

Cognitive Barriers in the Land Use Planning Process

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Introduction

It's Thursday night in a normally quiet, rural New England town, but for the last two hours at the local meeting hall it's been anything but. A new development proposal is under debate; the towns peoples' tempers are simmering, the developer is fast losing patience, and you, the town planner and the convener of tonight's meeting, are wondering what exactly is *wrong* with people.

The developer is proposing a small subdivision of starter homes on a field on the outskirts of town. Until recently, a local family had owned the property and allowed the townspeople virtually unrestricted access: dozens of dog walkers would converged on the site on any given day, and a generation of local children had participated in the school's annual "Field Day" on the grounds. All in all, you can understand why the field has both use value and sentimental significance to many people.

But to hear people's shrill speeches about how development of this parcel will be ruinous to the community makes you cringe. "Too dense," "destroys invaluable open space," "creates traffic impacts," "not in line with historic village aesthetic," and "all those poor people will pull down home values" are common refrains. One man, who you know is a direct abutter, even turns toward you with shaking voice and pointing finger and exclaims that it's a travesty that the town isn't stopping this plan in its tracks—"it's too bad you care about rich developers more than hard-working, middle-class people," he exclaims. And the developer, for all of her experience, isn't helping matters, insisting over and over again that the property is private—not public—open space: "I don't walk on your lawns—if you want to continue using it you can buy it." Moreover, she says a bit condescendingly, the subdivision is perfectly in line with projects she's completed in surrounding communities—and they had no complaints. Besides, she scoffs, I've told you

that my traffic engineers from Boston say the roads can easily handle the extra traffic—“they’ve done thousands of these kinds of projects, they should know.”

As the acrimony rises to a crescendo, you can’t help but wonder how things got to this point—how things almost *always* get to this point. In keeping with your statutory responsibilities, you had set out to run a fair, inclusive process and instead find yourself presiding over a train wreck in slow motion—and tonight you feel like you were the first victim. It’s not that the citizens of this town are petty and unintelligent or the developer is unreasonable—you’ve worked with both enough on a one-on-one basis to know better. But somehow, when you get everyone in a room together, the townspeople come off as unreasonable alarmists, the developer comes off as arrogant and imperious—and you, you suspect, come off as a villain to everyone. Tonight, as with many previous nights, nobody, it seems, is communicating on the same plane; it’s painfully clear that people are “talking past” one another. Despite intuitively recognizing that there are barriers to mutual understanding, you are never quite sure how to move past them. You are not alone ...

The same night, in a rural Rocky Mountain county, your counterpart is feeling the same sense of frustrated bewilderment. The Federal Government has proposed the creation of a multi-state wildlife corridor, and the residents are up in arms. “I’ve been hunting and fishing in these hills since I was a kid,” says one disgruntled man, while pointing at the government representatives, “and I don’t need the Feds coming in and telling me how to take care of our wildlife—where are you from, anyway!” The “Feds” on the other hand, aren’t doing themselves any favors—it’s obvious to everyone that they think these folks are provincial and automatically discount almost everything they say. It doesn’t help that, in response to perfectly legitimate questions, they trot out one of the dozen or so charts or color-coded maps they have on hand and launch into a “scientific” explanation that quickly loses almost everyone in the room. The planner in charge of this meeting is trying hard to keep things moving forward, but somehow the meeting always dissolves into bickering. She remains calm and respectful in the face of this mess, but her furrowed brow tells a different story.

Sitting pensively at the back of this meeting hall, however, is a professor of social psychology at the local university. While he doesn't know the first thing about the technical, qualitative, or statutory requirements of land use planning. He knows a lot about the difficulties inherent in social interaction—and he knows that many of the impasses in understanding on display tonight have names in the literature of his discipline. He thinks to himself, “If this planner could just see these common, all-too-human failings as I see them, perhaps this meeting would be a little less contentious, and a little more productive ...”

While the two scenarios described above are hypothetical, they were cobbled together from the stories of 16 planners, mostly in rural towns and counties in New England and the Rocky Mountain states. If parts of these stories resonate with your own experience—whether as a planner, administrator, elected official, consultant, citizen planner, or process participant—we urge you to read on. This paper is the first step in what we hope will be a continuing effort to bring the literatures of social psychology (concerned with how human psychology affects social interactions) and behavioral science to bear on the land use planning process. We—and many of our interviewees as well—think this line of inquiry is long overdue.

This paper will consider psychological barriers—a term that we use to encompass both cognitive barriers and construal biases—in participatory land-use planning processes. We define cognitive barriers generally as psychological structures, attributes, processes, and predispositions that inhibit the full, rational, creative consideration of information. Construal biases involve the undue or excessive personalization of issues or situations, the failure to properly consider the alternative perceptions or cognitions of others, or the inability to disassociate other parties' personal views from situational positions or professional roles (if you are a planner or other public servant, you may recognize yourself as a frequent victim of this bias). Both phenomena affect the productive, “rational” consideration of plans and proposals in land use decision-making.

To aid in the understanding of the “barrier” concept, we offer four general categories of barrier that, it should be noted, are not standard in the literature of social

psychology. The categories attempt to establish broad, simplified classifications into which all of the barriers and biases treated in this paper might fit. If you find yourself getting bogged down by the intricacies of a specific barrier or bias, we urge you to return to this framework for clarification—just keep in mind that many, if not most, barriers will not fit neatly within one category, but rather incorporate elements from two or three. The categories:

- **Situational Perception:** The ability to accurately assess the situation or context. Also called a “problem-framing bias.”
- **Self Perception:** The ability to rationally discern and evaluate one’s internal motives and goals or view information objectively (i.e., without favoring oneself).
- **Social Perception:** The ability to rationally discern and evaluate the motives and goals of others.
- **Cognitive Perception:** The ability to engage in complex systems thinking, rationally process complicated concepts, compute probabilities of success and failure, and involve nuance and detail in the decision-making process. Also, the ability to correct faulty intuition through reasoning.

Finally, this paper is not specifically focused on what we call “structural barriers” in land use planning. Structural barriers are problems in the process or framework of planning and include legal or statutory constraints, poor meeting or process management, and cultural impasses—in short, factors that are external to, or frame, the workings of the human mind. However, because of the ability of structural barriers to either alleviate or exacerbate psychological barriers, mention of these barriers is interlaced throughout this paper—and many of the suggestions we offer to overcome psychological barriers involve removing or reducing structural barriers. After all, we cannot change the way the human mind works, but we can make some of the most common psychological barriers explicit

(in order that rationality and reason might override the irrational) or change the venue, frame, process, and other factors in order to better handle psychological barriers as they arise.

Methodology

This paper, it is worth making explicit, was written by planners for planners and public officials, but was vetted by experts in social psychology and behavioral science. We employed the following methodology:

- Literature review: We conducted a broad review of the literatures of social psychology, and, to a lesser extent, participatory planning. From this research, about a dozen potential psychological barriers emerged.
- Interviews: These barriers were then written up, with more or less formal definitions and informal examples of each, and circulated in a memorandum to 16 planners and process managers. These participants were subsequently interviewed by telephone. The discussions were free ranging, depending more on story telling than on a specific, point-by-point inquiry into the barriers themselves. All interviews were conducted the week of April 16-20, 2007 and averaged around one hour in length. Most participants had more than 10 years of experience (a few had more than 30), mostly in rural municipalities, counties, or regions in New England or the Rocky Mountain states. A few, however, had served in medium-sized cities, and one had even practiced in a major American city. Nearly half had spent at least some time as consultants or non-profit foundation representatives. Over half had worked as public planners, and some had worked in several areas of the country.

Land Use Controversies

The land use controversies in which psychological barriers are likely to play a role are no mystery to planners. Nonetheless, it is worth taking a moment to report the types of issues mentioned most frequently by the interviewees. Many of the interviewees remarked that the citizenry seems to exhibit a real fear, or at least a strong anxiety, when

it comes to land use regulations and development. Interviewees noted that it was not always clear what issues would provoke this fear or anxiety, but they observed that the following issues are often controversial:

- Density, development, and growth were unsurprisingly at the tips of these practitioners' tongues. Particularly those practicing in areas at the urban fringe or in areas with rapid population growth noted that advocates for preserving rural landscapes and lifestyles frequently engaged the project review process in a very aggressive, unyielding way. In many cases, planners felt that the anti-density coalition's positions seemed internally inconsistent, often calling for economic development and/or smart growth generally and then attacking specific projects that seemed to fulfill those criteria.
- The environment and conservation were frequently mentioned, but were rarely stand-alone issues. Instead, they too were linked to the potentially negative impacts of development proposals. Some planners felt that citizens were using environmental concerns to rationalize general anti-density sentiments, and that conservation advocacy often seemed tied to the impact of proposals on one's own viewsheds or recreational amenities rather than an integrated, comprehensive open-space strategy.
- The traffic impacts of development were also a hot-button issue—and in some cases *the* issue of primary importance. Congestion in historic small town centers, where street widening and road building were not viable options, were noted as issues of concern. Commuting times, particularly in urban fringe locales, was also a concern, as was traffic-related public safety.
- The introduction of new populations, particularly in rapidly urbanizing places, was mentioned as a probable concern of residents reacting to development proposals. In certain cases, denser development was reactively equated with poor

populations and crime. One planner even found significant opposition from the local police force, which claimed that a new urbanist development would be a nightmare to police due to its higher-than-average density.

- In a similar vein, many planners had experienced significant interference from other divisions of government (meaning other appointed officials—most accepted their subservience to elected decision-makers). This was often attributed to the narrow views of other departments like public safety (police and fire were mentioned several times) and the town/county attorney’s office.
- Finally, among the most common laments was the lack of “civics” knowledge on the part of the citizenry. In many cases, planners felt that the public reacts negatively and unproductively out of ignorance about the process, the limits of statutory authority, and the role and duties of planners in general.

Barriers

The distinctively labeled barriers identified below were drawn primarily from the literatures of social psychology and behavioral decision theory. Many are closely related, in terms of observed behaviors and outcomes if not cognitive origins, and several conceptually distinct barriers might be in effect in any given situation. Most have been formulated by social psychologists and behavioral scientists and verified through experiments in university laboratories (i.e., under controlled conditions). The bibliographic references accompanying each barrier are intended to direct especially curious readers to selected resources from the source literature.

Each barrier is defined in a quasi-clinical manner and then enriched with insights from the interviewees as to the prevalence of the barrier, situations in which it might be in effect, and suggestions as to how the barrier might be mitigated. While all of the accompanying examples are based on real land use conflicts relayed by the interviewees, identifying details have been removed, many of the conflicts have been simplified for

easier consumption, and occasionally details of two or more conflicts have been aggregated for in order to enhance the demonstrative effect of the example. We are confident, however, that these tales are still recognizable to their respective tellers.

It is important to note that this paper seeks to identify and remedy real-world phenomena in land use planning processes that bear resemblance to one or more of the barriers identified below. This paper does not (and cannot) constitute an academically rigorous attempt to assert, in any precise way, that a particular barrier is responsible for observed behaviors or outcomes. With that caveat in place, the following barriers were identified:

The Mythical Fixed Pie

Category: Situational perception, cognitive perception

This is not so much a psychological barrier as it is a critically limiting assumption. In an environment of scarce resources, some decision-makers view their choices as purely distributive (i.e., competitive) rather than distributive *and* integrative (competitive and cooperative). In other words, parties assume that the “pie” of benefits or burdens is finite, and thus that their duty is to carve out as many slices as possible for themselves or for the interests they represent. A classic example is controversies over riparian buffers. Often, the issue becomes framed as developers seeking to limit the area closed to development and environmental advocates often seek to maximize the area set aside for environmental functions (sediment capture, nutrient filtering, wildlife habitat). Though the establishment of riparian buffers is quite complex, involving a consideration of slope, vegetated cover, kinds of wetlands and water streams, and interactions with other regulations such as stormwater management, the issues often become framed in the fixed pie view – it’s 50 versus 100 feet or less buffer means environmental damage, more buffer means loss of economic value.

In most conflicts, Bazerman argues, interests are rarely so diametrically opposed as to preclude the expansion of the overall pie through trades (in this sense it is akin to the Ricardian economic theory of comparative advantage/gains through trade). Bazerman

claims that a host of psychological barriers and processing errors (see below) are rooted in this needlessly selfish and competitive view.

Most of the interviewees intuitively understood this idea, and almost all said that it resonated with their experience. One planner even retitled it the “diminishing pie” because bickering and conflict consume resources, which detracts from the ability of each party in a dispute to maximize gains. Nearly all of the land use controversy issues listed above fit within this definition in some way, i.e., “its either they build that subdivision and I lose my view or I stop them and keep my view,” or “if that shopping center gets built, traffic congestion will worsen significantly—I must ensure that it doesn’t get built.”

A typical feature of many “fixed pie” stories is the increasing commercialization of formerly rural areas, often through the development of big box stores or shopping centers. Naturally, a coalition of local residents and small business owners almost always muster some opposition to these types of projects. The parties in the dispute often initially assume that the benefits and burdens of the proposal are finite, and the anticipated outcome will result in crisply-defined winners and losers—the shopping center will either win approval or it will not. However, as most planners realize, when hard-line positions are teased out to reveal the underlying interests of the parties involved, conditions can then be applied to the development in order to address these concerns. Ideally, the result is the maximization of the benefits of development and the minimization of the associated burdens—the expansion of the pie. Examples of pie-expanding negotiations from our interviewees included provisions for LEED certification of a big box store, the concurrent development of affordable housing for the host community, and the creation of public open space.

In another commercial context, this time in a small-town village center experiencing the rapid growth of outlet stores—a pillar of the local economy—traffic was an issue of central importance. It became clear that increasingly poor levels of service on the local streets were detracting from residents’ quality of life, and the typical solutions of street widening, the creation of turn lanes, and increased signalization had significant drawbacks for a town known for its quaint village charm. In the end, a roundabout was

created—a rather novel measure that ended up resolving most traffic issues and enabling further development without detracting significantly from the local aesthetic.

Suggested Approaches:

The key proposition in expanding—or at least preventing the diminishment—of the so-called pie is that opportunities for mutually beneficial trades can be uncovered and executed. This involves peeling away the inflexible public stances or positions of parties in a dispute to reveal the core interests at stake. A position, such as “no big box retail” is non-negotiable, but the interest behind it—for example, “I need to make sure that the additional traffic doesn’t increase my commuting time”—can be addressed in a number of different ways. By discovering differences in each party’s valuations for different options, and then using those differences to construct “packages” of options to fulfill both parties’ interests, more of the proverbial pie can be served to more parties.

Of course, realizing that interests are paramount and revealing them are different matters. Our interviewees suggested the following as practical means of getting to the root of disputant’s interests:

- Turn things over to a seasoned facilitator: This person might be the chair of a local board, the planner him/herself, or a professional neutral. The essence of this recommendation is to find a meeting manager who responds to adversity not with anger or even counter proposals, but who uses “thoughtful probing” to get to the heart of the issue.
- Keep things at the option level: This tactic promotes the exchange of ideas by making explicit from the onset that, as one planner put it, “I don’t care if we disagree, let’s talk about options.” The desired result is the establishment of a more civil discourse and, eventually, a package of workable solutions that all parties can accept. Often the fixed pie barrier is put in place because the process of development tends to encourage the “you propose and we dispose” approach. The developer must put forward a fully developed proposal for the regulatory

body(ies) to consider, and in turn, people react by seeing their individual gains or losses and behave accordingly. An opportunity to focus on interests and invent multiple options allows people to see potential joint gains and synergies among diverse and complex choices.

References: Bazerman 1983, Bazerman et al. 1999

Interpersonal Comparisons

Category: Self Perception, Cognitive Perception

Parties display a great concern for *relative* fairness in distributions, often to the point where they are willing to accept a lower absolute payoff if it is comparatively more just. This is to say that, in social situations involving the distribution of scarce resources (i.e., a public planning process), parties peg expectations for their personal payoffs (or payments, as it may be) to the payoffs allocated to others. Under this theory, the utility derived from a particular outcome is a function of “interpersonal comparisons” as well as absolute payoffs. However, when parties are offered a choice between a fairer payoff and a higher absolute payoff, this concern for relative payoffs recedes. This cognitive “barrier” has been showed and tested in the ultimatum game. An amount of money is offered to one player and she is told that she can offer some portion of that amount to another player. If the player accepts, both get their share (no negotiation – it’s a one-time offer). If the player rejects the offer from the “giver” no one gets the money. “Receiving” players often reject offers that split, say \$10, in a disproportionate way, say 9-1, even though they would still have more money than before the game. The game theoretically makes both parties better off, regardless of the split, but relative fairness matters.

Examples of this barrier from the interviewees were most often in the context of upzoning (“if I had to have a 5-acre lot so should they.”). This barrier, therefore, is of particular consequence in smart growth or new urbanist proposals (and sometimes even cluster zoning), where certain lands are deemed more suitable for development and zoned for more density. Unsurprisingly, our interviewees reported that this barrier was consequential only when the perception was that something was being “given” to

somebody else, as in an upzoning or variance. When the perception is that something is being taken away (open space, or a *cul-de-sac* being connected to the street grid) the importance of fairness (or, otherwise stated, the overall distribution of burdens and benefits) might in fact recede. This is not surprising given what we know about the “endowment effect”—once you have possession of something you place a higher value on it than one would pay for it in an open market—and the realization that people value losses greater than gains and people demand to be paid more for an action framed as a loss than they would be accept were that same action framed as a gain.

Suggested Approaches:

While it is true that upzoning does indeed raise land values for individual landowners, planners report that, if the upzoning is indeed well founded, the following measures can mitigate most rancor:

- Reframe the issues/ draw a broader context: As a general strategy, several planners try to move people away from specific proposals into discussing the needs of the greater community. Those with experience in long-range planning recommend careful planning efforts on a broad scale before contentious situations arise, if possible (planning while dealing with rancor is a bad situation, they report). When specific problems arise—particularly around issues of fairness—the comprehensive plan, as a formal reflection of community-wide needs, can be referenced and the proposal’s consistency can be examined in the context of the community’s broader goals. For a smart growth proposal, for example, this will mean reaching back to the effect the plan seeks to counter (e.g., sprawl), highlighting the prescription adopted in the plan (smart growth developments), and explaining how the current specific proposal accomplishes the plan’s goals.
- Return to the roots of zoning: One planner, in discussing the allegation that cluster zoning, in this case, treats people differently, responds that the core issue is the inequality of land, not the people who own it. Not all land is equal—whether due

to natural or manmade phenomena—and different classes of land therefore must be treated differently. This premise, of course, is at the heart of comprehensive zoning and is reflected monetarily not simply by differences in land value but by differentials in property taxes.

References: (Bazerman et al 1992, Lowenstein et al 1989)

Pseudo-sacredness/ True Sacredness

Category: Self perception

Pseudo-sacredness is one of the more difficult barriers to treat, primarily because the point of intersection with “true” sacredness is not easily known. While distinguishing pseudo- and true-sacredness is problematic, the difference may be reasonably intuited in some situations through an interests-positions dissection (see Mythical Fixed Pie). Bazerman et al (1999) argue that few issues actually fall into this category (i.e., that while an issue or asset might be valued very highly, rarely is it completely inappropriate for trade). Pseudo-sacredness, therefore, is the erroneous application of the label “sacred” to a given issue, resulting in a barrier “to the discovery of mutually beneficial trade” (Bazerman et al. 1999). Ross and Ward, in describing Naïve Realism (below), add that parties often either 1) misconstrue differences as being fundamental and ideological or 2) greatly exaggerate the magnitude of difference between positions. At the core of this barrier is a misinterpretation of internal values leading a disputant to characterize certain tradeoffs as morally reprehensible and therefore fundamentally unacceptable when, in fact, these positions are the result of incomplete self-knowledge, failure to recognize the nuance of a given position, or social orientation—and are in fact flexible.

This barrier was among the most frequently mentioned by our interviewees. Almost every planner offered multiple stories of individuals who claimed moral indignation in response to a development proposal and later proposed a similar project or attempted to sell to the developer. In one instance, a property owner who claimed that his historically significant viewshed would be violated by a resort hotel in fact proposed a virtually identical project after the hotel developers had made significant concessions in

order to preserve the integrity of the viewshed. Similarly, a classic, oft-cited example is individuals who move into a rapidly growing community and are then the very first to demand growth management, growth moratoriums which, effectively, “shuts the door behind them.”

Most interviewees assumed that in many cases the party in question truly felt strongly about the proposal or issue in question but had overstated their opposition out of a fear of change. With seemingly no latitude for negotiation, parties claiming sacredness force an all or nothing outcome and, as many interviewees noted, when it becomes apparent that “nothing” is their lot they may well abandon their previously intractable positions. In public processes, often with highly structured and formal rules (see *Breaking Roberts Rules*), limited time for public comment, and a constrained ability to uncover interests and invent options, members of the public who are already predisposed to pseudo-sacredness may be further “driven” into that corner. Thus, public officials and decisionmakers have a very difficult time ascertaining the actual degree of sacredness, value, and principle.

Our interviewees also indicated that some project opponents wielded ostensibly sacred issues as a shield or club, a mechanism to rationalize their opposition to a particular development proposal. For example, in several cases parties attempting to block a development proposal were reported to have rapidly cultivated an intense interest in wetland habitat or historic preservation—a seemingly cynical view that was nonetheless corroborated by several interviewees. Very few interviewees identified instances of true sacredness—in keeping with Bazerman’s view that few issues are in fact utterly sacred—but most were more inclined to believe that a moral imperative was at stake if the party in opposition had no financial interest in the outcome of a particular project.

Suggested Approaches:

The barrier of pseudo-sacredness manifests itself in the formulation of a position—i.e., “no development (or no non-residential development or some variant thereof) can take place in my viewshed.” Getting to the interests underpinning those positions (i.e., I

want to develop here myself and the viewshed adds important value) is once again an important means of facilitating meaningful negotiation (see Mythical Fixed Pie). Other suggestions from our interviewees included:

- **Make values an explicit part of the conversation:** A few planners recommended focusing very explicitly on an exploration of values and vision (for the growth and development of a place)—a technique closely related to the previously mentioned dissection of positions to reveal interests. Those who employ this strategy find that it helps increase the productivity and reduce the rancor of discussions on specific proposals. Theoretically, at least, value-based comprehensive planning efforts should be able to uncover the actual, deep, core values of a community and thus aid in the formulation of plans that guide development accordingly.
- **Focus on the hypothetical/build on analogies:** A few planners choose to engage parties by generating hypothetical, analogous situations in order to momentarily detach the debate from its specifics. The intention is then to use the resulting lessons in order to shed light on the specific issue at hand. These planners were careful to say that this was a process of gently prodding to induce deeper, more objective thinking rather than an effort to prove the irrationality of a position or to “poke holes” in parties’ thought processes or assumptions. This solution is applicable to numerous barriers.

References: Tetlock et al. 1996, Bazerman et al. 1999, Hoffman et al. 2002

Endowment Effect/Reference Point Effect

Category: Self perception

This barrier is cited as being a primary contributor to the pseudo-sacredness phenomenon. Ownership or substantial attachment to a resource is said to fundamentally skew the valuation of that resource. Thus, the worth of an existing resource will vastly

exceed that resource's replacement value (i.e., an individual will charge much more to sell a resource currently in possession than he or she will pay to buy that same resource anew). This overvaluation, measured by various researchers as a 2:1 value difference (selling vs. buying), can make negotiations difficult.

A closely related concept that is perhaps particularly significant in the land use context is the “reference point effect.” Individuals, it is theorized, tend to view the *status quo* as a significant reference point—that is to say that they will “peg” their expectations to that which they already know—and will fight adjustments without “extra special compensation.” This, in part, may explain abutters’ staunch unwillingness to accept change without “due compensation,” the same compensation that developers view as an “unfair exaction” (one can also argue that the relative fairness bias effects these conversations where the community is getting little – a set back here, a more aesthetic façade there -- to even a loss while the developer, in their view, is making “huge” amounts of money).

This was seen as a dominant barrier and was mentioned by nearly all interviewees. Issues of open space preservation and view corridors were of particular note. The privately-owned neighborhood field is the primary battleground of relevance to this barrier: as one planner stated, “if your kids played on it, or you walked your dog on it, then emotionally it’s yours—no matter what your intellect might tell you.” This barrier, again, relates very closely to pseudo-sacredness, and is indeed always very emotionally charged.

Suggested Approaches:

The primary solutions offered for mitigating this barrier have already been mentioned but are worth reiterating: 1) Reframe the issue or expand the context, 2) Work with hypothetical scenarios or analogies, 3) Brainstorm options to assemble packages that “expand the pie, and 4) Build recognition of the barrier to those with the (economic) means to address it. For example, developers can be educated to understand that the “market price” of an exaction is not likely sufficient precisely because of the endowment effect; some margin of payment above market value may be necessary in order to

overcome the endowment effect. While frustrating and financially more costly, an understanding of this barrier can help proposing parties de-personalize and make economic judgments about how to proceed.

- **Mediation and Arbitration:** Another solution involved urging parties in a dispute to undergo formal facilitated mediation or arbitration. The planner who offered this suggestion noted that, in some situations, indefinitely delaying an outcome was often seen as desirable to those seeking to avoid change—developers, after all, have finite resources and most projects become less profitable with every passing day. Once mediation/arbitration starts, however, there is reasonable certainty that an outcome will be reached and delaying a decision becomes a less feasible option.

References: Kahneman et al 1990, Bazerman et al. 1999

Overconfidence

Category: Self Perception, Situational Perception, Cognitive Perception

This barrier entails an irrational overestimation of the probability of success in a negotiation, inhibiting early settlements and concessionary behavior. Overconfidence typically stems from “fixed-pie” perceptions that tend to view outcomes as solely distributive. This barrier may be closely linked with a phenomenon called “positive illusions (Taylor 1989, Kramer 1994), a coping mechanism leading to unrealistic optimism—a myopic, improbable view that one’s future prospects are considerably brighter than average (read: “I am special.”). This bias also severely inhibits one’s abilities to “appreciate or fully empathize” with outside perspectives.

One planner we interviewed called this the “Hero-of-my-own-story” effect, a label that resonated with most of the subsequent interviewees. This barrier seems to be most prominent among the locally powerful or wealthy (many mentioned attorneys in particular), who feel they have the “silver bullet” to stopping as-of-right or statutorily enabled development. Interestingly, only those intending to halt development were

considered to exhibit overconfidence—developers, according to the interviewers, might complain loudly, but are rarely so certain of success.

Suggested Approaches:

Overcoming overconfidence might present difficulties before the party in question learns the most compelling lesson of all: failure. Fittingly, the prevalence of this problem was not matched by the quality or quantity of preemptive solutions. Still, it is worth noting that overconfidence, in the land use context, is a reaction to competition over resources, and competitive outcomes are often dichotomous—you win or you lose. Expanding the pie, and thereby broadening the range of potential outcomes, might emphasize cooperation to the extent that overconfidence is becomes a positive (as in “we will reach agreement”) rather than a negative (as in “I will win”).

- Analogous Stories: Experienced planners might also enhance a stubborn party’s willingness to negotiate in the first place by recounting similar or analogous precedents—although the tough lessons learned by others are often of dubious value when strong egos are involved. However, a detailed explanation of the statutory hurdles and process requirements at play in a given dispute might prove to be sobering to shrewd individuals. This solution, amounting to education and outreach about the public process in the land use context, was offered more frequently and concretely as applied to “Fundamental Attribution Error” (below).

References: Neale and Bazerman 1983, Bazerman 1998, Bazerman et al. 1999

Naïve Realism

Category: Self Perception, Social Perception

This is a three part theory that brings together themes from several other barriers related to faulty social perception: 1) Individuals assume that their subjective views of the world are natural or objective and expect others to share their perspectives or valuations. This is otherwise referred to as an “insufficient allowance for construal differences,” meaning that different parties naturally focus on different aspects of a given issue, but

almost everyone assumes that his or her interpretation is the objective way to view an issue. Bazerman highlights a related phenomenon called “ignoring the cognitions of others.” 2) This misapprehension consistently leads to erroneous predictions concerning the behaviors/reactions of others. People tend to assume that others are reacting to the same aspects of a given issue or decision as they are, and are surprised, confused, or even offended when others react differently. 3) If this gap is not quickly bridged it results in false attributions of others. This effect appears in two degrees. In the milder version, an individual assumes that other interpretations are essentially misinterpretations—due to mental laziness or mental incapacity (i.e., “he doesn’t see the reality of the situation because he is stupid.”). The more sinister version assumes that the other party understands the issues at stake, but is unreasonable, has a skewed sense of morality, or an offensive personal ideology.

Ross and Ward highlight the potential for vague language to exacerbate this barrier. For instance, “family values” might mean different things to different actors, and thus different responses might be reactions to “different events.” The terms “density,” “smart growth”, “transit oriented development,” and “affordable housing” (among others) might all spur such misunderstandings. For some, affordable housing might conjure up negative images of drugs, crime, and squalor bringing blight into their neighborhood, whereas others might think of young families trying to get a head start, workers trying to make ends meet, or the elderly settling into a more modest lifestyle after retirement. Unless this gap in understanding is corrected, misconstruals of other parties’ conceptions of reality will occur, leading to critical misattributions about those individuals themselves.

This three-part theory was perhaps too complicated to elicit many direct responses, but several interviewees spoke of parties “talking past” one another—in other words failing to interact on a common basis. This points to the first part of the Naïve Realism theory, in which parties in a dispute assume that their worldview is objective, and cannot understand when others have different perspectives. Elements of this theory (particularly the failure to properly understand the decision-making basis of others) are

present in “Fundamental Attribution Error” (below), which resonated with the interviewees.

Suggested Approaches:

The most effective strategy may be to encourage substantive communication in a manner that helps reveal motivations and creates a framework that encourages collaboration. The process of consensus building—as explained in books such as *Breaking Robert’s Rules* (Susskind 2006) or *Getting to Yes* (Fisher and Ury 1983)—ideally provides a forum where parties can learn about one another’s *real* interests without surrendering their bargaining leverage. A consensus building process can be managed by a planner, public official, or other formal authority—but professional neutrals, whose primary business is shepherding public processes, can be engaged for particularly difficult disputes. The technique of Joint Fact Finding (JFF), which brings experts together to generate mutually acceptable technical assumptions (or facts), is a related dispute resolution tool that can help bridge critical gaps in understanding. Other solutions suggested by our interviewees include:

- **Visualization:** Proper visualization can make a world of difference in bridging gaps in understanding, particularly when it comes to understanding how density will be manifested. “People react to visual images” on a level that they do not, or cannot, reach when presented with non-visual information, said one interviewee. Of course, parties need to trust those performing the visualization exercises. JFF or the engagement of third-party consultants both offer means of delivering more trusted visual and technical information to the lay public.
- **Engage people with interactive exercises:** One planner found that allowing people to “mark on maps,” and scrutinize aerial photos to “find their houses” not only promoted a better common understanding of a given proposal, but also encouraged dialogue among participants—which may help remedy misattributions related to morals or intelligence. Planners have pioneered all

manner of techniques to encourage interactive public planning, including “idea galleries” of Post-It notes, creating mini planning units by assembling diverse groups among the general audience who then present their “findings” to the room, and pairs of experts and citizens who work charrette-style to tackle particular planning problems.

- **Demonstrate accomplishments:** Some interviewees recommended incremental action as a way to quell distrust, build momentum around a project, and set the stage for greater progress in the future. Small, but productive, steps may also serve to broaden the pool of participants.
- **Ensure direct, frequent, and informal communication:** Given that people tend to fail to take into account the cognition of others, they will continue to persist in their partial “blindness” unless provided on-going, frequent information contrary to their narrowly egocentric, perhaps stereotypical views of others. Face-to-face communication over time tends to expand the actual accessible information parties have to make decisions, including better understanding the actual needs, interests, and cognition of others.
- **Tell stories:** A few practitioners advocated for more free form methods of expression, such as storytelling, as a way to release tensions and solidify understanding while simultaneously working through difficult issues.

References: Ross and Ward, 1996

Fundamental Attribution Error or Correspondence Bias

Category: Social Perception, Situational Perception

This barrier is manifested as the tendency to misattribute others’ positions to personal beliefs or biases when in fact those positions stem primarily from situational factors. In other words, we see positions as reflecting what “kind” of person we are

dealing with, rather than a decision-making context. Gilbert and Malone describe four “mechanisms” that produce distinct forms of correspondence bias: 1) lack of awareness (about situational factors), 2) unrealistic expectations (based in part on overconfidence), 3) inflated categorizations (a tendency to lump people into common stereotypes too quickly), and 4) incomplete corrections of faulty intuition.

Many planners felt that they were themselves the biggest victim of this barrier. Several expressed significant frustration with the public, which they felt had made unfair judgments about them personally when they were faithfully executing their duties as directed by the law. Several planners mentioned that often the public expected them to advocate for a given position, or dispense advice on how to block a development.

Suggested Approaches:

The approaches offered by our interviewees were unsurprisingly geared toward remedying fundamental attribution error as it affects them:

- Educate participants: about the process: Some planners find that if the participants’ intellectual understanding of the process and issues at play is increased then it tends to balance their initial emotional reactions. Preemptory process education can also help defend planners from personal accusations. Some planners begin each process with a “civics lesson” for participants. This might include a quick talk on the structure of the process and the bounds of the planner’s authority. One planner even makes handouts to help illustrate the regulatory structure and the opportunities for engagement. Another planner makes it explicit that he is involved to help both sides engage the process and to serve every sector—not to take sides.
- Start by building trust: One planner starts each process by focusing on common ground and points of agreement before progressing to points of contention.

- Meet with people face-to-face: Some planners meet face to face with individual dissenters in order to build trust and go over technical information. This may not create instant accord, but does help people to engage the process in a more productive manner and helps blunt personal attacks on planners.
- Formalize the activities of volunteer boards: Some planners felt “set up” by the volunteer boards they support. Many boards, our interviewees reported, are accustomed to their own, unique standards and methods, and function with varying levels of formality. Suggestions included beefing up application standards and increasing the level of specificity required in all decisions. Some planners even reported that their boards functioned without meeting minutes, which made them uncomfortable—a record of the decision-making process is important. Planners in towns with more formalized board procedures report that the transparency and accountability that come with formality make a great deal of difference. Planners can help educate boards on statutory requirements, real estate economics, meeting management, et cetera, in order to being moving volunteer boards toward more professional decision-making processes.
- Reach out to the masses: Many planners complained that parties “at the margins” of the spectrum of public viewpoints dominated the discussion in public hearings and were often more abrasive and personal in their comments. One planner indicated that she worked hard beforehand to turn out more members of the “giant mass” of people in between in order to the better balance the discussion.

References: Ross 1977, Gilbert and Malone 1995

Reactive Devaluation

Category: Social Perception

Concessions, and particularly bilateral concessions (i.e., compromises), are often rated less positively (in contrast to the judgments of neutral parties) when they are advanced by an interest construed as oppositional. It has been noted that concessions that are valued highly when considered hypothetically instantly plummet in value when actually offered by an opposing interest, an outcome that appears to support the theory that people tend to devalue that which is at hand/already realized. The assumption is that, if an opponent is willing to concede a point he or she must not value it very highly, or, in the case of a compromise, that the concession we are asked to make is more valuable than the concession offered by the other party. A concession might also be viewed as informational by the other party (or parties), signaling that the resource in question is not scarce, particularly valued, or significant. Thus, a concessionary offering meant to signal good faith or spur corresponding concessions from opponents is sometimes tossed aside as inconsequential or viewed suspiciously, thus stunting the negotiation.

This phenomenon was not among the most prevalent barriers reported, but is nonetheless at play in the development context. Several planners mentioned that citizens often view developers as sponges to be squeezed dry through the granting of concessions. Many also felt that it was a point of pride for parties to “get something out” of developers, even if the proposal was ideal initially. In response, some planners felt that developers were putting the worse possible package on the table initially, expecting that it would be whittled down to a more reasonable state through forced concessions.

Suggested Approaches:

Again, initially restricting proposals to a consideration of options might counteract this barrier—if proposal components are hypothetical in the first place, then dropping or modifying one or more is not the same as making a concession (see **Pseudo-sacredness/ True Sacredness**)

References: Ross and Ward 1996, Bazerman et al 1999

Sinister Attribution Error or Paranoid Cognition

Category: Self Perception, Social Perception

It is theorized that a combination of mistrust and self-consciousness lead to suspicions of sinister motivations in others, a phenomenon especially pronounced in situations that the individual in question feels are evaluative. As such, this is an “overly personalistic” misattribution—the individual reads the situation as being “all about me.” This leads to a condition whereby an individual’s default assumption is that proposals or even concessions made by others are inherently disadvantageous to him or her (a sort of personalized reactive devaluation in which a concession is not only considered to be of low value itself, but to indicate a paucity of respect for the opposing party). Paranoid cognition can be automatic (an instant suspicion), but typically becomes worse with deliberation and evaluation, and might therefore be exhibited as classic passive-aggressive behavior.

Individuals, particularly self-conscious or inexperienced speakers, who comment at public hearings might experience this bias if, for instance, committee members ask difficult (but possibly relevant and fair) questions or audience members seem bored or unreceptive. If the speaker over-personalizes these actions/responses, he or she might lash out, brood, or exhibit aggressive behavior at future meetings or face-to-face interactions.

The possible presence of this barrier in the land use planning process was noted in very rural areas, where occasionally local residents have found outside consultants and developers (rightly or wrongly) to be condescending, creating almost instantaneous ill will and opposition.

Suggested Approaches:

Many of the solutions offered for the “Fundamental Attribution Error” could be applied fruitfully to treating Sinister Attribution Error, especially exercises in trust building.

- **Safe Spaces:** In addition, planners suggested creating “safe spaces” for interaction, especially for traditionally marginalized groups. Our interviewees mentioned restaurants, neighbors’ homes, and churches as candidate locations
- **Sharing Best Practices:** Planners representing foundations/non-profits often find that bringing resources to communities to help them deal with change quickly overcomes mistrust. Interviewees representing entities that work with several communities find that sharing the insights gained from other, similar communities is greatly appreciated and helps bring appropriate gravity and a sense of imminence to bear. They note, however, that it is imperative to remain respectful at all times and, whenever possible, do things their (the local) way.

References: Kramer 1994, Bazerman et al. 2002, Main et al 2007

Heuristic Processing

Category: Cognitive Perception

The creation of mental shortcuts in order to screen out uncertainty in decisions. This processing error is related to the “accessibility” of information, which means that intuitive information (one’s first impulse, often erroneous but highly accessible) often goes uncorrected by more deliberative cognitive processes. Heuristic processing also relies on “representativeness,” where a party making decisions with uncertain outcomes (situation A) will grope for analogous past situations (situation B). Rather than evaluate a situation on its full merits, the individual will equate the chances of success for A with the probability of success for B. Heuristic processing is thought to seriously affect parties’ judgments of probabilities by effectively substituting intuition for math or complex thought. There is also a noted tendency to discount unexpected or difficult to categorize information, a feature exacerbated by increased cognitive load (distractions or multi-tasking). Our interviewees reported that this barrier figured prominently in two scenarios: assessing the perceived density of a development proposal and determining the traffic impacts of development.

Suggested Approaches:

Many planners felt that proper visualization techniques and consultant peer-review (or JFF)—as discussed previously—could help fill these “gaps” in understanding. (see *Naïve Realism*)

References: Tversky and Kahneman 1974, Fiske and Taylor, 1991, Kahneman 2002)

A Brief Note on the Importance of Time: These approaches suggested above are meant to enhance the productivity and minimize the rancor of land use planning activities. There is, of course, no easy, 100% effective solution to these barriers. Most interviewees recognized the need to spend time—often a great deal of time—in order to overcome barriers. As one planner said very succinctly, “Reaching people requires spending time, no matter how well you communicate.” For the planner, time is particularly important for building trust and establishing the interests in play. For all parties involved, time is important in order to confirm the need to work productively together—in other words, to dispel the illusion that there is an easy, one-sided solution to a given problem. Of course, it is important that time be used productively—a common strategy for anti-development coalitions is to stall proposed development to the point of infeasibility.

Social Psychology, Behavioral Science, and Land Use: Possible Next Steps

As mentioned previously, this paper is the first step in what we hope will be a continuing effort to bring the literatures of social psychology and behavioral science to bear on the land use planning process. To advance this research and dialogue, next steps might include:

- *Research:* We envision further research on the relationships between cognitive barriers and the behaviors or outcomes frequently observed by planners managing complex, and often controversial, land use planning processes. This may include additional information on the “triggers” or key issues that give rise to these cognitive barriers; greater understanding of how land use processes evolve given

certain contextual frameworks (i.e., how does a conversation about a box store proposal devolve into a shouting match? Are there critical movements in this process that push behaviors in one direction or another?); additional barriers not explored in this paper; and the impact of suggested approaches on short- and longer-term outcomes.

- *Dialogue*: We also anticipate the need to engage in a broader, facilitated dialogue about possible approaches for overcoming these barriers and helping planners, developers, and citizenry to engage in effective deliberations about their important community assets. This paper includes the thoughts and perspectives of 16 planners, and we'd like to engage a broader community in this conversation. For instance, we have found past one or two-day dialogues on draft research papers quite helpful in refining the final product.
- *Surveys*: A web-based survey is being developed to reach a broader audience and delve deeper into some of these issues presented in this paper. The survey will be distributed to planners across the country and aim to build greater awareness to these issues while also gathering valuable information about their experiences and test emerging theories about identifying and managing psychological barriers in land use planning. We have attached in Appendix B a draft survey that might be employed to reach out to numerous other planners via a web-based survey technology like Zoomerang via various email/list serves (Orton's, past Lincoln course attendees, etc.).
- *Training*: Skills based workshops for planners, public officials, developers, and citizens may be developed to build capacities for recognizing and managing psychological barriers, in addition to structural barriers, in land use planning.

We hope that the output of these efforts will be a greater understanding of some of the barriers to land use planning and suggested best practices for managing these issues.

Conclusion

This paper concludes that psychological barriers—both cognitive barriers and construal biases—can affect the productive, “rational” consideration of plans and proposals in land use decision-making. This paper discusses nine psychological barriers identified in social psychology and participatory planning literature, and suggests that for ease of understanding, these nine barriers may be broadly classified into four general categories: situational perception, self perception, social perception, and cognitive perception. It also suggests structural barriers may either alleviate or exacerbate psychological barriers, and therefore, are important to consider when diagnosing approaches to better handle psychological barriers as they arise.

Drawing from the experiences of interviewees and group decisionmaking and process management theory, this paper proposes that there are a range of approaches that planners can employ to help overcome the challenges posed by these barriers. While we do not claim to have a “silver bullet” solution to land use conflicts, we suggest that further inquiry into the triggers, outcomes, and approaches for managing both psychological and structural barriers may help planners across the country manage tough, yet critical, land use planning decisions that impact that “heart and soul” of our communities.

Appendix A: Bibliography

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Appendix B: Possible Instrument: Web-Based Survey

Information collected through this survey will be reported without attribution. Names of parties and places will be suppressed, as will other identifying details.

Background/Experience:

1. Name (First, Last)
2. Current Profession and Years of Experience:
 - Town or City Planner/Administrator
 - Regional Planner/Administrator
 - Consultant Planner (Profit or Non-profit)
 - Elected Official (including zoning/planning boards)
 - Other (please specify _____)
3. Employer (Name) or District/Town Represented.
4. Sector:
 - Public
 - Quasi-Public
 - Private Non-profit
 - Private For-profit
5. Past Professions and Years of Experience:
 - Town or City Planner/Administrator
 - Regional Planner/Administrator
 - Consultant Planner (Profit or Non-profit)
 - Elected Official (including zoning/planning boards)
 - Other (please specify _____)
 - Other (please specify _____)
6. Total years of related practice.
7. Which roles have you generally assumed in the land use planning process? (check all that apply):
 - Convener (initiates process)
 - Facilitator (runs process)
 - Mediator (promotes dialogue between parties, often in sidebar sessions)
 - Technical/legal expert
 - Representative (citizens' group, developer, etc).
 - Educator (promotes understanding of process and land use framework)
 - Researcher (comparative, best practices, etc)
 - Funder
 - By-law drafter/code writer
 - Decider
 - Observer
 - Other (please specify _____)
 - Other (please specify _____)

8. In which stages of the land use planning process have you generally participated?
(check all that apply):

- Master/Comprehensive planning
- Subdistrict/special district planning
- Subdivision review
- Development/design review
- Zoning amendment petitions
- Variance requests
- Other (please specify _____)
- Other (please specify _____)

Context:

9. Describe your current physical area of practice (Name of town/county/region, state, and country).

- Rural region
- Small town
- Large town
- Small city
- Urban fringe
- Suburb (low-density)
- Suburb (high-density)
- Medium city (100-500K)
- Large city (> 500K)
- Other (please specify _____)

10. Is your area of practice

- Shrinking rapidly
- Shrinking slowly
- Stable
- Growing slowly
- Growing rapidly

11. Land use by percentage (estimated): {could be amended to “significant land uses”}

- Undeveloped
 - Restricted Environmentally-sensitive (riparian, tidelands, habitat, slope, elevation etc.)
 - Unrestricted Environmentally-sensitive (riparian, tidelands, habitat, slope, elevation etc.)
 - Potential brownfield/contaminated/mothballed
 - Non-environmentally sensitive publicly owned field/forest
 - Non-environmentally sensitive privately owned field/forest
 - Other (please specify _____)
 - Other (please specify _____)
- Agricultural
- Parkland

- Recreational/Entertainment (including ski resorts, major sports venues)
- Large Lot Single Family Residential (2-acres or greater rural, 1-acre suburban/urban)
- Small Lot Single Family Residential or Two/Three-Family Multi-Family Residential (4 units or greater)
- Office (low-rise or mid-rise)
- Office (high-rise/central business district)
- Research and Development/Laboratories
- Local Retail/Restaurant
- Destination Retail/Restaurant
- Light Industrial
- Heavy Industrial
- Government/Military
- Institutional (hospital, university)
- Other (please specify _____)
- Other (please specify _____)

12. Does your area of practice contain the following types of formal development restrictions?:

- Historical/cultural (including “village” designations)
- Open space conservation
- Agricultural land conservation
- Riparian/Tidelands/Wetlands conservation
- Habitat corridors
- Flood/fire zone restrictions
- Elevation restrictions
- Service/Infrastructure restrictions

13. How would you describe the attitudes of citizens within your area of practice toward government regulation of land-use and development (1 meaning “all for it” and 6 meaning “intensely against it”)?

14. When development in your area of practice is opposed, which of the following reasons are cited by citizens (1 meaning “never cited” and 5 meaning “almost always cited”).

- Development is “out of character” or detracts from “quality of life” standards (without specifics)
- Height or density is inappropriate
- Use is inappropriate
- Aesthetics are inappropriate
- Destruction of open space (even if privately owned)
- Destruction of environmental resource/habitat
- Destruction of historic/culturally significant character
- Traffic

- Public safety/crime
- Taxes
- Infrastructure or service area expansion
- Demographic Impacts
- Other (please specify _____)
- Other (please specify _____)

15. Do you feel, in general, that these reasons tend to be well founded/logical as applied (1 meaning “hardly ever” and 6 meaning “almost always”). {Comments}

16. When controversial development in your area of practice is defended by developers and/or supported by citizens, which of the following reasons are cited (1 meaning “never cited” and 6 meaning “almost always cited”).

- Government should not control land use
- Land use is as-of-right or variances are reasonable
- Development enhances character or profile of municipality/region
- Economic development/job creation
- Provides a needed amenity/service
- Tax revenue
- Provision of public benefits/exactions
- Demographic changes (increases diversity)
- Other (please specify _____)
- Other (please specify _____)

17. Do you feel, in general, that these reasons tend to be well founded/logical as applied (1 meaning “hardly ever” and 6 meaning “almost always”). {Comments}

Public Process:

18. How would you characterize your interactions with the public (whether within formal planning processes or through day-to-day contact) on a scale from 1 to 6 (1 meaning “frustrating, generally of low quality and/or relevance to the land use issues at hand” and 6 meaning “rewarding and enriching my perspective on the issues at hand”)?

19. Please rate the quality of public participation on the following points (1 meaning “poor” and 6 meaning “excellent”):

- Level of participation/turn out/public interest
- Representation of a cross section of possible positions/opinions
- Active, effective participation by each relevant stakeholder group
- Understanding of the process
- Understanding of the players and their respective roles
- Understanding of statutory requirements, legal constraints

- Understanding of information presented by planners, developers, consultants, etc.
- Ability to react/adapt (with relevant, substantive comments/questions) to information presented
- Ability to react/adapt to the comments/questions of other participants
- General tone or tenor of the discussion

20. When the quality of public participation/interaction is low, what, in your opinion, are the likely causes (1 meaning “least likely” and 6 meaning “most likely”)?:

- Difficult or unreasonable individuals “hijack” process
- Public is poorly educated in public process and/or statutory requirements
- Material is simply too complicated for the public to understand
- Interest in public process is low/turn out of “normal people” is poor
- Quality of presentations/information is low or untrustworthy
- Past process failures or perceptions of unfair outcomes stunt current efforts
- Public does not trust “outside” developers, consultants, etc.
- Process is poorly constructed, run, or incomplete
- Different perceptions of issue lead to parties “talking past” one another
- Other (please specify _____)
- Other (please specify _____)

21. When differences in perception create challenges to productive public discourse about land use, which of the following phenomena have you witnessed/experienced in your role? (1 means “never” and 6 means “all the time”):

- a. Parties competing for a given outcome erroneously assume that things must end up “one way or the other,” or that a given resource is fixed and finite, when in fact each party would likely end up better off through cooperation and/or creative bargaining.
- b. Parties display a great concern for *relative* fairness in land use decisions, often to the point where they are willing to accept a smaller settlement as long as others’ settlements are smaller too.
- c. Parties claim that a given issue is “sacred” or “non-negotiable,” cutting off efforts to find mutually beneficial solutions, when in fact subsequent actions indicate that negotiations were possible.
- d. Parties view the *status quo* as a significant reference point and will fight changes or adjustments—even those permitted as-of-right—without “extra special compensation.”
- e. Parties irrationally overestimate their probability of succeeding in a land-use related dispute, inhibiting early settlements, cooperation, and concessionary behavior.
- f. Parties attribute success in land use disputes to themselves (internalize) and failures to outside causes or others (externalize).

g. Parties that have benefited from a given land use ruling or regulation (or relaxation of thereof) oppose projects in which others benefit from the same treatment.

h. Parties assume that their subjective view of a land use dispute is natural and objective, expect others to share that view, and then make unfair judgments of others' moral character or motivations when their views are not shared.

i. Parties assume that, if an opponent is willing to make a concession, he or she must not value it very highly and the concession is therefore "downgraded," yielding little progress in the dispute.

j. Particularly in situations in which parties may feel self-conscious or uncomfortable, parties assume that proposals or even concessions made by others are inherently disadvantageous, leading to overly emotional, rather than rational, negotiation.

k. Parties tend to misattribute others' positions to personal beliefs or biases when in fact those positions stem primarily from situational factors or professional roles/responsibilities.

l. Parties' initial, intuitive understanding of information is erroneous but remains uncorrected by more deliberative, rational thinking.

22. Please briefly describe an instance in your own practice in which one or more of the preceding failures of communication or understanding led to an unnecessarily protracted and/or contentious land use dispute: [space for 250 words]

Solutions:

23. Which of the following techniques have you found to be useful in correcting miscommunication or misinterpretation in the land use context? (1 means "not useful at all" and 6 means "extremely useful") [another box for "never tried but sounds useful"]:

Hire a professional facilitator to design the process

Hire a professional facilitator to conduct the process

Suggest formal facilitated mediation or arbitration

Hold extra sessions aimed at expanding the circle of participants

Hold extra sessions for traditionally marginalized groups in a "safe space"

Conduct extra educational/outreach activities to clarify expectations

Use visualization techniques to build understanding

Conduct interactive exercises or icebreakers

Meet with dissenters face to face

Reframe the context/talk about the greater implications of a given proposal

Discuss points of commonality before moving on to contentious issues

Make values a more explicit part of the conversation
Initially, keep all proposals at the hypothetical, or option, level
Encourage storytelling and other more free form methods of expression
Push for small, incremental agreements to build trust around larger issues
Work with youth
Allow ample time for process to unfold
Other (please specify _____)
Other (please specify _____)
Other (please specify _____)
Other (please specify _____)

24. Please briefly describe an instance in your own practice in which one or more of the preceding aids to communication and understanding were employed successfully [space for 250 words]:

Thank you for your time and participation.