Chapter 2: The Basic Approach to Identifying & Resolving Quality of Life Issues

INTRODUCTION

Why are you concerned about a proposed development project? Invariably the answer comes down to this:

I believe the project threatens my quality of life.

What is meant by *quality of life*?

In the context of a neighborhood, say mine, it is all those factors which make life enjoyable. Its living on a street where traffic volume and speed does not cause excessive noise nor make the street unsafe for my young nieces, pedestrians, bicyclists, and others. Its also having schools which are not overcrowded and provide all children with a good education. There's a park within walking distance where my seven-year old niece, Juliana, and I can go each day to see how much higher she can swing. The local stream is sufficiently clean that I need not worry about Juliana and her friends getting sick from splashing around after frogs and fish. There's also a small store within walking distance and transit services are available for longer trips. Crime rates are low, housing is available which most can afford so my neighborhood contains a wide mix of folks and they all have jobs which pay at least a living wage. And on and on the list might go. But you get the idea.

Growth can affect all the preceding quality of life factors for the better or worse.

In this Part of the book I will describe:

A. How to determine if a project will affect a specific quality of life factor;

B. Methods for resolving negative effects; and

C. How proposed development might enhance quality of life by correcting an existing problem.

The end result of these three steps should be your ***preferred solution***.

IDENTIFY YOUR DESIRED OUTCOME & PREFERRED SOLUTION

What is it that you hope to achieve?

> Usually it will be to prevent a potential quality of life impact or to use proposed development to resolve an existing quality of life issue. In either case, what you hope to achieve is your ***desired outcome***.

There are usually many ways of achieving a desired outcome. Some are highly effective but only work under very specific conditions. Others work almost everywhere but are only moderately

effective. And there are always a few approaches touted as being the best but rarely producing the desired results.

The guidance provided in this Part of this book is intended to help you identify the approach which will most reliably achieve your desired outcome. I refer to this approach as the ***preferred solution***. To illustrate this point I offer the following example of three possible solutions for achieving a specific desired outcome.

> The Malcolm E. King Nature Center adjoins a wetland supporting an unusually diverse assemblage of birds, mammals, and plants. Many of the children from nearby Kingstown come to the wetland on class trips to learn about ecology. A large number of Kingstown residents visit the Center to hike, picnic, or bird-watch. In short, the wetland is an essential quality of life element for many Kingstown residents.
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> It was thought that the entire watershed of the wetland was owned by the nature center and therefore secure from development. But this was not the case and a proposal has been submitted to the Kingstown Planning Commission to develop a portion of the wetland watershed. The applicant claims they will use highly-effective environmental protection measures which will preserve the wetland ecosystem.
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> Using the guidance provided in Part I of this book, you and other wetland preservation advocates research all the options for safeguarding the ecosystem, including the applicant's proposed measures. Your research shows the following:
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> **Solution A:** The measures proposed by the applicant are indeed highly-effective when first installed, but require a level of maintenance that is difficult to guarantee over a period of years much less decades;
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> **Solution B:** Sensitive wetlands, such as that at the nature center, will usually (but not always) thrive if there are no more than one house for every eight-acres in the watershed. The proposed project would result in one house for every three acres. Solution B consists of reducing the number of proposed houses so the one-per-eight-acre threshold is not exceeded; and
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> **Solution C:** The most reliable way of safeguarding the health of a wetland is to preserve the entire watershed in a natural condition. But this may mean purchasing the development site from the applicant which could be quite expensive.

Since your ***desired outcome*** is protection of the wetland, your ***preferred solution*** would likely be purchase of the development site so the entire watershed can be preserved in a natural condition. In reality, under the right conditions all three solutions could preserve the wetland. Because of this, I urge you to avoid becoming wedded to a specific solution. Instead, focus on achieving your desired outcome while exploring many potential solutions for achieving this goal. After all, does

it really matter what solution is used to achieve your desired outcome? Of course, not. The only thing which is important is that the solution reliably and completely achieves the outcome.

To illustrate this point I'll again turn to the nature center wetland. While purchasing the development site may be the most reliable solution it may not be viable because of a variety of factors. For example, the town might lack the funds to purchase the site. Or, the funds might be there but the applicant refuses to sell and the town is reluctant to use their powers of eminent domain to force a sale.

The research recommended in this Part of the book should allow you to identify several possible solutions. In *Chapter 35: Researching Strategy Options,* I will explain how to determine which solution offers the greatest probability of success. Of course, this research will allow you to focus in on your ***preferred solution***.

IDENTIFYING & RESEARCHING QUALITY OF LIFE ISSUES

If you have specific concerns, such as the wetland issued presented above, then go to the chapter pertaining to the issue. There you will find a description of the conditions under which each impact becomes significant and the technical approaches which usually resolve the impact. You will also find advice for going beyond the pages of this book for a more detailed analysis of issues and solutions.

If you are not certain how a development proposal may impact quality of life then consider searching for existing similar projects. Ideally the existing project should be located next to a neighborhood resembling yours while having as many other similarities as possible. If you find similar projects then the following steps may allow you to identify impacts which escape notice other wise.

1. Talk to nearby, long-time residents to learn what the reality is of living next to the similar project. You may find your worse fears are unfounded or that the project makes life unpleasant in a way you never envisioned. Consider the following questions:

    a. If the existing project has not caused a particular concern, then is this due to some specific factor such as a corrective measure applied to the existing project? If it is then obviously this same measure should be applied to the project of concern to you.

    b. If the impact has not occurred then is this due to some condition unique to the existing project? If yes, then is this condition present in your situation?

2. Talk with citizen activists who have participated in campaigns involving similar projects. These folks may have conducted extensive research into project impacts and solutions. The results of this research would be extremely valuable to your efforts. To locate these groups go to the

CEDS website[3], click on the *State-By-State Resources* button, then scroll down to your state. The groups listed for your state may know of local organizations or activists who have dealt with similar projects.

3. Contact government officials who may have received complaints about the existing project. For example, most complaints regarding visual impacts, noise and other disturbances would go to the local zoning office. Complaints about sewage, odors, or pests would have been handled by the local health department or environmental agency. Crime complaints would of course go to the local police. Elected officials may have also received complaints, particularly officials representing the district where the existing use is located.

4. Search the internet for newspaper articles or other information about project impacts.

5. Talk to local newspaper reporters and their editors about any stories they ran on the project.

6. If you are concerned about aquatic resource impacts then consider using the volunteer monitoring techniques described later in this Part of the book to assess how the existing use has affected nearby waters.

In addition to these research steps you can also read through the remaining chapters in this part of the book to determine if the project meets any of the criteria for significant impact.

There are a class of projects known as *LULUs*. The preceding research approach is particularly useful for identifying the impacts caused by these Locally Unwanted Land Uses. Examples of LULUs include landfills, prisons, factories, superstores, and a host of other uses which society needs but may not make for the most pleasant neighbor.

The vast majority of development proposals move through the permitting-approval process with relatively little citizen opposition. Those which tend to generate intense conflict involve development of a nature never envisioned by nearby residents. The usual scenario begins with a vacant tract of land next to a neighborhood. Adjoining residents always figured the tract would be developed, but anticipated more homes like their own or some other compatible use. Instead a LULU is proposed for the site.

I urge you to resist the understandable temptation to immediately launch a campaign to kill the LULU. Instead, go through the research suggested in this Part of the book to document impacts and search for solutions. If you make a genuine, concerted effort to find ways of designing adverse effects out of the LULU but fail, then it will be easier to convince decision-makers that the site next to your neighborhood is the wrong place for the LULU.

[3] www.ceds.org

WILL A SOLUTION REALLY WORK

At first a solution may seem quite effective and reliable. But is this truly the case?

Generally, the more complicated, expensive and maintenance-intensive a solution, the less reliable it is. To illustrate, consider a situation where a development project threatens a highly-sensitive aquatic resource. Two obvious solutions would be:

- protect the resource by preserving all the land area (the watershed) crucial to its survival in a natural, undeveloped state; or

- allow watershed development but require the use of ample buffers and other highly-effective environmental protection measures.

Obviously preserving the watershed is the most reliable solution, but it may also be the most difficult to win. Getting the applicant or a permitting agency to agree to good protection measures is easier to achieve but requires a well-managed inspection and maintenance program. Unless inspection and maintenance will be very good for many years, the measures may fail and the resource will be lost.

One of the best ways to judge solution effectiveness is much the same as that proposed above for identifying impacts; examine similar projects where the solution was employed. For instance, if you are concerned about the effectiveness of a noise barrier, then visit a project resembling that of concern to you where an identical (or similar) barrier was installed. Listen for yourself during peak noise periods (rush hour). Talk to nearby residents to about how effective they find the barrier and to learn of any undesirable effects which may not be obvious from your brief visit.

Additionally, talk with people who have studied and worked with a particular solution. For example, a mechanical or acoustical engineer will likely have studied a variety of noise barriers and can tell you which are the most effective. To find the engineer you might look in the yellow pages for consultants or search university directories to see if you can locate a faculty member with the required expertise. Local or state government agencies may also have an acoustics expert on staff.

When you contact an expert keep in mind that their bias may affect their opinion regarding a solution. For example, an acoustical engineer spending most of their time servicing the development industry may have an opinion different from that of a university researcher. In some respects the industry consultant's opinion may be based on far more practical experience, whereas the professor may be more objective given that they do not rely on the development industry for their income.

Once you have found an effective solution, implementation must be guaranteed. The guarantee must be something more than the promise of the applicant or a government official. The guarantee could take the form of an enforceable permit condition or a binding agreement between the applicant and you (assuming you have the resources to enforce the agreement). Like solutions, the effectiveness

of guarantees can be researched. Following are some of the many possible research questions to consider.

- Does the applicant or government agency have a history of honoring or ignoring commitments?
- Does your attorney feel a guarantee is enforceable?
- Have similar guarantees worked with similar projects?
- Was the solution actually implemented and is it still working properly?
- What is your recourse if the guarantee fails and do you have the ability (funds) to pursue the recourse?

VERIFY SITE CONDITIONS

An accurate understanding of site conditions is crucial to determining what impacts may occur as well as selecting the right solution. Compare the applicant's description of conditions on and off the site with what actually exists. These conditions are usually depicted on projects plans and supporting documents, such as wetland delineation reports, traffic impact studies, and so forth.

Verifying site conditions requires access to the site. But seek permission before entering onto a proposed development site. Besides being illegal and unethical, trespassing could bias final decision makers against you. So request the owner's permission to walk the site. If the owner refuses permission, then lobby local elected officials to arrange a public tour of the site. It would be unreasonable for either the official or owner to refuse such a tour. If you still cannot get onto the site then seek access to adjoining lands. Much of the site may be visible from adjoining properties. Also, if you can prove that a sensitive feature exists on adjacent properties then this may prompt regulatory agencies to more thoroughly examine the development site for the same feature.

Following is a list of the items to check when verifying site conditions. Further detail on these items is provided in specific sections of this book.

1. Verify site acreage and boundary lengths by comparison with other maps.

2. Ask adjoining property owners if they agree with the applicant's depiction of common boundaries.

3. Are natural features, such as wetlands, streams, forests, rock outcrops, topography, and steep slopes accurately depicted?

4. If soils are shown on project plans do they correspond to those shown in the local soil survey, which can be viewed in libraries or obtained through the local office of the Natural Resources Conservation Service[4]?

[4] http://www.nrcs.usda.gov/contact/

5. Are septic systems or other development activities proposed in areas where soil survey conditions are moderately- or severely-limited for these activities? Keep in mind though that data from actual on-site analyses is usually more accurate than soil survey information.

6. Are existing homes, other buildings, wells, septic systems, roads, powerlines, etc. accurately shown for both on-site and off-site areas?

In addition to these existing conditions, compare proposed buildings, roads and other structures with height limits, setbacks, and other requirements set forth in local zoning, subdivision and development regulations. Detail on finding these regulations and assessing compliance is provided in Part II.

The remainder of this Part of the book addresses specific quality of life issues potentially affected by land development - what they are, how each may be affected by growth, and technical approaches for minimizing the negative effects and enhancing the positive. Most of these issues can get quite complex. In the following pages I have sought to provide enough information so you can understand the issue and determine if it a cause for concern in your circumstances. Where further detail is necessary and the volume of information exceeds the limits of this book, I've attempted to provide a blue-colored link to sources of additional detail.