

LANDLINES

Newsletter of the
Lincoln Institute of
Land Policy
January 1997
Volume 9 • Number 1

Partnerships Protect Watersheds: The Case of the New Haven Water Company

DOROTHY S. McCLUSKEY AND
CLAIRE C. BENNITT

Water companies and the communities they serve have been grappling for years with complex issues of water treatment and provision, watershed management, public finance and control over regional land use decisionmaking. The federal Safe Drinking Water Act of 1974 prompted water providers across America to face a dilemma: "to filter or not to filter." Some states or regions require filtration to ensure water quality, but elsewhere communities explore alternative strategies to both protect natural filtration processes in their watersheds and avoid the enormous costs of installing water treatment plants.

The hard-fought conversion of the New Haven Water Company from a private, investor-owned company to a public regional water authority provides an informative case study of a partnership strategy. In the process of hammering out agreements on difficult land use and tax issues, the city and surrounding suburbs succeeded in breaking down conventional barriers and recognized that regional solutions can meet shared needs for a safe water supply, open space protection, recreation and fiscal responsibility.

The drama unfolded in 1974, when the Water Company attempted to sell over 60 percent of its 26,000 acres of land in 17 metropolitan area towns to generate capital for filtration plant construction.

The announcement of this massive land sale created vehement opposition throughout the state. Residents of the affected towns viewed the largely undeveloped land as an integral part of their community character. They feared losing control of the land as well as environmental damage and increased costs associated with potential new development.

Several New Haven area legislators recognized the critical link between the city and its watershed communities. They introduced legislation imposing a moratorium on the land sale and proposing public ownership of the water works. New Haven Mayor Frank Logue countered with an announcement that the city planned to buy the water company under a purchase option in a 1902 contract. The suburban

Watersheds
continued on page 2

INSIDE THIS ISSUE

- 3 Conservation Easements
- 4 Does Planning Matter?
- 7 Request Form
- 8 Course Calendar

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SEE PAGE 6.

Watershed

continued from page 1

towns responded by promoting regional ownership as the only viable alternative to city control.

After a lengthy feasibility study, and despite a gubernatorial veto, legislation enabling the creation of the South Central Connecticut Regional Water Authority (RWA) was enacted in 1977. In addition, separate legislation classified all utility-owned watershed land and severely restricted its sale. The sale restrictions combined with standards for source protection, provisions for public recreation and consideration of the financial impact on ratepayers, also diminished the land's market value, thereby limiting the Water Company's ability to use the land as a source of capital.

Regionalization of the Water Company also required a regional approach to taxation. This was the most difficult obstacle to overcome in passing the RWA enabling legislation. With New Haven Water Company's projected capital investments in excess of \$100 million, the region's towns had looked ahead to vastly increased tax revenues from the private utility. However, New Haven, with the majority of consumers, was more concerned with keeping water rates low.

The conflict between city and suburbs was resolved through the principle that

the regionalization of the water utility would cause no erosion of the tax base. Under the agreement, each town would receive payments in lieu of taxes (PILOTs) on all property acquired by the RWA, equivalent to the taxes that would be paid by a private owner. However, while these payments would rise and fall with future assessments, the RWA would not be required to make such tax-substitution payments for any new capital improvements.

Lessons of Regional Resource Sharing

In addition to forcing a reconsideration of the balance between suburban tax bases and urban water rates, New Haven's Regional Water Authority has broadened its own mission. While protecting the water supply is the primary focus of all RWA land use policies, the authority also manages recreational use of the land to meet the needs of both inner city and suburban residents.

The early success of the conservation and recreational use plans depended on public participation in formulating the RWA Land Use Plan. Many types of active recreation would have been unsuitable for water supply land, but it was determined that hiking and fishing, the two most popular activities, could be conducted without threatening water quality.

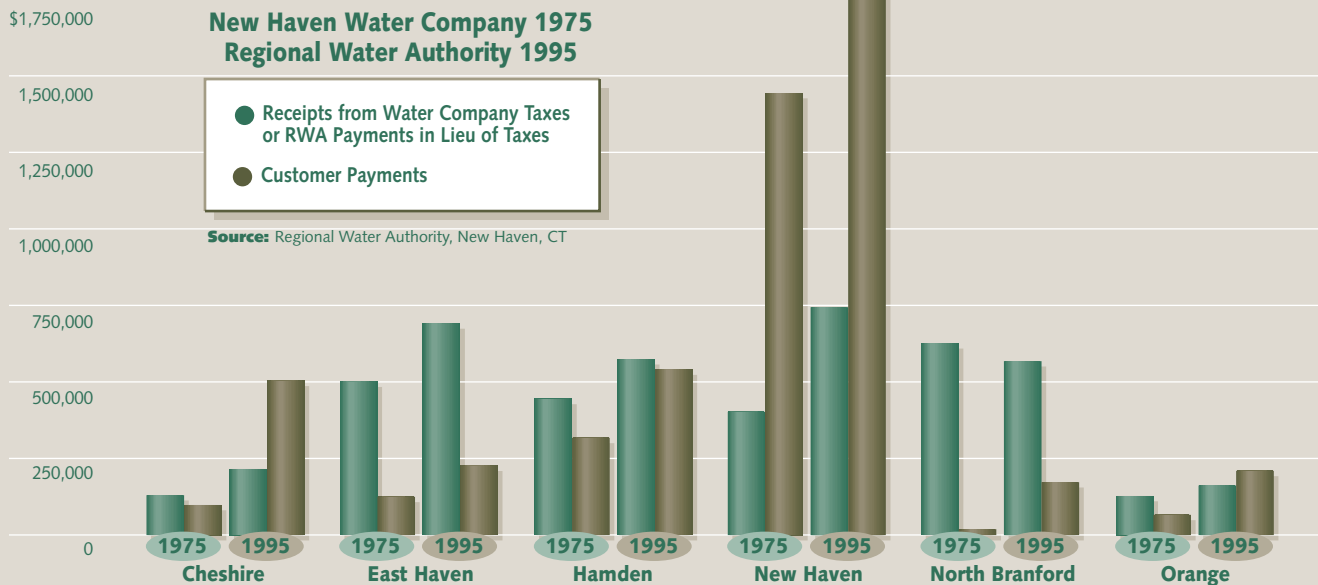
The RWA's active program for policing the watersheds was reinforced by establishing a center to educate future consumers

on water supply protection. Located at the base of the dam at Lake Whitney, the Whitney Water Center annually teaches thousands of children the basics of drinking water science. It emphasizes the interdependence of source protection and safe drinking water.

Primary among the lessons to be learned from the New Haven Water Company's ill-advised land sale proposal is that the value of a water supply watershed as a natural and human resource is far greater than its value as a market commodity. Management of the watershed's natural resource potential must extend beyond the collection and distribution of water to include the needs of the people who live within the watershed. At the same time, limiting watershed land activities to low-risk uses minimizes the water treatment costs that are still necessary for safe drinking water.

Regional cooperation need not begin and end with water. Developing economic and ecological partnerships between cities and their suburbs for tax-sharing, recreation, and education recognizes that the economic and ecological concerns of all residents in a metropolitan region are interdependent. Successfully bucking the trend toward privatization, the RWA demonstrates that regional resource sharing is the most viable way of meeting the needs of New Haven and its suburbs.

Comparison of Burdens and Benefits by Community



Watershed Protection vs. Filtration in Other Regions

The public acquisition of the New Haven Water Company in the 1970s provided a preview of 1990s approaches to managing water resources. Today, water *supply* management is increasingly becoming watershed management, with plans reflecting the broader ecological functions of watersheds and the importance of partnerships with local residents. Conflict resolution has become an essential skill for today's watershed managers.

Watershed land acquisition continues to be a key filtration avoidance strategy in many areas. New York City has the nation's largest unfiltered water supply, and some experts have called on the city to develop programs to filter its drinking water. However, New York Governor George E. Pataki has taken the position he would "do whatever it takes to avoid filtration," from working with farmers and businesses on mutually beneficial voluntary programs to buying up to 80,000 acres from willing sellers to protect the water supply.

New Jersey Governor Christine Todd Whitman has committed to a "hands across the border" \$10 million contribution toward purchasing the New York portion of the two-state metropolitan watershed in Sterling Forest, which is threatened with commercial recreational and housing development. The nonprofit Trust for Public Land and the Open Space Institute are negotiating the purchase on behalf of both states, and recent congressional action has guaranteed funding for the project.

In central Massachusetts, the Metropolitan District Commission's Quabbin Reservoir has met the Safe Drinking Water Act's criteria as an unfiltered water supply source for the Boston area, but the MDC's Wachusett Reservoir has not. A recently approved \$399 million state open space bond includes funds for land acquisition in the Wachusett watershed.

Acknowledging the essential function that undeveloped land serves in preventing contaminants from reaching water supplies is long overdue. But is watershed source protection alone a viable alternative to filtration?

In North Carolina, where all surface water supplies are already filtered, state legislation requires local water authorities

to develop watershed land use plans that must be approved by the state. Although such legislation can reduce the health risks of watershed development and the cost of water treatment, it cannot prevent future development.

Our conclusion is that the combination of watershed protection and filtration is a proven, cost effective approach to ensure safe drinking water while also building partnerships to implement regional land use policies.

Dorothy S. McCluskey was a Connecticut State Representative from 1975 to 1982 and chaired the Environment Subcommittee on the Sale of Water Company Land. She subsequently served as director of government relations for The Nature Conservancy Connecticut Chapter. **Claire C. Bennett**, secretary-treasurer of the Regional Water Authority since 1977, was a resident of North Branford when the threatened land sale galvanized the New Haven region. She worked with Rep. McCluskey as her administrative assistant in the state legislature. They have written *Who Wants to Buy a Water Company: From Private to Public Control in New Haven*, to be published in early 1997 by Rutledge Books, Inc., of Bethel, Connecticut. For more information, contact the publisher at 800/278-8533 or the RWA at 203/624-6671.

FYI

COURSES

(See Request Form on page 7.)

Legal Issues in the Valuation of Property for Tax Purposes: A Casebook Review, January 23-24, Fort Lauderdale, FL

Municipal Open Space Acquisition: Preparing and Funding Successful Projects, January 30, Salt Lake City, UT

Valuing Land Affected by Conservation Easements, February 28, Atlanta, GA

PUBLICATIONS

(See Request Form on page 7.)

Endicott, *Land Conservation through Public/Private Partnerships*, 1993. \$22.95 paperback, plus shipping and handling.

Faber, *On Borrowed Land: Public Policies for Floodplains*, 1996. Policy Focus Report. \$14 paperback, plus shipping and handling.

Fausold and Lilieholm, "The Economic Value of Open Space," 1996. Working Paper. \$7 plus shipping and handling.

Ingerson, *Managing Land as Ecosystem and Economy*, 1995. Policy Focus Report. \$14 paperback, plus shipping and handling.

Course Examines Conservation Easements

Local policymakers, appraisers, assessors, attorneys and others interested in the legal principles and tax considerations regarding conservation easements will learn more about this important tool for land conservation at a Lincoln Institute course to be held in Atlanta, Georgia, on Friday, February 28, 1997. "Valuing Land Affected by Conservation Easements" presents relevant state and federal tax laws, regulations and other policies in lay terms.

Joan Youngman, an attorney and senior fellow of the Lincoln Institute, provides an overview of the property taxation system. She also explores the nature and use of conservation easements and their impact on property rights and property values. Appraisers Hazel Gerber and James Czupryna bring their hands-on experience to an examination of the factors involved in, and potential pitfalls of, estimating the value of restricted lands.

Tax attorney Stephen Small explains the federal laws and regulations governing the treatment of conservation easements for tax purposes. He discusses the tax incentives for landowners to preserve lands that have significant conservation value, as well as the fiscal implications for local governments. Attorney Camilla Herlevich discusses state statutes and regulations applicable to conservation easements in Georgia.

The day-long course ends with a Roundtable Discussion for all faculty and participants on legal and valuation problems as well as the use of conservation easements as an instrument of public policy.

The program will be held at the Holiday Inn Select in Atlanta from 9:00 am to 5:00 pm. The course fee of \$95 includes reference materials and a reception with faculty following the Roundtable. Eligible participants may earn 6 hours of continuing education credit from the Appraisal Institute or 6 hours of IAAO recertification credit from the International Association of Assessing Officers.

For more information, contact Ann Long, registrar at the Lincoln Institute, at 800/LAND-USE (526-3873).

Does Planning Matter?

Visual Examination of Urban Development Events

CHENGRI DING, LEWIS HOPKINS
AND GERRIT KNAAP

4 and use planning involves intertemporal decisionmaking—the consideration of a subsequent decision before a first decision is made. Decisions in the urban development process include the purchase, assembly or subdivision of land; the provision of transportation, electric, water and wastewater services; the application for and approval of building permits; and the sale of improved property to final users.

The ability to analyze this process has been limited by the lack of dynamic models of development stages, time-series data on land use decisionmaking, and empirical approaches to analyzing multiple events in time and space. In part for these reasons, there has been almost no empirical evidence on the process of planning or the effects of plans on subsequent development.

To gain new insights into the effects of planning on the urban development process, we have developed theoretical models of urban planning, constructed a dynamic geographic information system, and developed computer algorithms for interpreting and displaying urban development events. The information system is characterized by a high degree of spatial and temporal resolution and the ability to observe development activity over time.

As a result, the information system facilitates the observation of spatial and

dynamic processes that characterize urban development, the formation and testing of hypotheses about such processes, and the exercise of high-resolution simulations based on statistically confirmed relationships.

Study Site on Portland's Westside Corridor

The information system is built upon the Regional Land Information System (RLIS) developed by Metro, the regional government of Portland, Oregon. RLIS is a comprehensive Geographic Information System (GIS) containing layers that depict tax lots and their attributes; planning designations and zoning regulations; soil, water and environmental resources; infrastructure facilities and capacities; government boundaries, tax districts and transportation zones; and census data for the entire Portland metropolitan area.

RLIS has been enhanced to include attributes of development events, such as land sales, subdivisions, and changes in plan designations and zoning. Although the system currently includes only the years 1991 to 1995, it is an unusually comprehensive, high-resolution, and dynamic research and planning tool.

To test the utility of the information system, we examined the urban development process in Portland's Westside corridor, where a new light rail system is scheduled to begin service in 1998. Construction of the Westside segment

began in 1992, and the far western station locations were finalized on July 28, 1993. When complete, the Westside line will connect the western suburbs of Hillsboro and Beaverton to downtown Portland and to the eastern sections of the light rail system.

Ambitious plans for the metropolitan area call for high-density development along Portland's light rail corridors to contain growth within the urban growth boundary. By focusing on the Westside corridor, it is possible to evaluate whether the development decisions and transactions of land owners and local governments are influenced by anticipated light rail infrastructure investments and are consistent with regional development plans.

Mapping the Development Process

The development process can be examined using dynamic geographic visualization—that is, the observation of urban development events at varying temporal and geographic scales. Using a tax-lot base map, for example, and by illuminating tax lots when certain events occur in a sequence of frames, it is possible to watch the urban development process much like a movie. The sequence of frames shown here illustrates selected development activities from 1991 to 1995 in an approximately one-square-mile area around the proposed Orenco light rail station.

The first frame shows the sale of several large industrial properties in 1991, when

the route of the rail line was known but not the station location. In 1992, a demolition and construction permit was issued on a large industrial parcel. The third frame shows the station location, with development on industrial land near the station and increasing sales activity in the subdivision in the northwest corner of the study area.

The fourth frame shows that a station overlay zone was adopted in 1994. It subjected building permits in the station area to a special review process to assure that proposed developments are transit supportive. The frame also shows a marked increase in residential sales in the northwest subdivision and in the old town of Orenco in the inner southeast corner of the study area. The fifth frame shows a continuation of sales and development activity in both residential and industrial parts of the study area.

This series of frames captures an intriguing pattern of development events. First, the number of sales and permits in the study area before the announcement of the station location suggests that the station was sited in an area of active industrial development. Second, the activity in both the conventional subdivision in the northwest corner and in the township of Orenco indicates that the announcement of the station location accelerated nearby residential development activity.

Third, the demolitions approved just before and the building permits approved just after the station location was announced suggest that redevelopment of industrial land near the station is concurrent with the building of the light rail

system. Such concurrency of private and public development activity is a fundamental objective of land use planning. Finally, the imposition of the interim development restrictions does not appear to have slowed the rate of development activity. In fact, the increased certainty about the regulatory environment may have increased activity.

This five-year display of development events may be unique to the Orenco station area. Certainly, previous land use plans, sewer system investments and industrial expansion patterns have influenced development in the area. Nevertheless, the ability to track parcel-by-parcel activity in the county-wide database will enable in-depth examination of the extent to which dynamic and spatial relationships between development events and land use plans are significant and pervasive.

The regional and local governments of metropolitan Portland are engaged in an extensive planning endeavor to shape the extent, location and nature of urban development over the next four decades. As implementation proceeds, the information system will enable us to monitor the planning, regulation and development process and, for at least this metropolitan area, assess whether and how planning matters.

The authors are affiliated with the Department of Urban and Regional Planning at the University of Illinois at Urbana-Champaign.

Chengri Ding is a post-doctoral fellow specializing in the use of geographical information systems for urban economic analysis. **Lewis Hopkins** is professor and

head of the department. **Gerrit Knaap** is associate professor, currently on sabbatical as a visiting fellow at the Center for Urban Policy and the Environment at Indiana University and a senior research fellow at the American Planning Association. Support for their research has been provided by the Lincoln Institute of Land Policy; the University of Illinois Research Board; Metro of Portland, Oregon; Washington County, Oregon; the Tri-county Transportation District of Portland, Oregon; and the National Science Foundation. For more information, email to g-knaap@uiuc.edu

FYI

PUBLICATIONS

(See Request Form on page 7.)

Altshuler, Gómez-Ibáñez and Howitt, *Regulation for Revenue: The Political Economy of Land Use Exactions*, 1993. \$31.95 hardcover or \$12.95 paperback, plus shipping and handling.

Downs, *New Visions for Metropolitan America*, 1994. \$28.95 hardcover or \$14.95 paperback, plus shipping and handling.

Knaap, Hopkins and Donaghy, "Do Plans Matter? A Framework for Examining the Logic and Effects of Land Use Planning," 1994. Working Paper. \$5 plus shipping and handling.

Knaap, Hopkins and Pant, "Does Transportation Planning Matter? Explorations into the Effects of Planned Transportation Infrastructure on Real Estate Sales, Land Values, Building Permits, and Development Sequence," 1996. Working Paper. \$7 plus shipping and handling. The paper can also be found on-line at: <http://www.urban.uiuc.edu/projects/portland/lincoln.html>

Knaap and Nelson, *The Regulated Landscape: Lessons on State Land Use Planning from Oregon*, 1992. \$20 paperback, plus shipping and handling.

New Lincoln/Brookings Book Analyzes Metropolitics

6

Metropolitan communities across the country are facing the same, seemingly unsolvable problems: the concentration of poverty in central cities, with flashpoints of increasing crime and segregation; declining older suburbs and vulnerable developing suburbs, with few local resources; and costly sprawl, with upper-middle-class residents and new jobs moving further and further out to an insulated, favored quarter. Exacerbating this polarization, the federal government has largely abandoned urban policy. Most officials, educators and citizens are at a loss to create workable solutions to these complex, widespread trends.

Metropolitics: A Regional Agenda for Community and Stability, by Myron Orfield, is the story of how demographic research, state-of-the-art mapping and pragmatic politics in the Twin Cities region of Minnesota built a powerful alliance between the central cities, declining inner suburbs and developing fringe suburbs with low tax bases. Orfield documents the process whereby groups formerly divided

by race and class—poor minority groups and blue-collar suburbanites—together with churches, environmental groups and parts of the business community, began to jointly stabilize their communities.

The Twin Cities of Minneapolis and St. Paul had long believed they were immune from the forces of central city decline, urban sprawl and regional polarization that had beset older, larger regions. However, the 1980s hit them hard. The number of poor and minority children in central-city schools in Minneapolis and St. Paul doubled from 25 to 50 percent, segregation rapidly increased, distressed urban neighborhoods grew at the fourth fastest rate in the United States, and the murder rate in Minneapolis surpassed that of New York City.

These changes did not stop neatly at the central-city borders, but rather tended to accelerate and intensify as they reached to accelerate and intensify as they reached to middle- and working-class bedroom communities. These towns, which lacked the downtown tax base, elite neighborhoods, large police departments and social

services of the cities, were less able to respond and went into transition far more rapidly.

Meanwhile, elsewhere in the region, massive infrastructure investment and exclusive zoning were creating an entirely different type of community. In white-collar suburbs with high tax bases, where only 27 percent of the region's population lived, 61 percent of the region's new jobs were being created. As the rest of the region struggled, these communities pulled away physically and financially.

Maps Highlight Regional Disparities

More than 20 regional maps in the book show that government spending on infrastructure and schools, funded in large part by revenues drawn from the cities and older suburbs, helped to shift the regional tax base toward the newly developing suburbs. Historically, state legislators from the suburbs tended to form alliances against legislators from the cities, which were seen as fiscal drains. But Orfield's maps and other research fueled the formation of new coalitions, as legislators from the cities and older suburbs began to question public policies that appeared to undercut their communities in favor of subsidizing the growth of newer suburbs.

Orfield details the political struggle that accompanied the creation of the Twin Cities' widely recognized regional government and the enactment of land use, fair housing and tax-equity reform legislation. His analysis has important implications for metropolitan regions in other parts of the United States, even in places that do not have, and have no real prospects of creating, a metropolitan or regional level of government.

Metropolitics and the experience of the Twin Cities show that no American region is immune from pervasive and difficult socioeconomic problems. As federal urban policy is eviscerated, local regions must find new ways to come to grips with complex dilemmas. Orfield argues that the forces of decline, sprawl and polarization are too large for individual cities and suburbs to confront alone, and that the answer lies in regional cooperation.

Metropolitics is being copublished this month by the Brookings Institution Press

THIS IS ONE OF MORE THAN 20 MAPS OF THE TWIN CITIES REGION FEATURED IN METROPOLITICS TO ILLUSTRATE ECONOMIC AND DEMOGRAPHIC DISPARITIES.

Request Form

and the Lincoln Institute of Land Policy. It is available from both organizations in hardcover at \$28.95, plus shipping and handling.

Myron Orfield, former Special Assistant Attorney General of Minnesota, has practiced law in the public and private sectors. He is currently an adjunct professor at the University of Minnesota Law School, and he has taught in several Lincoln Institute courses dealing with metropolitan development and sprawl. In 1990, he was elected to the Minnesota House of Representatives from a district in southwest Minneapolis, and he was reelected in 1996 by the largest vote margin of any member of the Minnesota House with a contested race. Orfield is a member of the National Academy of Sciences Committee on Improving the Future of U.S. Cities and the Directorate of the American Planning Association's Growing Smart Project. Since 1995, he has directed the Metropolitan Area Program of the National Growth Management Leadership Project.

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Brownfields and Greenfields: Reconnecting the City to Its Region, April 11, St. Louis, MO.

PUBLICATIONS (See Request Form.)

DiMento and Graymer, Eds., *Confronting Regional Challenges: Approaches to LULUs, Growth and Other Vexing Governance Problems*, 1991. \$17.50 paperback, plus shipping and handling.

Downs, *New Visions for Metropolitan America*, 1994. \$28.95 hardcover or \$14.95 paperback, plus shipping and handling.

Fulton, *The New Urbanism: Hope or Hype for American Communities?* 1996. Policy Focus Report. \$14 paperback, plus shipping and handling.

Orfield, *Metropolitics: A Regional Agenda for Community and Stability*, 1996. \$28.95 hardcover, plus shipping and handling.

Young, *Alternatives to Sprawl*, 1995. Policy Focus Report. \$14 paperback, plus shipping and handling.

COURSE CALENDAR

January

23-24
Legal Issues in the Valuation of Property for Tax Purposes: A Casebook Review
Fort Lauderdale, FL

30
Municipal Open Space Acquisition: Preparing and Funding Successful Projects
Salt Lake City, UT

February

28
Valuing Land Affected by Conservation Easements
Atlanta, GA

April

11
Brownfields and Greenfields: Reconnecting the City to Its Region
St. Louis, MO

21-May 16
Program on Fiscal Decentralization and Financial Management of Regional and Local Governments
(cosponsored with Harvard University International Tax Program)
Cambridge, MA

May

TBA
Municipal Open Space Acquisition: Preparing and Funding Successful Projects
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Integrating the theory and practice of land policy and understanding the forces that influence it are the major goals of the Institute.

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