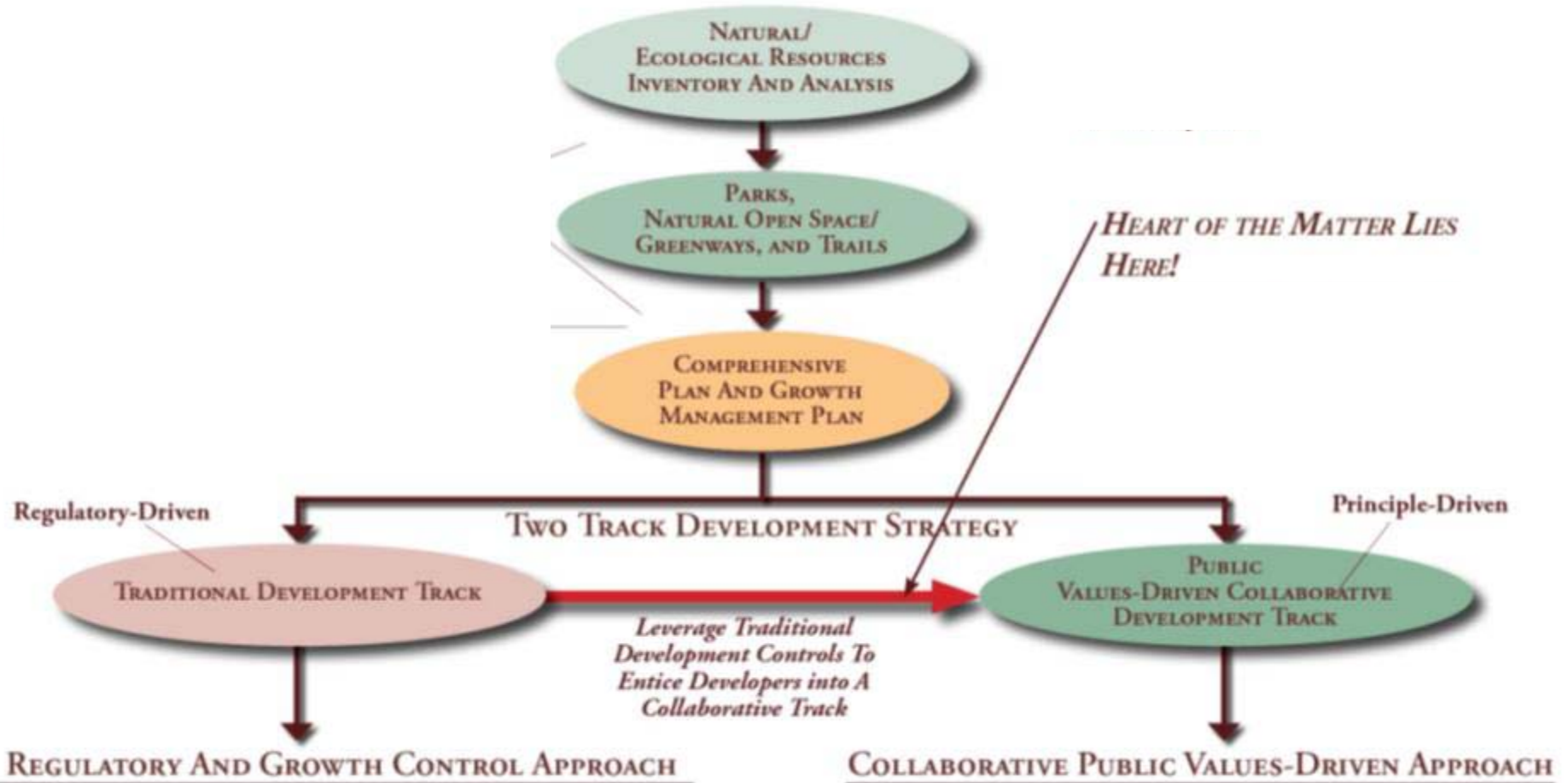


A New Model for Managing Development

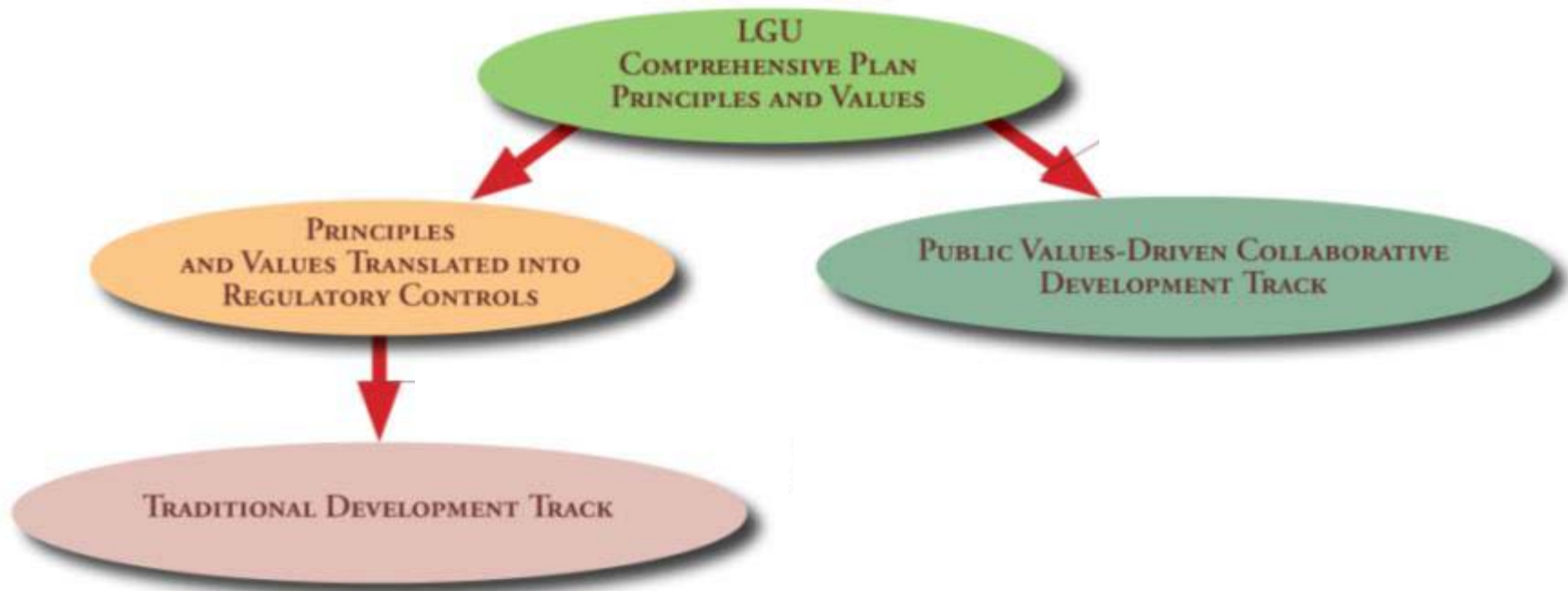
- A new model: Foster collaboration over contention to achieve higher public values from private development
- Core principles:
 - More effectively and purposefully leveraging* an LGUs' regulatory authority to achieve desired public values
 - Fostering an incentive-based collaborative approach to community development
 - Striving for win-win-win outcomes

* Leveraging is effectively using one's position in a given situation as a means to influence outcomes!

Public Values-Driven Collaborative Development Model

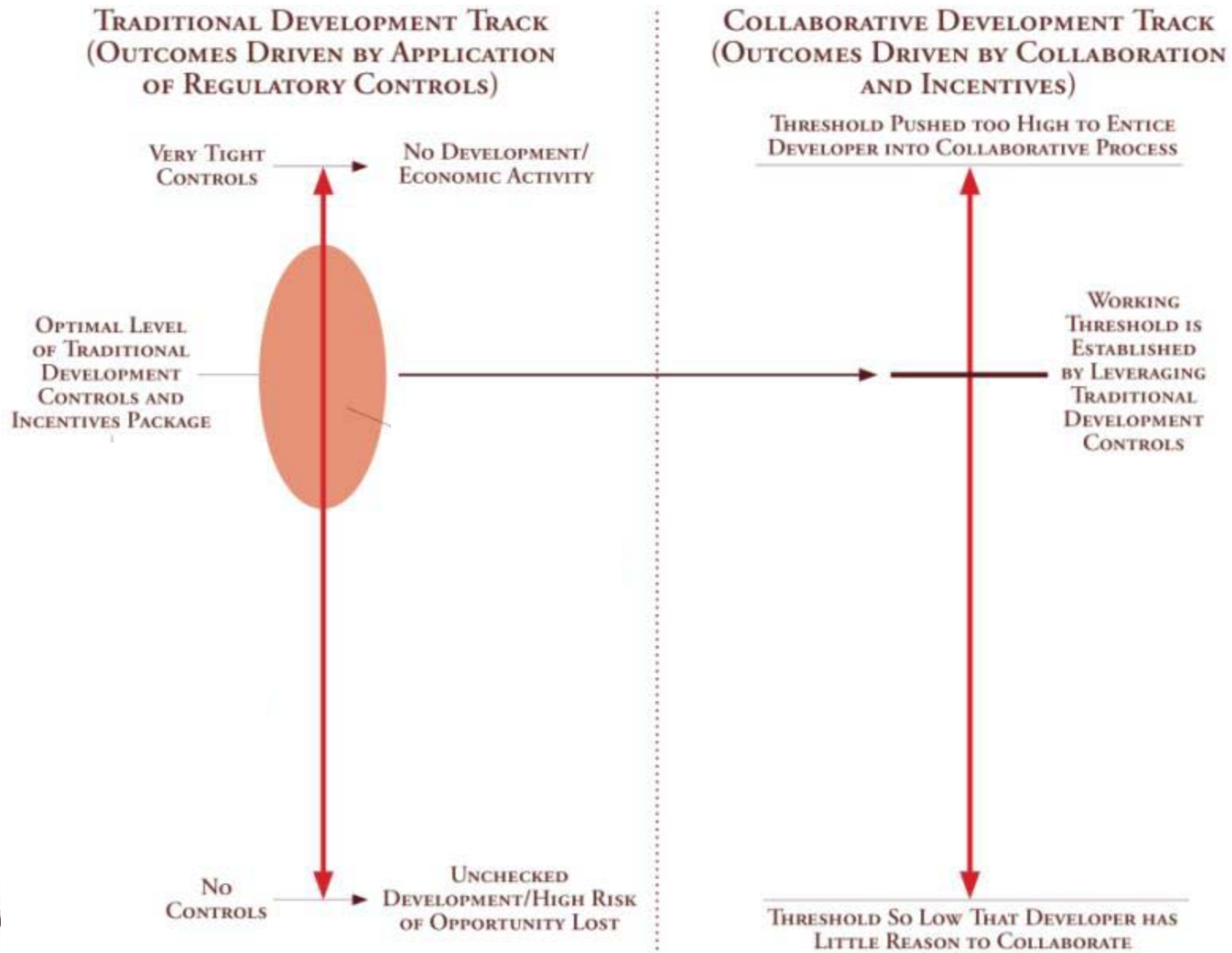


Use Comp Plan to Establish Core Values/Set Stage for Two Track Strategy



- * Be cautious about using Comp Plan as de facto ordinance package – that could impinge on setting up collaborative track

Traditional Controls Set the Threshold for Collaborative Track

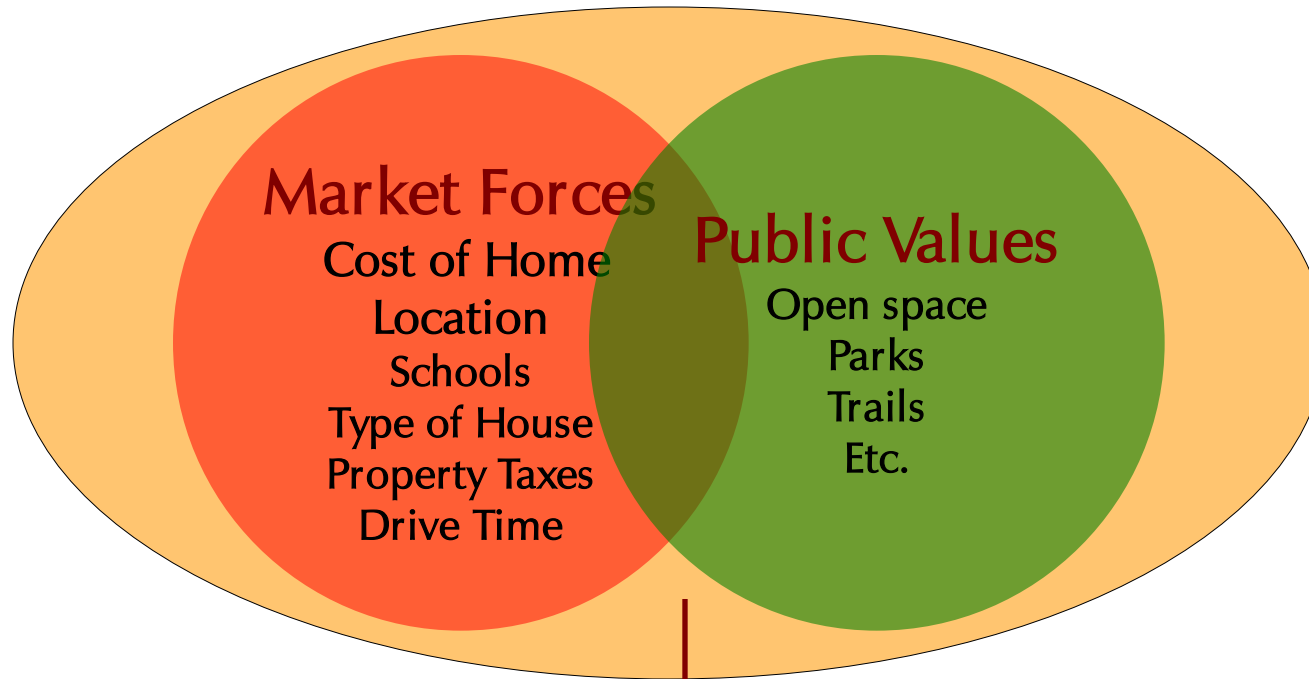


Principles for a Successful Collaborative Track

Key principles include:

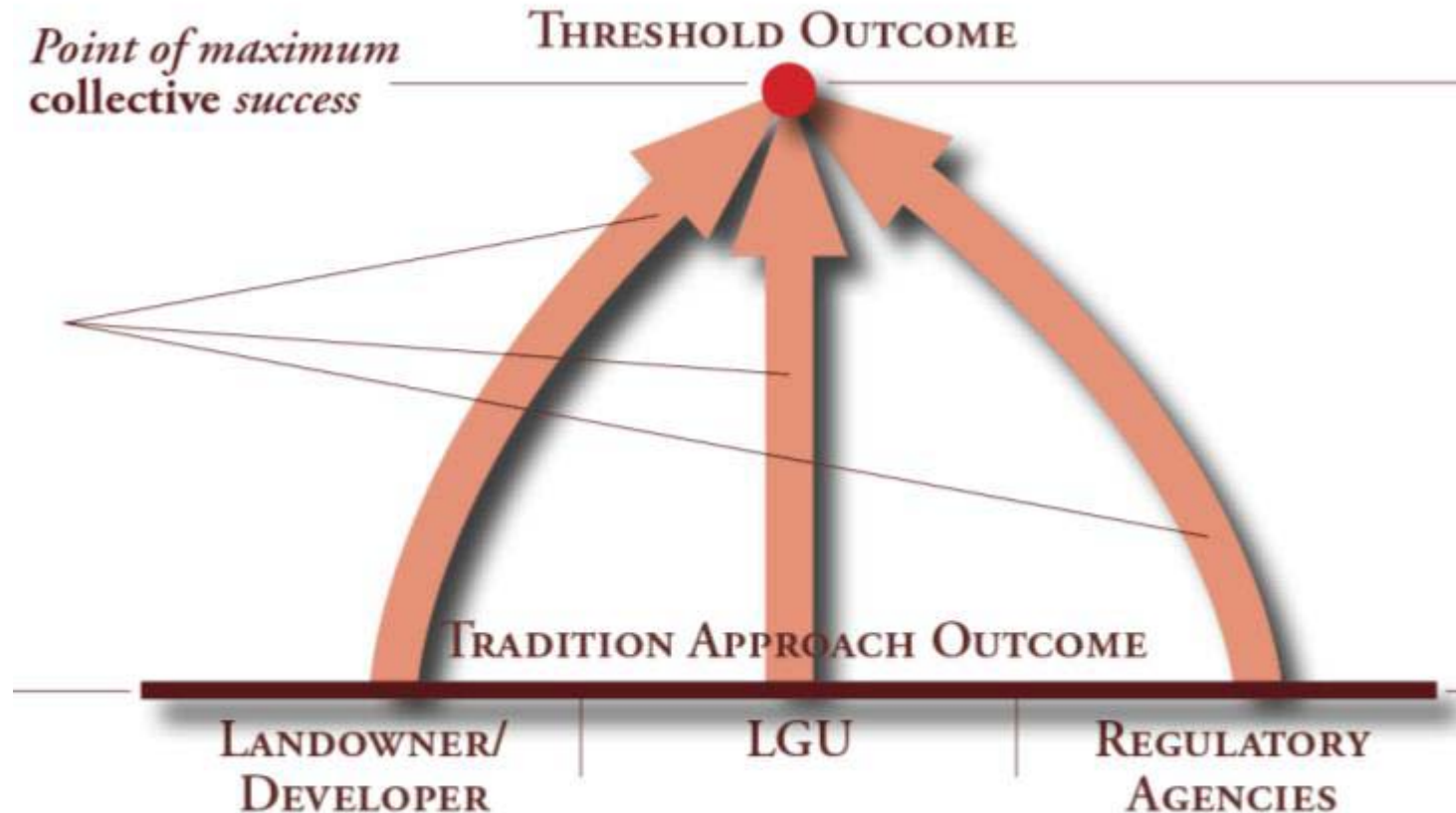
- Maintaining **trust** between stakeholders
- Providing **clarity** on desired outcomes
- Respecting the **economic viability and marketability** of land use decisions
- Being committed to **win-win-win outcomes**

Accommodating Public Values and Real Market Forces



Development design solution must accommodate market forces if public values are to be realized

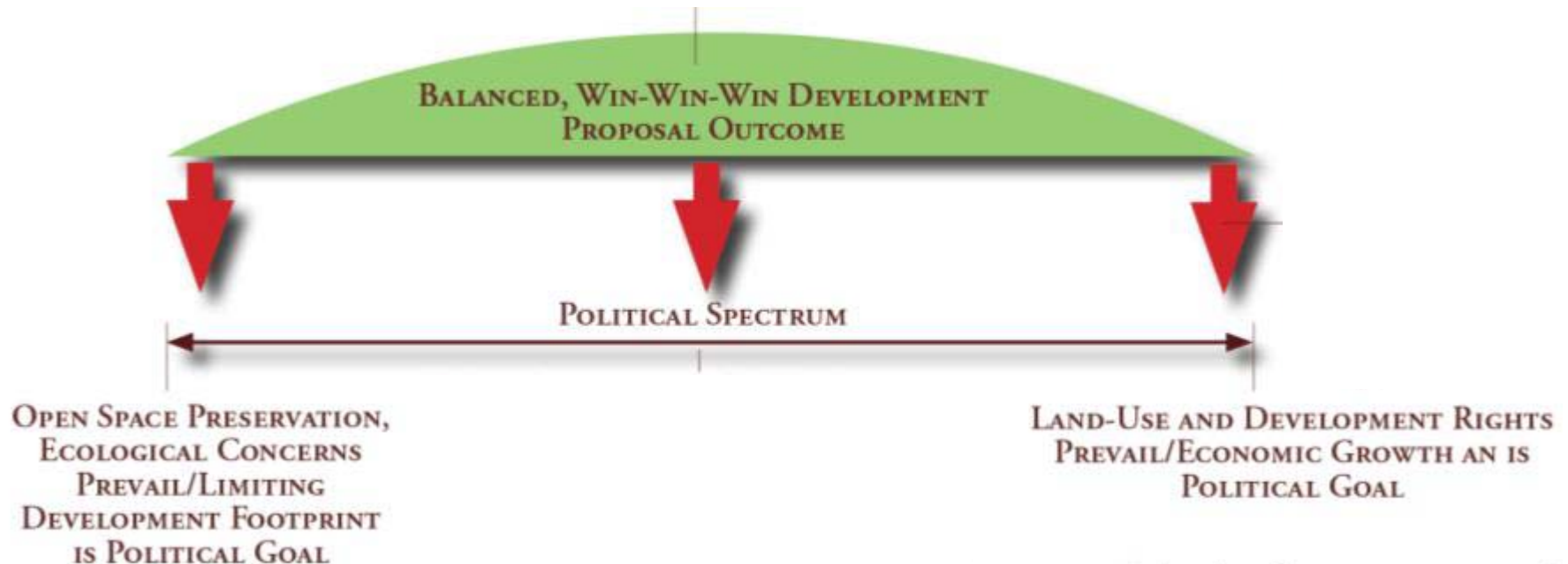
Being Committed to Win-Win-Win Outcomes



- Most often it is the public side with the most to lose by not collaborating because the developer will make economically-sound decisions about moving forward one way or the other

Satisfying the Political Spectrum

- The win-win-win approach plays to distinct advantage in the public arena because successful outcomes tend to more completely satisfy interests across the political spectrum



Example of Principles Successfully Applied

PROJECT AREA RELATIVE TO PARKS, OPEN SPACE, AND GREENWAY SYSTEM PLAN



Key principles: Trust, clarity, economic viability and marketability, and win-win-win outcomes

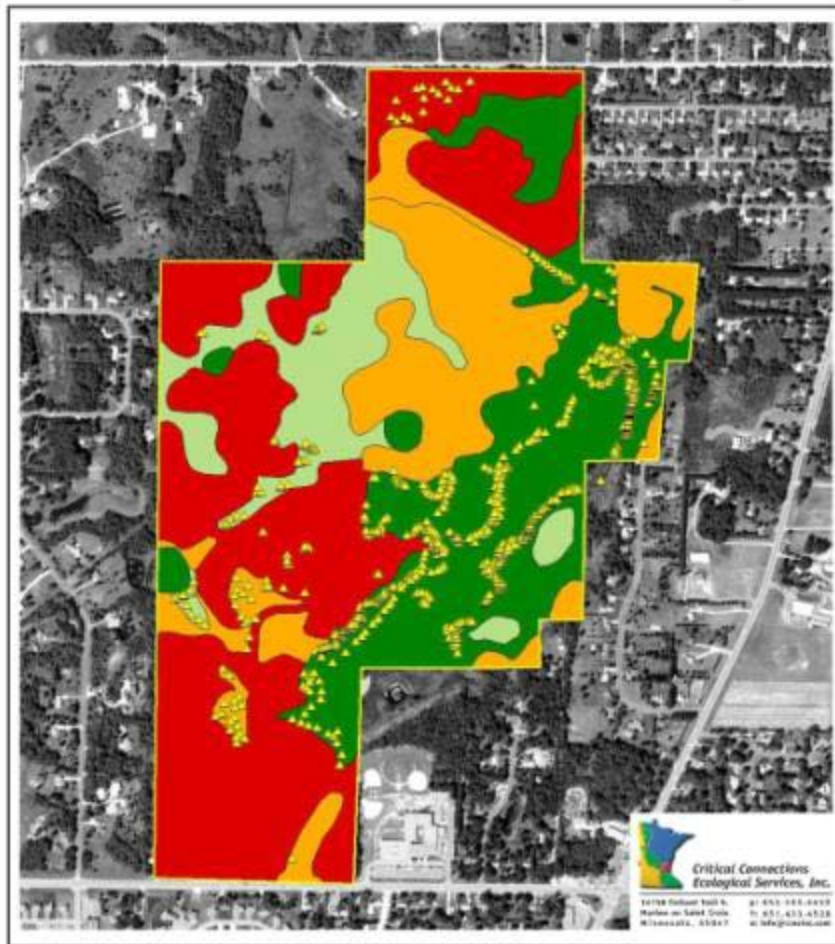
Development area is a key part of the City's park, open space, and trail system plan

so.....

City took the lead in managing the relationship with development!

Case Study – Lino Lakes

Development area falls within a very important and sensitive natural open space area



Legend:

Sensitivity / Development Suitability

- Sensitive Area / Not Suitable
- Sensitive Area / Marginally Suitable
- Somewhat Sensitive Area / Marginally Suitable
- Suitable For Development

- ▲ Rare Species Point Locations
- Approximate Site Boundary



0 100 200 300 400 Feet



Case Study – Lino Lakes

GENERAL NATURAL OPEN SPACE, ECOLOGICAL, PARK, AND TRAIL VALUES BEING SOUGHT BY CITY



Public values being strived for:

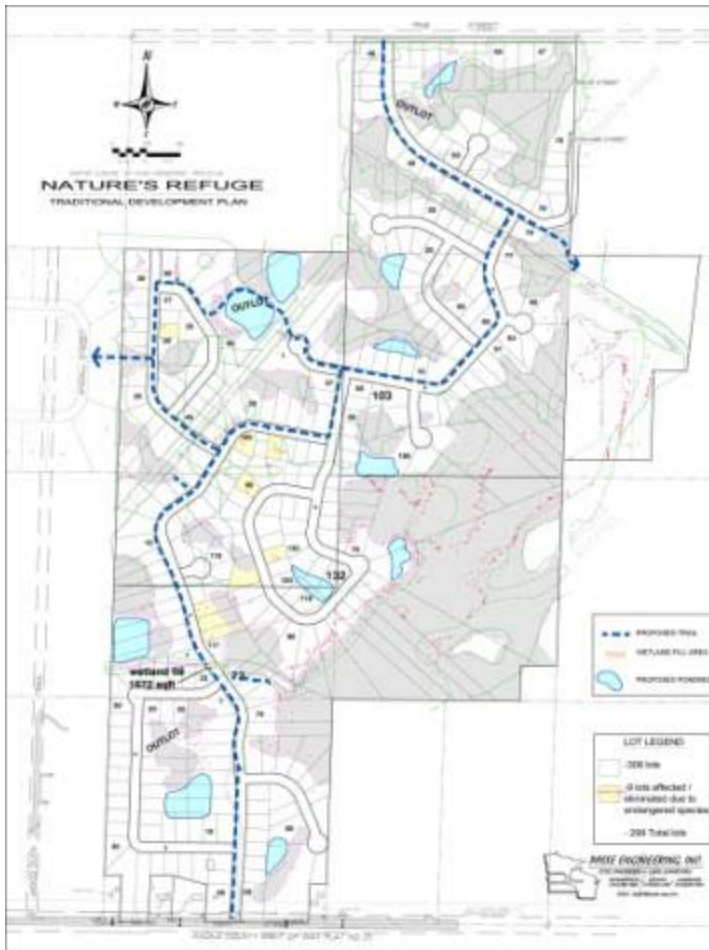
- Preserve natural open space
- Restore/enhance ecological systems on the site
- Protect off-site ecological systems
- Ensure long-term natural resource stewardship
- Provide public park and trail opportunities
- Manage stormwater (flow rates and quality)
- Preserve open space aesthetic
- Maintain natural buffer between established and new developments
- Provide utility services to area north of development

Regulatory agencies brought in to help determine the most desired ecological outcomes!!!

Case Study – Lino Lakes

Traditional Development (300)

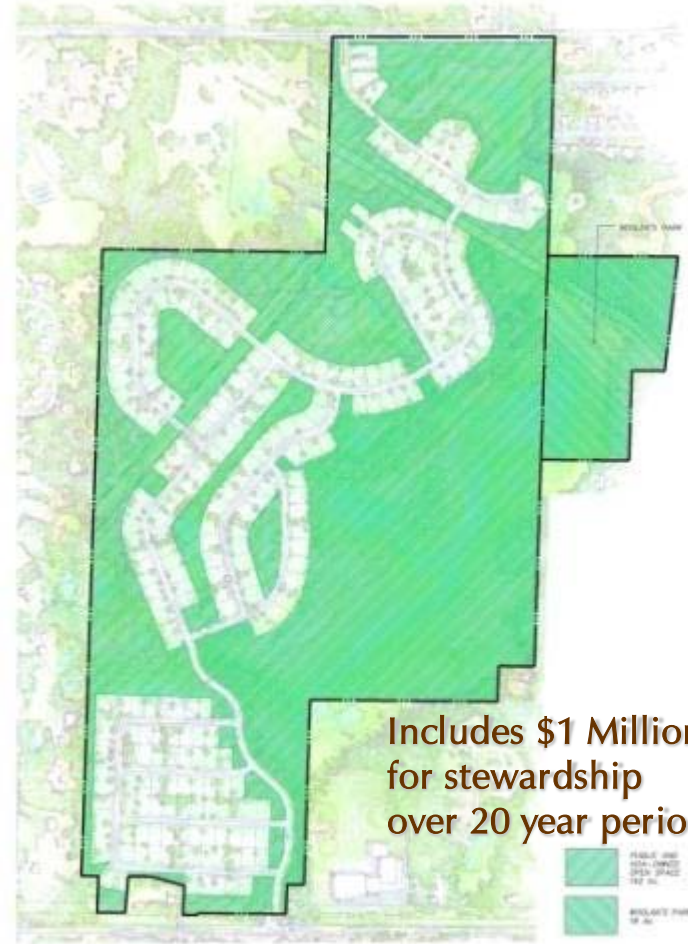
Conservation Development (278)



Case Study – Lino Lakes



GROSS SITE AREA 249 Ac.
 GROSS OPEN SPACE 7 Ac.
 PERCENT OPEN SPACE 2.8%



Includes \$1 Million for stewardship over 20 year period

GROSS SITE AREA 249 Ac.
 GROSS OPEN SPACE 160 Ac.
 PERCENT OPEN SPACE 64.2

NATURE'S REFUGE
 LINO LAKES, MINNESOTA

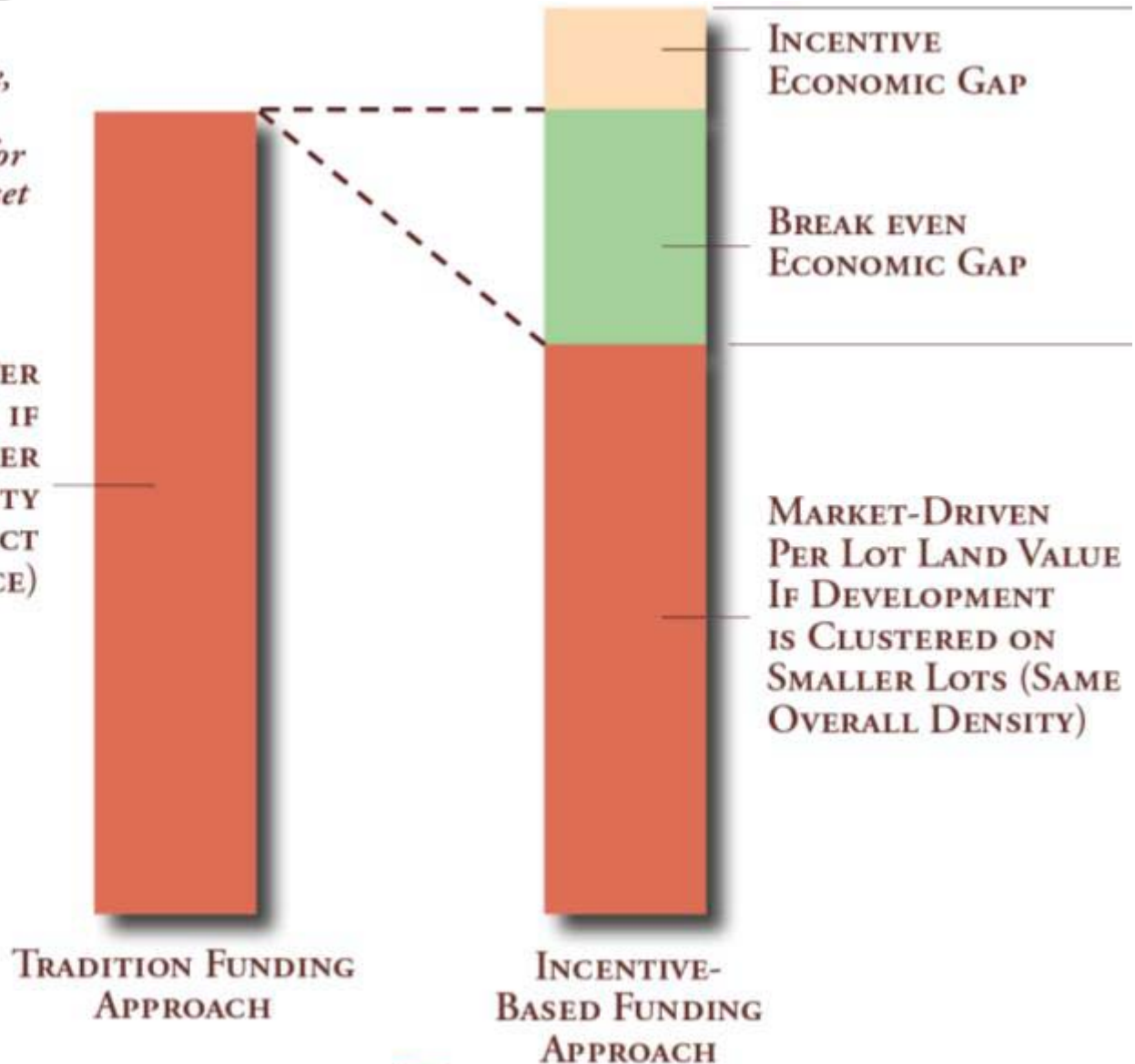
5/31/06

CONSERVATION OPTION
 OPEN SPACE
 HART ROBERTSON
 PLANNING ARCHITECTURE
 LANDSCAPE ARCHITECTURE

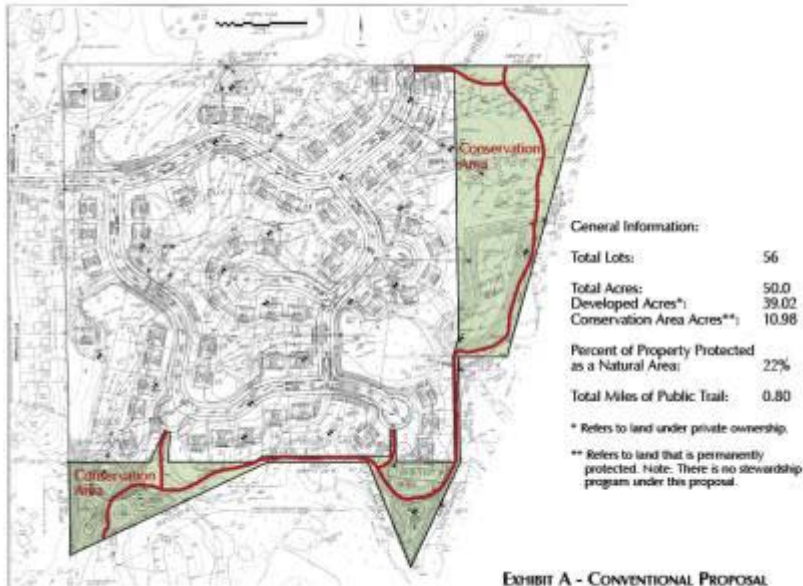
Leveraging Incentives to Achieve Desired Outcomes

Lacking any incentive, the LGU would have to pay market value for land it would like to set aside as open space.

MARKET-DRIVEN PER LOT LAND VALUE IF DEVELOPED UNDER ALLOWABLE DENSITY (ALSO DIRECT PURCHASE PRICE)



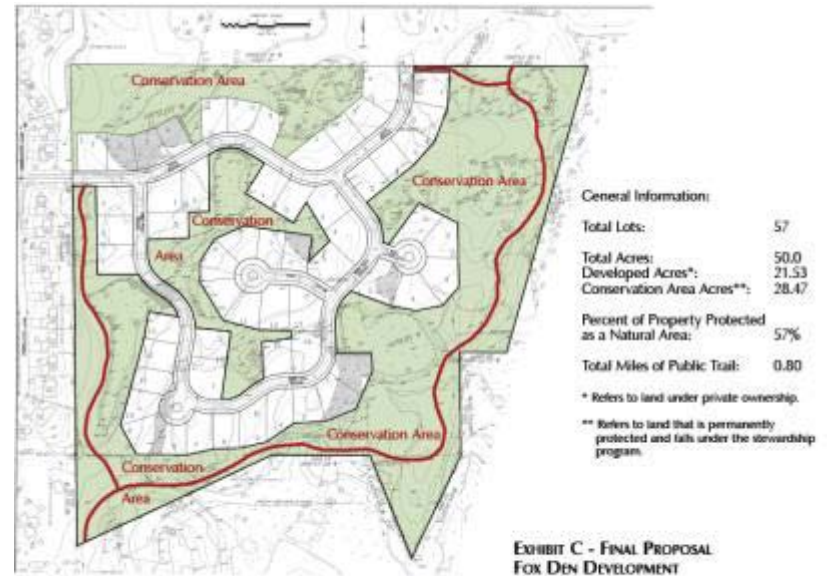
Leveraging Private Development Process to Reduce Public Cost



**EXHIBIT A - CONVENTIONAL PROPOSAL
 FOX DEN DEVELOPMENT**

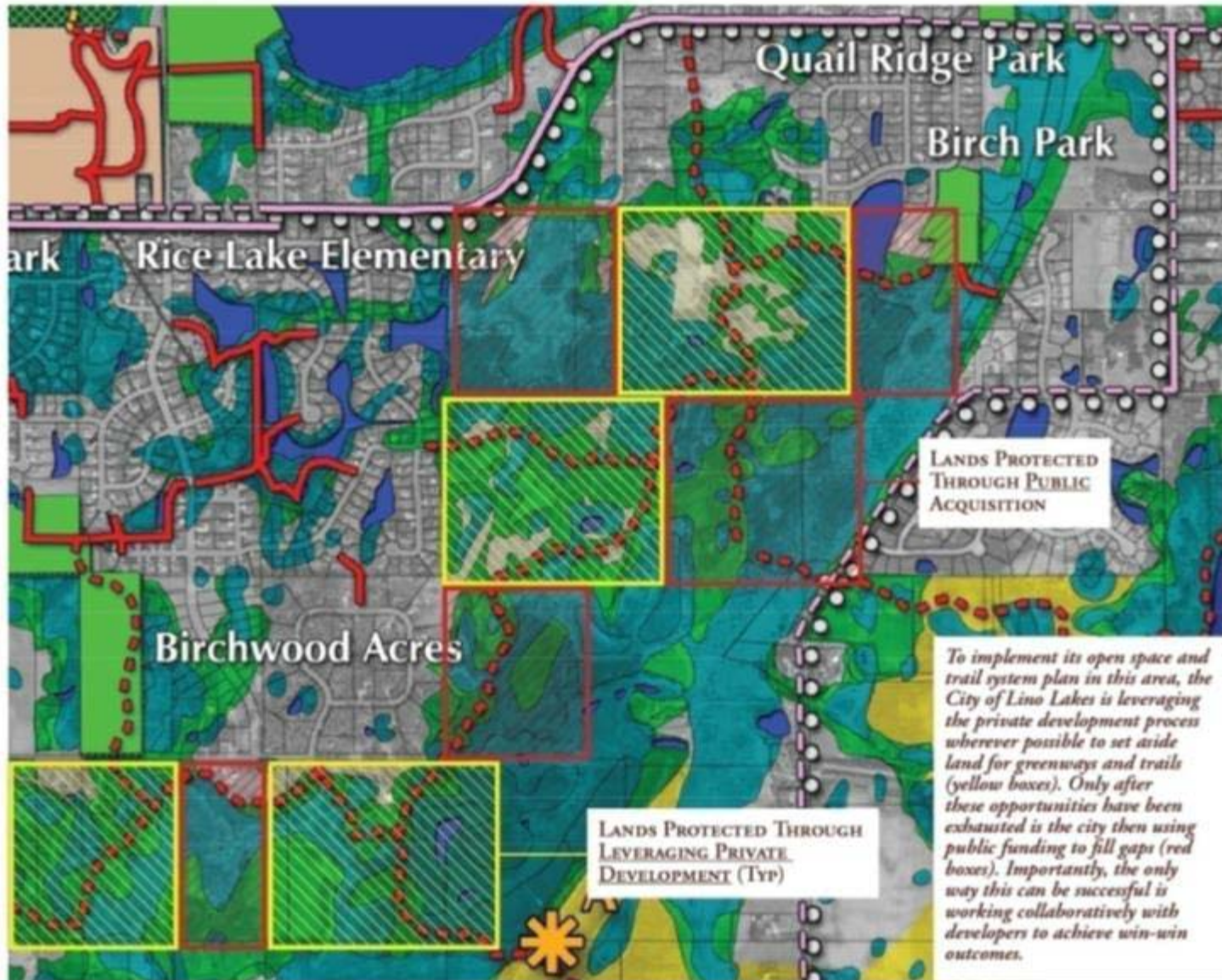
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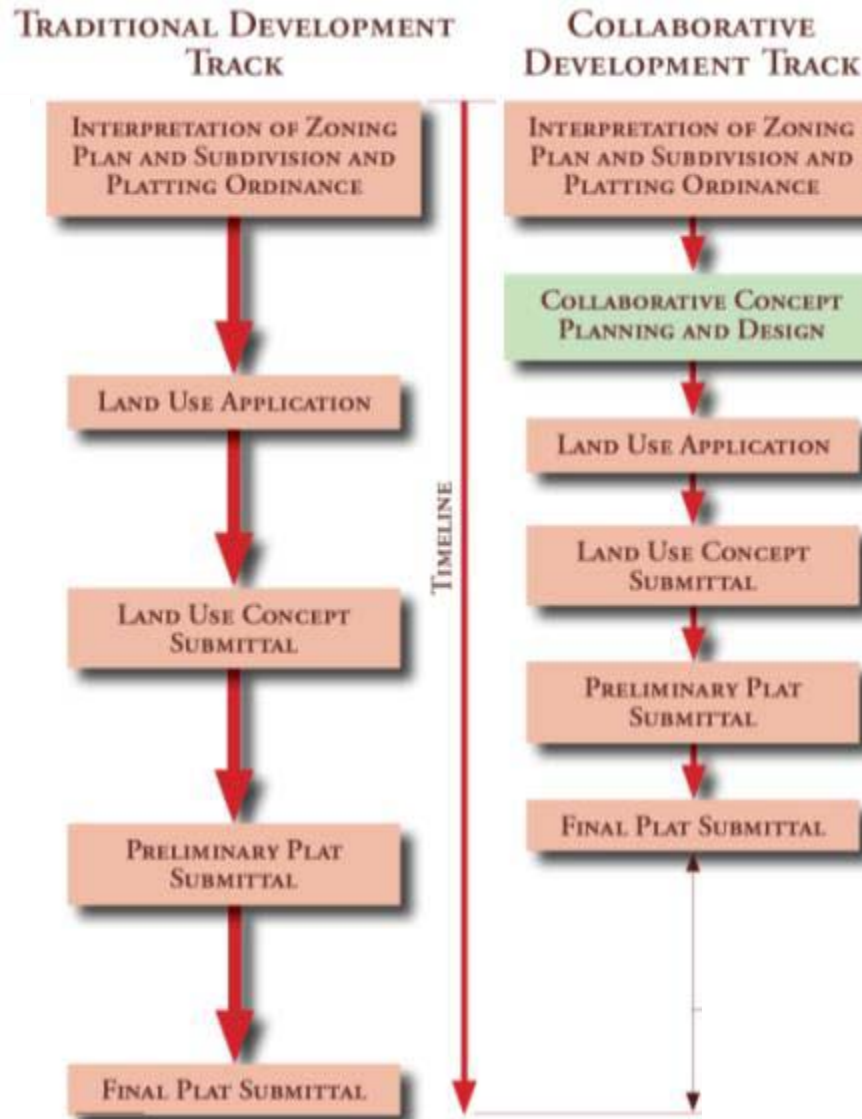


**EXHIBIT C - FINAL PROPOSAL
 FOX DEN DEVELOPMENT**

Leveraging Private Development Process to Reduce Public Cost



Leveraging Approvals Process for Mutual Benefit



Leveraging a Unified LGU Position

TRADITIONAL DEVELOPMENT TRACK ISSUE RESOLUTION PROCESS

DISINCENTIVE
APPROACH

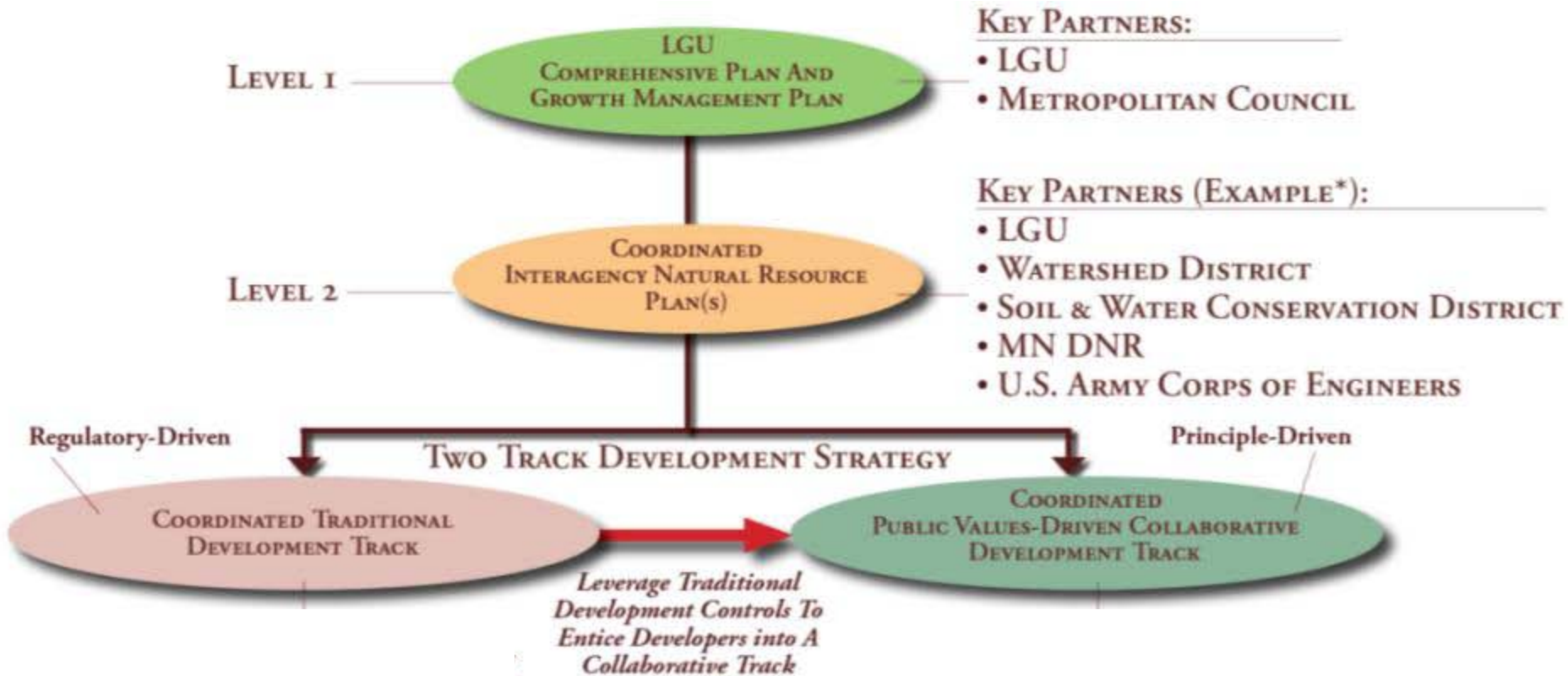


COLLABORATIVE DEVELOPMENT TRACK ISSUE RESOLUTION PROCESS

INCENTIVE APPROACH



Strengthening Leveraging Through Regulatory Coordination



City of Minnetrista – a typical development



City of Minnetrista – a collaborative development



The Use of Consultants – A Changed Role

- Services provided by consultants must also evolve as part of the change process
- Strategic use of their expertise:
 - Speeding up the learning curve
 - Helping reposition the LGU with developers
 - Refining and instituting the two-track model as a local management tool
 - Informing/educating the community
 - Providing professional guidance on actual development projects

Taking Action on Establishing a Two-Track Strategy

- Step 1 – Introduce Planning Model to Local Boards and Commissions
- Step 2 – Establish Two-Track Model as *Potential* Local Development Tool
- Step 3 – Apply Process in Actual Development Scenario
- Step 4 – Formalize Two-Track Model by Adopting as a Local Development Tool

In Support of Local Efforts

- Goal is to provide local communities with the support they need to be successful with a two-track strategy; working directly with LGUs
- This includes local workshops + creating a complementary package of tools/strategies that can help communities move in this new direction
- With local support, the intrinsic barriers to thinking differently can be more effectively addressed; barriers include:
 - Understanding the approach
 - Confidence
 - Political will
 - Funding
 - Access to the right tools
 - Negotiating techniques
 - Direct practical experience

Contact Info

Jeff Schoenbauer
Senior Principal/Co-Founder
Schoenbauer Consulting LLC
JASchoenbauer@gmail.com
612.578-1975

Kathy Schoenbauer
President/Co-Founder
Schoenbauer Consulting LLC
KESchoenbauer@comcast.net
612.578.1980