
Part 1

SMART GROWTH IN THE CURRICULUM

Using a Studio Course for Provision of Smart Growth Technical Assistance: The University of Maryland's 1999 Community Planning Studio in Perryville, Maryland

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When a set of initiatives collectively known as “smart growth” was passed by the Maryland legislature in 1997, the acts became the latest in a series of laws, dating back to 1969, that distinguished the state as a leader in land preservation and watershed protection. Spurred largely by concern for the health of the Chesapeake Bay, the legislature had already established laws to purchase open space, farmland, and forests; protect tidal and nontidal wetlands; manage storm-water runoff; regulate development within one thousand feet of the bay and its tidal tributaries; require reforestation and tree planting as a condition of new development; and protect sensitive areas. The smart growth programs contained incentives and planning requirements aimed at curbing sprawl and revitalizing cities and inner suburbs.

To varying degrees most of the laws added planning and regulatory responsibilities to local governments. In early 1999 a faculty member in the University of Maryland's Urban Studies and Planning Program decided to focus his summer community-planning studio course on the challenges facing one of Maryland's small jurisdictions as it attempted to comply with its planning mandates and grow in a manner consistent with the state's smart growth program. The resulting course, *What's Smart Growth for Perryville?*, proved to be a rich learning experience for the students and a valuable resource for the town.

This chapter concentrates on how the 1999 summer studio course provided smart growth-related technical assistance to the town of Perryville. It gives brief profiles of the course and Perryville; discusses how the students

approached the study; summarizes the major findings and recommendations of the final studio report; critically analyzes the degree to which the report has since been utilized by the town; highlights the students' reactions to the studio experience; and discusses the lessons learned from the studio.

Overview of the Planning Studio Course and Perryville

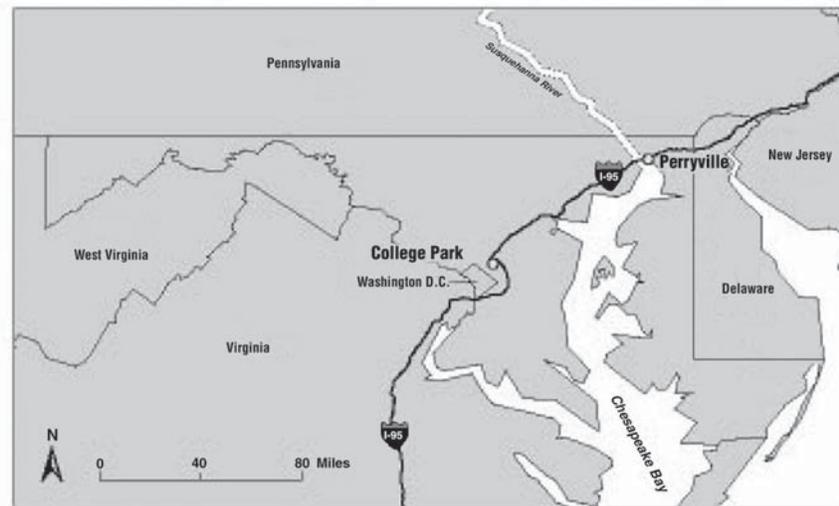
The Community Planning Studio is a six-credit “capstone” course for Master of Community Planning (MCP) candidates in the University of Maryland’s Urban Studies and Planning Program (URSP). The one-semester course enables students to apply their knowledge and skills, analyze current, pressing planning issues in a selected community, and produce an oral and a written report containing recommendations for addressing those issues. In essence, the students act as a consulting team for a community client.

In early 1999 several MCP students requested a studio that would enable them to help a rural jurisdiction apply smart growth principles in dealing with new growth. Staff members of the Maryland Department of Planning were contacted for suggestions of possible case-study jurisdictions. James Cohen, the summer studio instructor, also consulted with Uri Avin, principal planner with HNTB, Inc., and member of the planning program’s technical advisory committee, who recommended Perryville as the study site. Avin’s firm had done a study on development opportunities and design options for Perryville’s downtown in 1997 (LDR International 1998), and he thought that a studio report would be an excellent follow-up.

Located at the confluence of the Susquehanna River and the Chesapeake Bay, near the Delaware-Maryland border, Perryville (population 4,500) is the second largest city in Cecil County. During the 1990s the town’s population grew by nearly 50 percent, while the state’s population grew by less than 11 percent. First settled in 1622, for over two centuries Perryville consisted of just a cluster of residences and locally owned businesses along a postal road leading to the Lower Ferry crossing of the Susquehanna River. During the late 1880s the town grew because of its importance as a coach stop at the ferry crossing and as a busy railroad depot. Much of the old town’s freight rail traffic was diverted to roads, however, following construction of major highways (such as State Routes 40 and 7, and U.S. Interstate 95) beginning in the 1940s.

Perryville’s new growth occurred on converted farmland and forests away from the old town center, along Broad and Front Streets, and new, outlying subdivisions were annexed to the town. Further annexations occurred in the late 1980s and early 1990s. By the end of the 1990s the major employer in Perryville was the Veterans Administration hospital, situated on a peninsula

Map 1.1 Perryville, Maryland, in relation to the University of Maryland, College Park



Source: Environmental Systems Research Institute, Inc. (ESRI) Data and Maps CD (2003).

just past the old town. Dozens of disabled veterans live in Perryville's old town in boarding houses that are privately operated. As Map 1.1 indicates, Perryville is approximately eighty miles north of the University of Maryland.

As with many of Maryland's rural towns, Perryville does not have a planning staff, yet it is responsible for most of the land use planning and regulation that addresses the state's environmental and smart growth legislation. About twenty-five smaller jurisdictions on the Eastern Shore of the Chesapeake Bay rely on the Maryland Department of Planning's "circuit-rider" planners for technical assistance in implementing their Critical Area land use program (discussed below), but this occasional assistance is constrained by limited state personnel and financial resources. Such limitations can hamper smart growth implementation in smaller jurisdictions, but create conditions suitable for graduate planning programs to offer technical assistance. For the above reasons, Perryville provided a studio opportunity with mutual benefits for the town and the students.

Perryville's town administrator at the time, Sharon Weygand, was grateful for the offer of planning services and technical assistance. The town commissioners subsequently endorsed the proposed studio. As is done with all URSP studio courses, an advisory committee was assembled comprised of

major stakeholders at the local and county levels. Committee members would assist the students by identifying key issues in Perryville and Cecil County and by providing them with background information and planning documents. The nine members of the studio advisory committee included a town commissioner, the chairperson of the town's planning and zoning committee, the town administrator, the Cecil County planning director, the county's principal planner, the chairperson of the county economic development committee, two persons working with the Lower Susquehanna Heritage Greenway Project (which had economic and environmental importance to the town), and the Maryland Department of Planning's circuit-rider planner for Perryville.

After selecting the studio site, organizing the advisory committee, and compiling initial information and documents, the course instructor facilitated some of the student group discussions, acting sometimes as an ambassador between town officials and the students, and serving as occasional chauffeur (to take the eleven students on the 80-minute drive from campus to the town). He also exhorted the students to complete the written report by the end of the twelve-week summer session.

The town did not provide the studio with funding. Class expenses were supported with \$600 from the Summer Programs division of the University of Maryland's Office of Continuing and Extended Education. The funds were used to pay for layout and printing of the final report. In addition, the Summer Programs division set aside \$320 of the participating students' tuition, which was spent for the use of a van from the university's motor pool to make site visits to Perryville. For its part, the town gave the students the use of the Rogers Tavern, an historic landmark on the shore of the Susquehanna River, as a meeting place. The town also gave the students access to all documents needed for the study. In addition, town-elected officials and other stakeholders were very responsive to students' requests for interviews.

At a meeting at the beginning of the semester, each member of the advisory committee was given a chance to tell the students what he or she believed were the most compelling planning challenges facing the town. Following are the main issues raised by the committee:

- Perryville's comprehensive plan had been updated in 1997, prior to the full unveiling of Maryland's Smart Growth Initiatives; thus the plan needed to be reviewed to determine its consistency with the new initiatives.
- Neither the town's zoning ordinance nor subdivision regulations had been updated in decades; they were not consistent with either the 1997 plan or Maryland's 1997 smart growth legislation.
- Perryville does not have an easily recognized town center or even a landmark.

- There was a vacant, one hundred-acre industrial site in Perryville, formerly the location of the Firestone Plastics Company. It was unoccupied, due largely to poor access for trucks. Resident protests stopped a recent proposal to build an incinerator on the site, and the town was exploring other opportunities for the land's utilization.
- Commercial development in the area is found at the Outlet Mall off Interstate 95, on each side of Route 40, and (in small measure) in Perryville's old downtown. However, the town does not have a supermarket. Although an estimated 1,200 workers and visitors drive through the old downtown each day to reach the VA hospital, no attempt had been made to capitalize on the potential market created by the hospital-generated trips. Questions also arose as to how to bring the boarding homes for VA patients up to code. Some town commissioners were reluctant to put pressure on the boarding homeowners, but dilapidated properties were thought to undermine the old town's growth potential.
- The MARC train station in the old downtown was not being utilized for its commercial potential. (The MARC train connects Perryville to Baltimore and Washington.) The station could provide goods and services not only to daily commuters but also to downtown residents. Across from the train station and overlooking the Susquehanna is the historic Rogers Tavern, which was also underutilized. Because the population will increase within and near the old downtown, questions were raised about the kinds of commercial and/or tourism opportunities the town could pursue.
- The Lower Susquehanna Heritage Greenway Project was in its final planning stages and would create a corridor of protected open spaces along the Susquehanna River in Cecil County and neighboring Harford County. With its system of looping walking/biking trails, the greenway will provide recreational opportunities, habitat for rare species, and access to scenic views, historic sites, museums, local festivals, and cultural events. The town was deliberating the ways in which it could benefit from the greenway's economic development potential.

How the Students Approached the Studio Report

After the first meeting with the advisory committee and during the next twelve weeks, the students completed the following tasks:

- determined which of the above issues they could deal with in the given timeframe;
- organized their research agenda;

- read relevant literature, including state legislation, smart growth Web sites, and local, county, and state planning documents;
- collected data, conducted interviews with advisory committee members and other individuals with information and perspectives relevant to the studio topic;
- attended meetings of the Town Commission and the Planning and Zoning Commission;
- conducted extensive site surveys; and
- investigated potential sources of funding and technical assistance for implementing smart growth in the town.

The students gave an oral presentation to the advisory committee in September 1999, along with a written report. The written portion was intended to be a working document—something the town could use to manage growth in a way that is consistent with the major state legislation, including the Maryland Smart Growth Initiatives.

To guide them in their work, the students defined smart growth in two ways. One definition referred to local land use procedures and outcomes that are either mandated or encouraged via incentives. The mandates and incentives are established by four laws, collectively labeled as *Smart Growth*, which have been passed by the Maryland legislature since 1984 to prevent sprawl and/or protect environmentally sensitive areas. The second definition consisted of a set of general principles expressed in such Maryland legislation and in other local, state, and national antisprawl initiatives. These general principles were denoted as smart growth (lowercase *s* and *g*).

The first Maryland law that the students included under *Smart Growth* was the 1984 Critical Area Act, designed to improve water quality, protect habitat, and manage growth within a zone one thousand feet from the Chesapeake Bay and its tidal tributaries. The act mandates that jurisdictions inventory their Critical Area land into three zones, depending on the intensity of the actual land use. A one hundred-foot buffer from the shoreline is required for all new development, with exemptions for certain types of water-dependent uses. The local governments must then implement land regulations and performance standards specific to each of the zones, subject to oversight by a state commission. Because of Perryville's location, much of the town's land is subject to Critical Area Act requirements.

The Forest Conservation Act of 1991 constituted the second Smart Growth law under the students' classification. That act requires developers to replace some of the forests cleared for building and to plant trees on development sites that have few or no trees. Local governments are responsible for implementing, monitoring, and enforcing the act.

The third Smart Growth Maryland law, the 1992 Economic Growth, Resource Protection and Planning Act, is meant to facilitate economic growth and development that is well planned, efficiently serviced, and environmentally sound. The legislation required jurisdictions, by 1997, to incorporate the following seven visions into their comprehensive plans: (1) development is concentrated in suitable areas; (2) sensitive areas are protected; (3) growth in rural areas is directed to existing population centers, and resource areas are protected; (4) stewardship of the Chesapeake Bay and the land is a universal ethic; (5) conserving resources, including reducing resource consumption, is practiced; (6) to assure the achievement of the first five visions, above, economic growth is encouraged and regulatory mechanisms are streamlined; and (7) funding mechanisms are addressed to achieve these visions.

Under the 1992 act, new “sensitive areas” were to be included in plan updates. Each jurisdiction was allowed to define and determine the level of protection for steep slopes, streams and their buffers, the one hundred-year floodplain, and habitats of endangered species. Once the plan with the new sensitive areas element was adopted, the law required that zoning and subdivision regulations become consistent with the plan. Local planning commissions must review and, if necessary, amend their plans every six years.

Certainly the most nationally recognized of the four Maryland laws that the studio team defined as Smart Growth was the bundle of five programs passed in 1997 under the leadership of former governor Parris Glendening. The stated goals of the Smart Growth Initiatives were threefold: “To save our most valuable remaining resources before they are forever lost; to support existing communities and neighborhoods by targeting state resources to support development in areas where the infrastructure is already in place (or is planned to support it); . . . and to save taxpayers millions of dollars in the unnecessary cost of building the infrastructure required to support sprawl” (Maryland Department of Planning 2003). At the time the Perryville studio was in session, the Smart Growth Initiatives consisted of the following five core programs:¹

1. The Smart Growth Areas Act, which directs state funding into locations that meet one of several criteria. Some of the qualifying locations are a municipality, an enterprise zone, a certified heritage area, and locally designated growth areas (aka Priority Funding Areas) that meet specific state criteria. With certain exceptions, only Smart Growth Areas may qualify for state funds for water, sewer, transportation, housing, economic development, and environmental projects.
2. The Rural Legacy Act, which established a grant program enabling local governments and private land trusts to purchase easements and

- development rights in rural areas with such important natural resources as prime farmland.
3. The Brownfields Voluntary Cleanup and Revitalization Incentive Programs, which attempt to stimulate the reuse of contaminated properties.
 4. An updated Job Creation Tax Credit Program, originally established in 1996, that encourages businesses to expand or relocate in Maryland by providing tax credits for each new, full-time job a qualified business creates—with higher benefits available for business expansions or relocations in Smart Growth and Priority Funding Areas.
 5. The Live-Near-Your-Work Program, which creates financial incentives for employees to buy homes near their workplaces. Only home purchases in areas that qualify as “designated neighborhoods” (because they are mixed-use neighborhoods in need of revitalization) are eligible for the incentives.

The second definition of smart growth used by the studio encompassed principles being espoused at that time by the Congress for the New Urbanism, the Urban Land Institute, and the Smart Growth Network. (The students did their study before the Smart Growth Network posted on its Web site its “Ten Principles of Smart Growth.”) The students referred to those smart growth principles as the following:

- Residents live close to their employment.
- Building placement and scale are conducive to a pedestrian-oriented environment.
- Neighborhoods are compact and walkable with a modified grid street network.
- Transportation systems and transit hubs are centrally located and accessible by pedestrians.
- Public gathering centers, parks, and open spaces are located in accessible and practical locations.
- Civic buildings and spaces are promoted.
- A wide spectrum of housing options is available, enabling a broad range of incomes, ages, and family types to live within a single neighborhood or district.
- Infill development is pursued.

By using the two definitions, the students set out to help the town in fulfilling its requirements under Maryland’s Smart Growth mandates and to grow (and revitalize) in a manner consistent with smart growth principles.

Findings and Recommendations of the Final Studio Report

In the ninety-eight-page final studio report, *Smart Growth for Perryville*, the students clarify its purpose:

We sought to create a useful, action-oriented document that clearly outlines Choices, steps and resources necessary to plan for and implement future growth, as well as to enable the Town to discuss and make decisions based on a range of alternatives. (p. 6)

The report begins by analyzing the extent to which Perryville's planning/regulatory practices conformed with smart growth principles in general and Maryland's major environmental and Smart Growth laws in particular. That analysis concludes with thirty-one recommendations for improving those practices; twenty-three for the town, three for Cecil County, and five for the state of Maryland. The report then presents three potential scenarios for future growth in Perryville, based on three different "visions" that the students found in their review of the town's comprehensive plan and their interviews with local officials and residents. The scenarios are: "A Great Place to Live," where quality, small-town life, and residential development take precedence; "A Great Place to Work," where business and industrial development are the focus; and "A Great Place to Visit," where heritage-based tourism is the main goal.

Each of the three scenario chapters opens with a vision statement followed by a description of how the town would look and feel if the vision were realized using smart growth principles. Each chapter then provides an inventory of assets and constraints, suggestions for short-term and long-term actions for realizing the vision (in terms of land use and zoning, design, transportation, amenities and services, and so forth), and a listing of implications for major stakeholders. In all, there are twenty-seven suggestions for implementing "Live," twenty-four for "Work," and twenty-seven for "Visit."

The students point out that each of these visions could have differing implications for the town's soon-to-be-updated zoning ordinance, for its capital improvement plan, its use of vacant land, its designation of town centers, and other policies and regulations. For example, in the Great Place to Live scenario, the town would have two designated centers: one in the old downtown, on Broad Street (where new residential development would be attracted to infill sites); and the other at the intersection of State Routes 222 and 40, about a mile and half from downtown. In the Great Place to Work scenario, however, there is only one center, at the latter site, for the convenience of employees and/or customers of new commercial and industrial development located away

from the old downtown. In Live, the vacant Firestone property is to be examined as a potential site for boat access to shallow water on the bay. In Work, that site is assessed for pollutant contamination and marketed for light industrial uses. In Visit, the town's historical buildings, MARC station, and a new greenway trail are exploited for tourist-related commercial development.

In an effort to clearly distinguish the differences among the scenarios, the report contains a table summarizing how each of the three visions addresses each of the eight smart growth principles, and compares them with then-current planning practice in Perryville. In their report the students emphasize that the vision chapters are meant to stimulate discussion and action regarding Perryville's future—not to be a directive. Accordingly, following the vision chapters, the report outlines a series of steps the town could take to decide upon and implement its own vision, beginning with the formation of a strategic planning committee, representing a range of community stakeholders who would then develop a vision for the town. Following the outline of the strategic plan process are twenty-nine recommendations regarding meeting town hall's personnel needs; improving communication between the town and other jurisdictions; updating town codes; mapping; annexation, infrastructure, and public facilities; and design guidelines, economic development, and neighborhood revitalization.

The report concludes with a table to assist the town with smart growth implementation. The table matches twenty-five specific planning goals to a short list of town actions or tasks that can be taken to address each goal, along with the names of organizations that can provide funding and/or technical assistance in relation to those tasks. For example, for one of the planning goals, commercial business development, the table lists four possible actions (such as conduct market research) and identifies five sources of technical assistance and ten sources of funding to facilitate the task.

Finally, a twenty-page appendix contains an annotated summary of each of the eighty-four sources of federal, state, and nongovernmental program sources of funding and/or technical assistance listed in the previous table—including a one-paragraph description and contact information. The appendix also contains an additional listing of Maryland Department of Planning publications and services; a list of six relevant planning publications (such as Ames 1998 and Daniels, Keller, and Lapping 1995); four sources of training for public officials and staff in smart growth; and seven references for grant writing.

Perryville's Utilization of the Report

The studio advisory committee expressed great satisfaction with the students' work. Nevertheless, there was no formal commitment on the town's part to

use the report, nor any expectation that the students or instructors would assist with the report's implementation. The document simply was to be left with town officials and the advisory committee members.

In the four years following the studio report, there was only one occasion for continuity in the university's connection to the town. Three members of the town's planning and zoning commission participated in a two-day Planning Commissioner Certificate Program training in November 1999, sponsored jointly by the URSP and MDP in neighboring Harford County.

To ascertain the degree to which the studio report was helpful to the town, the author interviewed Eric Morsicato, current town administrator; Sharon Weygand, town administrator at the time of the studio; Mary Ann Skilling, the MDP circuit-rider planner for the Critical Area assigned to Perryville; Barbara Brown, chairperson of the planning and zoning commission at the time of the studio course and now a town commissioner; Anthony DiGiacomo, principal planner with Cecil County; and David Dodge, a developer who is also president of the Perryville Chamber of Commerce and a major player in the revitalization of downtown Perryville. Each of the six was asked to discuss the nature and degree to which he or she used the studio report and implemented its suggestions and recommendations. To determine how much the town had incorporated the students' suggestions and recommendations in their official planning documents, the author read the latest draft of the zoning ordinance, dated February 2003, as well as the minutes from meetings of the planning and zoning commission and zoning board of appeals since September 1999 to get a sense of how their deliberations reflected the kind of smart growth ideas in the studio report. A drive through Perryville was also conducted to get a firsthand look at any visible changes in the town.

Before discussing the impact of the studio report, it is necessary to consider Weygand's comment, "Change [in Perryville] is gradual." The town has not fully updated its comprehensive plan since 1997. None of the town's five commissioners receives a salary, nor do the planning and zoning commission members. Also, typical of small towns on the bay's Eastern Shore, the salaried town administrator has multiple responsibilities. In Perryville, in addition to administration, those roles include code enforcement officer, zoning officer, and financial officer. This means that championing change requires voluntary activism on the part of elected officials and extra effort by the town administrator.

Consequently, the impact of the studio is discussed here in three main ways: (1) how the town has addressed the report's recommendations for having planning/regulatory practices conform with what the students described as Maryland's Smart Growth program; (2) the degree to which the town has responded to students' recommendations for creating a visioning and strate-

gic plan, fulfilling personnel needs, updating town code, and other recommendations contained in the report's final chapter; and (3) other ways in which the key informants say they have used the report. In some cases the noted impacts were a direct result of the report; in others the report reinforced actions that the town administrator and some other stakeholders were already contemplating.

Several of the students' recommendations were immediately implemented to strengthen the town's enforcement of Maryland's Smart Growth laws. The circuit-rider planner and the town administrator prepared checklists to be used by the town to enforce the Critical Area Act and the Forest Conservation Act. The minutes of the town planning commission and zoning board of appeals disclose the stringent enforcement of environmental laws over the past four years. It is not possible, however, to determine the degree to which the studio report influenced this increased vigilance.

Consistent with student recommendations, the draft zoning ordinance requires public access to the waterfront in residential developments, enables future development to include commercial centers and high-density residential nodes, and enables infill and compact development. The town is also involved in implementing and promoting the Lower Susquehanna Heritage Greenway and in investigating numerous funding options for smart growth projects.

Some of the students' Smart Growth recommendations that have *not* been acted upon are those that would derive from an updated comprehensive plan, such as annexing open space to create a greenbelt, better defining sensitive areas, and working with Cecil County to establish a transfer-of-development rights (TDR) program. The TDR program option is not being explored at the county level because infrastructure capacity is currently insufficient to support the more intensive growth that would be directed to "receiving" areas. The students urged the town to apply for "Designated Neighborhood" status that, if approved, would enable it to participate in the Live-Near-Your-Work Program. The students believed this program could stimulate home purchases in Perryville by VA hospital employees.

Perryville did not follow the students' suggestion to create a strategic planning committee that would review the contents of their report (and other documents), develop a vision for the town, and then create a plan for its realization. Instead, in early 2001 the town created a revitalization committee that is focused on the old downtown. Established by the town administrator, Eric Morsicato, the group includes the mayor, developer David Dodge, downtown property owners, and other interested stakeholders. At their April 2002 meeting the group produced the following mission statement: "We will make Perryville one of the best places to work, live and visit in Maryland.

Come see us grow.” In other words, for the time being the town will embrace all three of the students’ visions, but concentrate their focus on a targeted area. Three new residential developments have been built in the old downtown, and a few more are planned. Combining elements of the students’ Live and Visit scenarios, the revitalization committee and town officials are planning to create a community educational and recreational center near Rogers Tavern and build a pier for water taxis. According to Morsicato, the goal is to eventually create a mixed-use downtown and a waterfront with promenades and restaurants so that people will want to come downtown for recreation and entertainment. The greenway will be an integral part of these Live and Visit scenarios. The Work scenario is being addressed by an event that was unrelated to the students’ report. In 2000 the state, Cecil County, and the town were able to attract IKEA to build a 1.7-million-square-foot warehouse and distribution center on the Firestone Plastics site, made possible by construction of an access road to Route 40.

The draft zoning ordinance complements the mission of the revitalization committee and incorporates many of the student’s recommendations, including the creation of a new, mixed-use zone for downtown. The draft ordinance has a new Town Center Mixed Use Zone that incorporates the students’ design guidelines and standards for parking, street lighting, and street furniture. Other features of the draft ordinance include bed-and-breakfast facilities as a conditional use in some zones, landscaping and open-space requirements for residential developments outside of the downtown, and support for planned unit developments.

The students had suggested that the town create an annexation declaration, clearly defining what kinds of land uses would be considered for additions to the town. This recommendation has been rendered moot for the time being because the town is nearing capacity use of its water and sewer treatment plants and is targeting its remaining capacity for infill development, especially in the old downtown. The report recommended that the town develop a long-range plan for water and sewer needs based on population growth projections, but the town has yet to begin planning for longer-term services.

Other recommended actions that have not been taken by the town include hiring a town planner and a code enforcement officer; adopting an adequate public facilities ordinance; improving town entry signage at key locations; creating an economic development plan and utilizing various kinds of tools (such as tax-increment financing) to finance site improvement in specific revitalization areas; and strengthening code enforcement. Most of these recommendations have not been adopted because of insufficient funds or because town officials are preoccupied with other issues.

Key informants identify four reasons for the studio report’s utility. First,

the report did contain some new ideas. As one planning commissioner stated, “The ideas that the students added to our vision were invaluable, because they thought of things we hadn’t considered.” Second, and probably more important than offering new suggestions, the report consolidated a number of smart growth–related ideas that either had been contained in earlier reports or had been proposed previously by others in the town. As a result, it was a resource for citizens who already had an interest in the town’s growing in a “smart” manner. Rather than being a revolutionary document, said Cecil County planner Anthony DiGiacomo, the report “gave momentum to smart growth ideas by putting them into clear form and at a good time.” Third, the concepts in the report have given additional legitimacy to initiatives by the town’s present and former administrators. Morsicato, who has been town administrator since 2001, states:

When I got here it was one of the first documents I read. I can’t measure it, but I fall back on the report as a resource more than any other document. We use it a lot as a reference. It legitimizes some of our proposals, gives us backup support.

Morsicato says that he has used concepts in the report for every grant proposal he sends out, including one that obtained funds to purchase property on the waterfront for the planned community activities center. Fourth, perhaps the most immediately utilized component of the studio report was the table of sources for technical assistance and funding, and the accompanying appendix with descriptions and contact information. Sharon Weygand says that this part of the report was a godsend: “For me, being new [in the town administrator’s job], I didn’t know all the agencies to contact. I kept the report in my notebook as a resource.” The Maryland Department of Planning, in its instructional guide for local governments, *Revisiting the Comprehensive Plan: The Six Year Review* (2000), has a resource directory that concludes with a note that some of the information in the directory was derived from the 1999 studio report.

Student Reactions to the Studio Experience

In addition to interviewing key informants about the impact of the Perryville studio, the author e-mailed several of the participating students to inquire about the greatest challenges for them in conducting the study and the degree to which the studio experience shaped their professional careers. The students identified two closely related challenges: obtaining the information crucial for their study and producing the report within a relatively short time frame; and learning to work effectively as a team. One student wrote: “The

greatest challenge in doing the studio was having only three months to do it, and with no prior knowledge of Perryville. In that short amount of time we were charged with the task of understanding exactly what was happening in the town in order to develop scenarios for the town's future." Another student wrote of his difficulty in getting timely cooperation from some state and county officials who could provide information about various capital improvement projects slated for Perryville and surrounding areas.

The challenge of learning to work effectively as a team was underscored by every student contacted. The following comments from two of the students nicely recall a group dynamic.

I recall that the biggest challenge was getting consensus among the members of our group on how the studio project should work, how far we should go in our recommendations, and [what] was realistic to expect as an outcome. We all brought different expertise, personalities and assumptions to the process. . . . While this was technically "just an academic project" . . . we were all pretty passionate about it and really cared about the outcome.

As with any team working on a tight schedule, it was important to try to be as efficient as possible, while maintaining a high level of quality by capitalizing on the team's assets and overcoming individual shortcomings. Unfortunately, but not unpredictably, this did not always occur for a number of reasons, not the least of which were different expectations, standards and approaches.

Many of the participating students indicated that the studio experience has had an impact on their careers.

It was a great benefit being able to relate this real-world experience to my professional planning career in Florida. I can better understand the challenges of managing growth, and that has helped me as a planner for a small city near Orlando, Florida. Like Perryville, my city is finding it difficult to redevelop the downtown and utilize historic resources, the land development code needs to be updated and development decisions are often affected by small town politics.

I really enjoyed the intensity and creativity of the studio. I also liked working on the local level with a great team and with the multidisciplinary, problem-solving nature of smart growth. . . . [I am] lucky enough to continue work in the field of smart growth, albeit on a broader national scale [with a national organization]. What I like about my job is basically what I like about smart growth: it makes sense, it makes communities more livable, and it's a complex, challenging issue.

Since working on the Perryville studio team I have been on a number of multi-disciplinary teams in my professional career in various capacities—member, facilitator, resource. Each time I am reminded of my experience with the Perryville studio and am better able to anticipate these types of challenges.

In Perryville there were a number of key individuals who provided invaluable information unavailable from any other source. In my [current] work as a consultant to local governments, it is interesting to discover in each new community that there are usually a handful of people with a vast knowledge of the community's history, politics and economics, just as in Perryville. As an outsider to the community—as a member of a student studio or as a consultant—it is essential to find those key individuals. At the same time the studio highlighted the value of verifying and validating information. This has been an invaluable lesson and has been reinforced in my professional career time and again.

Lessons Learned

The experience of the 1999 summer studio suggests that a semester-long, community planning studio is not only a valuable learning experience for students but also a viable way for the university to provide smart growth-related assistance to a jurisdiction. In the Perryville case, however, the reason for the project's impact is that there were, and still are, town officials and activists who are very interested in applying smart growth principles in local planning. These stakeholders greatly appreciated having a group of bright, conscientious students take a fresh look at the town's past and present planning actions and their future options. As a result of town elections and changes in planning and zoning commission appointments, it is conceivable that, over time, the studio report will be forgotten should smart growth lose favor among the local electorate.

Even if those committed to smart growth retain influential positions in Perryville, it would be valuable for both the town and the university to have a follow-up planning studio by the year 2006. The purpose would be to examine growth patterns in the town since 1999, determine reasons for such trends, and make refreshed recommendations to the town, county, and state. The students would have the intellectual exercise of figuring out what smart growth planning and policy changes have and have not occurred since 1999 and why. Town, county, and state stakeholders would again benefit from getting feedback from a group of intelligent outside observers with focused vision. This follow-up should be a standard practice for any smart growth studio.

The recommendation begs the question, though, of what kind of assistance the university offers in the interim years. After all, students graduate

and faculty members move on to other projects, so there is a loss of continuity once the report is given to the jurisdiction. The answer to the question will have to be the product of ad hoc negotiations between the university and the jurisdiction. Where appropriate, assistance could be offered by other units in the university. For example, in early 2003 Eric Morsicato inquired about additional assistance from the University of Maryland with design issues related to Perryville's community facilities planned for the old town waterfront. As a result of his request, the University of Maryland's architecture program chose Perryville as the focus for its spring 2004 senior student studio course.

Some recommendations in the 1999 studio report called on the state of Maryland to increase the amount of technical assistance given to local governments in their smart growth planning and implementation. Should budget constraints continue to limit the amount of the Maryland Department of Planning's provision of such assistance, the university planning programs could be called upon to help meet the need. The Perryville studio experience strongly suggests that such assistance can be richly beneficial to both students and community stakeholders.

Note

1. See Cohen 2002 for a discussion of each of the initial five programs along with more recently passed Smart Growth programs.

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Freeway Demolition on the Road to Smart Growth: A University-Community Partnership for Infill and Economic Development

Michael J. Greenwald and Nancy Frank

On June 5, 2002, the freeway running east along the northern border of downtown Milwaukee was closed. Typically, a highway construction closure in June is nothing extraordinary for Milwaukee—a place where freeway closures are considered a harbinger of spring. This time, however, was to be different—the freeway would never reopen. Instead, it would be demolished, and the land under the right of way would be reclaimed for downtown redevelopment.

Peter Park of the University of Wisconsin–Milwaukee presented the idea of removing freeway segments in downtown Milwaukee for his 1995 spring semester urban planning studio course. The idea seemed audacious when introduced at an urban planning faculty meeting. While the faculty expressed differing views of the feasibility of removing the freeway, they agreed that the proposed studio offered a number of elements that make a successful studio project. It posed an important question of public policy, which was likely to be politically controversial, and it offered an opportunity to broaden students' understanding of urban issues and alternative ways to deal with them.

That studio ultimately led to an ongoing collaboration between the School of Architecture and Urban Planning (SARUP) at the University of Wisconsin–Milwaukee (UWM) and the city of Milwaukee. This collaboration culminated in June 2002 with the demolition of the Park East freeway as one element in a larger mixed-use downtown redevelopment plan. The Park East redevelopment will invigorate Milwaukee's downtown by reconnecting it to adjacent neighborhoods and creating an exciting new neighborhood along a neglected stretch of riverfront. The redevelopment plan expands residential

choice in the Milwaukee metro area and brings opportunities for more balanced growth to the region.

This case study documents how a partnership between the university and the community allowed a planner-scholar to explore a major change to the infrastructure and physical form of Milwaukee's downtown, exemplifying two important principles for smart growth. First, history is not destiny; urban form can be redefined into more efficient patterns. Second, universities can serve an invaluable role as laboratories for experimenting with physical design and policy concepts for achieving smart growth goals. Such experimentation will, in turn, improve the quality of strategies that are implemented (Carruthers 2002).

The Issue

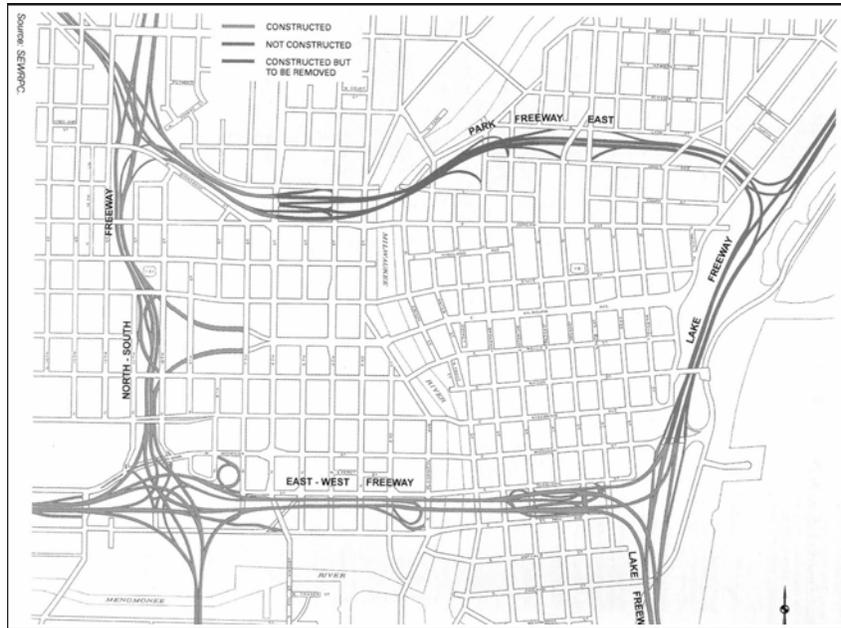
From the mid-1930s through the 1940s, cities across the country undertook studies to investigate whether the construction of freeways might benefit declining downtowns (Fogleson 2001, 249–82).

The freeways, the experts claimed, would stimulate residential dispersal, allowing even Americans of modest means to live in the suburbs. But they would also encourage the centralization of business. By providing uninterrupted movement from the periphery to the center, by relieving traffic congestion and thereby enhancing downtown's accessibility, they would anchor the central business district. (Fogleson 2001, 273)

In 1946 Milwaukee joined the growing number of cities proposing to build freeways to and through the downtown. From the start, traffic engineers in Milwaukee envisioned a system encircling downtown. The plan that unfolded over the next two decades proposed the creation of Interstate 794, skirting the city's south side, while the Park East freeway would skirt the north side. Each spur would connect to the Lake freeway running north and south from downtown along the Lake Michigan shoreline (Figure 2.1). Connecting the Lake freeway to the Park East would have completed the downtown loop (Gurda 1999, 332).

As the name might imply, the Park East was intended to connect to a segment called the Park West freeway. Starting at the connection with Interstate 43 (the north-south freeway to the west of Milwaukee's downtown), moving northwest and beyond the boundaries shown in Figure 2.1, the purpose of the Park West was to link downtown to the suburbs emerging along the northwest side of Milwaukee County. Construction began on the freeway in 1952, even while plans for the complete system were still on the drawing

Figure 2.1 **Multisegment downtown loop freeway system for Milwaukee by 1990, as proposed in 1965 by the Southeast Wisconsin Regional Planning Commission**



Source: Southeast Wisconsin Regional Planning Commission, in Cutler (2001). Used by permission.

board. As the initial phase of the downtown loop, the Park East freeway was completed in 1968.

Whether the traffic engineers' vision for downtown was ever the right vision became a moot point shortly after construction on the system began. Starting in 1965, strong public antipathy mounted against freeway development in general in the Milwaukee area (Cutler 2001, 70). Opponents were troubled by the disruption of traditional neighborhoods that the highway construction entailed. In addition, the Lake freeway was resisted for its likely negative impacts on Milwaukee's lakefront—as well as real estate values in the affluent neighborhoods along the bluff overlooking the lake. In 1971 an environmental attorney obtained a court injunction against construction of the Lake freeway on the grounds that the proposed right of way was on deed-restricted parkland; the Wisconsin Supreme Court upheld the injunction in 1973, ending the Lake freeway project (Cutler 2001, 76).

Almost immediately after the Lake freeway plan ended, the Park West

also was challenged. In 1977 the U.S. Department of Transportation found the environmental statement deficient and refused to proceed any further with the venture (Cutler 2001, 89). Following the cancellation of these two projects, the I-794 and Park East freeways survived, but with little purpose. Neither facility carried anything near its engineered capacity, essentially functioning as mile-long off-ramps to the downtown. Built as elevated highways with three or more lanes in each direction, both spurs dramatically altered the connection between the downtown business district and nearby residential and commercial areas. A block-wide swath beneath the elevated spans lay fallow except for mostly underutilized parking lots.

Beginning in the 1980s the neighborhoods lying just beyond the freeway spurs experienced a resurgence of investment. However, the redevelopment of those areas was clearly in spite of, rather than because of, their proximity to I-794 and the Park East freeway. South of downtown and cut off from it by I-794, the Third Ward emerged during the 1980s as an area of loft condos, galleries, restaurants, and design firms occupying old warehouses in this historic industrial district. Somewhat later and on the other side of downtown, just to the north of the Park East freeway, Schlitz Park evolved into a successful adaptive reuse project that transformed the former Schlitz Brewery buildings into offices and condos. But all of this new investment was separated from downtown by the left-over freeway spurs. Thus, the continued presence of the Park East and I-794 freeway segments appeared to some planners and political leaders as the antithesis of smart growth. The freeway remnants had been highly disruptive to the urban fabric, resulting in lost tax base within the right of way, declining property values adjacent to the elevated roadways, and lost opportunities for revitalization.

The Partnership: Program Activity Planning and Collaboration

The partnership between SARUP and city planners working on the Park East freeway project hinged on the practitioner-scholar role of Peter Park in his capacities as both adjunct faculty and the city planning director of Milwaukee. An alumnus of the UWM joint degree program in architecture and urban planning, Park served as a bridge between the urban planning program and the city in relation to this important planning initiative. After receiving his dual master's degrees in 1991, Park joined a local planning and design firm founded by his mentor at UWM, Larry Witzling. In 1991 Park returned to SARUP as an adjunct faculty member to teach a single course. In 1994 Park was asked to increase his involvement with the university; in addition to

teaching a lecture course and a studio each year, Park would spearhead the SARUP urban design program.

The planning faculty, in particular, made a major commitment to Park's association with their program. They appreciated Park's blend of theory and practice in both his professional work and his teaching. Park's preference for using real problems as the basis for course projects was a reflection of his own learning experiences at SARUP.

Studio projects in SARUP arise in two ways: either they are client-driven or they are problem-driven. In client-driven projects, students are presented with their task by a client who gives them an initial problem statement. He or she interacts with the students to refine the problem definition, goals, and values that should guide their solutions. Students are given the opportunity to take on the role of planning consultant and are reminded throughout the process of the real-world constraints within which their solutions must fall. As a result, while client-driven projects give students a healthy dose of urban reality, they may also discourage students from proposing bold solutions.

In contrast, in a problem-driven project, a problem is identified by the instructor and students are given a relatively free hand in designing solutions, without some of the constraints that client-driven problems entail. While problem-driven studios lack the real-world elements of communicating and negotiating with a client, projects that focus exclusively on the problem may allow students greater freedom to explore dramatically novel solutions.

The university-community partnership around planning the Park East freeway removal demonstrates the value of both models of service learning. Initially, the projects were problem-driven, selected by Peter Park from his read of the urban landscape. He presented students with a possible but, at the time, implausible scenario: What if a downtown freeway were removed? While Park provided the creative seed for exploring the potentialities involved in removing the highway, the university offered a protected environment in which the seed could take root.

When removal of the freeway was approved by the city, county, and state in 1999, the studio switched its focus to client-oriented program elements. By then, Park had been appointed to the position of city planning director. His studio then concentrated on translating his vision for the Park East corridor into a regulatory code the city would need to shape redevelopment following demolition of the freeway. Although the city relied on professionals to put together final proposals and drafts, Park used the studio as a way of conducting controlled experiments.

"What would you build," Park asked, "if the development controls looked like this? Is that the quality of development that the city needs in this neighborhood?" Park and his students explored different street configurations and

varying densities of development. They asked, “What sorts of uncertainties remain in the development code? Will developers and architects understand the requirements and be able to meet them within a realistic budget? Is the development code too prescriptive, resulting in uninteresting and repetitive developments?” With his students, Park tested different urban design code provisions to ensure they were internally consistent, clear, and understandable in order to assemble a predictable regulatory process. Students explored alternatives to such conventional regulatory techniques as zoning. The urban design guidelines and form-based codes developed in the studios have significantly informed the real-world development code submitted for final approval by the Department of City Development to the Plan Commission and the Milwaukee City Council.

The Planning-Learning Feedback Process

Initially, Park approached the issues of Milwaukee’s downtown freeways as academic exercises, at the same time hoping that demonstrations of the redevelopment opportunities that would be set up in the right of way would persuade policy makers to give his ideas serious consideration. Later, when the reality of the demolition was clear, Park’s studio shifted to being more client-oriented, with Park serving simultaneously as client and instructor. As Park puts it, “Studios allow me to try out harebrained ideas with students. The ‘aha’s!’ carry through to my work at the city.”

Park offered the first of his series of studios on freeway removal in spring 1995, focusing on the I-794 spur. Milwaukee mayor John Norquist had long advocated the demolition of both the I-794 and the Park East freeways as part of a larger, pedestrian-oriented downtown revitalization strategy. During exploration of an alternative downtown site for a new baseball stadium, the possibility of demolishing the Park East freeway received substantial press and planning attention (Nichols 1996; Lamke 1996). It was in this context that Park introduced to a graduate design studio the idea of demolishing I-794. Mayor Norquist and Michael Morgan, the commissioner of city development, attended the students’ presentation at the end of the semester. Park’s vision for the downtown, as communicated through the students’ studio work, was completely consistent with the mayor’s own concept as a member of the Congress for the New Urbanism. Later that same year Park was offered a position as city planning director for Milwaukee.

In almost every year since then, Park’s studios have focused on removal of Park East freeway and redevelopment of the corridor. Students have compared historic and current figure-ground analyses, examined traffic patterns and traffic counts, and researched historic and current land values. They

measured and drew boulevards in the style of Alan Jacobs, showing the width of streets, sidewalks, and curbs and their relationship to the massing of buildings and traffic. They reviewed the literature on Boston, San Francisco, and other cities for precedents of freeway deconstruction. Each year students made models of the existing land use and planned land use, showing conceptual plans for how the downtown might be reconnected to surrounding neighborhoods and how new construction could be integrated into the preexisting street grid.

The studio work significantly influenced the Milwaukee downtown plan. The replacement of the Park East with an at-grade boulevard was one of thirteen catalytic projects recommended in the city's downtown plan adopted in 1999 (ANA Associates 1999, 4). During the preparation of the actual plan, the model that students built of the Park East corridor was moved from UWM to the city offices where consultants for the downtown plan were at work.

Smart Growth Outcomes

The downtown plan proposed increasing the variety and condition of the housing stock, adding to the number of entertainment amenities, and providing travel options to connect various downtown destinations through a variety of modes, with particular emphasis on the pedestrian environment. By recognizing the value of potential infill space in the central city and embracing concepts of pedestrian-oriented development, the plans that have emerged fulfill much of the promise of smart growth. Among the stated objectives of the plan are the following:

- To increase the amount and variety of downtown housing;
- To provide attractive options for travel within downtown;
- To make walking attractive, easier, and convenient;
- To take advantage of the special features found downtown;
- To promote residential, office, and mixed-use development;
- To incorporate the Milwaukee River as a visual feature of this district;
- To extend the RiverWalk in front of the new mixed-use buildings;
- To provide green open space;
- To enhance pedestrian connections across the Milwaukee River;
- To create a predictable regulatory process; and
- To generate consensus among businesses, property owners, residents, and associations.

Together, these objectives explicitly address almost all of the smart growth principles. More indirectly, this large infill project in the heart of Milwaukee

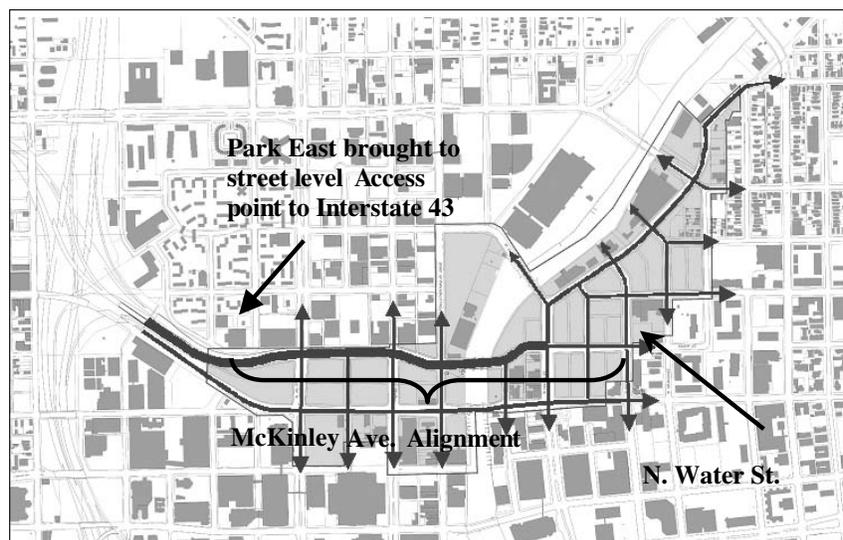
will attract development that otherwise might have been located in outlying areas. In theory, more balanced regional expansion should result. In practice, what evidence can be cited to show that this is really happening?

Attracting Development

Twenty-six acres of land previously consigned to the freeway (twenty-three of which are directly in the right-of-way) will become available for development once the city and county of Milwaukee approve the area master plan and renewal plan. The master plan consists of the architectural analyses, street grid design, the identification of environmentally degraded sites within the project area, and the statement of project goals. The renewal plan contains the zoning, conformity with state regulations, and infrastructure improvements. Approval for both plans is anticipated in mid-2004. Planners expect assessed values in the entire sixty-four-acre redevelopment area encompassing the freeway corridor to increase from \$58 million today to almost \$500 million at build-out. Property in the immediate right of way, however, cannot be sold because it is owned by the federal government, and, therefore, projects cannot proceed until the land is transferred to the county of Milwaukee. This transfer will not take place until the necessary infrastructure improvements (e.g., street grid and sewer trunk line connections and traffic signalization) have been completed (Park 2003a).

Even though this deadline is several years away, the private sector is already pursuing new opportunities for the Park East corridor consistent with the renewal and redevelopment plans. These projects include mixed-use residential, office, and entertainment space. In the largest example to date, Wispark LLC (the property management division of Wisconsin Energy Corporation) and Ferchill Group (a Cleveland-based property developer) in September 2002 purchased the old Pabst Brewery site, located just south of where I-43 will be brought down to grade, for \$10.3 million. The developers estimate the value of the project at \$300 million (Daykin 2002a). North of the new alignment, along North King Drive, developers have bought a site for \$2.15 million (Daykin 2002b). On the east side of the river, Mandel Group (a local condominium developer) has bought the abandoned and heavily contaminated Pfister Vogel tannery (located at the northeast part of the redevelopment area) for \$3.4 million; the 560-unit project at that site is anticipated to have a final value of \$90 million (Daykin 2002a). While none of these development projects is sited in the abandoned right of way, the removal of the Park East freeway was clearly an important factor in making the projects feasible. Given the developers' demonstrated enthusiasm to locate in areas immediately adjacent to the Park East corridor, demand for development sites within the corridor is likely to be vigorous.

Figure 2.2 **Proposed reconnections with street grid after Park East demolition**

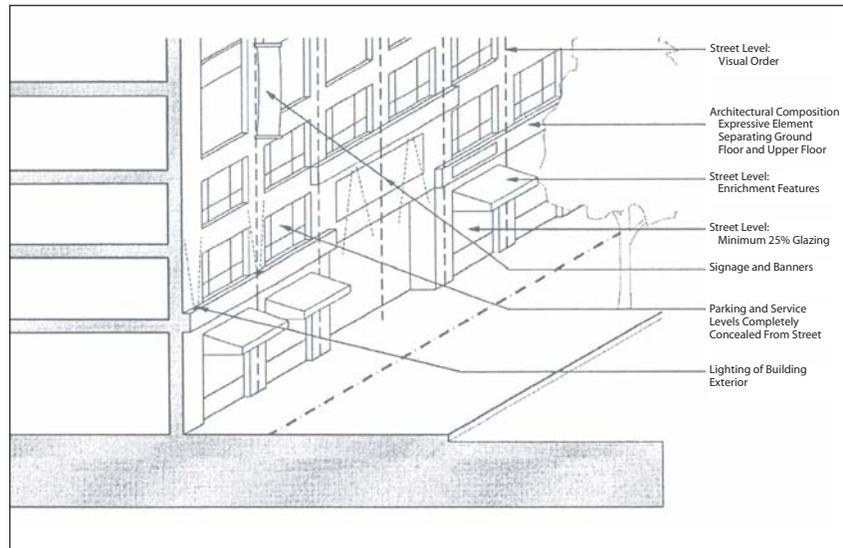


Source: City of Milwaukee, Department of City Development (2002). Used by permission.

Smarter Transportation

An important consideration of the Park East project is how to accommodate vehicle traffic while reconnecting the urban fabric once the freeway is removed. A new street, McKinley Avenue (the heavy line in Figure 2.2), will connect the freeway off-ramp to Water Street, where McKinley will feed into an existing east-west street. McKinley Avenue will need to be a six-lane artery to accommodate the traffic from the old Park East alignment and be populated with traffic signals to effectively integrate the new street into the existing network. Although this expansion will necessarily involve more cars on the downtown surface street system, the Southeast Wisconsin Regional Planning Commission (SEWRPC) stated in 2000 that “no significant change in traffic congestion may be expected.” Initial estimates of the Park East removal suggested that travel times from the I-43 interchange into the downtown would increase from one to three minutes, although analysis of the final alignment adopted by Park’s studio and the city of Milwaukee anticipated that the delays might be even less (WisDOT 2000; SEWRPC 2000). Such delays are more likely caused by lower speeds and stops for traffic signals on the arterial street that replaces free-flowing highway movement on the Park East, rather than resulting from induced traffic congestion.

Figure 2.3 **Architectural and urban design guidelines for structures in the Park East redevelopment area**



Source: HNTB Corp., Planning and Design Institute, Inc. (2002).

The plan recreates a fine-grained network of streets and blocks that pedestrians easily can move through. Development parcels have been designed to take up half a block, with new alleys inserted mid-block between parcels (City of Milwaukee 2002). In contrast to the pattern observed in many downtown areas, where daytime concentrations of workers are followed by deserted streets once rush hour has passed, the redevelopment plan envisions multiple mixed-use developments with twenty-four-hour activity. Extension of the downtown RiverWalk into the Park East area will provide an additional pedestrian route along the river (ANA Associates 1999, 24). As a result, walking will be a more viable alternative for travel between downtown areas.

The architectural code for the redevelopment area is consistent with Calthorpe’s conception of an urban transit-oriented development node, emphasizing high-density, mixed-use development in close proximity to transit, supporting a variety of transportation modes (Calthorpe 1993). To promote the goal of a lively pedestrian realm within the Park East corridor, Peter Park, professional planners, and studio students developed a “form-based” code, as exemplified in Figure 2.3. Elements of the code are designed to enhance the pedestrian experience on the street. For example, the code requires at least 50 percent glazing of building facade (more in some areas), between

two and eight feet from the street level (Park 2003a). No exposed parking is permitted within the first three floors. “Expressive elements” are required between the first two floors and the remaining floors to maintain a pedestrian scale, even in areas where buildings may be ten or more stories in height. To maintain a strong street edge, buildings are to be placed on lots in accord with the code’s “build-to-line” stipulation. Build-to lines are specified for each lot in the redevelopment area.

An important consideration during the development of the code was whether such a rigorous definition of urban form would be opposed by developers. One way that Park addressed this concern was to have his students not only develop the code but also design buildings in compliance with it. Since 1999 Park has taught the studio in three units. During the first unit each student creates an overall design approach for the redevelopment area or subareas. In the second, each student develops a code that would implement the design approach. And for the third, students exchange codes with one another and each designs a building that meets an assigned construction program that complies with one of the student’s codes. As a result, Park has been able to test the market and design feasibility of various code elements and combinations.

According to Park, developers actually welcome specificity in the codes. The high level of detail reduces uncertainty in forecasting what will and will not be approved by the city, which in turn expedites the design and construction process, saving developers time and money. It also helps them respond more quickly to changing market conditions.

Challenges

Despite the many smart growth virtues of the Park East redevelopment concept, the plans are not without critics. Open-space advocates have criticized the plan for reserving an insufficient number of acres for green space. The open-space element of the plan as it currently stands is a hardscaped river walk. Some argue that greater open space will translate into a premium feature for real estate with access to and views of green space. A coalition of community and labor groups has also faulted the plan for failing to require that any of the new residential units be affordable. In response to such criticisms, Park has argued that these issues are best addressed at the implementation rather than planning phase of the project (Park 2003b).

Although planners and city officials invested heavily in public participation to generate the momentum to obtain approval of the freeway demolition, public involvement in the preparation of the redevelopment plan was relatively limited to presentations to key stakeholders, including property

and business owners, neighborhood organizations, and governmental bodies. A public open house was held at Milwaukee City Hall in November 2002, attended by roughly two hundred participants, who could view boards and an 18 x 10-foot model of the corridor.

Themes of the UWM–City of Milwaukee Linkages

This case study of the demolition of an urban freeway and its redevelopment into high-density homes, offices, and businesses highlights the role that universities can play in shaping the landscape of our cities. Looking at the relationship between the city of Milwaukee and the University of Wisconsin–Milwaukee suggests several instances that, at first glance, might appear to be unique to the project but in reality speak to larger concepts that must be addressed in any successful university-community collaboration regarding smart growth applied research.

Longevity

As demonstrated by the timeline of events, from Park’s first studio to the actual demolition of the Park East freeway, achieving the outcomes described here required long-term commitments from both practicing professionals and the university. Individual faculty or an entire program can commit to work with practitioners on a specific planning area or issue over a period of several years. Such arrangements, however, may be prone to falling apart due to the inherent difficulties of maintaining communication and continuity.

In this case, a long-term connection was made possible by the urban planning faculty’s commitment to retaining a planning practitioner on contract as teaching staff. Engaging planning professionals as long-term faculty is one of the surest ways to achieve continuity in a specific planning issue. Park’s double role as planning director for the city and practitioner-faculty simplified what otherwise can be the weak link in university-community partnerships—continuous communication and sustained interest over time and over changing studio faculty.

The University as a Protected Environment

Like any land grant university, as part of its mission, UWM serves, as an unbiased venue where scientific approaches and public policy ideas can be studied to their fullest extent. Using university resources to investigate the impacts of Park’s ideas on the Park East demolition and redevelopment is entirely consistent with the school’s role. The resources and environment of

SARUP allowed ideas to incubate in a way that they could not have in a city planning department, which often is politically charged and budget constrained. SARUP's involvement did not totally eliminate these issues, but it did help minimize them. As Park explains, "What we do at the university helps people understand what the alternatives are. Partnerships with the city, like the work on the Park East, allow university resources to be used to educate the public and decision makers about what good planning and design can do."

The extensive testing and revision of the concepts and implementation codes for the Park East development conducted through the studios could not have happened alone in a traditional partnership between the city planning department and its consultants. Such testing and retesting would be too time-consuming without the aid of several students. As a result, future development in the Park East corridor will proceed in the context of a code explicit enough to provide predictability but without innumerable inconsistencies caused by inadequate pretesting.

The relationship fostered by Park between the city of Milwaukee and SARUP serves as a model for how the research mission of public universities can be incorporated into the smart growth debate. In terms of developing effective smart growth strategies, the creative freedom and associated changes necessary to develop consistent urban design-based public policy is too politically contentious and costly to sustain multiple revisions. Using university resources (both students and facilities) neutralizes some of those concerns.

Defining Success

However successful this collaboration has been, there are limits to what the university can reasonably expect to accomplish in fostering smart growth. While the university provides an environment for students and practitioners to offer their best thinking, implementation remains the prerogative of public agencies and elected officials. Even if recommendations are not adopted, however, such collaborations should not be viewed as failures, so long as the lines of communication between the public agencies and the university remain open.

Conclusion

Peter Park's studio, aside from posing an interesting urban design case study, gave the students the opportunity to creatively address a current public policy issue that, as Park's tenure in the studio continued, became progressively less hypothetical. One of the recurring themes that Park stresses in his stu-

dios is the way that changes to public infrastructure can enhance (or—as in the case of a freeway spur through the downtown—degrade) land values. This theme undoubtedly recurs in communities across the country. Although examples of freeway removal are few (the San Francisco Embarcadero freeway damaged by earthquake, Cleveland’s freeway removal along the lakefront, and Boston’s Central Artery, the “Big Dig,” serving as prime examples), many cities have freeway links that are underutilized and might be reconsidered in light of current needs and opportunities.

In the end, the public and local leaders have responded favorably to the ideas developed in Park’s studios. The redevelopment plan has been recognized by the Congress for the New Urbanism, garnering the 2003 Award for Excellence, and by the Wisconsin chapter of the American Planning Association, which recognized the plan as the best planning document from a large jurisdiction. If the gold standard for successfully achieving smart growth includes espousing public policies consistent with smart growth and training a new generation of architects, planners, and policy makers to understand the interactions between architecture and policy, then the outcome of Park’s collaboration has been good for Milwaukee, for Park’s students, and for society at large.

Acknowledgments

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Fostering Smart Growth Through Long-term Partnerships: The University of Oregon's Community Planning Workshop

Robert Parker

Oregon has more than thirty-year history in implementing statewide land use planning and growth management policies. Since 1973 the state has required all counties and incorporated cities to develop and adopt comprehensive land use plans and implementing ordinances. While Oregon's land use program includes many smart growth principles, it has also become increasingly complex in the years since it was adopted. Statewide requirements, coupled with economic and demographic changes, have left many Oregon communities without the technical resources to address land use planning and community development issues. The Community Planning Workshop (CPW) provides a bridge between higher education and Oregon communities dealing with land use and smart growth issues.

CPW is an experiential learning program within the Community Service Center at the University of Oregon, Eugene.¹ The CPW is closely affiliated with the Department of Planning, Public Policy, and Management in the School of Architecture and Allied Arts. CPW provides students the opportunity to address planning and public policy problems for clients throughout Oregon. Students in the Master of Community and Regional Planning Program work in teams under the direction of faculty and graduate teaching fellows to develop proposals, conduct research, analyze and evaluate alternatives, and make recommendations for possible solutions to planning problems in rural communities.

CPW's mission is threefold:

1. To provide educational opportunities in applied planning research to university students;

2. To provide professional planning assistance to communities, agencies, and organizations across Oregon; and
3. To provide paid research opportunities for students to help them defray some of the costs of their education.

Communities, agencies, and organizations contract with CPW to receive assistance with such planning and public policy issues as land use planning, community and economic development, economic and market analysis, facility management, tourism, social services, parks and recreation, housing, transportation planning, natural hazards, and energy analysis.

This case study provides an overview of the Community Planning Workshop. It begins with a brief history of the workshop, then describes the relationship of CPW to smart growth principles, the operational structure of the program, and how CPW implements its educational mission. It concludes with a consideration of lessons learned about university-community partnerships.

The History of the Community Planning Workshop

CPW has completed more than 250 projects for local governments, state agencies, nonprofits, and private businesses. Established in the early 1970s, CPW engages small teams of students, under faculty supervision, in community service projects. The program has a dual-mission: community service and education.

The first community service project—completed in 1973—produced *Activities of Statewide Significance*, a document that evaluated what might happen if Senate Bill 100 (the landmark land use planning legislation in Oregon) did not pass. In the early years projects were driven largely by faculty interests and the market: CPW worked with communities that had financial resources to support their projects. Early projects focused on energy resources, economic development, and tourism. In the late 1970s and early 1980s, though, CPW began expanding its interests.

CPW started an era of evolution in the late 1980s and early 1990s with a grant from the Fund for Improvement of Post-Secondary Education (FIPSE) through the U.S. Department of Education. The FIPSE grant helped fund the first CPW graduate teaching fellows (GTFs), who provided research and project management assistance. In 1990 CPW hired two full-time staff members, enabling CPW to expand its service areas and add a course specifically tailored to training students in project management. By 1995 CPW had six full-time staff members and was completing up to twenty projects each year. It also expanded and shifted the focus of services it provided between 1990

and 1995—completing larger and more complex projects that concentrated on land use, transportation, housing, and other social issues.

CPW and Smart Growth

The Oregon land use program is widely recognized for its commitment to statewide land use planning (Knapp and Nelson 1992; Abbott, Howe, and Adler 1994; Diamond and Noonan 1996). Recent efforts by the state's Department of Land Conservation and Development (DLCD) and the Transportation and Growth Management (TGM) program² have focused on development within urban growth boundaries (UGBs). These state agencies have pressed cities to adopt and implement smart growth principles.³

CPW, in partnership with the DLCD and TGM program, has worked with Oregon communities for more than ten years on many issues related to smart growth, ranging from land use plans that incorporate smart growth principles to economic development projections. For example, in 2001 CPW completed an update of the city of Eagle Point's comprehensive plan. Eagle Point is a small community (population six thousand in 2002) that grew more than 10 percent annually in the late 1990s and had more than two thousand vacant platted lots. CPW spent time with Eagle Point staff discussing such smart growth concepts as connectivity, mixed-use development, pedestrian linkages, and parks and open space. Many of these elements were included in the draft land use policies CPW developed for the city.

In 2003 CPW conducted a series of outreach meetings with planning commissions on the issue of smart growth. During the meetings planning commissioners were asked, first, whether they were familiar with the term *smart growth*, and second, what it meant to them. More than half of the planning commissioners had not heard the term, even though CPW was able to identify local developments that incorporated one or more smart growth principles in every community.

These examples underscore CPW's approach to applying smart growth principles in planning projects for Oregon communities. Moreover, CPW leverages contact with small communities through education and capacity building.

Implementing the Vision: The Structure of CPW

CPW's years of work with Oregon communities have yielded a wealth of understanding about the dynamics of developing and maintaining successful university-community partnerships. The CPW model is unique in many respects, but is transferable to any institution that wishes to link pedagogy

with community service. Moving from a vision to a successful, sustainable program, however, is a substantial challenge that requires commitment and persistence.

Project Selection and Market Areas

A good starting point for this discussion is how CPW develops projects and determines which are appropriate. CPW historically has focused resources on rural Oregon communities for two reasons: (1) that is the area of greatest unmet need; and (2) those are communities that are least likely to have resources to hire consultants. In short, CPW identified a key market (rural Oregon) and implemented a series of strategies to build that market.

CPW operates on a twelve-month calendar that corresponds closely with the state of Oregon's fiscal year (July–June). While CPW is a year-round program, it operates in two cycles: the CPW class cycle that runs from January through June, and the summer/fall cycle that runs from July through December. One of the biggest challenges of managing the CPW is developing four to six appropriate projects for the required-course portion. The projects are for the class cycle that begins in January, and they should be completed in June. This project development phase can last anywhere from a few weeks to a year, depending on both the project and the client, and, thus, is a continuous process.

With respect to selecting projects, CPW applies a few basic rules:

1. *Projects must result in meaningful community service.* All CPW projects involve clients that are facing pressing planning issues. CPW prefers projects that will result in positive community change, thus, it largely conducts applied research rather than basic research.
2. *Projects must have a multifaceted methodology.* Projects that rely on a single research tool such as a household survey do not provide an adequate educational experience for graduate students. Minimum requirements for CPW projects are primary and secondary research, data analysis, client interaction, public meetings or focus groups, report writing, and oral presentations.
3. *Projects must be within the capabilities of faculty and students.* An obvious criterion, projects must be developed inside the participants' core area(s) of expertise. For example, CPW faculty and students do not have the capability to engage in such activities as botanical inventories, wetland delineation, and habitat assessments.
4. *Projects should enhance organizational capacity by partnering.* At the University of Oregon, CPW has partnerships with the

Infographics Lab (a program that specializes in geographic information systems), the landscape architecture program, and the environmental studies program. CPW also has partnered with state agencies, councils of government, and private consultants.

5. *Projects should address a range of topics.* CPW strives to develop projects that focus on multiple issues and provide students with a range of experiences. Many of the topical areas are selected because they represent emerging concepts within the practice—including principles of smart growth.

In summary, the types of projects that are most appropriate as service-learning experiences for graduate students in planning involve labor-intensive data collection and analysis. Focusing marketing efforts in areas that typically are overlooked by consultants can be fruitful in developing ongoing partnerships. Many partners are skeptical that academic programs can deliver useful products; therefore, establishing a track record of successful, high-quality projects is imperative in developing a sustainable program.

Staffing and Organizational Structure

The organizational and operational structure of CPW derives from its history as the required practicum of first-year graduate students in the community and regional planning program at the University of Oregon. It is the result of years of experimentation with approaches that yield a sound educational experience while providing professional-quality products to clients. The program uses an internal organization similar to many private consulting firms.

In 2003 CPW's staff consisted of a full-time program director, a full-time equivalent (FTE) planner, a grant administrator who also works with other programs within the Community Service Center, and a quarter-time FTE graphic designer. CPW also employs three to five graduate teaching fellows during the academic year (September–June). The number of student researchers typically ranges from eighteen to twenty-six and is determined largely by the number of students accepted to the community and regional planning program. Depending on the types of projects, CPW may recruit students from public administration, landscape architecture, environmental studies, and other graduate programs.

Each staff position plays an integral role in day-to-day operations. The program director is responsible for overall program administration, project development, quality control, and class activities. GTFs manage the day-to-day activities of student teams and serve as project managers. GTFs spend the

Table 3.1

CPW staff and faculty responsibilities

Position	Number of staff	Staffing level (full-time equivalents)	Role(s)
Program director	1	1.0	Program administration; project development; client relations; partnership development; budgeting; quality control; class sessions; student mentorship
Planner	1	0.5	Project development; project management; assistance with class sessions; student mentorship
Grant administrator	1	0.3	Accounting; proposal processing; fiscal analysis; budgeting
Graphic designer	1	0.25	Report and presentation graphics; document layout; design assistance to student researchers
Graduate teaching fellow	3–5	0.4	Project management; client relations; management of student researchers
Student researcher	18–26	0.25	Research; data analysis; report writing; client and public presentations

fall term participating in a project management seminar with the CPW director and assisting with project development.

To leverage limited resources and provide a sound learning environment, CPW uses a team approach to completing projects. The first-year graduate students are placed in teams of four to six and are assigned a specific project for the period from January through June. The teams work on all aspects of their projects from start to finish. Table 3.1 summarizes the responsibility of CPW faculty and students.

It is notable that the current CPW program director is not a tenure-track faculty member but rather is a practitioner with considerable experience in the consulting realm. From a programmatic standpoint, this has several advantages: the program director manages the financial elements of the program like a business; the students in the workshop not only gain practical experience on projects but get hands-on direction from a seasoned practitioner; and the presence of a practitioner on faculty complements the more academically oriented tenure-track faculty.

Funding

Funding university-community partnerships is a challenge. Projects cost money, and community partners should not expect to receive services without some type of financial commitment. While there are many approaches to funding such programs, CPW has used some creative funding tools.

The annual operating budget is approximately \$250,000, with about \$50,000 in direct support from the University of Oregon through three graduate teaching fellowships and a small amount of support for the class portion of CPW. Thus, CPW is largely dependent on soft money (e.g., grants and contracts). Its financial strategy has been one of diversification, based on partnerships with state and local governments. CPW staff has invested considerable effort in developing long-term partnerships with government agencies that have planning functions. These partnerships provide a diverse funding base and some stability to CPW operations and are essential in project development. CPW will not respond to Requests for Proposals unless specifically solicited—a policy that was established in the early 1990s after a consultant suggested that CPW unfairly competes with the private sector.

CPW also relies heavily on intergovernmental agreements. Such agreements do not differ substantially from those that local governments enter into with private contractors, with one key exception: in Oregon local governments can establish agreements without going through a formal bid process. This can substantially reduce the administrative burden on the local government and the university.

One of the unanticipated outcomes of operating over a long period of time is the large number of program graduates that go on to practice in Oregon. These former CPW participants recognize the benefits of experiential learning and are very supportive of CPW and its capabilities. Moreover, they provide excellent mentors for students participating in CPW. Since 2000, between 25 and 50 percent of CPW's projects have come directly or indirectly from program alumni. For example, CPW has completed three projects for a single jurisdiction in the past five years and at this writing is about to embark on another; the project proponent in all of these instances was a program graduate.

Institutional Structure

CPW has a unique relationship with the University of Oregon's administration. When the original program director retired in the late 1990s, there was considerable discussion about a successor to direct the Community Service Center and CPW. The staff had years of experience with the programs, but

were not tenure-track faculty. Moreover, the significant reliance on soft money and the fiscal instability implicit in such funding required a series of discussions with the university's administration to ensure the program's continued sound management. Complicating these discussions was CPW's strong ties with the School of Architecture and Allied Arts (AAA) and the Department of Planning, Public Policy, and Management (PPPM). Because it is a required course in an accredited planning program, the AAA dean and the PPPM department chair felt that they needed some level of oversight of the program.

The management issue became clearer with the formal establishment of the Community Service Center, which acts as the umbrella organization for CPW. Research centers at the University of Oregon are typically independent from academic programs in most respects. The direct supervisor of the research centers is the vice president for Research and Graduate Studies. This administrative structure, however, did not fully address the concerns voiced by the AAA dean and the PPPM department chair.

The solution was a memorandum of understanding that was signed by all of the affected parties as a binding agreement. The memorandum defined the roles of the various players and how CPW would interact with those players. The key provision is that CPW reports to the vice president for Research and Graduate Studies on research and fiscal issues—including proposal review—and to the AAA dean and PPPM department chair on academic issues.

Leveraging Limited Resources: The Power of Partnerships

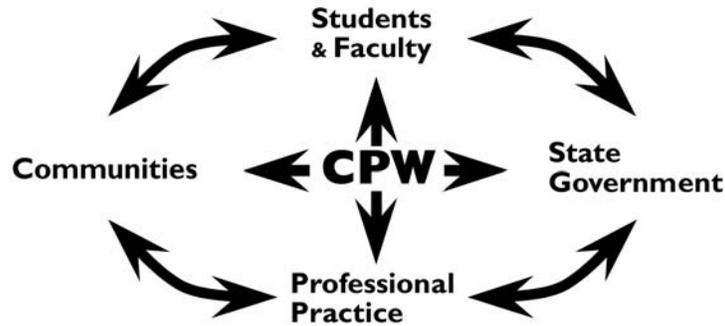
A key factor contributing to CPW's success is the many partnerships it has developed and maintained over the years, including those with campus organizations, state agencies, local governments, professional organizations—and with students and faculty. The partnerships shown in Figure 3.1 are central to CPW's mission and operations, but the graphic does not fully convey the complexity of the partnerships. In many respects, CPW serves as a catalyst for creating partnerships that occur at several levels and do not necessarily have to include CPW.

Because partnerships are pivotal to the success of CPW, it is worth describing them in more detail.

State Government

State government agencies are obvious targets for partnerships. They work across jurisdictions and frequently have access to funding sources that are not available at the local level. Moreover, many state agencies have grant programs that may be accessible to universities. CPW has sustained partner-

Figure 3.1 **Organizational partnerships of the Community Planning Workshop**



ships with several Oregon state agencies, including the Department of Land Conservation and Development (DLCD), Housing and Community Services (HCS), Economic and Community Development (ECD), and the Office of Energy (OOE). The most prominent relationship is with the DLCD, which oversees the statewide land use planning program. It has been a major player in CPW's efforts to promote smart growth principles. CPW has completed several projects for the DLCD or with DLCD grant funds. Partnerships with state agencies can provide more than project funding. For example, the Oregon Department of Housing and Community Services shared a high-level program executive with the Community Service Center for a period of three years.

Communities and Professional Practice

Communities are the foundation of CPW's partnerships. The number of communities and the range of planning and public policy issues faced by them demonstrate their natural linkage. CPW focuses on partnerships with rural communities because they tend to have fewer staff and financial and technical resources to address local issues.

CPW also has partnerships with practitioners. CPW does not generally compete with practitioners and consulting organizations; it has collaborated with consultants on several occasions, which can be particularly rewarding. Students get the opportunity to interact with practitioners, while practitioners get affordable support on labor-intensive activities. CPW serves as a subcontractor in most partnerships with private consultants. University administrative policies can make such collaborations difficult—particularly if the university takes the role of prime contractor. Moreover, university policies on overhead, billing, and accounting all make financial management more difficult.

Faculty and Students

CPW has a unique set of institutional relationships. It operates as one of several programs in the Community Service Center at the University of Oregon, and is a required course for first-year graduate students in the community and regional planning program run by the Department of Planning, Public Policy, and Management. These relationships benefit both students and faculty, as well as offer rich opportunities for collaboration. Moreover, campus organizations present ample opportunities for service learning projects.

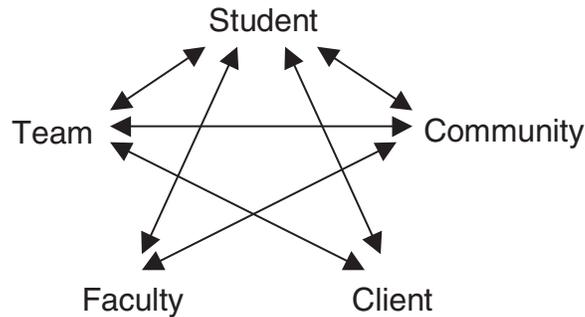
Coping with a Dual Mission: Engaging Students in Service Learning

A prominent challenge of managing a service-learning program is coping with the dual mission of providing a sound educational experience to students and quality products to clients. The issue here is how to manage a group of eager—but relatively inexperienced—students to complete projects that in some instances are quite complex. The answer lies in building upon the theoretical framework of service learning and adding a healthy amount of personal experience. From a pedagogical perspective, service learning should focus more on the process than the topic. This has been a key axiom for CPW over the years and is reflected in the course syllabus:

Completing one project in a six-month period will not teach you all there is to know about a specific aspect of planning. In other words, don't expect CPW to make you an expert in a specific area of planning. In our experience, it is the process of completing the project that is most instructive; the topic is of lesser importance.

This can be a tough sell to students, many of whom come to graduate programs with specific academic and professional objectives. Despite repeated reinforcement by CPW faculty that the process is more important than the topic, it is not uncommon for as many as half the students to select one project as their top choice.

Because of the unique structure of CPW—with paying clients that expect professional results—the balance between the pedagogical objectives and the practicality of getting projects done is challenging. Observations of students in CPW suggest that learning occurs at many levels (see Figure 3.2), each of which provides rich lessons. Many lessons, such as facilitating a public meeting, are fairly obvious, while others are much more subtle. For example, students can learn some important things about project management and

Figure 3.2 **Learning relationships at the Community Planning Workshop**

interpersonal relations from faculty and GTFs; such lessons may not be obvious, however, unless they are pointed out. Sharing the rationale for why certain decisions were made becomes an important part of the educational experience.

These interactions also provide a fertile environment for discussing the promise of planning theory and the realities of planning practice. Because CPW projects always involve paying clients with contracts, the degrees of freedom for what a team produces and how it is produced are significantly diminished. Timelines and budgets may preclude using innovative planning tools; clients may desire products that are not the appropriate ones; and clients have expectations for quality and performance. While some of these issues can be and often are negotiated in the development phase, project development almost always occurs before the student research team is assembled. Thus, students are confronted with a work program that typically provides a general description of methods and products, but does not always set out a detailed rationale for them. Student-faculty discussions about these issues offer excellent opportunities for reflection on planning theory and practice.

The Reality of Managing Student Researchers: It's Hard Work!

CPW is occasionally criticized for unfairly competing with the private sector. What the private sector does not realize is that a great amount of effort is required to teach students the skills necessary to complete a project. Most who enroll in CPW have never worked on a project with the components and complexity of the typical CPW project. Managing students presents many challenges—some of which are predictable and others that are not. In short, even graduate students behave like students—they are confronted with multiple priorities and will make personal decisions that may be in their best interest but not in the project's best interest.

CPW uses a tiered approach to managing students. Four to six students work in a team, with a graduate teaching fellow or staff person assigned as a project manager. Project managers go through a term of training in the fall and meet weekly throughout the year to discuss issues related to their projects and the management of their teams. Each project manager has a faculty adviser, usually the CPW director but occasionally other CPW staff. This tiered approach, combined with applications of basic project management and quality control, keeps students engaged and clients satisfied. CPW uses project management principles described by Moore (1991): manage for time, budget, and quality; aim research immediately and continuously toward a well-defined product; write early and often, in outlines and in standard formats; and document all data and assumptions immediately and completely.

These principles, along with such corollaries as the eight-hour rule (i.e., check in with students on progress for every eight hours of time they invest in the project) and internal deadlines (usually a week or two before actual deadlines), minimize some of the predictable friction points. Students will grow dissatisfied if they are not given sufficient direction to complete their tasks, and managers have to check progress constantly to ensure that students are producing useful output. CPW has found interim products to be useful in keeping clients pleased and for ensuring progress on work programs.

Quality control is one of the most difficult components of managing student teams. Again, CPW has used a tiered approach. Students typically work through their report outline and product in a meeting with their manager. A resulting annotated outline gives students the “big picture.” Teams are required to present their work program in a class session in the fourth week. While many students do not perceive the broader agenda of these presentations—allowing managers and faculty to gauge their levels of understanding of their projects—the presentations are nevertheless useful exercises in communication skills. Managers debrief teams after the presentation and fill in knowledge gaps. They are also responsible for substantial editing to ensure quality control, since writing skills within a team can vary widely. Written products are given considerable attention and go through at least three rounds of editing—by peers, by the team manager, and ultimately by the CPW director.

Establishing expectations at the outset of service-learning projects is key to maintaining student engagement and ensuring high-quality products. That said, the challenges can bring out the best in students. CPW has seen some truly outstanding student efforts that have been recognized with various awards, including the national 1000 Points of Light award, several student achievement awards from the American Planning Association (APA), as well as from other professional organizations.

Lessons Learned: Practical Advice for Academics and Practitioners

Given CPW's years of university-community partnerships, what practical advice can be offered to academics and practitioners who want to engage in service learning? While one could fill a book with anecdotes about the various projects, successes, failures, and near disasters CPW has experienced, the foundation for success can be distilled into a few main points.

1. *Strong faculty commitment.* University-community partnerships take time and effort. Successful partnerships, particularly those involving students, require faculty commitment. The support that CPW gets from CSC faculty and the faculty in the Department of Planning, Public Policy, and Management are critical to success.
2. *Develop institutional support.* The importance of this point cannot be overemphasized. The literature suggests that academic credit is for learning, not for service (Howard 1993, 5–9). Academics should expect some level of disagreement concerning what types of experiences constitute learning; the ability to articulate the dual mission of service-learning programs to peers and administrators is crucial. Having strong institutional support—at the program level, the department level, the school level, and the administrative level—is essential in developing a successful program.
3. *Establish a niche.* Identify and develop areas of need out in the community and match university resources to those needs. Having several core areas will yield a greater mix of project topics and a richer experience for students.
4. *Understand your capacities.* Developing university-community partnerships that include students imposes inherent limitations. Projects involving complex technical analysis or a deep understanding of policies may not be appropriate for students.
5. *Charge fees for service.* CPW's experience is that many communities will not take complete ownership of projects without some financial stake. A disengaged client diminishes the learning experience and makes project management difficult. The fee structure should be on a cost-recovery basis.
6. *Provide practical results, not academic studies.* Our experience is that communities come with projects that address pressing community needs. This approach is consistent with the “basic policy analysis” approach described by Patton and Sawicki (1993, 52–65). The

- applied research and products that communities desire do not preclude the use of results for basic research purposes.
7. *Make sure that your clients are supportive of the educational mission.* Having clients that understand the implications of working with student teams can make the process much more rewarding for students and can lead to better products. Students tend to have more ownership in their work when they perceive that clients value their efforts and are committed to the products.
 8. *Establish partnerships.* Long-term partnerships with a variety of organizations will result in a broader range of projects; better relationships between faculty, students, and client groups; and a sustainable flow of work. Partnerships are the foundation that has carried CPW for more than twenty-five years.
 9. *Develop diversified funding streams.* Most academic institutions will not be able or willing to fully fund programs like CPW. Developing diversified funding streams relates to the point made earlier on partnerships and will serve to even out cash flow and sustain staffing. Budget forecasting is essential in developing funding streams.
 10. *Provide ample quality control.* Programs that engage students will have, at best, a highly motivated but relatively inexperienced labor pool. Expect students to make mistakes, which is a natural part of the learning process. Developing internal quality control systems will help to ensure consistent communication with clients and to avoid embarrassing mistakes or inadequate coping with difficult client or public-meeting situations. Applying Moore's principle of "write early, write often" has proven to be an essential quality control mechanism for CPW.
 11. *Manage your time.* It is easy to underestimate the amount of time it takes to manage a service-learning project—much less a program. Faculty will need to develop mechanisms to provide a quality educational experience that includes basic components of thoughtful community service: community voice; orientation and training; meaningful action; reflection; and evaluation (Campus Outreach Opportunity League 1993). Each of these activities takes time and can easily become overwhelming when the project cycle nears the end.
 12. *Provide engaging opportunities for students.* CPW faculty and project managers spend considerable meeting time discussing ways to keep students engaged in projects. Programs that involve students do not have the traditional system of rewards that exists in the workplace (good performance is rewarded with more responsibility and more money; poor performance can result in termination). Thus, project managers must find other effective mechanisms to keep students

engaged, such as continuous client contact and public meetings. Activities in the community make the project more “real” to students and result in a higher level of attention.

These are a few of the principles that have contributed to CPW’s success. Academic institutions have much to offer communities in terms of applying smart growth principles and making sound planning decisions. Leveraging faculty expertise with student research has proven effective in the CPW university-community partnership. Moreover, the experience students gain through the field-based activities is invaluable as they embark on their planning careers.

Notes

1. The Community Service Center includes several other programs that complement CPW: the Resource Assistance for Rural Environments Program, which places students in communities for a period of one year; the Oregon Natural Hazards Workgroup, which coordinates public and private risk-reduction activities; the Proposal Writing Assistance Program, which provides communities with training and assistance in grant writing; and the Student Originated Studies program, which provides funding to students for thesis projects. See <http://darkwing.uoregon.edu/~cscs>.

2. The Transportation and Growth Management program is jointly sponsored by the Oregon Departments of Land Conservation and Development and Transportation.

3. To that end, DLCDC and TGM have developed a substantial library of outreach and technical assistance documents. See <http://www.lcd.state.or.us>.

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Applying Clinical Legal Education to Community Smart Growth: The University of Florida Conservation Clinic

Thomas T. Ankersen and Nicole C. Kibert

The University of Florida Conservation Clinic brings applied legal and graduate education to the service of communities, nonprofit organizations, and individuals seeking to pursue conservation objectives. The Conservation Clinic is one of a growing number of environmental law clinics that has begun to use the policy planning tools of smart growth to address land use and growth management issues in communities. Law schools have long maintained a tradition of judicially sanctioned community service through student representation (under supervision) of underrepresented segments of society. Environmental law clinics arose in the wake of the environmental movement of the 1970s as a means of providing similar services in defense of the environment. Today, clinical environmental legal education has moved beyond the courtroom—and the law school—to offer a broad range of professional services in ways that represent the diversity, maturity—and interdisciplinarity—of this practice area.

The UF Conservation Clinic did not start with a specific mandate to emphasize smart growth and local government law. The legal enabling environment for smart growth in Florida, however, provides an ideal combination of practice and pedagogical opportunities for law clinics. The Conservation Clinic has taken advantage of this ambience to assist rapidly developing Florida communities with designing policy tools that apply principles of smart growth. Since its inception in 1999, the Conservation Clinic has worked with three communities in the formation of downtown redevelopment districts and one brownfield site; designed a community green building program and drafted its implementing ordinance; helped to designate a multijurisdictional heritage highway; drafted a community wetland policy and implementing ordinance requir-

ing local watershed planning; drafted a sustainable tourism policy for a community comprehensive plan; and helped to formulate the legal and planning basis for a community air-quality program. The clinic has also conducted “conservation assessments” of property subsequently acquired for community parkland, helped to create an “ecocemetery,” assisted with the creation of a local bond initiative for land acquisition and represented landowners wishing to sell or donate conservation easements over their property.

This chapter presents a brief history of clinical environmental law. It then discusses the UF Conservation Clinic’s development in its university and law school setting, and the effect this has had on the nature of this law school clinic and its portfolio. The legal enabling environment for smart growth initiatives in Florida is considered, using selected case studies to illustrate how the clinic has taken advantage of this environment to provide service education.¹ These case studies illustrate aspects of the clinic-client relationship, the importance of the pedagogical feedback loop, issues presented by interdisciplinary professional collaboration, and difficulties inherent in “town-gown” collaboration.

A Brief Overview of Clinical Environmental Law Education

Traditional clinical legal education introduces law students to professional practice under the supervision of a practicing attorney-professor, focusing on litigation skills. In the past, clinical legal education was something of a stepchild of the law school system, which upheld a doctrinaire resistance to practice-oriented pedagogy. That changed in the mid-1990s as a result of a report by the American Bar Association, which grants law school accreditation (Joy 1994), that concluded that skills training should be an integral part of the law school curriculum and that instructors of legal skills should be included in law school faculties and governance. As a result, the number, nature, and diversity of law school clinics have grown.

Environmental law clinics began by following the traditional clinical model of a litigation firm (Gorovitz-Robertson 1998, 268). The first clinics emerged in the West in the late 1970s and focused on litigating under the citizen suit provisions of such newly minted federal environmental legislation as the Clean Water Act, the Clean Air Act, and the Endangered Species Act. Today, there are more than thirty environmental law clinics, nearly half of which were founded since 1995.² While the vast majority of these still describe themselves as litigation clinics, many have begun to diversify themselves. Some, like the UF Conservation Clinic, eschew traditional court litigation in favor of advocacy in other forums and other types of professional law and policy service. In addition, interdisciplinary environmental law clinics have

emerged, pioneered by the Yale University Clinic, which began in 1994 (Esty 1999, 14). Of the existing environmental law clinics surveyed, four, including the UF Conservation Clinic, describe themselves as interdisciplinary, meaning that graduate students in other fields enroll and form teams with law students to work with clients on cases and/or projects.

Models of environmental law clinic governance vary. Some, such as the UF Conservation Clinic, are in-house clinics in which pedagogy and student representation are centered at the law school and the clinical director is a full-time employee and faculty member. In other examples, clinics are fully or partially supported by nonprofit organizations, often such public interest law groups as Earthjustice, in San Francisco, under whose auspices they operate. In some instances, law schools supply office space while the nonprofit organization provides the attorney, who is appointed to the law faculty as an adjunct or courtesy appointment. Sometimes the office is external to the law school, and students function as interns, with varying degrees of faculty supervision. Some of these permutations have arisen due to political backlash from clinics that take on activities that are unpopular with alumni or political bodies. There are recent and notorious examples of what clinicians call “political interference” at both private and public law schools, including Tulane, the University of Pittsburgh, and the University of Oregon (Kuehn and Joy 2003, 1981–987; Carter 2002, 24). Operating off-site and under the auspices of an independent organization helps to insulate both clinics and law schools from political interference, but no variation, including choosing not to litigate, can guarantee that a law clinic will not be scrutinized.

Clients of environmental law clinics tend to vary as well. Traditional clinics have focused representation on such nonprofit environmental advocacy organizations as the Sierra Club, National Wildlife Federation, Defenders of Wildlife, and their regional, state, and local analogs. With the changing nature of environmental practice, the increased emphasis on interdisciplinarity in legal education and the emergence of land use as a central theme in environmental protection, the variety of potential clients has widened to include the United Nations, local governments, federal agencies, state legislative committees, neighborhood associations, and foreign governmental and non-governmental organizations. Clinical environmental law education has extended beyond traditional courtroom litigation, which has also dramatically expanded the range of potential clients. The Conservation Clinic, among others, has taken advantage of this development to offer students a wide choice of professional experiences with an increasingly diverse client base. Conservation Clinic clients have included the U.S. Fish and Wildlife Service, governmental agencies in Costa Rica (environment ministry) and Colombia (ombudsman’s office), the Florida Marine Research Institute, the West Coast

Inland Navigation District, such Florida cities as Waldo, Sarasota, Flagler Beach, and Marineland, as well as the university's hometown of Gainesville and Alachua County. The clinic also has represented a variety of citizen groups, including neighborhood associations, nonprofit organizations, and individuals pursuing conservation objectives on private lands.

The University of Florida Conservation Clinic: Origins and Development

The UF Conservation Clinic began in 1999 in an effort to further integrate students into the contract- and grant-based work of attorneys at the University of Florida Levin College of Law's Center for Governmental Responsibility, and to create a pedagogical framework for their work. Center lawyers, including the clinic's director, have a long track record of assisting local governments in addressing their requirements under Florida's growth management system and in seeking grants to pursue smart growth initiatives. At the same time, professors in the College of Law and Center attorneys began discussing the need to develop a cohesive environmental law program that would include land use law and legal skills training as core features. This culminated in the creation of the College of Law's Environmental and Land Use Law Certificate Program, which includes a joint degree program with the College of Architecture's Department of Urban and Regional Planning.

These developments coalesced in a decision by the College of Law to establish the Conservation Clinic as a formal part of the college's skills-training curriculum and its environmental and land use program. A portion of the Center's space was given over to the clinic, and the Center's staff lends a hand to clinic projects, including accounting and administrative support. A generous donation from an interested alumnus provided start-up funding, enabling the purchase of office furniture, computers, and supplies.

Interdisciplinarity was enhanced when the University of Florida created a new graduate program in interdisciplinary ecology, to which students interested in policy have gravitated. The Conservation Clinic became a listed elective in the new curriculum and has benefited from the influx of ecology students, who bring such skills as training in geographical information systems technology and landscape architecture. The clinic's place in the law school was further secured by the faculty's decision to offer legal skills professors long-term contracts at the college and to include the Conservation Clinic director's position in this promotion track.

The most significant aspect of these developments has been the clinic director's transition from following a research center model to a law clinic model where students, instead of acting as research assistants, assume the

responsibilities of professionals, supervised by a legal skills professor. In addition, the somewhat unique nature of the clinic's practice demands the formation of a distinct pedagogy, something that continues to be developed.

Conservation Clinic Methodology and Pedagogy

Universities run on semesters; the real world does not. This poses a fundamental methodological dilemma for all live client clinics, particularly in environmental litigation, which often is complex and driven by events and dockets that are out of the clinician's control. While courts and even opposing parties are frequently willing to work within the parameters of clinics, cases can lie dormant, explode in the middle of final exams, and otherwise frustrate the efforts of clinicians to assure quality experience.

The nature of the Conservation Clinic projects and clients obviates some of these difficulties, while providing opportunities to develop diverse legal and policy planning skills, as well as skills that are shared among all professions. The clinic's director usually assumes responsibility for initial project identification and assigns students to projects based on their interest and experience.³ In this way, the clinic has greater control over its project portfolio and can help to shape projects to fit within the academic calendar. Of course, this is an idealized scenario, as factors out of the clinician's, and sometimes the client's, control militate the actual course of events. Students can enroll for one semester or one year and this, too, becomes a significant factor in the project development.

All clinic projects share a common set of requirements. Students must interview the client and prepare a "scope of work" based on the needs of the project. Usually the scope of work takes the form of a signed, contractually binding letter of agreement between the clinic and the client, often negotiated by the student. Ordinarily the project has a significant substantive applied legal and policy research component, and generally includes interdisciplinary research as well. For example, in the case of the heritage highway project, law students teamed up with a landscape architecture studio to prepare an elaborate application packet that included a detailed review of local land use codes as well as a visual quality assessment and historical research. In addition, a project will typically have a policy product of some sort. These vary from a draft of comprehensive plan policies and local ordinances, as in the community wetlands regulation project and green building program, to policy recommendations, as in a statewide study of the impact of locally sanctioned feral cat colonies, predating protected wildlife, and the community watershed planning initiative. Finally, most clinic projects include a formal public or private forum in which students must present their

work to the public, the clients, or both. For the heritage highway project, students tested their public facilitation skills at four community meetings and presented the project to the governing bodies of two cities and two counties. For the green building program, two students presented the program they had designed and implementing ordinance they had drafted to the Gainesville City Commission.

In addition to hands-on professional practice, legal education clinics must respond to pedagogical requirements that stem from their nature as centers for professional-skills development. Thus, clinicians must employ educational techniques that are tailored to the skills students are expected to use after graduation. In a traditional litigation clinic this is often done through a short “boot camp” offered at the beginning of the semester, accompanied by practice manuals and courtroom simulations. Guest practitioners may supplement this by offering insights and practice tips. In an interdisciplinary, nonlitigation practice environment like the UF Conservation Clinic, a different set of skills is emphasized, including some that require students to leave behind the bulldog litigator image many have been taught to believe is at the center of their legal education.

The Conservation Clinic has evolved a flexible format that dovetails its pedagogy with its diverse client and project base, and supplements skills training offered elsewhere in the curriculum. Skills taught in class include public facilitation, regulatory and transactional negotiation, legislative drafting and negotiation (e.g., simulated hearings), local government and public agency hearing processes, opinion letter drafting and the provision of rapid professional advice. Multiauthor professional report preparation that integrates text and graphics is another feature of the clinic’s skills training. Students often use their clinic reports as writing samples in seeking employment. In addition to teaching these skills, the clinic has experimented with other professional skills activities, including drafting press releases and funding proposals, which are considered extremely important in the nonprofit world. For example, a press release written by a student on the impact of feral cats on the environment yielded statewide media attention, and her report contributed to a significant shift in state policy.

A major reason that the clinic has been successful in developing a smart growth project portfolio is the interdisciplinary nature of many of its project teams. Interdisciplinary practice is a necessary component of creative problem solving, which is crucial for lawyers to meet client needs adequately (Weinstein 1999, 319). Weinstein contends that law schools, due to the attitudes and values of the students the discipline attracts, compounded by pedagogy aimed at emphasizing certain skills, have poorly prepared students whose careers may extend beyond the traditional institutions of the law. The clinic’s

project teams have included students in landscape architecture, urban and regional planning, business administration, ecology, and economics, who were drawn to the clinic because of its interdisciplinary nature and its effort to integrate science, public policy, and the law. Several graduate students who enrolled in the clinic have gone on to law school.

In order for interdisciplinary teams to function effectively, members must have good communication skills, be able to function in a group setting, and display respect and understanding for members from other disciplines (Weinstein 1999, 327). The Conservation Clinic seeks to prepare students for this practical environment, which is especially important in the context of environmental and land use law.

Some Clinic Smart Growth Projects and Their Legal Context

One of the more striking developments in contemporary environmental law has been the national trend toward local environmental law, a movement that has caught the attention of several leading scholars (Nolan 2002; Tarlock 2003). Local governments are either seizing the initiative to fill gaps in state and federal law, or being enabled by states through the delegation of programs and responsibility. This trend has been complemented by the increasing importance of land use law as the policy basis for environmental protection efforts. Land use has always been the primary province of local government. The confluence of these developments provides a portfolio rich in clinical opportunities at the local level, where university students can take advantage of proximity and access to offer services where they are needed, while at the same time deriving educational benefit. This section describes several clinic projects where local government, land use law, and smart growth tools converge.

Local Government Comprehensive Planning

Florida has one of the most comprehensive growth management programs in the United States. Since 1967 Florida has been a home-rule state, which means the state has delegated broad powers to local governments, including the power to make land use decisions and enact environmental protection ordinances (Sorensen 2002, 7). In the 1970s, however, concern that local governments were not making good development decisions led the state legislature to develop a multitiered growth management system rooted in land use planning (Carter 1976). A series of legislative acts restricted local government home-rule authority over land use planning, creating a growth management system based on state and regional oversight. Each local government is required to have a comprehensive plan, which the courts have interpreted

as the community's "land use constitution" (*Machado v. Musgrove*, 519 S0.2d 629, 632 [Fla. 3d DCA 1987]).

The contents of the comprehensive plan are dictated by statute, elaborated through administrative regulations, and enforced by the Florida Department of Community Affairs. The plan must include requirements such as future land use, capital improvements, transportation, conservation, recreation and open space, and utilities (Fla. Stat. ch. 163.3177, 2002). All comprehensive plan elements must incorporate goals, objectives, and policies that are backed up by data and analysis. These two requirements offer an especially fertile opportunity to integrate law and policy planning with other disciplines whose methodologies provide the basis for developing data and analysis.

A local government comprehensive plan may also include optional elements, which offers a unique but seldom used opportunity for Florida communities to pursue smart growth initiatives. For example, the Conservation Clinic assisted the town of Marineland with the preparation of an optional sustainable tourism element to its comprehensive plan. Marineland hosts Florida's oldest tourist attraction and is seeking to market itself as a new science, education, and heritage tourism model based on principles of sustainability. Marineland's new optional element offers a way of demonstrating this commitment.

Once a local government has adopted an approved comprehensive plan, it must implement the plan through land development regulations. According to Florida statute ch.163 (2003), all land use regulations must be consistent with the comprehensive plan (Brown 1991, 17). The plan may be amended only twice a year and must be reviewed and updated periodically. Each step in these processes requires the involvement of citizens and provides opportunities for administrative and judicial challenge. Originally any local government land use decision was treated as a legislative action, entitled to great deference by the courts. This all changed with the Florida Supreme Court case, *Board of County Commissioners of Brevard County v. Snyder*, 627 S0.2d 469 (Fla. 1993), in which the court determined that most rezoning actions were "quasi judicial" and subject to greater judicial scrutiny. A quasi-judicial rezoning hearing looks more like a judicial hearing than a legislative process, and local government commissions engaged in such hearings have effectively become a new judicial branch. Such hearings demand an entirely distinct set of professional skills for lawyers and nonlawyers alike. Politicians in the public eye do not view traditional courtroom tactics favorably, yet individuals' property rights can be significantly affected and a record must be protected. Quasi-judicial hearings provide a rich source of material for clinic simulations, involving the use of plan-

ning, economics, and conservation science students as expert witnesses, often based on the clinic's own projects.

Urban Wetland Mitigation and Small Basin Watershed Planning

The unique nature of the comprehensive plan as both a regulatory and a planning document makes it ideal for pursuing interdisciplinary clinic projects rooted in smart growth. In fall 2002 the clinic began working with the city of Gainesville's ad hoc advisory committee on creeks and wetlands in a politically divisive effort to draft new comprehensive plan policies for local wetland regulation. Essentially, the clinic served as staff counsel to the appointed committee of the city commission that was charged with reviewing the current policies and drafting new ones as well as land development regulations. Two law students participated in a semester-long, extremely contentious public regulatory negotiation that finally yielded new plan and ordinance language, which the committee forwarded to the city commission. The clinic's recommended plan policies were adopted. On the clinic's advice, the committee included language that mandated that the city adopt local basin plans for each of the town's four watersheds.

The following semester the clinic teamed up with the university's Center for Wetlands in a self-initiated interdisciplinary project to develop a methodology for small-basin watershed planning in Gainesville (see Box 4.1). The project team included a landscape architect in the graduate interdisciplinary ecology program, a wetland science graduate student, and two law students. The report included a basin-by-basin ecological characterization of the city's creeks and wetlands, a spatial analysis of the status of wetlands in the city and county, and an assessment of legal and policy obstacles and opportunities for basin management in a multijurisdictional political milieu. The team presented its report in the context of a divisive debate over a citizen charter initiative to ban all development in wetlands, a policy that would effectively end the practice of wetland mitigation within the city. The local environmental community was divided between those who viewed locally based wetland mitigation as a smart growth strategy and those who believed it would contribute to the deterioration of the city's wetland resources and inner-city neighborhoods. The initiative failed at the ballot box, largely on the strength of the ad hoc committee's environmental credibility and novel approach to community-based wetland management, but all sides agreed that the mandate for local basin planning policy should be pursued at once.

The clinic's small-watershed planning project illuminates the problems and possibilities inherent in interdisciplinary applied education, es-

pecially the reconciliation of different approaches. The wetland science student, charged with providing an ecological characterization of the basin, began by proposing a rigorous study that would be years in development. The landscape architecture ecology student proposed a series of maps that would require new field data. One law student was faced with the daunting prospect of inventorying the city's property records to establish ownership patterns along urban streams. Clearly, students could accomplish none of these activities in an academic semester or year. What became apparent instead is that the absence of information is itself a significant policy fact. For example, after a random search revealed that some creek sections were privately owned, it became evident that property records would have to be inventoried to determine who actually owned the creek bottom before urban stream restoration could occur. City planners had been assuming that all creeks were in public ownership, or at least subject to easements.

For this project, two policy tools served as integrating forces across the disciplinary divide: geographic information systems (GIS) technology and a final report with conclusions and recommendations. Land use maps and resource overlays provide the spatial representation for a set of written policies and policy distortions. Report conclusions represent the sort of "ultimate facts" that lawyers traditionally utilize to make their case. A factual conclusion tested against a written policy yields a legal conclusion. A final report with conclusions and policy recommendations based on spatial data analysis completed the disciplinary integration. To accomplish this, the law students were forced to draft defensible conclusions that the science students and their professors at the Center for Wetlands could accept. This occurred through lengthy and intense team negotiation where each draft conclusion was discussed, debated, and then couched in language that satisfied the scientists. In the end, however, the team would agree on the powerful, and potentially controversial, ultimate policy conclusion: under all existing and proposed conservation and land use policies in Gainesville, wetlands would continue to degrade and, hence, become subject to consideration for mitigation under the policy adopted by the city. This mitigation policy had been recommended by the clinic the previous year.

Downtown Redevelopment

In addition to framing growth management legislation, the state has created a number of specific opportunities for local pursuit of smart growth initiatives. The 1969 Florida Community Redevelopment Act (CRA) was established to attract investment in blighted downtowns (Fla. Stat. ch. 163.330–463 [2002]).

Box 4.1

Getting Out in the Field

The wetlands start where the lawyer stops walking and starts talking.

The Gainesville basin planning project revealed the importance of “getting out in the field,” something not usually emphasized in the law school curriculum. For the better part of a semester students had been poring over land use maps and identifying areas set aside for conservation and those slated for development. Eventually, the project team came to realize the significance of a large wetland complex that straddled city and county in northern Alachua County. A satellite image revealed that these wet pine fatwoods were the headwaters of most of the region’s creeks, therefore, an area of watershed-wide concern. Land use maps showed this region as a swath of green space, protected by conservation easements designed to protect the city’s well fields. Clinic students ventured into the field, by land and air (with the help of a clinic student pilot), and discovered that the policy maps were misleading at best.

Figure 4.1 **Satellite photo of area basin concern**



Source: U.S. Geological Survey Digital Line Graph (DLG) data for 1:24,000 Hydrography.

(continued)

Box 4.1 (*continued*)

Closer inspection revealed that the supposed conservation area had been ditched, drained, and logged by forestry operations, activities specifically authorized by the conservation easements, but not adequately reflected in the land use plan or maps. The conservation value of these lands as a regional headwater had been seriously compromised.

Figure 4.2 **Students in front of single-engine plane prior to the aerial overflight**



Figure 4.3 **Aerial photo showing actual condition of wetlands (ditched, drained, and deforested)**



The CRA has enjoyed a renaissance since urban infill has become a watchword of the smart growth movement. This act allows communities to employ tax increment financing to revitalize downtowns, preserve historic areas, and otherwise enhance their surroundings. In fall 1999 clinic law students coauthored “City Beautiful: Creating a Community Redevelopment Area in Your Community,”⁴ a paper that outlined the steps a community must take under the act to designate a community redevelopment area, create a redevelopment plan, and establish a trust fund. The following semester clinic law and planning students were able to take advantage of this research when the city of Cedar Key retained the clinic. Cedar Key is a small fishing village on the Florida gulf coast rapidly transitioning to a tourism economy. The clinic worked with the city commission and attorney to designate a community redevelopment area aimed at retaining the city’s traditional working waterfront, in the face of gentrification from the tourism sector of the town’s economy.

In fall 2000 the historic town of Marineland, Florida’s smallest incorporated municipality and host to the state’s oldest tourism theme park, retained the clinic. Located on Florida’s northeast coast, about one and a half hours from the University of Florida, Marineland has been designated a Remarkable Coastal Place by the State of Florida Department of Community Affairs. The clinic worked with the town council and attorney through the citizen-based Marineland Revitalization Working Group to define a community redevelopment area and prepare a redevelopment plan. The clinic also drafted the state’s first sustainable tourism policy for Marineland as an optional element to its comprehensive plan. In 2001 the city of Flagler Beach, immediately south of Marineland, retained the clinic to assist it with its own redevelopment plan.

In the 1998 Brownfields Redevelopment Act, the Florida legislature recognized that the reuse of industrial land could assist the state in a number of ways, including the preservation of open space, and could efficiently use existing infrastructure while incorporating environmental justice concerns (Fla. Stat. ch. 376.77–875 [2003]). Financial and regulatory incentives were created to encourage voluntary cleanup and redevelopment of brownfields. In 2001 the clinic teamed up with the university’s Center for Construction and the Environment to undertake a land use and zoning analysis and make policy recommendations concerning redevelopment of neighborhoods surrounding an EPA-funded brownfields site in downtown Gainesville. The clinic offered recommendations for implementing the project team’s redevelopment vision, including redrawing the existing Community Redevelopment District to include the brownfield and its contiguous neighborhoods, and to make appropriate land use and zoning changes.

Green Building

Green building programs encompass energy efficiency, good materials use and recycling, water conservation, landscape considerations, and indoor air quality. Local governments have begun to embrace policies designed to encourage green building through incentives, regulations, and certification programs of the U.S. Green Building Council and Florida Green Building Coalition.

In spring 2001 a clinic team of joint MBA-law students initiated a project with Gainesville's Department of Community Development to create a green building program for the city. The clinic team ran a stakeholder workshop that brought together more than forty representatives from the construction and real estate sector, green building advocacy entities, local utilities, and city government. The workshop suggested there was ample interest in incentive-based green building to justify moving forward with a program. The clinic drafted a Green Building Program and Ordinance, enacted in October 2002. The Gainesville program is the first such program in Florida and is now being promoted as a model by the University of Florida's Energy Extension Unit.

Problems of Interdisciplinary Collaboration

These case studies depict a few of the many projects the University of Florida Conservation Clinic has undertaken to assist local communities seeking to pursue smart growth policies. All clinic projects are listed on the clinic's Web site, and substantive research is hosted there where permissible.⁵ Of course, as is the case with all professional practice, not every project yields successful outcomes or results in smart growth law and policy.

The Conservation Clinic model provides useful lessons in the difficulties inherent in interdisciplinary collaboration between law and other graduate students and their professors. These lessons include mundane, but not inconsequential, problems such as that posed by the spatial and temporal isolation of the law school from the main campus. The University of Florida Levin College of Law is located on a remote corner of the campus, separated from the main academic complex by massive sports facilities and student housing. Not only is it physically separated from the rest of the university, it operates on a different calendar. Academically the law school is viewed as a separate professional school rather than as a part of the graduate school. Graduate students must, therefore, receive course-specific approval to enroll in law school classes they wish counted toward their degree, a largely symbolic disincentive to interdisciplinary collaboration. Law schools throughout the nation face similar difficulties.

Once the framework and logistics for interdisciplinary collaboration have been settled, the actual collaboration must be developed over an artificially short time frame that is based on the academic calendar. This requires integrating disciplinary approaches, methodologies, presentation styles, personalities, and even citation formats for generating the report. Law students eager to test their advocacy skills sometimes do so at the expense of their colleagues. They are taught to “think like a lawyer” and “get to the issue,” which can be frustrated by the deliberate methodological ethos and reluctance to draw policy conclusions based on limited data that their colleagues in the sciences characteristically demonstrate. Like all good scripted events, public policy presentations do not reveal the often difficult and sometimes acrimonious internal decision-making processes that precede them. A greater emphasis on conflict resolution in law schools and an expanded view of the role of the lawyer in society have improved this dynamic.

Clinic-Client Relationships

In general, communities are tolerant of the difficulties inherent in pursuing skills training in a professional environment and are appreciative of the students’ efforts to juggle their sometimes-daunting course loads with their professional obligations at the clinic. In most cases, the clinic’s smart growth projects are those a community might not otherwise have taken on due to lack of resources to retain professionals. Even so, once the political commitment and accompanying representation decision have been made, the fact that students are at the center of smart growth policy development does not provide a basis for excuses. The inadequate performance of one student or student group can wreak havoc on scheduling and damage carefully cultivated clinic-client relationships. The clinic director must assume full responsibility for the work product of the student professionals. For programs having the resources, it is beneficial to have faculty or affiliated researchers willing to step in and help. The Conservation Clinic’s relationship with law faculty and colleagues at the public policy research center has been instrumental when such circumstances arise. At the same time, clinical professors must exercise caution and avoid the temptation of taking on too much, especially in an interdisciplinary policy practice arena where the clinician is often outside of his or her acknowledged field of expertise.

Working in the sometimes politically charged town-and-gown atmosphere of a major university can also impose problems. In terms of comprehensive planning, the University of Florida is the “elephant in the room,” largely exempt from local comprehensive planning policies, yet wielding the single greatest effect on growth in the community. University administration policies frequently diverge

from local wishes (and sometimes good smart growth policy), creating the potential for interinstitutional and even employer-employee conflicts.

Conclusion

Despite these challenges, representing communities in the pursuit of interdisciplinary smart growth policies provides a rich mix of practice and pedagogy. In the context of legal education, such clinics as the Conservation Clinic cannot replace the traditional litigation clinic, especially for those students seeking to pursue a career in environmental and land use litigation. A robust legal education curriculum, however, should provide both forms of service learning.

Notes

1. *Service education* is a term used to describe the broader commitment of universities to bring pedagogy and practice together to provide community service. Clinical legal education represents just one manifestation of this larger commitment, which extends to all disciplines. A 1999 report from the presidents of one hundred prominent state universities and land grant colleges commissioned by the Kellogg Foundation concluded that public universities were not doing enough to support their communities and, as a consequence, were losing a significant opportunity to train the next generation of professionals and leaders (Kellogg Commission on the Future of State Universities and Land Grant Colleges, 1999).

2. These statistics are maintained by an ad hoc group of environmental law clinicians affiliated with the American Association of Law Schools.

3. In some cases, however, students themselves bring projects to the clinic, often as a result of their own interests and contacts. This is especially the case with graduate students, whose research is frequently driven by grants and contracts from external entities that can benefit from a policy component to the project.

4. See <http://conservation.law.ufl.edu/pdf/CRAfinalreport99.pdf>.

5. See <http://conservation.law.ufl.edu>.

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